LAFCO PROCEDURE CHECKLIST

RO-98-8 (File Number) | Terra Linda Farms-Hansen Ranch Annexation, Reorganization (Application Name) | 5/29/98 (Date Received)

City of Mendota (Proponent) | EIR [X] Neg. Dec. [ ] Exempt [ ] / (Environmental Determination / Date)

Annex to the City of Mendota; detach from Fresno Co. Fire, Silver Creek Drainage & Westlands Water District (Affected Agency(s))

Inhabited [ ] Uninhabited [✓] Public Hearing [✓] 100% Consent [ ]

1. Application File Complete _____ Date

Agency 20 Day Notice _____ or LAFCo 20 Day Notice _____

[ ] Request Info. from Proponent _____ Date Requested _____ Date Completed

[ ] Property Tax Resolution Needed:

City - _____ To Auditor _____ 45 Days _____ From Auditor _____ 30 Days _____ Complete

District - _____ Notice _____ 30 Day _____ To Auditor _____ 45 Day _____ From Auditor _____ 30 Day _____ Complete

District Formation - _____ To Auditor _____ From Auditor

[ ] Environmental Assessment Needed _____ Date Sent _____ Date Completed

[ ] Petition Verified _____ Date Sent _____ Date Completed

[ ] Approval of Map and Description _____ Date of Map _____ Date of Legal

2. Request for Information from Other Agencies:

	Date	Returned
Assessor (affected area only [✓])	5/29/98	7/11/98
(Check-LCC ✓, AV total, 20 day notice req.)		
Planning		
Environmental Health		6/12/98
Elections (Hold until just prior to cert/file)		
School District - Mendota Unified		
Affected Districts Office of Drinking Water		
All		
Sheriff's Dept.		
U.S. Soil Conservation District		
Other Reg. Water Quality		

3. Certificate of Filing 6/22/98
4. Hearing Date 7/8/98
   Continued to _____ _____
5. Notices Published 6/17/98
6. Notices Mailed and Posted (Request for Notice [ ]) 6/15/98
7. Agency Notice Sent to Landowners
8. Executive Officer's Report Mailed (Req. for Report [ ]) 7/2/98
9. Commission Action Approve w/ Inclusion + Cond.
10. 60 Day Follow-Up
11. Proposal Log ___ List Processing ___ Deferment Letter
12. Revised map/legal needed - Conducting Auth. Contacted
13. Approved Revised Map and Legal 8/24/98 Map 8/24/98 Legal
14. LAFCO Resolution Mailed 8/24/98
15. Condition Compliance Needed [X]
16. Notice of Determination Filed (if applicable)
17. Cert. Comp./Bound. Change Mailed
18. County Recorder - Time, Date, and Document 9:37 a.m. 12/14/01 2001 0186005
19. Effective Date 12/14/01
20. Conducting Authority Contacted 12/17/01
21. Effective Notices Mailed 12/14/01
22. Proposal Log ___ List Processing ___

Notes: _____

Contact person: _____ Phone: _____

STATE OF CALIFORNIA

STATE BOARD OF EQUALIZATION

TAX AREA SERVICES SECTION
450 N Street, MIC: 59
P. O. Box 942879
Sacramento, CA 94279-0059

Telephone: (916) 322-7185
FAX: (916) 327-4251

DEC 2001
Received
FRESNO
LAFCO

JOHAN KLEHS
First District, Hayward

DEAN ANDAL
Second District, Stockton

CLAUDE PARRISH
Third District, Torrance

JOHN CHIANG
Fourth District, Los Angeles

KATHLEEN CONNELL
Controller, Sacramento

JAMES E. SPEED
Executive Director

Mr. Michael R. Waiczis, AICP, Executive Officer
Fresno County LAFCo
2100 Tulare Street, Suite 502
Fresno, CA 93721

This is to acknowledge receipt of the statements(s) required by Section 54900, et seq., of the Govenment Code for the action described below. Copies of your documents will be forwarded by us to other agencies. You are required by Section 54902 of the Government Code to file a complete set of documents, except for the processing fee, with the County Assessor and Auditor affected by this action.

Tax rate area boundaries and property tax allocations will become effective for the assessment roll indicated below.

Assessment Roll: **2003/04**
County: **10 Fresno**

BOE File No.: **03-002**
Received at BOE: **12/20/2001**
Date of acknowledgment: **12/27/2001**
Distribution: **14**

District: **MENDOTA**
Conducting Authority: **CITY**

Short Title: **TERRA LINDA FARMS-HANSEN RANCH ANX.**
Type of Action: **02 Annexation to City**

Resolution/Ord. No.: **98-33**
LAFCo No.: **RO-98-8**
Effective Date: **12/14/2001**
Fee: **$2000**
Acreage: **386.00**

David J. Martin, Supervisor
Tax Area Services Section

cc: County Assessor, County Auditor

William C. Greenwood
Assessor - Recorder

6/20/2002

Local Agency Formation Commission
Rowell Building, Suite 502
Fresno, CA 93721

Re: 2003 Assessment Roll

Dear Mr. Waiczis:

This will acknowledge that the below change has been filed with this office pursuant to Section 54,900 et. seq. of the Government Code.

Date Filed: December 19, 2001
City/ District: City of Mendota

Ord./Resolution #: 98-33

Subject: "Terra Linda Farms-Hansen Ranch Annexation"

Yours Truly,
William C. Greenwood
Fresno County Assessor

JUN 2002
Received
FRESNO
LAFCO

Brian S. Connery

Brian Connery
Cadastral Technician III

Room 201, Hall of Records / P.O. Box 1146 / Fresno, California 93715-1146 / Phone (559)488-3514 / FAX (559)488-6774
Equal Employment Opportunity • Affirmative Action • Disabled Employer

Local Agency Formation Commission of Fresno County

Rowell Building • 2100 Tulare Street, Suite 502 • Fresno, CA 93721 ☎ (559) 495-0604 Fax (559) 495-0655

COMMISSION MEMBERS
Juan Arambula, Chairman
Board of Supervisors
Victor Lopez, Chairman Pro Tem
City of Orange Cove
Larry Fortune
Public
Deran Koligian
Board of Supervisors
Trinidad Rodriguez
City of Kerman

ALTERNATES
Cynthia Downing
Public
Bob Waterston
Board of Supervisors
Sandra Neri
City of Sanger

EXECUTIVE OFFICER
Michael R. Waiczis, AICP

December 14, 2001

NOTICE OF COMPLETION OF BOUNDARY CHANGE

To: Clerk, City of Mendota

From: Michael R. Waiczis, AICP, Executive Officer MRW

Subject: "Terra Linda Farms-Hansen Ranch Annexation"

All filings for the above reorganization have been made, as required by Government Code Section 57200 et seq. The subject change is now complete and effective.

A certified copy of the Certificate of Completion is enclosed along with the map and legal description indicating the recording numbers affixed by the County Recorder. A Statement of Boundary Change was sent to the County Assessor, County Auditor, and State Board of Equalization.

A map showing the change of boundaries was also sent to the agencies listed on the attached letter of transmittal.

MRW:cf

Attachments

Local Agency Formation Commission of Fresno County

Rowell Building • 2100 Tulare Street, Suite 502 • Fresno, CA 93721 ☎ (559) 495-0604 Fax (559) 495-0655

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Board of Supervisors
Sandra Neri
City of Sanger

EXECUTIVE OFFICER
Michael R. Waiczis, AICP

TO: David J. Martin, State Board of Equalization
W. C. Greenwood, County Assessor
Gary Peterson, County Auditor

SUBJECT: "Terra Linda Farms-Hansen Ranch Annexation"

In accordance with the requirements of the California State Government Code (Section 54900 et seq.), and in accordance with Section 99(b) of the State Revenue and Taxation Code, the attached Statement of Boundary Change is forwarded to you for filing.

A certificate of completion was executed by the Executive Officer on December 14, 2001.

The change was effective on December 14, 2001.

The City of Mendota has stated in their resolution that the city will succeed to Land Conservation Contract No. 7743.

Property tax negotiations have been completed. The property tax revenue exchange shall be in accordance with the provisions of the master property tax exchange agreement on file with the Commission.

Michael R. Waiczis

Michael R. Waiczis, AICP
Executive Officer

Date: December 14, 2001

Please acknowledge the filing of this statement by sending a receipt to our office. Thank you.

Local Agency Formation Commission of Fresno County

Rowell Building • 2100 Tulare Street, Suite 502 • Fresno, CA 93721 ☎ (559) 495-0604 Fax (559) 495-0655

COMMISSION MEMBERS
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City of Sanger

EXECUTIVE OFFICER
Michael R. Waiczis, AICP

DATE: December 14, 2001

TO: City of Mendota
Fresno County Fire Protection District
Silver Creek Drainage District
Westlands Water District
County Elections, Precinct Activities - STOP 43
Stephanie Kahl, Environmental Health - STOP 51
Terry Schmall, Planning Department - STOP 53
Development Engineering - STOP 53
Henry Griffin, Road Maintenance - STOP 53
Lynn Gorman, Planning & Resource Management - STOP 54
Parks and Recreation - STOP 10
Greg Mariano, EMIS - STOP 54
911 Coordinator - STOP 911
Stan Ediger, Development Services - STOP 54
Tony Tosto, Development Services - STOP 53 (legal attached)
Bob Palacios, Public Works - STOP 53 (legal attached)
Diana Sellai, California Highway Patrol
U. S. Department of Commerce
J. M. Leonardo, Caltrans
State of California, Alcoholic Beverage Control
Housing Authority of City and County
Mendota Unified School District
West Hills Jr. College District

FROM: Michael R. Waiczis, AICP, Executive Officer MRW

SUBJECT: "Terra Linda Farms-Hansen Ranch Annexation"

Please be advised that all required filings for the subject change have been made. The change was effective on December 14, 2001.

A map of the change is attached for your reference.

MRW:cf

Attachment

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City of Sanger

EXECUTIVE OFFICER
Michael R. Waiczis, AICP

DATE: December 14, 2001

TO: Fresno County Recorder - Stop 18

FROM: Michael R. Waiczis, AICP, Executive Officer MRW

SUBJECT: "Terra Linda Farms-Hansen Ranch Annexation"

To complete the filing of the reorganization cited above, we are sending a counterpart original of the Certificate of Completion for recordation.

To facilitate the completion of this filing by making the required filing of the boundary description with the County Assessor's Office.

cc: Dan Sparks, Assessor's Office

Please complete the lower portion of this document for verification purposes. Thank you for your assistance.

Recorded at 9:37 on 12/14/2001

Document Number 20010186005

Signed [signature]

BOUNDARY CHANGE RECORDED
TIME 9:37 a.m. DATE 12/14/01
DOCUMENT # 20010186005
EFFECTIVE December 14, 2001

TERRA LINDA FARM-HANSEN RANCH ANNEXATION TO THE CITY OF MENDOTA AND DETACHMENT FROM FRESNO COUNTY FIRE PROTECTION DISTRICT

Legal Description

Being a Portion of Sections 1 and 12, Township 14 South, Range 14 East, Mount Diablo Base and Meridian, and of Sections 6 and 7, Township 14 South, Range 15 East, Mount Diablo Base and Meridian, in the County of Fresno, State of California, more particularly described as follows:

Commencing at the Northwest corner of said Section 6; thence South 89° 14' 54" East, along the North line of said Section 6, a distance of 30.00 feet; thence South 1° 25' 56" West, parallel with and 30.00 feet East of the West line of said Section 6, a distance of 40.00 feet to a point on the existing City Limit line of the City of Mendota as adopted by City of Mendota Resolution No. 1051 titled "Mendota Industrial Park Reorganization", also being the TRUE POINT OF BEGINNING; thence continuing South 1° 25' 56" West, along said parallel line and also along the existing City Limit line of the City of Mendota as adopted by City of Mendota Ordinance No. 79 entitled "An Ordinance Annexing Uninhabited Territory to the City of Mendota", a distance of 489.86 feet; thence North 89° 31' 39" West, along said City Limit line and parallel with the North line of said Section 1, a distance of 510 feet to the southwest corner of said City Limit; thence South 1° 25' 56" West, parallel with and 480 feet West of the East line of said Section 1, a distance of 580.8 feet; thence South 89° 31' 39" East, parallel with the North line of said Section 1, a distance of 450 feet to a point on the West line of California State Highway 33; thence South 1° 25' 56" West, along the West line of said Highway 33, a distance of 1590.79 feet; thence South 61° 25' 56" West, along the West line of said Highway 33, a distance of 42.72 feet; thence South 1° 25' 56" West, along the West line of said Highway 33, a distance of 30.00 feet; thence South 58° 34' 04" East, along the West line of said Highway 33, a distance of 42.72 feet; thence South 1° 25' 56" West, along the West line of said Highway 33, a distance of 2500.69 feet; thence South 61° 25' 56" West, along the West line of said Highway 33, a distance of 82.72 feet to a point on the South line of said Section 1; thence South 58° 33' 31" West, along the West line of said Highway 33, a distance of 82.72 feet; thence South 1° 26' 29" West, along the West line of said Highway 33, a distance of 4257.53 feet more or less to a point on the westerly prolongation of the North line of the South 62 acres of the West half of said Section 6; thence along said prolongation and said North line to a point on the center line of Panoche Road; thence northeasterly, along the center line of Panoche Road to a point on the East line of the West half of said Section 7; thence Northerly, along said East line to a point which is 327 feet Southerly of the North quarter corner of said Section 7; thence Westerly, parallel with the North line of the northwest quarter of said Section 7, a distance of 429 feet;

APPROVED
LAFCO RES. # RO-98-8
July 8, 1998
DATE

thence Northerly, parallel with the East line of the northwest quarter of said Section 7, a distance of 327 feet to a point on the North line of the northwest quarter of said Section 7; thence Westerly, along said North line to a point on the West line of the East 1906.67 feet of the West half of said Section 6; thence Northerly along said West line to a point which is 40 feet Southerly of the North line of said Section 6 and said point also being the existing City Limit line of the City of Mendota as adopted by City of Mendota Resolution No. 92-07 titled "Mendota Unified School District Annexation"; thence Westerly, along said existing City Limit line, parallel to and 40 feet South of the North line of said Section 6 to the TRUE POINT OF BEGINNING.

Containing an area of 354 acres, more or less.

May 29, 1998

Revised June 1, 1998

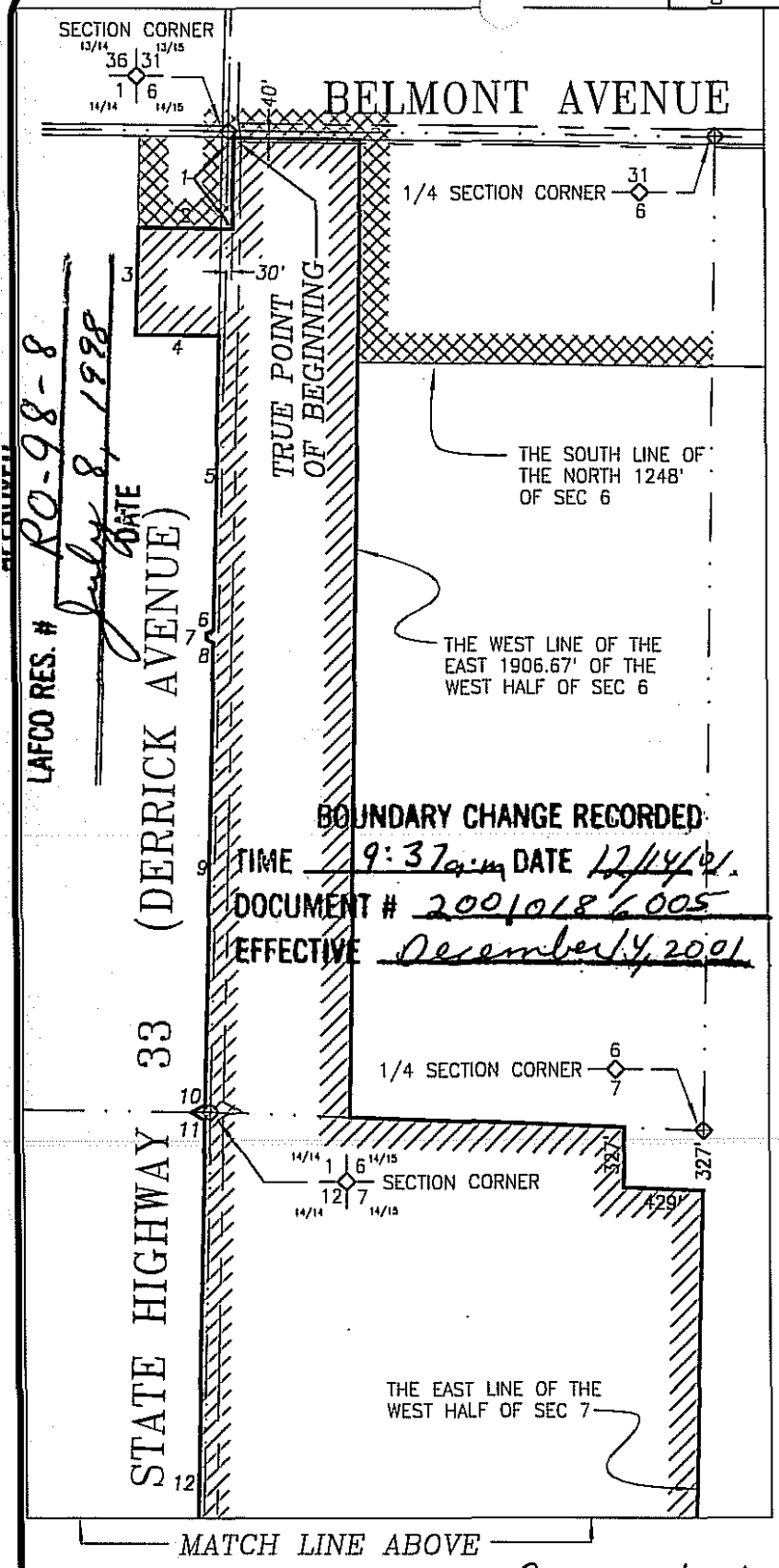
Revised June 23, 1998

Revised August 10, 1998

PROFESSIONAL LAND SURVEYOR
PETER ESPINOSA
No. 6335
Exp. 12-31-98
STATE OF CALIFORNIA

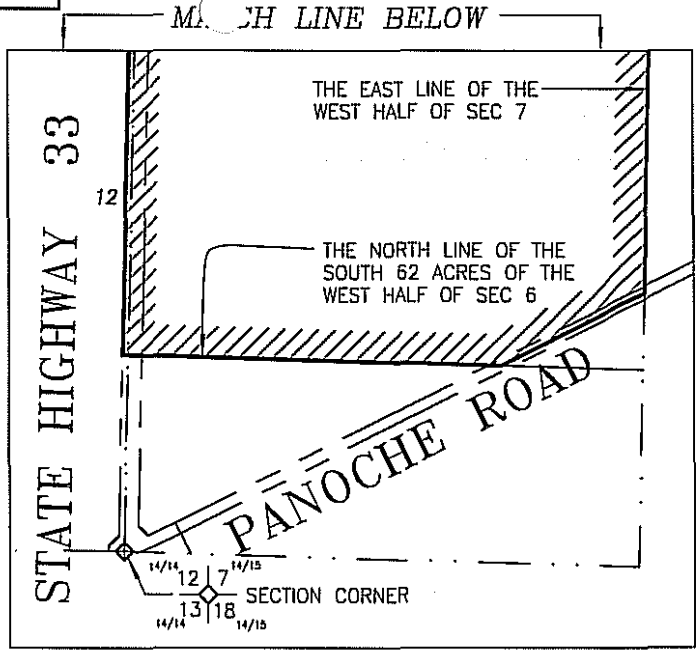
APPROVED
LAFCO RES. # RO-98-8
July 8, 1998
DATE

BOUNDARY CHANGE RECORDED
TIME 9:37 a.m. DATE 12/14/01
DOCUMENT # 20010186005
EFFECTIVE December 14, 2001



LAFCO RES. # RO-98-8
DATE July 8, 1998

BOUNDARY CHANGE RECORDED
TIME 9:37 a.m. DATE 12/14/01
DOCUMENT # 2001018 6005
EFFECTIVE December 14, 2001



LINE TABLE		
LINE	BEARING	LENGTH
1	S01°25'56"W	489.86
2	N89°31'39"W	510.00
3	S01°25'56"W	580.80
4	S89°31'39"E	450.00
5	S01°25'56"W	1590.79
6	S61°25'56"W	42.72
7	S01°25'56"W	30.00
8	S58°34'04"E	42.72
9	S01°25'56"W	2500.69
10	S61°25'56"W	82.72
11	S58°33'31"E	82.72
12	S01°26'29"W	4257.53

PROFESSIONAL LAND SURVEYOR
PETER ESPINOSA
No. 6336
Exp. 12-31-98
STATE OF CALIFORNIA

LEGEND:
- EXISTING CITY LIMITS
- AREA TO BE ANNEXED
- SECTION LINES
- RIGHT OF WAY

0 1000' 2000'
SCALE 1" = 1000'

N W E S

Approved 8/25/98 Resolution # 98-33

TERRA LINDA FARM-HANSEN RANCH ANNEXATION

ESPINOSA SURVEYING
8110 South Walnut Ave.
Fresno, CA 93706
Phone (209) 834-6335 * FAX (209) 834-6336
email espls@gte.net

TERRA LINDA FARM-HANSEN RANCH ANNEXATION TO THE CITY OF MENDOTA AND DETACHMENT FROM FRESNO COUNTY FIRE PROTECTION DISTRICT.

JOB NO. 98028TX
DRAWN BY: PE
START DATE: 05/20/98
REVISE DATE: 06/01/98
06/23/98
08/10/98

DETACHMENT FROM THE
SILVER CREEK DRAINAGE DISTRICT
(TERRA LINDA FARM-HANSEN RANCH ANNEXATION)

Legal Description

Being a Portion of Section 1, Township 14 South, Range 14 East, Mount Diablo Base and Meridian, and of Section 6, Township 14 South, Range 15 East, Mount Diablo Base and Meridian, in the County of Fresno, State of California, more particularly described as follows:

Commencing at the Northwest corner of said Section 6; thence South 89° 14' 54" East, along the North line of said Section 6, a distance of 30.00 feet; thence South 1° 25' 56" West, parallel with and 30.00 feet East of the West line of said Section 6, a distance of 40.00 feet to a point on the existing City Limit line of the City of Mendota as adopted by City of Mendota Resolution No. 1051 titled "Mendota Industrial Park Reorganization", also being the TRUE POINT OF BEGINNING; thence continuing South 1° 25' 56" West, along said parallel line and also along the existing City Limit line of the City of Mendota as adopted by City of Mendota Ordinance No. 79 entitled "An Ordinance Annexing Uninhabited Territory to the City of Mendota", a distance of 489.86 feet; thence North 89° 31' 39" West, along said City Limit line and parallel with the North line of said Section 1, a distance of 510 feet to the southwest corner of said City Limit; thence South 1° 25' 56" West, parallel with and 480 feet West of the East line of said Section 1, a distance of 580.8 feet; thence South 89° 31' 39" East, parallel with the North line of said Section 1, a distance of 480 feet to a point on the West line of said Section 6; thence South 1° 25' 56" West, along said West line, a distance of 137.3 feet, more or less, to a point on the South line of the North 1,248 feet of said Section 6; thence Easterly along said South line, to a point on the West line of the East 1906.67 feet of the West half of said Section 6 and said point also being the existing City Limit line of the City of Mendota as adopted by City of Mendota Resolution No. 92-07 titled "Mendota Unified School District Annexation"; thence Northerly, along said existing City Limit line and said West line to a point which is 40 feet Southerly of the North line of said Section 6; thence Westerly, along said existing City Limit line, parallel with and 40 feet South of the North line of said Section 6 to the TRUE POINT OF BEGINNING.

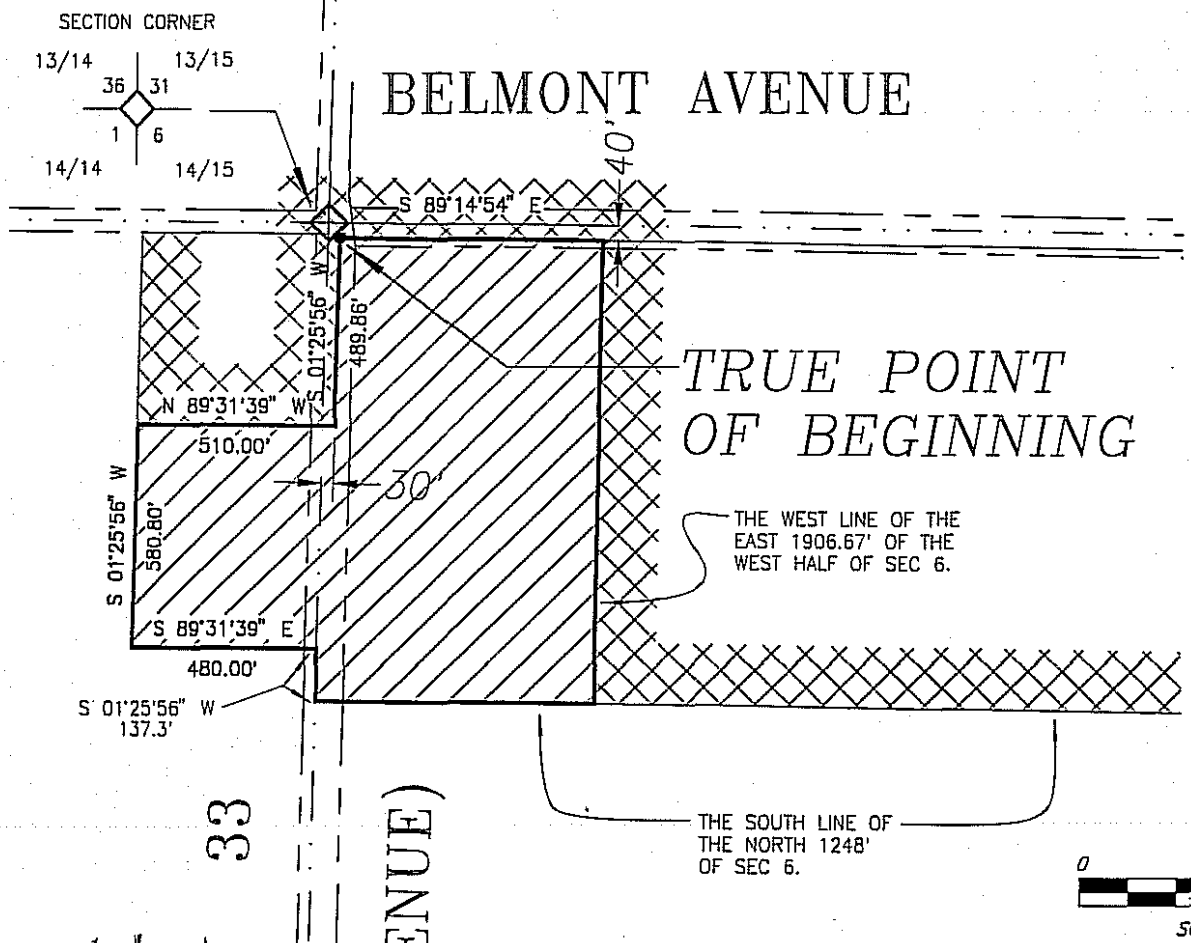
Containing an area of 25.6 acres, more or less.

August 10, 1998

PROFESSIONAL LAND SURVEYOR
PETER ESPINOSA
No. 6335
Exp. 12-31-98
STATE OF CALIFORNIA

BOUNDARY CHANGE RECORDED
TIME 9:37 a.m. DATE 12/14/01
DOCUMENT # 20010186005
EFFECTIVE December 14, 2001

APPROVED
LAFCO RES. # RO-98-8
July 8, 1998
DATE



BOUNDARY CHANGE RECORDED
TIME 9:37am DATE 12/4/01
DOCUMENT # 2001018 6005
EFFECTIVE December 14, 2001

APPROVED
LAFCO RES. # RO-98-8
DATE July 8, 1998

STATE HIGHWAY 33
(DERRICK AVENUE)

LEGEND:

- EXISTING CITY LIMITS OF MENDOTA, CA
- AREA TO BE DETACHED FROM SILVER CREEK DRAINAGE DISTRICT
- SECTION LINES
- RIGHT OF WAY

PROFESSIONAL LAND SURVEYOR
PETER ESPINOSA
No. 6335
Exp. 12-31-98
STATE OF CALIFORNIA

TERRA LINDA FARM-HANSEN RANCH ANNEXATION

ESPINOSA SURVEYING
8110 South Walnut Ave.
Fresno, CA 93706
Phone (209) 834-6335 * FAX (209) 834-6336
espls@gte.net

DETACHMENT
FROM
SILVER CREEK DRAINAGE
DISTRICT.

JOB NO. 98028TX
DRAWN BY: PE
START DATE: 08/04/98
REVISE DATE: 08/10/98
SCALE: 1" = 500'
SHEET 5 OF 7

DETACHMENT FROM THE
WESTLANDS WATER DISTRICT
(TERRA LINDA FARM-HANSEN RANCH ANNEXATION)

Legal Description

Being a Portion of Section 1, Township 14 South, Range 14 East, Mount Diablo Base and Meridian, in the County of Fresno, State of California, more particularly described as follows:

Commencing at the Northeast corner of said Section 1; thence South 1° 25' 56" West, along the East line of said Section 1, a distance of 530 feet to a point on the South line of the existing City Limit line of the City of Mendota as adopted by City of Mendota Ordinance No. 79 entitled "An Ordinance Annexing Uninhabited Territory to the City of Mendota", also being the TRUE POINT OF BEGINNING; thence North 89° 31' 39" West, along said City Limit line and parallel with the North line of said Section 1, a distance of 480 feet to the southwest corner of said City Limit; thence South 1° 25' 56" West, parallel with and 480 feet West of the East line of said Section 1, a distance of 580.8 feet; thence South 89° 31' 39" East, parallel with the North line of said Section 1, a distance of 480 feet to a point on the East line of said Section 1; thence North 1° 25' 56" East, along said East line, a distance of 580.8 feet, more or less, to the TRUE POINT OF BEGINNING.

Containing an area of 6.4 acres, more or less.

August 10, 1998

PROFESSIONAL LAND SURVEYOR
PETER ESPINOSA
No. 6335
Exp. 12-31-98
STATE OF CALIFORNIA

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EFFECTIVE December 14, 2001.

APPROVED
LAFCO RES. # RO-98-8
July 8 1998
DATE

APPROVED
LAFCO RES. # RO-98-8
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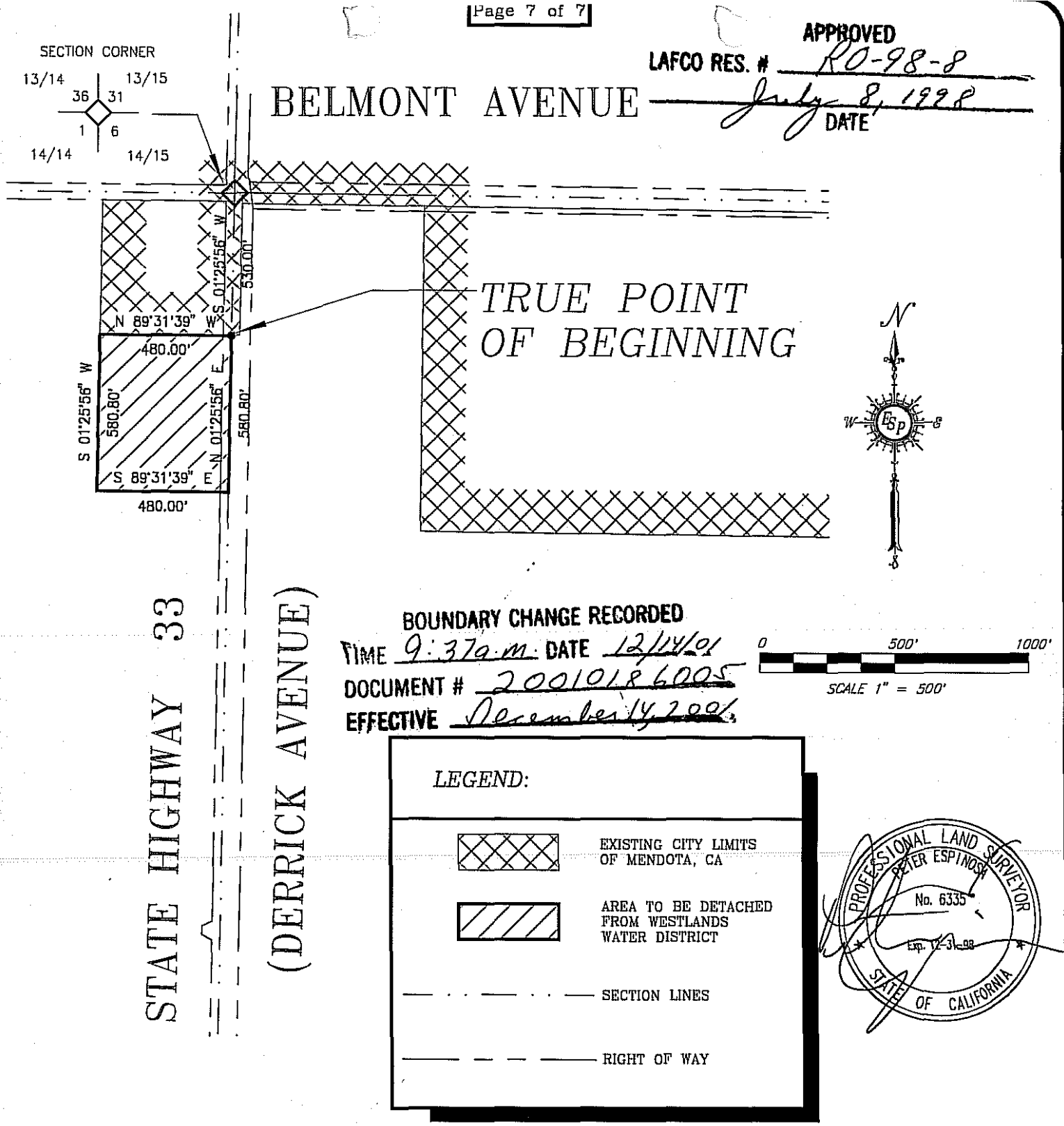

BOUNDARY CHANGE RECORDED
TIME 9:37a.m. DATE 12/14/01
DOCUMENT # 2001018 6005
EFFECTIVE December 14, 2001

Approved 8/25/98 Resolution # 98-33

TERRA LINDA FARM-HANSEN RANCH ANNEXATION

ESPINOSA SURVEYING
8110 South Walnut Ave.
Fresno, CA 93706
Phone (209) 834-6335 * FAX (209) 834-6336
espls@gte.net

DETACHMENT
FROM
WESTLANDS WATER DISTRICT.

JOB NO. 98028TX
DRAWN BY: PE
START DATE: 08/04/98
REVISE DATE: 08/10/98
SCALE: 1" = 500'
SHEET 7 OF 7

Statement of Boundary Change

State Board of Equalization
Tax Area Services Section
450 N Street, MIC: 59
P. O. Box 942879
Sacramento, California 94279-0059

B.O.E File No:_____

County: Fresno	County #: 10	Acreage: 386	Fee: $ 2,000	Resolution/Ord. No.:	98-33
Conducting Authority: CITY OF MENDOTA				LAFCo. Res. No.:	RO-98-8
Short Title: "TERRA LINDA FARMS-HANSEN RANCH ANNEXATION"				Effective Date:	12/14/01

Type of Action: (check one only)

	01 Annexation to District		06 Consolidation of TRA's		10 Formation Redevelopment
	02 Annexation to City		07 Detachment from District		11 Name Change
	04 City Incorporation		08 Dissolution of District	X	12 Reorganization
	05 Consolidation of District		09 Formation-District		13 School District Change

City/District(s) Affected by Action:

BOE Code #	District	Type of Change
01	CITY OF MENDOTA	ANNEXATION
07	FRESNO COUNTY FIRE PROTECTION DISTIRCT	DETACHMENT
07	SILVER CREEK DRAINAGE DISTRICT	DETACHMENT
07	WESTLANDS WATER DISTRICT	DETACHMENT

Affected Territory is legally:

	Inhabited		Developed	*Number of Areas:* 1
X	Uninhabited	X	Undeveloped	

The affected territory:

X	will be taxed for existing bonded indebtedness or contractual obligations as set forth by the terms and conditions as stated in the resolution.
	will not be taxed for existing bonded indebtedness or contractual obligations.

Enclosed are the following items required at the time of filing:

X	Fees	X	Map(s) and Supporting Documents
X	Legal Description	X	Assessor parcel number(s) of affected territory
X	Resolution of Conducting Authority		County Auditor's Letter of TRA Assignment (consolidated counties)
X	Certificate of Completion		

City Boundary Changes Only:

X	Map of limiting addresses (2 copies)	X	Vicinity Maps (2 copies)
X	Alphabetical list of all streets within the affected area to include beginning and ending street numbers		
X	*Estimated population is:* 11		

Board of Equalization will acknowledge receipt of filing to:

Name: Mike Waiczis, AICP
Title: Executive Officer
Agency: Fresno LAFCo
Street: 2100 Tulare Street, Suite 502
City and Zip Code: Fresno, 93721
Telephone: (559) 495-0604

B.O.E. use only

chk #:

amt:

ltr #:

Michael R Waiczis 12/14/01
(Signature of agency officer) Date

PT-400-TA (10-95)

CERTIFICATE OF COMPLETION
FRESNO COUNTY LOCAL AGENCY FORMATION COMMISSION

The name of the conducting agency is City of Mendota.

The names of agencies whose territory is changed and the type of change for each are:

Annexation to the City of Mendota and detachment from the Fresno County Fire Protection District, the Silver Creek Drainage District and the Westlands Water District.

The county in which the entire agency is located is Fresno County.

The short title of the reorganization proceeding is Terra Linda Farms-Hansen Ranch Reorganization.

The territory is uninhabited.

The change of organization was ordered without an election. The resolution ordering the change of organization was adopted by the conducting agency on July 30, 1998, Resolution No. 98-33.

A description of the territory affected by the change is set forth in the attached Exhibit "A".

The terms and conditions of the change of organization are as follows:

1. Payment to the Westlands Water District shall be made of outstanding assessment charges in the amount of $411.28, and a detachment fee in the amount of $1,797.87 for detachment of the four parcels west of Derrick Avenue.

2. The City shall provide evidence of the recordation of a Right-to-Farm Covenant by the owners of the prison site.

3. Evidence of site construction shall be submitted, including land purchase, final approval of site plan and building permit by the City.

4. Evidence of adequate water and sewer services and facilities for the prison facility shall be submitted, to comply with the requirements of the State Health Department and Regional Water Quality Control or as described in the Service Plan in the Staff Report.

5. Evidence of an agreement for adequate police protection to the prison facility between the County Sheriff and the City of Mendota shall be submitted: if no agreement is reached, the City shall present to the Commission at their next hearing, resolution of those unresolved matters, pertaining to adequacy of police protection, in the County Sheriff's letter to the Commission. Such resolution shall be satisfactory to the Commission.

I, Michael R. Waiczis, Executive Officer of the Fresno County Local Agency Formation Commission of Fresno County, hereby certify that I have examined the resolution cited above, the terms and conditions, the map and legal description, and have found these documents to be in compliance with LAFCO Resolution No. Ro-98-8, adopted on July 8, 1998. I hereby certify that all terms and conditions cited above have been satisfied.

Michael R. Waiczis

Michael R. Waiczis, AICP
Executive Officer

Dated: December 14, 2001

ASSESSOR PARCEL NUMBERS
TERRA LINDA FARMS-HANSEN RANCH ANNEXATION

19-050-15

19-050-28

19-050-40

19-050-41

19-060-77

19-060-88

19-060-89

19-060-90

VENDOR NUMBER	VENDOR NAME
STA05	STATE BOARD

CITY OF MENDOTA
643 QUINCE STREET
MENDOTA, CALIFORNIA 93640

INVOICE #	CODE	DATE	REFERENCE	INVOICE AMOUNT	DISCOUNT	AMOUNT PAID
ANNEX.		09/03/98	ANNEXATION CHARGES FOR CC	750.00		750.00

Detach and Retain This statement. The attached check is in payment of items Described above.

[B = Debit memo, C = Credit memo]

CK# 014401 09/03/98

750.00	.00	750.00

WARRANT ON THE TREASURY OF THE
CITY OF MENDOTA
643 QUINCE STREET
MENDOTA, CALIFORNIA 93640

VALLIWIDE BANK
P.O. BOX 127
MENDOTA, CA 93640

3300
1211

No. 014401

CHECK DATE 09/03/98

PAY EXACTLY *******750.00*

VOID AFTER 90 DAYS

PAY **********750*DOLLARS*AND*00*CENTS**

Seven Hundred Fifty----------Dollars

TO THE ORDER OF

STATE BOARD
OF EQUILIZATION
P.P. BOX 942753
SACRAMENTO CA 94291 2753

CITY OF MENDOTA

MAYOR

CITY MANAGER

FINANCE DIRECTOR

⑈014401⑈ ⑆121133005⑆ 742000129⑈

Received by Lafco 9/10/98
Candie Fleming, Clerk

VENDOR NUMBER	VENDOR NAME
STA05	STATE BOARD

CITY OF MENDOTA
643 QUINCE STREET
MENDOTA, CALIFORNIA 93640

INVOICE #	CODE	DATE	REFERENCE	INVOICE AMOUNT	DISCOUNT	AMOUNT PAID
ANNEX.		09/03/98	ANNEXATION CHARGES FOR CC	750.00		750.00

Detach and Retain This statement. The attached check is in payment of items Described above.

[B = Debit memo, C = Credit memo]

CK# 014401 09/03/98

750.00	.00	750.00

WARRANT ON THE TREASURY OF THE
CITY OF MENDOTA
643 QUINCE STREET
MENDOTA, CALIFORNIA 93640

VALLIWIDE BANK
P.O. BOX 127
MENDOTA, CA 93640

3300
1211

No. 014401

CHECK DATE 09/03/98

PAY EXACTLY *******750.00*

VOID AFTER 90 DAYS

PAY **********750*DOLLARS*AND*00*CENTS**

Seven Hundred Fifty----------Dollars

TO THE ORDER OF

STATE BOARD
OF EQUILIZATION
P.P. BOX 942753
SACRAMENTO CA 94291 2753

CITY OF MENDOTA

MAYOR

CITY MANAGER

FINANCE DIRECTOR

⑈014401⑈ ⑆121133005⑆76 20001120⑈

"Exhibit A"

Condition #1

WESTLANDS WATER DISTRICT

WWD 516

RECEIPT Date 9-9 1998 № 2914

Received from City of Mendota

$ 2,209.15

Paid by: Check ☒ Cash ☐

For: General ☐ Assessment ☒

Received by: B

04/02/1999,19990052110

Recording Requested by
and When Recorded Mail to:
CITY OF MENDOTA, c/o
David J. Weiland, Esq.
Mendota City Attorney
800 "M" Street
Fresno, California 93721
(209) 268-4021

"Exhibit B"

Condition No. 2

Space above this line for Recorder's use only.

COVENANT AND AGREEMENT REGARDING RIGHT TO FARM

The undersigned represent that they are the sole owners of that real property located in the County of Fresno, State of California, described as follows:

See EXHIBIT A attached hereto.

The undersigned, in consideration of approval of annexation by Fresno County LAFCO, do hereby covenant and agree with the County of Fresno that the declared policy of Fresno County is to preserve, protect, and encourage development of its agricultural land and industries for the production of food and other agricultural products; that the above described property is in or near agricultural districts; and that the residents of said property should be prepared to accept the inconveniences and discomfort associated with normal farm activity. Consistent with this policy, California Civil Code section 3482.5 (Right-to-Farm Law) provides that an agricultural pursuit, as defined, maintained for commercial uses shall not be or become a nuisance due to a changed condition in a locality after such agricultural pursuit has been in operation for three years.

This covenant and agreement shall run with the land and be binding upon all future owners, heirs, successors and assigns to such property.

Dated: March 17, 1999

PRISON REALTY CORPORATION
a Maryland corporation

By: Doctor R. Crants, Chief Executive Officer

County of FRESNO

Public Works & Development Services Department
Carolina Jimenez-Hogg
Director

April 14, 1999

"Exhibit C"

Vida H. Carroll
CFO/Prison Realty Corporation
Prison Realty Trust
10 Burton Hills Blvd., Suite 100
Nashville, TN 37215

Dear Ms. Carroll:

SUBJECT: 2601 Derrick - APN 019-060-77

I have reviewed your letter dated April 7, 1999, in which Prison Realty Corporation, as owner of the subject property, has requested that Fresno County exempt this property from County enforcement of the provisions of Title 15 requirements as provided for in Fresno County Code Section 15.04.140. I believe that the intent of the requirements of this Section have been met so the City of Mendota may proceed with enforcing applicable City ordinances relating to this property.

This is based on and/or contingent on the following:

1. Prison Realty Corporation is the owner of the property;
2. Construction related activities are planned for the property;
3. The City of Mendota has commenced annexation of the property;
4. The City of Mendota Building Official will certify that construction related activities comply with all applicable City ordinances;
5. All required permits will be obtained that would be required if annexation had been completed; and
6. Annexation proceedings will be completed within 120 days. If annexation proceedings are not completed within 120 days, a stop work order may be issued and County Ordinance provisions may be enforced.

If you need to discuss this with me please call me at 262-4019.

Very truly yours,

James R. Witte, AIA, CBO
Chief Building Inspector

JRW.so
\\STREETTALK\PW@FCP-05@SERVERS\PWDS\DEVS&PLN\BLD_SFTY\WITTE\LETTERS\MISC\MENDOTA.DOC

c: Louie Garcia, Building Official, City of Mendota, 643 Quince Street, Mendota, CA 93640
Bruce Barnes, Interim City Manager, City of Mendota, 643 Quince Street, Mendota, CA 93640
C. William King, Centex Rooney Construction Co., 8529 S. Park Circle, Ste 200, Orlando, FL 32819
Kerry L. McCants, Development Services Manager, Public Works & Development Services
Peter J. Harkins, Senior Staff Analyst, Public Works & Development Services
Al Dias, Staff Analyst, Public Works & Development Services

2220 Tulare Street, Sixth Floor / Fresno, California 93721 / Phone (209) 262-4055 / 262-4029 / 262-4302 / 262-4022 / FAX 262-4893
Equal Employment Opportunity • Affirmative Action • Disabled Employer

PLEASE USE BLACK — THIS FORM IS TO BE MICROFILMED

LICENSED CONTRACTORS DECLARATION

I hereby affirm that I am licensed under provisions of Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code, and my license is in full force and effect.

Lic. Number 741847 License Class B

Contractor Gentry Rooney Const Co. 274 Hart

OWNER BUILDER DECLARATION

I hereby affirm that I am exempt from the Contractor's License Law for the following reason (Sec 7031.5, Business and Professions Code. Any city or county which requires a permit to construct, alter, improve, demolish, or repair any structure prior to its issuance, also requires the applicant for such permit to file a signed statement that he is licensed pursuant to the provisions of the Contractor's License Law (Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code) or that he is exempt therefrom and the basis for the alleged exemption. Any violation of Section 7031.5 by any applicant for a permit subjects the applicant to a civil penalty of not more than five hundred dollars ($500):

☐ I, as owner of the property, or my employees with wages as their sole compensation, will do the work, and the structure is not intended or offered for sale (Sec. 7044, Business and Professions Code: The Contractor's License law does not apply to an owner of property who builds or improves thereon, and who does such work himself or through his own employees, provided that such improvements are not intended or offered for sale. If, however, the building or improvement is sold within one year of completion, the owner-builder will have the burden of proving that he did not build or improve for the purpose of sale).

☐ I, as owner of the property, am exclusively contracting with licensed contractors to construct the project (Sec. 7044, Business and Professions Code: The Contractor's License Law does not apply to an owner of property who builds or improves thereon, and who contracts for such projects with a contractor(s) licensed pursuant to the Contractor's License Law.).

☐ I am exempt under Sec. _____, B.&P.C. for this reason

Date _____ Owner _____

WORKERS' COMPENSATION DECLARATION

I hereby affirm that I have a certificate of consent to self-insure, or a certificate of Workers' Compensation Insurance, or a certified copy thereof (Sec. 3600, Lab. C.).

Policy No. WC003TDR Company Zurich American

☑ Certified copy is hereby furnished.
☐ Certified copy is filed with the County of Fresno Department of Building & Safety.

Date _____ Applicant _____

CERTIFICATE OF EXEMPTION FROM WORKERS' COMPENSATION INSURANCE

(This section need not be completed if work is for one hundred dollars ($100) or less.)

I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the Workers' Compensation Laws of California.

Date _____ Applicant _____

NOTICE TO APPLICANT: If, after making this Certificate of Exemption, you should become subject to the Workers' Compensation provisions of the Labor Code, you must forthwith comply with such provisions or this permit shall be deemed revoked.

CONSTRUCTION LENDING AGENCY

I hereby affirm that there is a construction lending agency for the performance of the work for which this permit is issued (Sec. 3097, Div.C.).

Lender's Name _____

Lender's Address _____

I certify that I have read this application and state that the above information is correct. I agree to comply with all city and county ordinances and state laws relating to building construction, and hereby authorize representatives of this county to enter upon the above-mentioned property for inspection purposes.

Date _____ Signature of Applicant or Agent _____

APPLICATION FOR PERMIT

CITY OF MENDOTA
643 QUINCE STREET
MENDOTA, CA 93640
(209) 655-4298

#2517
"Exhibit C"

FOR APPLICANT TO FILL IN (Type or Print in Black Ink)

JOB ADDRESS 2601 Derrick (NEW ☐)

NEAREST TOWN _____ NEAREST CROSS ST. _____

OWNER PRISON Realty Corporation

MAIL ADDRESS 10 Burton Hills Blvd.

CITY Nashville, TN TEL. NO. (615)

BLDG. CONT. Gentry Rooney Const. Co. TEL NO. 655-0270

ADDRESS P.O. Box 247, Mendota, Ca. 93640

PLUMB CONT. _____ ST. LIC. _____ TEL NO. _____

ADDRESS _____

ELEC. CONT. _____ ST. LIC. _____ TEL NO. _____

ADDRESS _____

MECH. CONT. _____ ST. LIC. _____ TEL NO. _____

ADDRESS _____

ARCH. OR ENGINEER _____ ST. LIC. _____ TEL NO. _____

ADDRESS _____

LEGAL DESC. _____

FLOOD MAP _____ ZONE _____

A.P.N. _____

PROJECT: Detention Facility

STD.LAND USE CODE _____

JOB ADDRESS: 2601 Derrick

ZONING

REQUIRED SETBACK	FRONT MIN.	FRONT MAX.	SIDE INTERIOR	SIDE STREET	REAR MIN.

APPROVED BY _____ DATE 6 2 99

ZONING APPROVED ☐ APPROVED ☐ PENDING ☐

ZONE DISTRICT _____ REMARKS: _____

WHEN VALIDATED THIS APPLICATION IS YOUR PERMIT

PAID JUN - 2 1999 CITY OF MENDOTA

NO.	ELECTRICAL		EACH	FEE
1	PERMIT FEE			21.30
	EA. CIRCUIT (REMODEL WORK ONLY)			
330	EA. WIRING OUTLET & OR FIXTURES AT WHICH CURRENT IS USED OR CONTROLLED		1.00 EA.	330.00
	ELEC RANGES / DISHWASHER			
8	DRYERS / HEATER / DISP		11.30	90.40
50	220 OUTLET / WELDER		1.50	75.00
35	0-1 HP / OVER 30-50 HP		6.50	227.50
154	OVER 1 TO 5 HP / OVER 50-100		19.20	2956.80
	OVER 5 TO 30 HP / OVER 100 HP			
1	EA. TIME CLOCK		6.50	6.50
	EA. ELEC. VALVE			
28	TRANSFORMER	3.20		89.60

SERVICE & OR SUB-PANELS			
57	0 TO 200 AMPS	16.10	917.70
10	201 TO 400 AMPS	54.40	544.00
	401 TO 600 AMPS		
2	OVER 600 AMPS	84.30	168.60

NEW SINGLE FAMILY DWELLING	
Area of Construction 0 to 750 Sq. Ft.	
Area of Construction 751 to 1000 Sq. Ft.	
Area of Construction 1001 to 1500 Sq. Ft.	
Area of Construction 1501 to 2000 Sq. Ft.	
Area of Construction 2001 to 2500 Sq. Ft.	
Area of Construction 2501 to 3000 Sq. Ft.	
EA. ADD 500 Sq. Ft.	
MIN. $	
MIN. $ FOR WATER WELL PUMP	TOTAL FEE $ 8433.90

NO.	PLUMBING			EACH	FEE
1	PERMIT FEE				21.30
694	WATER CLOSET	7	URINAL	16.60	11626.40
8	KITCHEN SINK	2	DISPOSAL	16.60	166.00
	WASH MACH.		BATH TUB		
559	LAVATORY	58	SHOWER	16.60	11769.40
	WATER PIPING and/or SERVICE				
	EA. LAWN SPRINKLER SYST. FOR S.F.D. WITH BACK FLOW DEVICES				
	ALL OTHER BK. FLOW DEV.				
1	EA. GAS PIPING SYSTEM	15 outlets		33.10	33.10
	EA. Additional Outlet	6 or more			
4	GAS APPLIANCE			6.50	26.00
	EA. BLDG. SEWER				
1	BACK FLOW			16.60	16.60

NEW SINGLE FAMILY DWELLING		
All plumbing work in a newly constructed single family dwelling excluding sewer & septic system.	one bathroom	
	two bathroom	
	three bathroom	
	For each additional bathroom fixture	
Min. $10.00	TOTAL FEE	$ 23668.00

NO.	SEPTIC	EACH	FEE
	PERMIT FEE		
	NEW SYSTEM		
	REPAIR SYSTEM		
	TOTAL FEE	$	

NO.	MECHANICAL		EACH	FEE
1	PERMIT FEE			21.30
	EA. GAS PIPING SYSTEM	15 outlets		
	EA. Additional Outlet	6 or more		
99	GAS APPLIANCE		3.20	316.80
2	MECH. HOOD		21.30	42.60
93	DUCT SYSTEM		27.20	2529.60

REFRIGERATION COOLING UNITS		
82	LESS THAN 7 TONS	21.30 1746.60
11	OVER 7 TONS to 14 TONS	29.90 328.90
	OVER 14 TONS	
NEW SINGLE FAMILY DWELLING		
	0 to 750 SQ. FT.	
	751 to 1500 SQ. FT.	
	1501 to 2500 SQ. FT.	
	EA. ADD. 500 SQ. FT.	
Min.	TOTAL FEE	$ 4985.80

COMMENTS: 258,322 sq. ft. Detention Facility

TYPE CONST.	OCCUPANCY GROUP	STORIES	BLDG. HT.

	SQ. FT.	UF	
BLDG.			
GAR/CP			
PATIO			
TOTAL VAL. IMP. $			25,832,200

FEES BY		
	PLAN CHECK	
	FIRE PROTECTION SURCHARGE	13,639 17
	S.M.I.	5,424 76
CONSOLIDATED PERMIT (PAID)	BUILDING PERMIT	83,830 18
	PLUMBING PERMIT	23,669 00
	ELECTRICAL PERMIT	8,433 90
	MECH. PERMIT	4,985 80
	SEPTIC	
APPROVED BY		
VALIDATED BY		
ACCOUNT NO.	WATER	
	SEWER	
	DRAINAGE	
CASH ☐		
CHECK ☐	TOTAL	56152 63

THIS PERMIT SHALL EXPIRE BY LIMITATION AND BECOME NULL AND VOID IF THE WORK IS NOT COMMENCED OR IF NO INSPECTIONS ARE CALLED FOR WITHIN 120 DAYS. NO Developer Fee's

INSPECTION COPY

RECORDING REQUESTED BY

CHICAGO TITLE COMPANY

AND WHEN RECORDED MAIL THIS DEED AND, UNLESS OTHERWISE SHOWN BELOW, MAIL TAX STATEMENT TO:

Name: Prison Realty Corporation
Street Address: 10 Burton Hills Blvd., Suite 100
City & State Zip: Nashville, Tn 37215

Title Order No. _____ Escrow No. 5556377-MT

WE HEREBY CERTIFY THAT THIS IS A FULL TRUE AND CORRECT COPY OF THE ORIGINAL DOCUMENT AS THE SAME APPEARS IN THE OFFICE OF THE COUNTY RECORDER OF FRESNO COUNTY, STATE OF CALIFORNIA, RECORDED ON 3-26-99 AS DOCUMENT NO. 19990046374 OF OFFICIAL RECORDS.
CHICAGO TITLE COMPANY
BY Lynda B. Dimmegan

"Exhibit C"

SPACE ABOVE THIS LINE FOR RECORDER'S USE

T 355 Legal (2-94)

Grant Deed

THE UNDERSIGNED GRANTOR(s) DECLARE(s)
DOCUMENTARY TRANSFER TAX IS $ 1,794.65
☒ _____ unincorporated area ☐ City of _____
Parcel No. 019-060-77s
☒ computed on full value of interest or property conveyed, or
☐ computed on full value less value of liens or encumbrances remaining at time of sale, and

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, H.G.&H., a California general partnership,

hereby GRANT(S) to
PRISON REALTY CORPORATION, a Maryland corporation

the following described real property in the county of Fresno, state of California:

AS DESCRIBED AT EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

H.G.&H., a California general partnership

By: James B. Hansen
James B. Hansen

By: Kendall W. Gardner
Kendall W. Gardner

By: Jess V. Hansen
Jess V. Hansen

Dated February 11, 1999

STATE OF CALIFORNIA
COUNTY OF Kings } S.S.
On March 9, 1999 before me, Jackie L. Winkler
a Notary Public in and for said County and State, personally appeared James B. Hansen, Kendall W. Gardner and Jess V. Hansen
personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal
Signature Jackie L. Winkler

JACKIE L WINKLER
Commission #1068570
Notary Public — California
Kings County
My Comm. Expires Nov 21, 1999

(This area for official notarial seal)

MAIL TAX STATEMENTS TO PARTY SHOWN ON FOLLOWING LINE; IF NO PARTY SHOWN, MAIL AS DIRECTED ABOVE

Name | Street Address | City & State

EXHIBIT A

That portion of the West half of Section 7, Township 14 South, Range 15 East, Mount Diablo Base and Meridian, according to the Official Plat thereof, lying Northwesterly of the center line of Panoche Road.

EXCEPTING THEREFROM that portion of the West half of the West half of said Section 7, described as follows:

Beginning at the Southwest corner of said Section 7, said Southwest corner being at coordinates Y=507781.472 feet and X=1583720.828 feet; thence, (1) along the West line of said Section 7, North 1° 26' 29" East 5317.31 feet to the Northwest corner of said Section 7; thence (2) along the West line of Section 6, Township 14 South, Range 15 East, Mount Diablo Base and Meridian, North 1° 25' 56" East 5315.36 feet to the North line of said Section 6; thence (3) along said North line South 89° 14' 54" East 80.58 feet; thence (4) at right angles, South 0° 45' 06" West 60.00 feet to the South line of the North 60 feet of said Section 6; thence (5) along said South line, North 89° 14' 54" West 11.29 feet to the East line of the West 70 feet of said Section 6; thence (6) along said East line South 1° 25' 56" West 5196.23 feet; thence (7) South 58° 34' 04" East, 124.61 feet to the South line of said Section 6; thence (8) along last said South line, North 87° 46' 21" West 70.92 feet; thence (9) South 61° 26' 29" West 42.73 feet to the East line of the West 70 feet of said Section 7; thence (10) along last said East line, South 1° 26' 29" West 5160.09 feet; thence (11) South 43° 33' 31" East, 78.71 feet to the Northerly boundary line of a county road known as Panoche Road; thence (12) along said Northerly boundary line, North 63° 21' 03" East, 156.16 feet; thence (13) at right angles, South 26° 38' 57" East, 180.39 feet to the South line of said Section 7; thence (14) along last said South line, North 88° 21' 54" West, 3422.71 feet to the point of beginning, as granted to the State of California in deed recorded June 23, 1960, as Document No. 44449, in Book 4404, Page 608 of Official Records;

ALSO EXCEPTING THEREFROM the East 429 feet of the North 327 feet of the West half of said Section 7.

ALSO EXCEPTING THEREFROM an undivided one-half interest in and to all oil, gas, asphaltum and other hydrocarbons and other minerals whether similar to those specified or not, in, on, under or upon, or that may be produced from said land, as granted to Grace Bros., Inc., a corporation, by deed recorded November 21, 1949, as Document No. 54740, in Book 2802 Page 359 of Official Records;

And also excepting therefrom an undivided one-half of grantor's interest in and to all oil, gas and other hydrocarbons and minerals now or at any time hereafter situate therein and thereunder, together with all easements and rights necessary or convenient for the production, storage and transportation thereof and the exploration and testing of the said real property, and also the right to drill for, produce and use water from the said real property in connection with drilling or mining operations thereon, as reserved in the deed from Frank P. Grace Co., a corporation, also known as Frank P. Grace & Co., a corporation, to M. L. Dudley & Co., a corporation, dated October 13, 1967, recorded October 17, 1967, as Document No. 71800, Official Records;

Also excepting and reserving therefrom all of grantor's interest in and to an undivided 1/2 interest in and to all oil, gas and mineral rights not previously excepted of record as reserved in the deed from Harry Marchini and Irma Marchini, husband and wife, Bruno Marchini and Jean Marchini, husband and wife, Georgia Mae Marchini, individually, Georgia Mae Marchini as Executrix of the Will of Peter Samuel Marchini, also known as Pete Marchini, deceased, in Probate Action No. 50074, and Marchini Bros., a Partnership, to Harry Marchini and Irma Marchini, husband and

wife, as community property, recorded September 28, 1984, as Document No. 84094162, Official Records;

EXCEPTING AND RESERVING UNTO THE GRANTOR HEREIN AND GRANTOR'S SUCCESSORS IN INTEREST, a non-exclusive easement in gross for ingress and egress over and upon the North 40 feet of the hereinbefore described property.

Agt 98-571

AGREEMENT

FOR

SUPPLEMENTAL LAW ENFORCEMENT SERVICES

This Agreement is made and entered into this 30 day of Nov., 1998, by and between the County of Fresno, a political subdivision of the State of California (hereinafter "County"), and the City of Mendota, a general law city (hereinafter "the City").

RECITALS

WHEREAS, County understands that the City and Corrections Corporation of America (hereinafter "CCA") are entering into one or more separate agreements relating to CCA's anticipated development and operation of a private correctional facility within the City's territorial limits (hereinafter referred to as "the Subject Correctional Facility" or alternatively as "the Facility"); and

WHEREAS, County through its Sheriff's Department, currently provides general law enforcement services within the City's boundaries, pursuant to an agreement entered into between the County and the City dated January 28, 1997 (County Agreement No. A-97-025, hereinafter "the General Agreement"); and

WHEREAS, City now desires to enter into a separate contract with County for supplemental law enforcement services, the provisions of which are intended by the parties to be exclusively applicable with respect to law enforcement services or assistance provided by the Sheriff's Department in connection with problems or situations arising as a direct or indirect result of the placement or operation of the Subject Correctional Facility within the City's boundaries.

NOW THEREFORE, the parties hereto agree as follows:

1. SCOPE OF AGREEMENT. The terms and conditions set forth in this Agreement shall be fully and exclusively applicable, and the provisions of the General Agreement shall have no applicability, to the extent the Sheriff's Department provides law enforcement services or related assistance that are in any way necessitated by, or related or attributable to, the placement or operation of the Subject Correctional Facility within the City's boundaries. This Agreement is not intended to replace or supersede the General Agreement with respect to general law enforcement services provided by the Sheriff's Department which are unrelated to the placement or operation of the Subject Correctional Facility within the

City's boundaries, and as to those services the General Agreement shall continue to be fully and exclusively applicable.

2. TERM. This Agreement shall be modified at an appropriate subsequent date in accordance with the provisions of paragraph 14 hereinbelow, in order to insert a mutually agreeable date on which this Agreement shall take effect, and upon execution by both parties of this Agreement and such modification, this Agreement shall continue in full force and effect unless and until terminated by either party in accordance with the provisions of paragraph 3 hereinbelow.

3. TERMINATION.

(a) For Cause This Agreement may be immediately suspended or terminated by County, in the event of City's breach of duty or failure to perform any material term provided for in this Agreement.

(b) Without Cause This Agreement may be terminated by either party hereto upon the provision of six (6) months advance written notice to the other party of its intention to terminate.

4. RESPONSE BY SHERIFF. With respect to any and all requests made to the Sheriff's Department for assistance or otherwise relating to the provision of law enforcement services in, on or about the grounds of the Facility, or from the Facility (the search for and apprehension of an escaped prisoner or prisoners), whether made by the City, CCA or otherwise, if the Sheriff or his designee determines that deployment of Sheriff's deputies is appropriate under the circumstances, then the Sheriff's Department shall respond in a manner and at a time the Sheriff or his designee deems appropriate.

5. SHERIFF'S DISCRETION. Nothing contained in this Agreement shall be interpreted as any restriction whatsoever on the power and discretion of the Sheriff to assign and deploy deputy sheriffs as he deems to be necessary or appropriate for the preservation of the peace and the enforcement of the law in the County of Fresno. Any deputy sheriff or other employee of the Sheriff's Department responding to a request by or on behalf of the Contractor shall at all times be and remain under the sole discretion and control of the Sheriff and his designee.

6. REIMBURSEMENT FOR SHERIFF'S SERVICES. Any cost incurred by the County relating to provision by the Sheriff's Department of law enforcement services or related assistance that are in any way necessitated by, or related or attributable to the placement or operation of the Facility within the City's boundaries, shall be chargeable to and borne entirely by the City, regardless of the extent to which the services rendered by the Sheriff's Department are performed in, on or about the grounds of the Facility. Such services

shall include, but are not necessarily limited to, any of the following:

(a) the search for and apprehension of a person who escapes from the Facility (including all costs relating to the temporary detention of such person following such apprehension);

(b) the quelling of any riot or disturbance at the Facility;

(c) the investigation of any and all persons charged with a criminal offense committed during or otherwise related to such escape, riot or disturbance; and

(d) the investigation of any and all persons charged with a criminal offense committed in the Facility and unrelated to an escape, riot or disturbance.

Such costs to be reimbursed to the County by the City shall be the actual cost incurred by the County, and said costs shall be recoverable irrespective of whether the Sheriff's involvement was initiated by a request for assistance by the City, by CCA , or by some other non-party to this Agreement. The current actual cost of such services is reflected in the schedule attached hereto as Exhibit "A". In the event of any increase during the term of this Agreement in the actual cost of any such services, such increase shall become effective thirty (30) days after written notice is given by the Sheriff's Department to the City.

7. INDEMNITY. City shall indemnify, hold harmless, and upon request defend, the County, and its officers, agents, employees and representatives, from and against any and all costs and expenses, damages, liabilities, claims and losses occurring or resulting to County (including but not limited to attorneys' fees and costs incurred in defending the County and its officers, agents, employees or representatives against any and all third-party claims) and arising from any act or omission of the City or CCA and their respective officers, agents, employees, representatives or subcontractors, which takes place during or in connection with any event or occurrence involving the performance of law enforcement services by the Sheriff's Department pursuant to the provisions of this Agreement; and from and against any and all costs and expenses, damages, liabilities, claims and losses occurring or resulting to any person, firm or corporation who may be injured or damaged as a result of any act or omission of the City or CCA and their respective officers, agents, employees, representatives or subcontractors, which takes place during or in connection with any event or occurrence involving the performance of law enforcement services by the Sheriff's Department pursuant to the provisions of this Agreement.

8. NON-ASSIGNMENT. Neither party shall assign, transfer or sub-contract this Agreement nor their rights or duties under this Agreement without the prior written consent

of the other party.

9. NO WAIVER. No waiver of any breach of any term or condition of this Agreement shall be construed to waive any subsequent breach of the same or any other term or condition of this Agreement.

10. SEVERABILITY. In the event any portion or provision of this Agreement is found by a court of competent jurisdiction to be void or unenforceable, then the remaining portions or provisions hereof shall not be affected thereby, and shall remain in full force and effect.

11. NOTICES. All notices given hereunder shall be personally delivered or sent by United States mail, postage prepaid and addressed as follows:

TO COUNTY:
William H. Randolph
County Administrative Officer
Hall of Records, Room 304
2281 Tulare Street
Fresno, CA 93721

Steve Magarian, Sheriff
County of Fresno
2200 Fresno Street
Fresno, CA 93721

TO MENDOTA:
City Manager
City of Mendota
643 Quince
Mendota, CA 93640

12. GOVERNING LAW AND VENUE. The rights and obligations of the parties and all interpretation and performance of this Agreement shall be governed in all respects by the laws of the State of California. Venue for any action arising out of or relating to this Agreement shall only be in Fresno County, California.

13. HEADINGS NOT CONTROLLING. Headings and titles used in this Agreement are for reference purposes only and shall not be deemed a part of this Agreement.

14. MODIFICATION. Any matters of this Agreement may be modified from time to time with the written consent of both parties hereto, without in any way affecting the remainder.

15. ENTIRE AGREEMENT. This Agreement constitutes the entire agreement between the parties with respect to the subject matter hereof and supersedes any and all previous negotiations, proposals, commitments, writings and understandings of any nature whatsoever unless expressly included in this Agreement.

NOV 0 3 1998

COUNTY OF FRESNO

CHAIRMAN, Board of Supervisors

ATTEST: SHARI GREENWOOD
Clerk to the Board of Supervisors

By _____
Deputy

APPROVED AS TO LEGAL FORM:
PHILLIP S. CRONIN, County Counsel

By _____

APPROVED AS TO ACCOUNTING FORM:
GARY W. PETERSON, Auditor-Controller/Treasurer-Tax Collector

By _____

CITY OF MENDOTA

By _____

a: 8mpriz.agmt

EXHIBIT "A"

City agrees to pay County for services rendered by the Sheriff's Department under this Agreement at the following rates/fees:

Deputy Sheriff hourly rate of $46.57 per hour which includes the base hourly rate for a Deputy Sheriff ($43.64/hour), plus the mileage rate of $0.39 per mile at 7.5 miles per Deputy hour ($2.93/hour).

State Water Resources Control Board

Division of Clean Water Programs
2014 T Street • Sacramento, California 95814 • (916) 227-4400
Mailing Address: P.O. Box 944212 • Sacramento, California • 94244-2120
FAX (916) 227-4349 • Internet Address: http://www.swrcb.ca.gov

Winston H. Hickox
Secretary for Environmental Protection

Gray Davis
Governor

Exhibit D

FACSIMILE TRANSMITTAL

DATE: **JUNE 1, 1999**

TO:	Mr. Bruce Barnes City Manager	**PHONE:** **FAX:**	(559) 655-3425 (559) 655-4064
	Mr. Ruben Moreno RM Associates	**PHONE:** **FAX:**	(559) 449-0400 (559) 449-0419
FROM:	Jim Marshall Planning & Design Section	**PHONE:** **FAX:**	(916) 227-4584 (916) 227-4349

RE: STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 99-033, AUTHORIZING $2.5 GRANT

CC:

Number of pages including cover sheet: 2

Message:

Here is the resolution authorizing the issuance of a $2.5 grant for the City of Mendota. I apologize for the delay, but I just received a copy of the resolution today. If you have any questions, please give me a call.

Jim Marshall

"Exhibit D"

STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 99 - 033

APPROVAL OF A $2.5 MILLION STATE GRANT FOR WASTEWATER COLLECTION AND TREATMENT IMPROVEMENT PROJECT CITY OF MENDOTA

WHEREAS:

1. The governor approved the 1998-1999 Chaptered Budget Act (Assembly Bill 1656) on August 21, 1998;
2. Item 3940-101-0001(a) of the 1998-1999 Chaptered Budget Act allocates $2.5 million to be administered by the State Water Resources Control Board for the construction of wastewater treatment upgrades for the City of Mendota;
3. The City of Mendota adopted a Mitigated Negative Declaration and Addendum (State Clearinghouse No. 98012007) prepared for the proposed project, which has been reviewed and considered and it has been determined the project will not result in significant negative environmental impacts; and
4. The City of Mendota received planning and design grants and has met the facilities planning requirements outlined in the April 1997 *Implementation Policy for the Small Communities Grant Program.* The Division of Clean Water Programs issued Concept Approval on June 4, 1998.

THEREFORE BE IT RESOLVED THAT:

The State Water Resources Control Board approves a $2.5 million State grant, provided by the 1998-1999 Chaptered Budget Act (Assembly Bill 1656), for the City of Mendota for construction of the Wastewater Collection and Treatment Improvement Project.

CERTIFICATION

The undersigned, Administrative Assistant to the Board, does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on April 29, 1999.

Maureen Marché
Maureen Marché
Administrative Assistant to the Board

"Exhibit F"

County of FRESNO

County Counsel
Phillip S. Cronin
County Counsel

November 6, 1998

Rosemary A. Ramirez, City Clerk
City of Mendota
643 Quince Street
Mendota, CA 93640

Re: Approval of Agreement for Supplemental Law Enforcement Services

Dear Ms. Ramirez:

As you requested when we last spoke by telephone, enclosed is a fully executed copy of the Agreement for Supplemental Law Enforcement Services, together with a copy of the minute order reflecting the Board of Supervisors' unanimous approval of the agreement on November 3, 1998.

Thank you once again for your assistance last week in providing us with the original agreement so promptly following our request. Your courtesy and cooperation were greatly appreciated.

Very truly yours,

PHILLIP S. CRONIN
County Counsel

MICHAEL E. ROWE
Deputy County Counsel

cc: David J. Weiland, Mendota City Attorney
(w/ enclosure)

2220 Tulare Street, Fifth Floor / P.O. Box 1549 / Fresno, California 93716
Telephone (209)488-3479 / Fax 488-1900
Equal Employment Opportunity • Affirmative Action • Disabled Employer

CITY OF MENDOTA

October 26, 2001

Mike Waiczis
Executive Director
Fresno County Local Formation Commission
2100 Tulare Street, Suite 502
Fresno, CA 93712

Re: Terra Linda Farms-Hansen Ranch, Reorganization

Dear Mike,

As a follow up to our discussion last week I have reviewed the City's actions in dealing with the Terra Linda Farms-Hansen Ranch Annexation. As we discussed the remaining conditions before annexation can be completed deals with providing evidence of sewer and water service for the prison site. The City Engineer has prepared improvement plans for providing service to the area requested for annexation. The plans will be presented to the City Council in the near future for beginning the bidding process and ultimate construction. I have attached a set of the plans for your reference. I hope these plans provide the evidence needed to comply with the condition of approval. Please let me know if there is any further information you need to complete the processing of the reorganization,

If you have any questions please feel free to contact me at City Hall or leave a message for me at (559) 655- 3291.

Sincerely,

Joel M. Moses
Interim Economic & Community Development Director
City of Mendota

10-09-01 – Ltr – LAFCo Terra Linda Ann (gre/hll – CDD – Com)

*643 Quince Street - Mendota, CA 93640 - **City Hall:*** (559) 655-3291 - ***Fresno:*** (559) 266-6456 - ***Fax:*** (559) 655-4064

RESOLUTION NO. RO-98-8C

MAKING DETERMINATION AND APPROVING THE EXTENSION OF TIME FOR THE "TERRA LINDA FARMS-HANSEN RANCH ANNEXATION" REORGANIZATION

RESOLUTION OF THE FRESNO LOCAL AGENCY FORMATION COMMISSION OF FRESNO COUNTY

WHEREAS, the Commission did approve the "Terra Linda Farms-Hansen Ranch Annexation" Reorganization on July 8, 1998; and

WHEREAS, State law provides that completion of a proposal exceeding one year past the date of approval constitutes abandonment of proceedings but that the Commission may grant an extension of time where necessary; and

WHEREAS, a request for extension of time was received from the City of Mendota for a period of one year, to July 8, 2002; and

WHEREAS, the Commission did on June 20, 2001, consider said request at a public hearing and the recommendation of the Executive Officer regarding said request and all relevant testimony thereon.

NOW, THEREFORE, BE IT RESOLVED that the Local Agency Formation Commission does extend the period of time for completion of this proposal for one year to July 8, 2002.

Adopted this 20th day of June, 2001, by the following vote:

AYES: Commissioner Lopez, Rodriguez, Koligian, Fortune, Arambula

NOES: None

ABSENT: None

STATE OF CALIFORNIA)
COUNTY OF FRESNO)

I, Mike Waiczis, Executive Officer of the Local Agency Formation Commission certify that the foregoing resolution was adopted by the Fresno County Local Agency Formation Commission, State of California, at a regular meeting held on the 20th day of June, 2001.

Mike Waiczis, AICP
Executive Officer

AGENDA ITEM NO. 4

DATE: JUNE 20, 2001

TO: LOCAL AGENCY FORMATION COMMISSION

FROM: MIKE WAICZIS, EXECUTIVE OFFICER Mike Waiczis

SUBJECT: EXECUTIVE OFFICER REPORT

REQUESTED EXTENSION OF TIME TO COMPLETE PROCEEDINGS

A. "Tri-Valley Water District Reorganization, 1997-1" (Tri-Valley Water District)
B. "Terra Linda Farms-Hansen Ranch Annexation" (City of Mendota)

RECOMMENDED ACTION

Approve requests for extension of both the Tri-Valley Water District Reorganization and Terra Linda Farms-Hansen Ranch Annexation for a period of one year.

DISCUSSION

State law requires annexation proceedings to be completed within one year of the Commission's approval unless the Commission grants an extension of time prior to the expiration. The above proposals were approved by the Commission and will expire unless the Commission grants an extension.

Commission Policy 315-03 states that extensions of time shall only be granted when it can be shown that the imminent need for the proposal still exists, the project is still viable, and progress is being made toward completion.

A. "Tri-Valley Water District Reorganization, 1997-1" (Tri-Valley Water District)

Background and Description

Two previous requests for a one-year extension of time have been granted. The applicant asked for additional time in the past to complete technical studies. The proposal consists of the detachment of approximately 340 acres from the Tri-Valley Water District and annexation of approximately 116.51 acres to the Tri-Valley Water District. The proposal was originally approved on July 24, 1998. On September 17, 1998, the District applied to the U.S. Bureau of Reclamation for approval of the proposal. The Bureau required additional studies to be prepared before they could take action.

Reason for Requested Extension

A determination as to proceed with this annexation is expected to be made shortly. The TVWD Board of Directors recently met with the party requesting the annexation and established a requirement for a determination to either complete the annexation or request a withdrawal of the application. A one-year extension is being requested at this time to allow the parties involved to make this final determination.

Imminent Need for Proposal/Changes in Circumstances Affecting Viability

The proposed detachment is for lands that have never been irrigated with Central Valley Project (CVP) waters and which for the most part lie outside the water rights boundary associated with the delivery of CVP waters. One parcel has never received CVP waters and the delivery system to convey such waters does not exist. The entitlement from this parcel is proposed to be transferred to another parcel where physical delivery capability exists and to lands that have historically been farmed.

Actions Taken to Date

An Initial Study was prepared and adopted in accordance with the District's guidelines for implementing the California Environmental Quality Act (CEQA). The Bureau of Reclamation has required the District to prepare additional biological studies for the proposed detachment areas. The District subsequently requested reconsideration of this requirement, since the proposal would not change the physical circumstances or land uses on those lands.

Interested Parties

Not applicable

B. <u>"Terra Linda Farms-Hansen Ranch Annexation" (City of Mendota)</u>

Background and Description

The proposal involves the annexation of approximately 512 acres to the City of Mendota and detachment from the Fresno County Fire Protection District, the Silver Creek Drainage District, and the Westlands Water District. The property is located on the eastside of State Highway 33 (Derrick Avenue), between Panoche Road and Belmont Avenue. The purpose of the proposed annexation is to provide urban services to a private prison facility proposed for the site.

This is the third request for a one-year time extension. The proposal was approved July, 1998, subject to five conditions: 1) payment of Westlands Water District assessment and fee; 2) recordation of a "Right to Farm" Covenant; 3) approval of City permits, and commencement of construction; 4) provision of adequate water and sewer services and facilities; and 5) agreement between the City and the County for adequate police protection. All of the conditions of approval have been met except for number 4, the requirement to provide evidence of adequate water and sewer services and facilities.

Reason for Requested Extension

An extension is being requested to allow time to complete construction of sewer and water lines to both the CCA site and the proposed federal site. Construction is expected to begin in late 2001 to early 2002. The City of Mendota believes that the installation of these lines will satisfy the remaining condition of approval.

Imminent Need for Proposal/Changes in Circumstances Affecting Viability

The City states that there have been no changes in circumstances with respect to either the project or the environment in the vicinity of the project site that affect the suitability of the annexation.

Actions Taken to Date

The Mendota City Council completed its conducting authority proceedings on August 25, 1998.

The following conditions had been complied with prior to the previous request for a time extension:

1. Payment was made to the Westlands Water District for outstanding assessment charges and a detachment fee in the amount of $2,209.15.

2. A "Right-to-Farm" Covenant was recorded on April 2, 1999.

3. The property was purchased and construction of the prison facility was begun under permits issued by the City of Mendota (Fresno County authorized the City to issue the permits, pending completion of the annexation). The City of Mendota approved a Site Plan Review on June 16, 1999, and a Building Permit was issued on June 2, 1999.

4. An agreement for supplemental law enforcement services was entered into between the City of Mendota and Fresno County on November 3, 1998.

Interested Parties

Jerald Coelho*, Terra Linda Farms
Mendota Unified School District*
Beto & Angela Cantu
Jose Ramirez*
James B. Hansen*
Joel & Helen Gomez
Kendall Gardner*
Dulce Ramirez*
Juan & Maria Rodriguez*
Jess V. Hansen*

BASIS FOR STAFF RECOMMENDATION

From the information provided by the proponents, the proposals appear to still be viable, circumstances favorable to annexation have not changed, and reasonable progress has been made toward satisfying the conditions of approval.

COPIES OF REPORT SENT TO:

Brian Melikian, LAFCo Counsel
Carolina Jimenez-Hogg, Director, Planning & Resource Management
Leona James, Manager, Development Services Division
David Weiland
Keith Woodcock, Assistant City Manager, City of Mendota
Dennis Keller, Consulting Engineer, for the TVWD
Richard Cosgrave, Secretary, TVWD
Kings River Conservation District
Fresno County Fire Protection District
Silver Creek Drainage District
Westlands Water District

MW:cf

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CITY of MENDOTA

June 6, 2001

JUN 2001
Received
FRESNO
LAFCO

Jeff Tweedie
Fresno County Local Agency Formation Commission
2100 Tulare, Suite 502
Fresno, CA 93721

Dear Mr. Tweedie:

Subject: Request for One Year Time Extension
Terra Linda Farms Annexation (CCA Project)

The City of Mendota respectfully requests a one-year time extension for the Terra Linda Farms Annexation. All conditions of the annexation have been met with the exception of the provision of the sewer and water lines to the site.

As you may know, the City of Mendota is being considered by the Federal Bureau of Prisons as a possible site for a federal prison facility. The proposed federal institution would utilize the same sewer and water lines that would also serve the CCA site that comprises the Terra Linda Farms Annexation. As a result, these lines are in the process of being resized to accommodate the needs of the federal site. Construction of the sewer and water lines to both the CCA site and the proposed federal site is anticipated to begin in late 2001 to early 2002, which would satisfy the remaining condition of approval.

I have enclosed with this request a warrant from the City of Mendota in the amount of $500 to cover LAFCO's filing fee.

If you have any questions please contact me.

Sincerely,

Keith Woodcock
City Planner

enclosure: LAFCO filing fee

c. John Macias, City Manager
David Weiland, City Attorney
Mayor and council

643 QUINCE STREET • MENDOTA, CALIFORNIA 93640 • 559-655-3291 • FAX 559-655-4064

RESOLUTION NO. RO-98-8B

MAKING DETERMINATION AND APPROVING THE EXTENSION OF TIME FOR THE "TERRA LINDA FARMS-HANSEN RANCH ANNEXATION" REORGANIZATION

RESOLUTION OF THE FRESNO LOCAL AGENCY FORMATION COMMISSION

WHEREAS, the Commission did approve the "Terra Linda Farms-Hansen Ranch Annexation" Reorganization on July 8, 1998; and

WHEREAS, State law provides that completion of a proposal exceeding one year past the date of approval constitutes abandonment of proceedings but that the Commission may grant an extension of time where necessary; and

WHEREAS, a request for extension of time was received from the City of Mendota for a period of one year, to July 8, 2001; and

WHEREAS, the Commission did on June 28, 2000, consider said request at a public hearing and the recommendation of the Executive Officer regarding said request and all relevant testimony thereon.

NOW, THEREFORE, BE IT RESOLVED that the Local Agency Formation Commission does extend the period of time for completion of this proposal for one year to July 8, 2001.

Adopted this 28th day of June, 2000, by the following vote:

AYES: Commissioners Rodriguez, Fortune, Oken, Stearns, Arambula

NOES: None

ABSENT: Commissioner Lopez

STATE OF CALIFORNIA)
COUNTY OF FRESNO)

I, Jeff Tweedie, Executive Officer of the Local Agency Formation Commission certify that the foregoing resolution was adopted by the Fresno County Local Agency Formation Commission, State of California, at a regular meeting held on the 28th day of June, 2000.

Jeff Tweedie
Executive Officer

AGENDA ITEM NO. 4

DATE: JUNE 28, 2000

TO: LOCAL AGENCY FORMATION COMMISSION

FROM: JEFF TWEEDIE, EXECUTIVE OFFICER

SUBJECT: EXECUTIVE OFFICER REPORT

REQUESTED EXTENSION OF TIME TO COMPLETE PROCEEDINGS

A. "Tri-Valley Water District Reorganization, 1997-1" (Tri-Valley Water District)
B. "Terra Linda Farms-Hansen Ranch Annexation" (City of Mendota)
C. "Nebraska-Saginaw Reorganization, Part B" (City of Selma)
D. "Grove-Clovis No. 3 Reorganization" (City of Fresno)

RECOMMENDED ACTIONS:

1. Approve one-year extensions for requests A and B ("Tri-Valley Water District Reorganization and "Terra Linda Farms-Hansen Ranch Annexation");
2. Approve a five-year extension for request C ("Nebraska-Saginaw Reorganization, Part B");
3. Take no action on request D ("Grove-Clovis No. 3 Reorganization").

DISCUSSION:

State law requires annexation proceedings to be completed within one year of the Commission's approval unless the Commission grants an extension of time prior to the expiration. The above proposals have been previously approved by the Commission and will expire before the next regular LAFCo hearing unless the Commission grants an extension.

Commission Policy 315-03 states that extensions of time shall only be granted when it can be shown that the imminent need for the proposal still exists, the project is still viable, and progress is being made toward completion. The proposals are discussed below.

A. "Tri-Valley Water District Reorganization, 1997-1" (Tri-Valley Water District, RO-98-5)

Project Description

Detach approximately 340 acres from the Tri-Valley Water District and annex approximately 116.51 acres to the Tri-Valley Water District.

Reason for Requested Extension

The proposal was approved on July 24, 1998. On September 17, 1998, the District applied to the U.S. Bureau of Reclamation for approval of the proposal. The Bureau has required additional studies to be prepared before they will take action. The applicant states that additional time is needed to complete these studies.

One previous request for a one-year extension of time has been granted.

Imminent Need for Proposal/Changes in Circumstances Affecting Viability

The proposed detachment is for lands that have never been irrigated with Central Valley Project (CVP) waters and which for the most part lie outside the water rights boundary associated with the delivery of CVP waters. One parcel has never received CVP waters and the delivery system to convey such waters does not exist. The entitlement from this parcel is proposed to be transferred to another parcel where physical delivery capability exists and to lands that have historically been farmed.

Actions Taken to Date

An Initial Study was prepared and adopted in accordance with the District's guidelines for implementing the California Environmental Quality Act (CEQA). The Bureau of Reclamation has required the District to prepare additional biological studies for the proposed detachment areas. The District has requested reconsideration of this requirement, since the proposal would not change the physical circumstances or land uses on those lands.

Interested Parties

Not applicable

B. "Terra Linda Farms-Hansen Ranch Annexation" (City of Mendota, RO-98-8)

Project Description

Annex approximately 512 acres to the City of Mendota and detach from the Fresno County Fire Protection District, the Silver Creek Drainage District, and the Westlands Water District. The property is located on the east side of State Highway 33 (Derrick Avenue), between Panoche Road and Belmont Avenue. The purpose of the proposed annexation is to provide urban services to a private prison facility proposed for the site.

Reason for Requested Extension

The annexation was approved on July 8, 1998, subject to five conditions:1) payment of Westlands Water District assessment and fee; 2) recordation of a "Right to Farm" Covenant; 3) approval of City permits, and commencement of construction; 4) provision of adequate water and sewer services and facilities; and 5) agreement between the City and the County for adequate police protection. All of the conditions of approval have been met except for number 4, the requirement to provide evidence of adequate water and sewer services and facilities.

The City was notified of the pending expiration and has requested an extension. This is the second request for a one-year time extension.

Imminent Need for Proposal/Changes in Circumstances Affecting Viability

The City states that there have been no changes in circumstances with respect to either the project or the environment in the vicinity of the project site that affect the suitability of the annexation.

Actions Taken to Date

The Mendota City Council completed its conducting authority proceedings on August 25, 1998.

The following conditions had been complied with prior to the previous request for a time extension:

1. Payment was made to the Westlands Water District for outstanding assessment charges and a detachment fee in the amount of $2,209.15.

2. A Right-to-Farm" Covenant was recorded on April 2, 1999.

3. The property was purchased and construction of the prison facility was begun under permits issued by the City of Mendota (Fresno County authorized the City to issue the permits, pending completion of the annexation). The City of Mendota approved a Site Plan Review on June 16, 1999, and a Building Permit was issued on June 2, 1999.

4. An agreement for supplemental law enforcement services was entered into between the City of Mendota and Fresno County on November 3, 1998.

Remaining Condition:

5. According to the City, construction of the upgraded facilities has not yet begun, but design work should be completed by August 2000.

   The bid award for the construction of the sewer and water lines is scheduled for October 2000 with a construction contract to be awarded in November or December 2000.

Interested Parties

Jerald Coelho*, Terra Linda Farms
Mendota Unified School District*
Beto & Angela Cantu
Jose Ramirez*
James B. Hansen*
Joel & Helen Gomez
Kendall Gardner*
Dulce Ramirez*
Juan & Maria Rodriguez*
Jess V. Hansen*

C. "Nebraska-Saginaw Reorganization, Part B" (City of Selma, RO-98-11)

Project Description

Annex approximately 160 acres located on both sides of Dockery, between Nebraska and Saginaw Avenues, to the City of Selma and the Selma-Kingsburg-Fowler County Sanitation District and detach from the Fresno County Fire Protection District, the Kings River Conservation District, and the Consolidated Irrigation District. The reorganization was proposed to enable the City of Selma to annex approximately 110 acres of the property, which is planned for development of a city-owned industrial park.

Reason for Requested Extension

Funding to complete the second phase of project is not available.

This is the second request for a time extension for this proposal.

Imminent Need for Proposal/Changes in Circumstances Affecting Viability

The reorganization was approved on July 8, 1998, in two parts--part A and Part B-- subject to two conditions of approval for the industrial park portion: 1) recordation of a Right-to-Farm Covenant; and 2) evidence that the City has obtained funds to purchase the land and provide infrastructure.

Actions Taken to Date

The Selma City Council completed its conducting authority proceedings on September 8, 1998, and Part A was annexed on February 25, 2000.

Part B remains the City's planned second phase for industrial park development. The City is projecting that funding may become available within two years.

Section 315-02 of the Commission's Policies Standards and Procedures Manual states that any proposal requested by a public agency for public agency purposes may be extended for a five year period, subject to the requirement that annually the City must submit a letter to the LAFCo office indicating the public intent of the proposal. Based on this policy, and the vagaries of grant funding for such projects, staff is recommending that a five-year extension be granted.

Interested Parties

City of Selma

D. "Grove-Clovis No. 3 Reorganization" (City of Fresno, RO-96-4)

Project Description

Annex 20 acres located on the west side of South Clovis Avenue between East Jensen and East Church Avenues to the City of Fresno and detach from the Fresno County Fire Protection District and the Kings River Conservation District. The reorganization was proposed to serve a proposed 86-lot residential subdivision.

Reason for Requested Extension

This proposal was approved on July 24, 1996, subject to conditions requiring that a final map be submitted to the City of Fresno, and that a "Right-to-Farm Covenant be recorded.

The Commission has previously approved three one-year extension requests for this proposal (1997, 1998, and 1999). In requesting the previous extensions, the proponent stated that market conditions and competitive projects have made it very difficult to begin the project.

Imminent Need for Proposal/Changes in Circumstances Affecting Viability

No information has been provided by the City.

Actions Taken to Date

The Fresno City Council completed its conducting authority proceedings on September 24, 1996, but the final map has not been filed and the required "Right-to-Farm" Covenant has not been recorded.

Staff does not recommend approval of an extension of time because no information has been submitted to indicate the project is still viable or that progress has been made toward completion since the last time extension was granted.

Interested Parties

Frederick A. Richburg* Linda Richburg* Brian Richburg

COPIES OF REPORT SENT TO:

Brian Melikian, LAFCo Counsel
Pete Harkins, Fresno County Planning and Resource Management Department
Jeff Reid, Fresno City Manager
Gil Haro, City of Fresno Development Department
Dave Braun, City of Fresno Development Department
Dennis Keller
Richard Cosgrave
Michael R. Waiczis, AICP, City of Selma
Don Mencarini
Reza Moghisi
Baldev Josan
David Weiland

JT:cf

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CITY of MENDOTA

JUN 2000
Received
FRESNO
LAFCO

June 8, 2000

VIA FAX AND MAIL

Mr. Jeff Tweedie, Executive Officer
Fresno Local Agency formation Commission
2100 Tulare Street, Suite 502
Fresno, Ca. 93721

Subject: "Terra Linda Farms-Hanson Ranch Annexation" Reorganization - Extension of Time

Dear Mr. Tweedie:

It has been a long time since we last met and shared our thoughts on the continued growth in Mendota. I would like to schedule a meeting with you to bring you up to speed regarding activities in Mendota, so please give me a call. Meanwhile, I am requesting a one-year extension of time to July 2001 related to the above referenced reorganization. A check in the amount of $500 and hard copy of this letter are mailed separately.

As outlined in the previous correspondence to LAFCO by my predecessor, Bruce Barnes, the City has continued to work to satisfy the conditions of approval. The only remaining condition relates to the construction of the sewer and water lines to serve the prison site. Design engineering of the lines has begun and is anticipated to be completed by August 2000. The bid award for the construction of the sewer and water lines is scheduled for October 2000 with a construction contract awarded in November - December, 2000. Therefore, a one-year extension is imperative. Please note that no circumstances have changed with respect to either the project or the environment in the vicinity of the project site that affect the suitability of the annexation.

As presented above, the City is in the process of completing the sewer and water mains to the project site. The geotechnical work has been completed and the route of the sewer and water mains has been surveyed.

Please feel free to contact me if you have any questions.

Sincerely,

Baldev S. Josan,
City Manager

cc: Mayor & Council members
Dave Weiland, City Attorney
Ruben Moreno, City Engineer
Finance Director
City Planner

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RESOLUTION NO. RO-98-8A

MAKING DETERMINATION AND APPROVING THE EXTENSION OF TIME FOR THE "TERRA LINDA FARMS-HANSEN RANCH ANNEXATION" REORGANIZATION

RESOLUTION OF THE FRESNO LOCAL AGENCY FORMATION COMMISSION

WHEREAS, the Commission did approve the "Terra Linda Farms-Hansen Ranch Annexation" Reorganization on July 8, 1998; and

WHEREAS, State law provides that completion of a proposal exceeding one year past the date of approval constitutes abandonment of proceedings but that the Commission may grant an extension of time where necessary; and

WHEREAS, a request for extension of time was received from the City of Mendota for a period of one year, to July 8, 2000; and

WHEREAS, the Commission did on June 23, 1999, consider said request at a public hearing and the recommendation of the Executive Officer regarding said request and all relevant testimony thereon.

NOW, THEREFORE, BE IT RESOLVED that the Local Agency Formation Commission does extend the period of time for completion of this proposal to July 8, 2000.

Adopted this 23rd day of June, 1999, by the following vote:

AYES: Commissioners Rodriguez, Fortune, Lopez, Oken

NOES: None

ABSENT: Commissioner Arambula

STATE OF CALIFORNIA)
COUNTY OF FRESNO)

I, Jeff Tweedie, Executive Officer of the Local Agency Formation Commission certify that the foregoing resolution was adopted by the Fresno County Local Agency Formation Commission, State of California, at a regular meeting held on the 23rd day of June, 1999.

Jeff Tweedie
Executive Officer

DATE: JUNE 23, 1999

TO: LOCAL AGENCY FORMATION COMMISSION

FROM: JEFF TWEEDIE, EXECUTIVE OFFICER

SUBJECT: REQUEST EXTENSION OF TIME TO COMPLETE PROCEEDINGS – **AGENDA ITEM NO. 3**

A. "TERRA LINDA FARMS-HANSEN RANCH ANNEXATION, REORGANIZATION" (CITY OF MENDOTA)

B. "NEBRASKA-SAGINAW REORGANIZATION, PARTS A & B" (CITY OF SELMA)

C. "GROVE-CLOVIS NO. 3 REORGANIZATION" (CITY OF FRESNO)

RECOMMENDED ACTIONS:

Approve requests for extension for a period of one year.

DISCUSSION:

State law requires annexation proceedings to be completed within one year of the Commission's approval unless the Commission grants an extension of time prior to the expiration. The above proposals that have been previously approved by the Commission will expire before the August 25th LAFCo hearing unless the Commission grants extensions.

The proposals are discussed below.

A. "TERRA LINDA FARMS-HANSEN RANCH ANNEXATION"

Description

Annex approximately 512 acres to the City of Mendota and detach from the Fresno County Fire Protection District, the Silver Creek Drainage District, and the Westlands Water District. The property is located on the east side of State Highway 33 (Derrick Avenue), between Panoche Road and Belmont Avenue (Exhibit A). The purpose of the proposed annexation is to provide urban services to a private prison facility currently under construction on the site.

The proponent was notified of the pending expiration and has requested an extension.

Reason for Requested Extension

The annexation was approved on July 8, 1998, subject to five conditions: 1) payment of Westlands Water District assessment and fee; 2) recordation of a "Right to Farm" covenant; 3) approval of City permits, and commencement of construction; 4) provision of adequate water and sewer services and facilities; and 5) agreement between the City and the County for adequate police protection. All of the conditions of approval have been met, except for number 4, the requirement to provide evidence of adequate water and sewer services and facilities.

This is the first request for a time extension for this proposal.

Actions Taken to Date

The Mendota City Council completed its conducting authority proceedings on August 25, 1998.

Conditions that have been complied with:

1. Payment has been made to the Westlands Water District for outstanding assessment charges and a detachment fee in the amount of $2,209.15.

2. A "Right-to-Farm" covenant was recorded on April 2, 1999.

3. The property has been purchased and construction of the prison facility has begun under permits issued by the City of Mendota (Fresno County has authorized the City to issue the permits, pending completion of the annexation). The City of Mendota approved a Site Plan Review on June 16, 1999, and a Building Permit was issued on June 2, 1999.

5. An agreement for supplemental law enforcement services was entered into between the City of Mendota and Fresno County on November 3, 1998.

Remaining condition:

4. A $2.5 million State Water Resources Control Board grant has been approved for a wastewater collection and treatment improvement project for the City of Mendota. According to the City, construction of the upgraded facilities has not yet begun, but design work is underway and it is anticipated that the project will be put out for bid this summer, with construction to begin in the fall. Completion is projected for summer, 2000.

   The City is seeking approval of a grant/loan of approximately $4.4 million for improvements to the City's water treatment plant and establishment of a new well field. The City anticipates the funds will be approved this month, with construction to be completed in summer, 2000.

Interested Parties (asterisk indicates consent):

Jerald Coelho*, Terra Linda Farms	Joel & Helen Gomez
Mendota Unified School District*	Kendall Gardner*
Beto & Angela Cantu	Dulce Ramirez*
Jose Ramirez*	Juan & Maria Rodriguez*
James B. Hansen*	Jess V. Hansen*

B. "NEBRASKA SAGINAW REORGANIZATION, PARTS A AND B" (RO-98-10 & RO-98-11)

Description

Annex approximately 160 acres located on both sides of Dockery, between Nebraska and Saginaw Avenues, to the City of Selma and the Selma-Kingsburg-Fowler County Sanitation District and detach from the Fresno County Fire Protection District, the Kings River Conservation District, and the Consolidated Irrigation District (Exhibit B). The reorganization was proposed to enable the City of Selma to annex approximately 110 acres of the property, which is planned for development of a city-owned industrial park.

When it approved the proposal the Commission added approximately 50 acres west of Golden State Boulevard to the original 110 acres. The reasons for this were: the City substantially surrounds the area; the area is zoned for industrial uses in the County, making it suitable for future urban uses; and to make the boundaries and service areas more logical.

The City was notified of the pending expiration and has requested an extension.

Reason for Requested Extension

The reorganization was approved on July 8, 1998, in two parts—part A and Part—B subject to two conditions of approval for the industrial park portion: 1) recordation of a Right-to-Farm covenant; and 2) evidence that the City has obtained funds to purchase the land and provide infrastructure.

Information provided by the City indicates that they have not been able to complete the annexation for Part A due to the time and project requirements of the United States Department of Agriculture (USDA) loan program, which is providing funding for the project. Part B is planned for the second phase, but funding has not been secured. The City is hopeful that funding for part B will become available within two years.

This is the first request for a time extension for this proposal.

Actions Taken to Date

The Selma City Council completed its conducting authority proceedings on September 8, 1998. The City has funded the acquisition of the first phase of the industrial park proposal, and is now in possession of the property. Also, the City has applied to the USDA for Rural Development funds for the proposal. By a letter dated June 3, 1999, the USDA has requested additional information in support of the application.

Interested Parties

City of Selma

C. "GROVE-CLOVIS NO. 3 REORGANIZATION" (RO-96-4)

Description

Annex 20 acres located on the west side of South Clovis Avenue between East Jensen and East Church Avenues to the City of Fresno and detach from the Fresno County Fire Protection District and the Kings River Conservation District (Exhibit C). The reorganization was proposed to serve a proposed 86-lot residential subdivision.

Reason for Requested Extension

This proposal was approved on July 24, 1996, subject to conditions requiring that a final map be submitted to the City of Fresno, and that a "Right-to-Farm" Covenant be recorded.

The Commission has previously approved two one-year extension requests for this proposal (1997 and 1998). In requesting the previous extensions, the proponent stated that market conditions and competitive projects have made it very difficult to begin the project.

The proponent has requested an extension but has not provided any additional information. Staff is recommending approval of this extension request based on the Commission's previous approvals and past practice. However, recommendations on future extension requests could be different, depending on the action the Commission takes on the proposed revisions to the Commission's policies related to imminent need and continued viability of projects.

Actions Taken to Date

The Fresno City Council completed its conducting authority proceedings on September 24, 1996, but the final map has not been filed and the required "Right-to-Farm" Covenant has not been recorded.

Interested Parties

Frederick A. Richburg* Linda Richburg* Brian Richburg

COPIES OF REPORT SENT TO:

Janelle Kelley, LAFCo Counsel
Joanne Streibich, Planning Division
Bruce Barnes
David Weiland
Jeff Reid
Ray Beach
Dave Braun
Charles Mariscal
Don Macarini
Reza Moghisi
Fresno County Fire Protection District
Kings River Conservation District
Westlands Water District
Silver Creek Drainage District
Selma-Kingsburg-Fowler County Sanitation District

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CITY of MENDOTA

May 11, 1999

JUN 1999
Received
FRESNO
LAFCO

Jeff Tweedie
Executive Officer
Fresno Local Agency Formation Commission
2100 Tulare Street, Suite 502
Fresno, Ca 93721

Re: "Terra Linda Farms-Hansen Ranch Annexation, Reorganization"
Request for One Year Extension

Dear Mr. Tweedie:

Please be advised that the City of Mendota respectfully requests a "one year" extension in order to comply with the conditions set forth by LAFCO. The following conditions have been met:

1) Payment to Westlands Water District in the amount of $2,209.15 was made on September 9, 1999 ($411.28 for outstanding changes and $1,797.85 as a detachment fee). See "Exhibit A".

2) The Right-To-Farm Covenant was filed on April 2, 1999. See "Exhibit B". on June 16, 1998 BB

3) Construction has commenced effective April 14, 1999 per the attached letter from James R. Witte, ALA, CBO, Fresno County Chief Building Inspector. The Site Plan was approved by our Planning Department staff as per Mendota Municipal Code. Prison Reality Corporation (Corrections Corporation of America), purchased the site on March 26, 1999. The building permit was issued on June 2, 1999. See "Exhibit C".

4) Attached please find evidence that the City has a $2.5 million commitment from the Regional Water Quality Control Board to make improvements and provide additional capacity at the City's sewer plant. The engineering design work already has begun and it is anticipated that the project will be out to bid this summer with construction to begin in the fall. Completion will occur during the summer of 2000. Please see Resolution No. 99-033 from State Water Quality Control Board. The USDA Rural Development Division, intends to award a grant/loan of approximately $4.5 in June of 1999 for improvements to the City's water treatment plant and the establishment of a new well field. Upon award, the City will then be able to design, build and operate the plant and provide water to the site. It should be noted

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E-mail: mendota@thegrid.net

that upon receipt of this grant/loan from USDA that the State Health Department will be able to issue a letter stating that the funds are available to meet the LAFCO requirement. The project is expected to be on-line in the summer of the year 2000. See "Exhibit D".

5) Evidence of Adequate police protection to the prison is attached. See "Exhibit E".

The City hereby believes it has met all of the conditions set forth by LAFCO, save the evidence of funding for the City's water project. Therefore, although we anticipate this soon, we still would request a one year extension.

Thank You in advance for considering our request.

Sincerely,

Bruce Barnes
Interim City Manager

Attachments

cc: Mayor & Council members
File

316

File #14674
November 3, 1998
Agreement #09-571

County of FRESNO

Agenda Item

DATE: November 3, 1998

TO: Board of Supervisors

FROM: William H. Randolph, County Administrative Officer

SUBJECT: Approval of Agreement with City of Mendota for Supplemental Law Enforcement Services

RECOMMENDED ACTION

Approval of agreement with City of Mendota for supplemental law enforcement services relating to the proposed operation of a privately run correctional facility within the City of Mendota.

FISCAL IMPACT

The primary purpose of the agreement is to provide specifically for reimbursement to the County, by the City of Mendota, of costs and expenses incurred by the Sheriff's Department in responding to events or problems attributable to the operation of the proposed correctional facility within the City of Mendota's boundaries. Because the agreement provides for full reimbursement to the County of all such costs and expenses, it is anticipated that there will be no net cost to the County as a result of the agreement.

BACKGROUND

The Sheriff's Department already provides general law enforcement services to the City of Mendota, pursuant to an agreement entered into on January 28, 1997 (County Agreement No. A-97-025, hereinafter "the current agreement"). The current agreement was entered into because the City of Mendota had disbanded its police force, but desired to maintain to the

ADMINISTRATIVE OFFICE REVIEW _____ Page 1 of 2
BOARD ACTION: DATE November 3, 1998 APPROVED AS RECOMMENDED X OTHER _____

UNANIMOUS X ARAMBULA _____ KOLIGIAN _____ LEVY _____ OKEN _____ PERCH _____

FC-17 (1/89) REV. 11/96

316

extent financially possible a level of law enforcement within its city boundaries substantially equivalent to that previously provided by its own police force. Pursuant to the current agreement, the Sheriff is designated as the "Chief of Police" of the City of Mendota.

On July 8, 1998, the Local Agency Formation Commission (LAFCo) conditionally approved the application of the City of Mendota for annexation of certain property for the purpose of development and construction of a privately owned and maintained prison facility thereon. The "developer/operator" of the facility would be Corrections Corporation of America. LAFCo's approval was conditioned, in part, upon the City of Mendota establishing to the satisfaction of LAFCo that adequate police services would be provided to this proposed prison facility.

The purpose of the proposed agreement for supplemental law enforcement services is to provide specifically, in a separate agreement, for the following: (1) additional law enforcement services which, from an anticipatory standpoint, may be necessitated by the location and operation of the proposed prison within the City of Mendota, and (2) payment to the County of any and all costs and expenses incurred by the Sheriff's Department in connection with the provision of such services. The services to be provided under the proposed agreement would include, but not necessarily be limited to: (1) the search for and apprehension (and temporary detention) of any escaped prisoner from the Facility; (2) the quelling of any riot or disturbance at the Facility; (3) the investigation of persons charged with a criminal offense relating to such escape, riot or disturbance; and (4) the investigation of persons charged with commission of a criminal offense in the Facility which is unrelated to any escape, riot or disturbance.

Your Board approved the agreement in concept on October 20, 1998. The final version of the agreement which is now presented to your Board has already been approved by the Mendota City Council, at its most recent meeting on October 27, 1998.

AGENDA 3A

DATE: OCTOBER 28, 1998

TO: LOCAL AGENCY FORMATION COMMISSION

FROM: MARVIN L. PANTER, EXECUTIVE OFFICER

SUBJECT: CONDITIONS OF ANNEXATION TO CITY OF MENDOTA REQUIRING AGREEMENT FOR ADEQUATE POLICE PROTECTION

This annexation was approved with a condition requiring resolution to the issues raised in a letter from the Sheriff to a privately operated prison near Mendota (see attached letter). The condition required the City to present the resolution for commission review August 26, or an agreement for adequate police protection.

Both the City of Mendota and representatives from the County Sheriff's and County Counsel's Office requested the matter be continued from August 26th to September 23rd and again to October 28th.

The County Board of Supervisors is considering an agreement for Sheriff service with the City of Mendota for the prison facility on October 20th. Staff will brief you on any progress of the two agencies at hearing.

Marvin Panter

Marvin L. Panter, Executive Officer

cc: Alan Bengyel, Mendota City Manager
Wes Merritt, Deputy County Counsel
Captain Souza, Fresno County Sheriff's Office

County of FRESNO

Agenda Item

DATE: October 20, 1998

TO: Board of Supervisors

FROM: William H. Randolph, County Administrative Officer

SUBJECT: Approval In Concept of Draft Agreement with City of Mendota for Supplemental Law Enforcement Services

RECOMMENDED ACTION

Approval in concept of draft agreement with City of Mendota for supplemental law enforcement services relating to the proposed operation of a privately run correctional facility within the City of Mendota.

FISCAL IMPACT

The primary purpose of the agreement is to provide specifically for reimbursement to the County, by the City of Mendota, of costs and expenses incurred by the Sheriff's Department in responding to events or problems attributable to the operation of the proposed correctional facility within the City of Mendota's boundaries. Because the agreement provides for full reimbursement to the County of all such costs and expenses, it is anticipated that there will be no net cost to the County as a result of the agreement.

BACKGROUND

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ADMINISTRATIVE OFFICE REVIEW _____

BOARD ACTION: DATE _____ APPROVED AS RECOMMENDED _____ OTHER _____

UNANIMOUS _____ ARAMBULA _____ KOLIGIAN _____ LEVY _____ OKEN _____ PERCH _____

FC-17 (1/89) REV. 11/96

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The purpose of the proposed agreement for supplemental law enforcement services is to provide specifically, in a separate agreement, for the following: (1) additional law enforcement services which, from an anticipatory standpoint, may be necessitated by the location and operation of the proposed prison within the City of Mendota, and (2) payment to the County of any and all costs and expenses incurred by the Sheriff's Department in connection with the provision of such services. The services to be provided under the proposed agreement would include, but not necessarily be limited to: (1) the search for and apprehension (and temporary detention) of any escaped prisoner from the Facility; (2) the quelling of any riot or disturbance at the Facility; (3) the investigation of persons charged with a criminal offense relating to such escape, riot or disturbance; and (4) the investigation of persons charged with commission of a criminal offense in the Facility which is unrelated to any escape, riot or disturbance.

The agreement provided for your Board's review is an initial draft. The Sheriff's Department previously has indicated that it may have some suggested revisions to the initial draft, which have not yet been received as of the date of preparation hereof, and the City of Mendota may also have suggested revisions. The initial draft is presented to your Board at this time solely for approval of the agreement <u>in concept</u>. In the event your Board approves of the concept, the agreement would be finalized at the earliest practicable date and presented for approval both by your Board and the Mendota City Council shortly thereafter.

Fresno Local Agency Formation Commission

Rowell Building • 2100 Tulare Street, Suite 502 • Fresno, CA 93721 ☎ (209) 495-0604 Fax (209) 495-0655

Chairman, Stan Oke
Board of Superviso
Vice Chairman, Juan Arambul
Board of Superviso

Member
Larry Fortun
Public Memb
Victor Lopez, Mayo
City of Orange Co
Trinidad Rodriguez, Mayo
City of Kerma

Alternate Member
William Donleave
Public Memb
Sharon Lev
Board of Supervis
Tom Stearn
City of Clov

Executive Office
Marvin L. Pante

DATE: OCTOBER 20, 1998

TO: STAN OKEN, CHAIRMAN, LOCAL AGENCY FORMATION COMMISSION

FROM: MARVIN L. PANTER, EXECUTIVE OFFICER

SUBJECT: QUESTIONS ASKED REGARDING PRIVATE PRISONS

1. What other private owned/operated prison facilities are there in California?

McFarland, Kern
Taft, Kern
Tehachipi, Kern
San Diego
Baker, San Bernardino
Adelanto, San Bernardino

Did any of these involve an annexation and LAFCo?

No

2. What are LAFCo responsibilities in the following situation:

Annexation of a private prison facility to a City. The constitutional rights of the prisoners in the private facility map not be protected. Should LAFCo consider this as a factor in approval or denial?

The application for the prison facility and transfer of prisoners to the facility must be approved by the State or Federal Government who do have responsibility to consider whether rights are protected.

Does LAFCo also have a responsibility?

Only in so far as we might affect these rights by not giving legal notice during our hearing process. A landowner has a certain right to mailed notice, and the public to notice in the newspaper and by posting of agendas of LAFCo hearing.

LAFCo has no responsibility to assure these same rights during the hearings of the conducting authority, or even of an election on a proposal approved by LAFCo. These are rights that the conducting authority must insure or a citizen must take legal action for protection.

LAFCo has a broad range of factors to consider in its review of proposals; i.e. population density, assessed value, city or county general plans, adequacy of services, consistency with he agency sphere of influence. Other than the responsibility for public and landowner notice, these factors or responsibilities do not include protection of constitutional rights.

I have reviewed this question with other Executive Officers and am still waiting for an opinion from Clark Alsop, Legal Counsel for the California Association of LAFCo's and also for San Bernardino LAFCo.

MLP:cf

Fresno County Sheriff's Department

Response to

Draft Environmental Impact Report of April, 1998

Corrections Corporation of American Prison at Mendota

As stated in a letter dated January 14, 1998, to Mr. James M. Hunter of Rust Environment and Infrastructure, Inc., from Sheriff Steve Magarian, there are several significant and complex legal and public policy issues related to this proposed privately-operated prison in Mendota.

As indicated previously in this letter, which was not included in the Draft Environmental Impact Report (EIR), more specific information and clarification are needed in order to properly address and respond to the law enforcement issues and impacts involved in this matter. However, based upon the limited information contained in this draft EIR, we believe that this proposed privately-operated prison will have a significant impact on law enforcement and involve major public safety issues in Fresno County.

The significant and highly complex legal and public safety issues involved in the operation of a privately operated correctional facility are compatible to those which would be involved in the privatization of a public law enforcement agency. The critical public safety of correctional facilities involves many important state statutory and regulatory authorities effecting construction , operation, fire/life safety, medical, staffing/personnel issues, and many others. In California, the Board of Corrections (BOC) is the primary state-level agency responsible for helping ensure that California's jails are properly build, managed and safely operated. It appears that the BOC would not have any regulatory oversight of a privately-operated correctional facility, such as the proposed Mendota Prison.

Other public safety and law enforcement issues that have major implications for local jurisdictions include, but are not limited, to utilization of Police Powers; Fragmentation of the Justice System; Standards for Training, Operations, and Employee Selection; Community Safety and Ultimate Liability.

Statutory regulations recognizes that inmate incarceration is a dynamic and integral component of the criminal justice system where the application of police powers is vital to
the effectiveness of the entire system. While the mission of local law enforcement is that of community protection, private operators, on the other hand, must first and foremost produce a profit.

A recent example involves the privately-operated federal contract facility at Miramar, California. In that incident, rioting caused several

million dollars damage to the facility and resulted in approximately $10 million in lawsuits brought by the inmates. Order was restored by federal officers and local law enforcement officers, all at public expense. The bottom line is that government cannot escape the inevitable fact that it must step in when private operators fail. Government facilities experience their share or escapes and riots, but as law enforcement entities, they are able to apply appropriate police action with existing staff that has received appropriate training and is absolutely dedicated to reducing the occurrence of such events. Accountability has become a primary objective of all California law enforcement components, including corrections. Our communities will not accept less, our legal framework demands it, and internal controls have been created to enforce and ensure it.

The proposed privately operated-prison concept is a highly complex and controversial issue. For example, Senate Constitutional Amendment (SCA) No. 30 was recently introduced in the California Legislature. This measure would amend the California Constitution to prohibit the state or local government from entering into any contract, franchise agreement, or other arrangement in which all or any portion of a public safety service, including fire, police, Sheriff, probation or other peace officer services, would be provided by private means.

The ramifications from privatizing correctional facilities could have very dangerous, if not deadly consequences, for the inmates, staff, and the communities affected. We must remember that the obligation of government to retain responsibility for social mandates is never more clear than when members of our society must be deprived of their freedom .

With this in mind, the following questions and issues have bene identified relative to law enforcement and public safety issues regarding the draft EIR for the proposed CCA Prison at Mendota.

Page 1-1 Section 1.1 What legal authorities, federal and/or state, will govern the construction and operation of a privately owned prison in Fresno County? Which state and or federal laws will apply to the actions of the prison staff and inmates within the facility and its surrounding area?

What agency will provide oversight concerning the legal operation of the facility? What agency will provide enforcement and prosecution of law violations within the prison, involving the prison staff, or the inmates confined within the prison and its surrounding area? Will regular inspections be made of the prison and its operation by an objective agency to insure ongoing compliance with applicable laws and standards? If so, which agency?

What are the standards that will be used to classify the inmates confined within this prison as "medium security"? What agency will insure compliance with those standards? Will this prison only house inmates under contract with the Immigration and Naturalization service or will inmates from other federal, local, or state jurisdictions be confined there? Please identify these agencies and provide copies of any contracts for the housing of inmates at this proposed facility.

Page 2-2 Section 2.4 We disagree. We believe there remain many unresolved issues that require additional consideration by the general public. We do not believe that the EIR adequately addresses the impact the proposed prison will have on local law enforcement resources.

What local, state or federal agencies, if any, have cancelled correctional services contracts with Correctional Corporation of America? Please state the agencies involved, date contract was cancelled, and the reason(s) for the cancellation(s).

Page 2-9 We disagree that only occasional support may be required of local law enforcement in the event of an emergency. Our review of the EIR indicates that the proposed prison and its employees have the potential to cause a significant impact on local law enforcement resources.

Page 3-1 Section 3.2 CCA indicates that the type of proposed construction will mitigate the need for law enforcement resources. Please identify each construction item that will mitigate the need for law enforcement resources. Which specific American Correctional Association standards will apply to the construction of this prison? Which agency will provide oversight and ensure compliance with those construction standards?

Page 4-1 Section 4.1.1 What will be the impacts upon public safety be as a result of the location of the proposed prison within one mile of the Mendota High School? What are the plans of the prison operators to ensure the maintenance of student and school employee safety in the event of an escape or wrongful release from the prison?

Page 4-46 Section 4.8.2 What law enforcement agency will have the responsibility for providing law enforcement services to the proposed prison? How many calls for service to the Fresno County Sheriff's Department will be generated each month by the operation of the proposed prison? What law enforcement agency will be responsible for responding to and investigate escapes, riots, assaults, and illegal contraband?

If, as proposed, misdemeanor crimes are to be handled administratively by prison staff, what is the legal authority to do so? What are the specific CCA policies and procedures, if any, for handling such matters administratively?

What agency will maintain custody and jurisdiction over a prisoner charged with committing a new crime while in custody? Will they be transferred to the Fresno County Jail for purposes of housing during prosecution? Specifically what courts will be involved in processing those inmates charged with crimes? What agency will be responsible for the transportation of those inmates to and from court appearances for crimes they commit while in custody at the proposed prison?

What plans for maintaining public safety do the prison operators have in the event of a riot or major disturbance by the inmates confined in the proposed prison? What plans maintaining public safety do the prison operators have in the event of a natural disaster? What plans maintaining public safety do the prison operators have in the event an evacuation of the prison is necessary?

How many disturbances have occurred at CCA facilities within the last three (3) years? Please list dates, locations and description of each incident. What law enforcement agencies responded to these disturbances? What types of contracts, if any, were in effect to provide these law enforcement services and what was the cost involved to CCA for each of these contracts? Please provide a copy of each of these contracts.

What agency will certify that the staff at the proposed prison meet the California State standards for correctional officers? Specifically which standards and laws for hiring and training do the prison operators propose to apply to their staff? What will be the hiring and pre-employment testing requirements for prison staff who are involved in the guarding of the inmates? Will background checks including criminal history checks be done on prison employees before they are hired? If so, how will those criminal history checks be done? Will the staff have peace officer status? If so, under what legal authority? Will staff at the proposed prison utilize firearms, teargas, and or police batons in the course of their duties? If so, under what legal authority?

4-51 Section 4.8.3 What specific design factors incorporated into the construction of the prison will mitigate the need for law enforcement response to the prison?

5.24 What law enforcement agency will have the responsibility for providing law enforcement services to the proposed prison and to the surrounding area? How

many law enforcement services calls for service will the proposed prison generate each month? What type of calls for service will the proposed prison generate?

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AGENDA NO. 10

DATE: SEPTEMBER 23, 1998

TO: LOCAL AGENCY FORMATION COMMISSION

FROM: MARVIN L. PANTER, EXECUTIVE OFFICER

SUBJECT: CONDITIONS OF ANNEXATION TO CITY OF MENDOTA REQUIRING AGREEMENT FOR ADEQUATE POLICE PROTECTION

This annexation was approved with a condition requiring resolution to the issues raised in a letter from the Sheriff to a privately operated prison near Mendota. The condition required the City to present resolution for commission review August 26, or an agreement for adequate police protection.

Both the City of Mendota and representatives from the County Sheriff's and County Counsel's Office requested the matter be continued from August 26th to September 23rd.

Staff will brief you on any progress of the two agencies at the hearing.

Marvin Panter

Marvin L. Panter, Executive Officer

cc: Alan Bengyel, Mendota City Manager
Wes Merritt, Deputy County Counsel
Captain Souza, Fresno County Sheriff's Office

BEFORE THE CITY COUNCIL
OF THE
CITY OF MENDOTA, COUNTY OF FRESNO

IN THE MATTER OF ORDERING TERRITORY DESIGNATED AS "TERRA LINDA FARM -- HANSEN RANCH ANNEXATION" TO ANNEX TO THE CITY OF MENDOTA AND DETACH FROM THE SILVER CREEK DRAINAGE DISTRICT, WESTLANDS WATER DISTRICT, AND THE FRESNO COUNTY FIRE DISTRICT PROTECTION

RESOLUTION NO. 98-33

CITY OF MENDOTA
CERTIFIED
BY Rosemary A. Jiménez
City Clerk

WHEREAS, these proceedings are being conducted pursuant to Part 3, Division 3, Title 3 of the California Government Code, commencing with Section 56000; and

WHEREAS, the Local Agency Formation Commission of the County of Fresno adopted its Resolution No. Ro-98-8 on July 8, 1998, making determinations and approving the proposed reorganization of territory described in Exhibit "A" attached hereto and by this reference incorporated herein; and

WHEREAS, the proposed reorganization of territory is to annex to City of Mendota and detach from the Silver Creek Drainage District, Westlands Water District, and Fresno County Fire Protection District; and

WHEREAS, the terms and conditions of reorganization as approved by the Local Agency Formation Commission are as follows:

Section #2 Said reorganization proposal is approved with revised boundaries as follows:

The City annexation and Fresno County Fire Protection District detachment shall delete all but the western 600 feet of APNs 190-06-90 and 89 south of parcel 88; the boundaries of the detachment from Silver Creek Drainage District shall include only APNs 190-05-15, 40, 41, 28, and 190-06-88 and the portion of 90 north of parcel 88. A revised map and legal description shall be submitted to and approved by the Executive Officer before any further proceedings by the conducting agency are taken. Any resolution of the conducting agency ordering this reorganization shall provide that such reorganization shall be subject to the following terms and conditions:

Prior to completion of the reorganization:

1. Payment to the Westlands Water District shall be made of outstanding assessment charges in the amount of $411.28, and a detachment fee in the amount of $1,797.87 for detachment of the four parcels west of Derrick Avenue.

2. The City shall provide evidence of the recordation of a Right-to-Farm Covenant by the owners of the prison site.

3. Evidence of site construction shall be submitted, including land purchase, final approval of site plan and building permit by the City.

4. Evidence of adequate water and sewer services and facilities for the prison facility shall be submitted to comply with the requirements of the State Health Department and Regional Water Quality Control or as described in the Service Plan in the Staff Report;

5. Evidence of an agreement for adequate police protection to the prison facility between the County Sheriff and the City of Mendota shall be submitted. If no agreement is reached, the City shall present to the Commission at their next hearing, resolution of those unresolved matters, pertaining to adequacy of police protection, in the County Sheriff's letter to the Commission. Such resolution shall be satisfactory to the Commission.

Section #3 The property tax revenue exchange agreed to by the responsible local agencies shall be in accordance with the provisions of the master property tax exchange agreement on file with the Commission.

Section #4 Said territory is found to be Uninhabited and is assigned the following distinctive short form designation: "Terra Linda Farms -- Hansen Ranch Annexation".

Section #5 The governing body of the City of Mendota is designated as the conducting agency.

Section #6 Further proceedings shall be taken by the conducting agency as directed by State law. Proceedings and any resolution of approval must comply with the Commission's resolution.

Section #7 The Commission resolution shall expire one year from the date of this resolution unless all proceedings are complete, including condition compliance, and a Certificate of Completion by the Commission office; and

WHEREAS, the reasons for this reorganization are as follows:

a. The sphere revision and reorganization of boundaries and the construction of the Corrections Corporation of America Prison at Mendota will provide a secure prison facility to serve the inmate incarceration needs of government correctional agencies and to provide a cost effective alternative to publicly funded construction and operation of prisons.

b. The prison will provide excellent long term employment and career opportunities for surrounding communities. Between 85 to 90 percent of the prison employees are expected to be drawn from the Project Vicinity. Approximately 400 positions for permanent correctional officers will be created. Other job opportunities will include medical, educational, administrative, trade, and clerical services.

c. In addition to the jobs directly created by the prison, the purchase of local goods and services for the prison facility, and by CCA employees, will stimulate the local economy and result in additional employment opportunities in the Project vicinity. Since Mendota has no base industries, the additional employment opportunities and the increased tax revenue generated by the prison will greatly benefit the local economy; and

WHEREAS, the City of Mendota will succeed to ALCC No. 7743; and

WHEREAS, the regular county assessment roll is utilized by this City; and

WHEREAS, the affected territory will be taxed for existing general bonded indebtedness of this City; and

WHEREAS, a public hearing on the reorganization was called for and held by this Council on July 30, 1998, and this Council finds and determines that the value of written protests filed and not withdrawn is less than 50 percent of the assessed value of land within the territory.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Mendota hereby orders the territory described in Exhibit "A" reorganized and directs the City Clerk to transmit a certified copy of this resolution with applicable fees required by Section 54902.5 of the Government Code to the Executive Officer of the Local Agency Formation Commission of Fresno County.

ROBERT SILVA, MAYOR

ATTEST:

I, ROSEMARY A. RAMIREZ, City Clerk of the City of Mendota, do hereby certify that the foregoing resolution was duly adopted and passed by the City Council at a regular meeting of said Council, held at the Mendota City Hall of the 25th day of AUGUST, 1998, by the following vote:

AYES: (5) ROBERT SILVA, JOSEPH AMADOR, FIDEL DE LA CRUZ, JOSEPH RIOFRIO, ROBERT RASMUSSEN

NOES:

ABSENT:

ABSTAIN:

Dated: 8/25/98

ROSEMARY A. RAMIREZ, CITY CLERK

TERRA LINDA FARM-HANSEN RANCH ANNEXATION TO THE CITY OF MENDOTA AND DETACHMENT FROM FRESNO COUNTY FIRE PROTECTION DISTRICT

Legal Description

Being a Portion of Sections 1 and 12, Township 14 South, Range 14 East, Mount Diablo Base and Meridian, and of Sections 6 and 7, Township 14 South, Range 15 East, Mount Diablo Base and Meridian, in the County of Fresno, State of California, more particularly described as follows:

Commencing at the Northwest corner of said Section 6; thence South 89° 14' 54" East, along the North line of said Section 6, a distance of 30.00 feet; thence South 1° 25' 56" West, parallel with and 30.00 feet East of the West line of said Section 6, a distance of 40.00 feet to a point on the existing City Limit line of the City of Mendota as adopted by City of Mendota Resolution No. 1051 titled "Mendota Industrial Park Reorganization", also being the TRUE POINT OF BEGINNING; thence continuing South 1° 25' 56" West, along said parallel line and also along the existing City Limit line of the City of Mendota as adopted by City of Mendota Ordinance No. 79 entitled "An Ordinance Annexing Uninhabited Territory to the City of Mendota", a distance of 489.86 feet; thence North 89° 31' 39" West, along said City Limit line and parallel with the North line of said Section 1, a distance of 510 feet to the southwest corner of said City Limit; thence South 1° 25' 56" West, parallel with and 480 feet West of the East line of said Section 1, a distance of 580.8 feet; thence South 89° 31' 39" East, parallel with the North line of said Section 1, a distance of 450 feet to a point on the West line of California State Highway 33; thence South 1° 25' 56" West, along the West line of said Highway 33, a distance of 1590.79 feet; thence South 61° 25' 56" West, along the West line of said Highway 33, a distance of 42.72 feet; thence South 1° 25' 56" West, along the West line of said Highway 33, a distance of 30.00 feet; thence South 58° 34' 04" East, along the West line of said Highway 33, a distance of 42.72 feet; thence South 1° 25' 56" West, along the West line of said Highway 33, a distance of 2500.69 feet; thence South 61° 25' 56" West, along the West line of said Highway 33, a distance of 82.72 feet to a point on the South line of said Section 1; thence South 58° 33' 31" West, along the West line of said Highway 33, a distance of 82.72 feet; thence South 1° 26' 29" West, along the West line of said Highway 33, a distance of 4257.53 feet more or less to a point on the westerly prolongation of the North line of the South 62 acres of the West half of said Section 6; thence along said prolongation and said North line to a point on the center line of Panoche Road; thence northeasterly, along the center line of Panoche Road to a point on the East line of the West half of said Section 7; thence Northerly, along said East line to a point which is 327 feet Southerly of the North quarter corner of said Section 7; thence Westerly, parallel with the North line of the northwest quarter of said Section 7, a distance of 429 feet;

APPROVED
LAFCO RES. # RO-98-8
July 8, 1998

thence Northerly, parallel with the East line of the northwest quarter of said Section 7, a distance of 327 feet to a point on the North line of the northwest quarter of said Section 7; thence Westerly, along said North line to a point on the West line of the East 1906.67 feet of the West half of said Section 6; thence Northerly along said West line to a point which is 40 feet Southerly of the North line of said Section 6 and said point also being the existing City Limit line of the City of Mendota as adopted by City of Mendota Resolution No. 92-07 titled "Mendota Unified School District Annexation"; thence Westerly, along said existing City Limit line, parallel to and 40 feet South of the North line of said Section 6 to the TRUE POINT OF BEGINNING.

Containing an area of 354 acres, more or less.

May 29, 1998

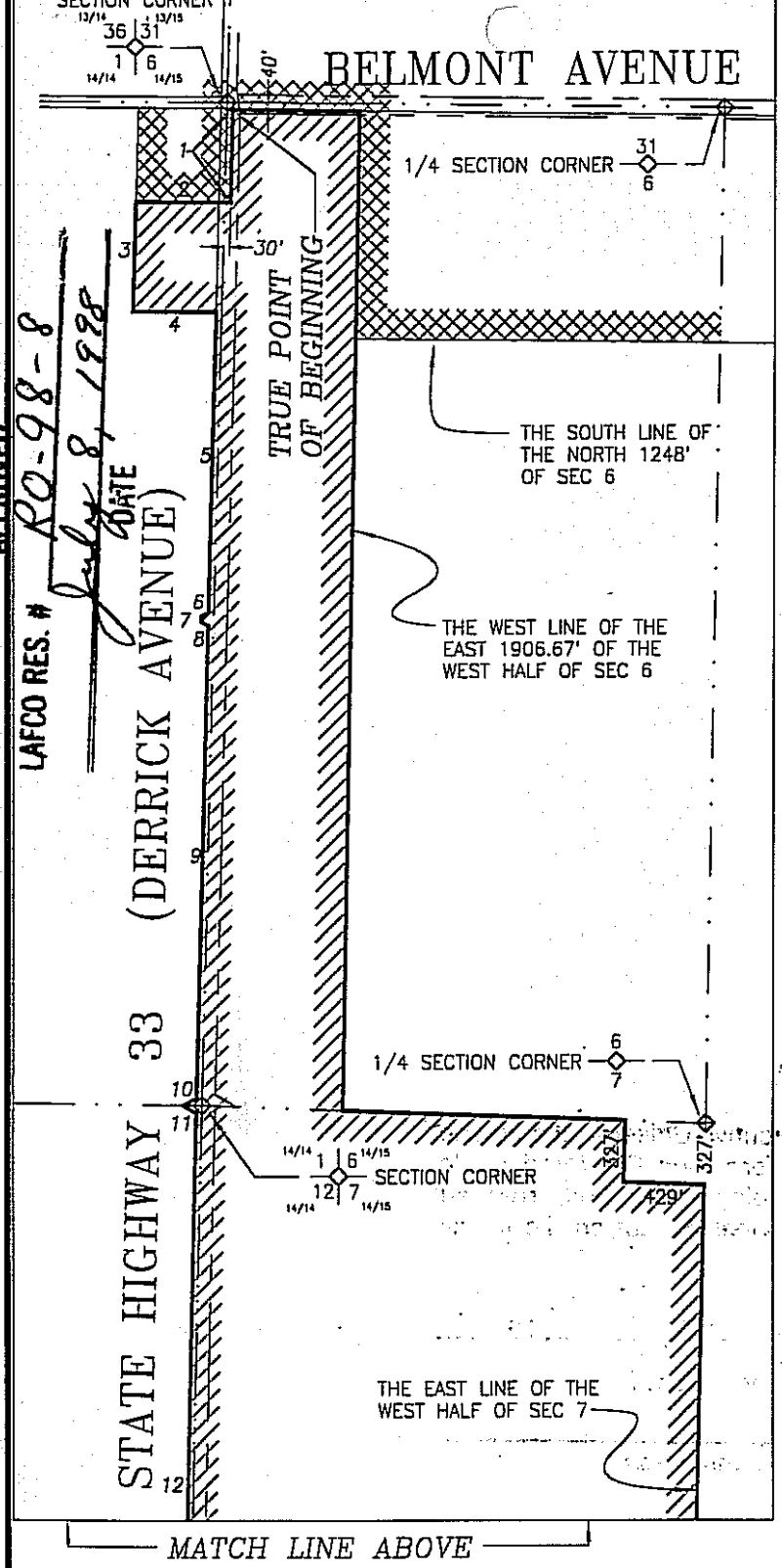
Revised June 1, 1998

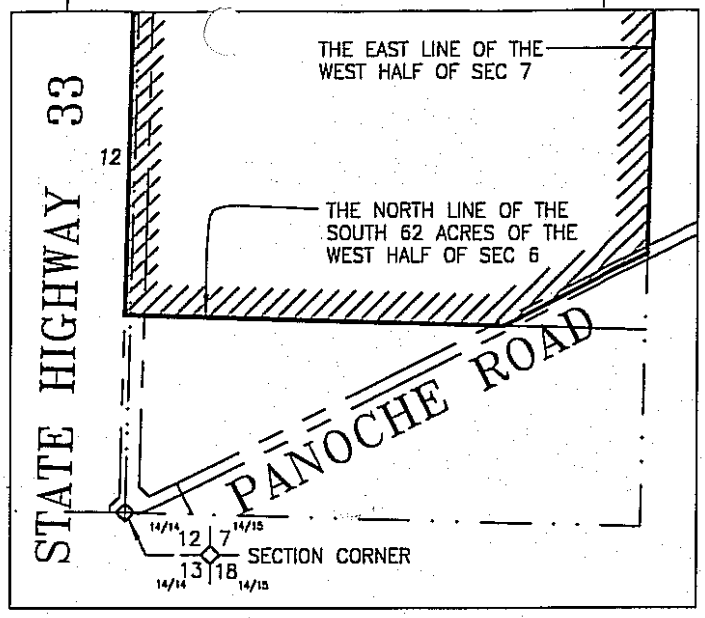
Revised June 23, 1998

Revised August 10, 1998

PROFESSIONAL LAND SURVEYOR
PETER ESPINOSA
No. 6335
Exp. 12-31-98
STATE OF CALIFORNIA

APPROVED
LAFCO RES. # RO-98-8
July 8, 1998
DATE





APPROVED
LAFCO RES. # RO-98-8
DATE July 8, 1998

LINE TABLE		
LINE	BEARING	LENGTH
1	S01°25'56"W	489.86
2	N89°31'39"W	510.00
3	S01°25'56"W	580.80
4	S89°31'39"E	450.00
5	S01°25'56"W	1590.79
6	S61°25'56"W	42.72
7	S01°25'56"W	30.00
8	S58°34'04"E	42.72
9	S01°25'56"W	2500.69
10	S61°25'56"W	82.72
11	S58°33'31"E	82.72
12	S01°26'29"W	4257.53

PROFESSIONAL LAND SURVEYOR
PETER ESPINOSA
No. 6336
Exp. 12-31-98
STATE OF CALIFORNIA

LEGEND
- EXISTING CITY LIMITS
- AREA TO BE ANNEXED
- SECTION LINES
- RIGHT OF WAY

0 1000' 2000'
SCALE 1" = 1000'

TERRA LINDA FARM-HANSEN RANCH ANNEXATION

ESPINOSA SURVEYING
8110 South Walnut Ave.
Fresno, CA 93706
Phone (209) 834-6335 * FAX (209) 834-6336
email espls@gte.net

TERRA LINDA FARM-HANSEN RANCH ANNEXATION TO THE CITY OF MENDOTA AND DETACHMENT FROM FRESNO COUNTY FIRE PROTECTION DISTRICT.

JOB NO. 98028TX
DRAWN BY: PE
START DATE: 05/20/98
REVISE DATE: 06/01/98
06/23/98
08/10/98

DETACHMENT FROM THE SILVER CREEK DRAINAGE DISTRICT
(TERRA LINDA FARM-HANSEN RANCH ANNEXATION)

Legal Description

Being a Portion of Section 1, Township 14 South, Range 14 East, Mount Diablo Base and Meridian, and of Section 6, Township 14 South, Range 15 East, Mount Diablo Base and Meridian, in the County of Fresno, State of California, more particularly described as follows:

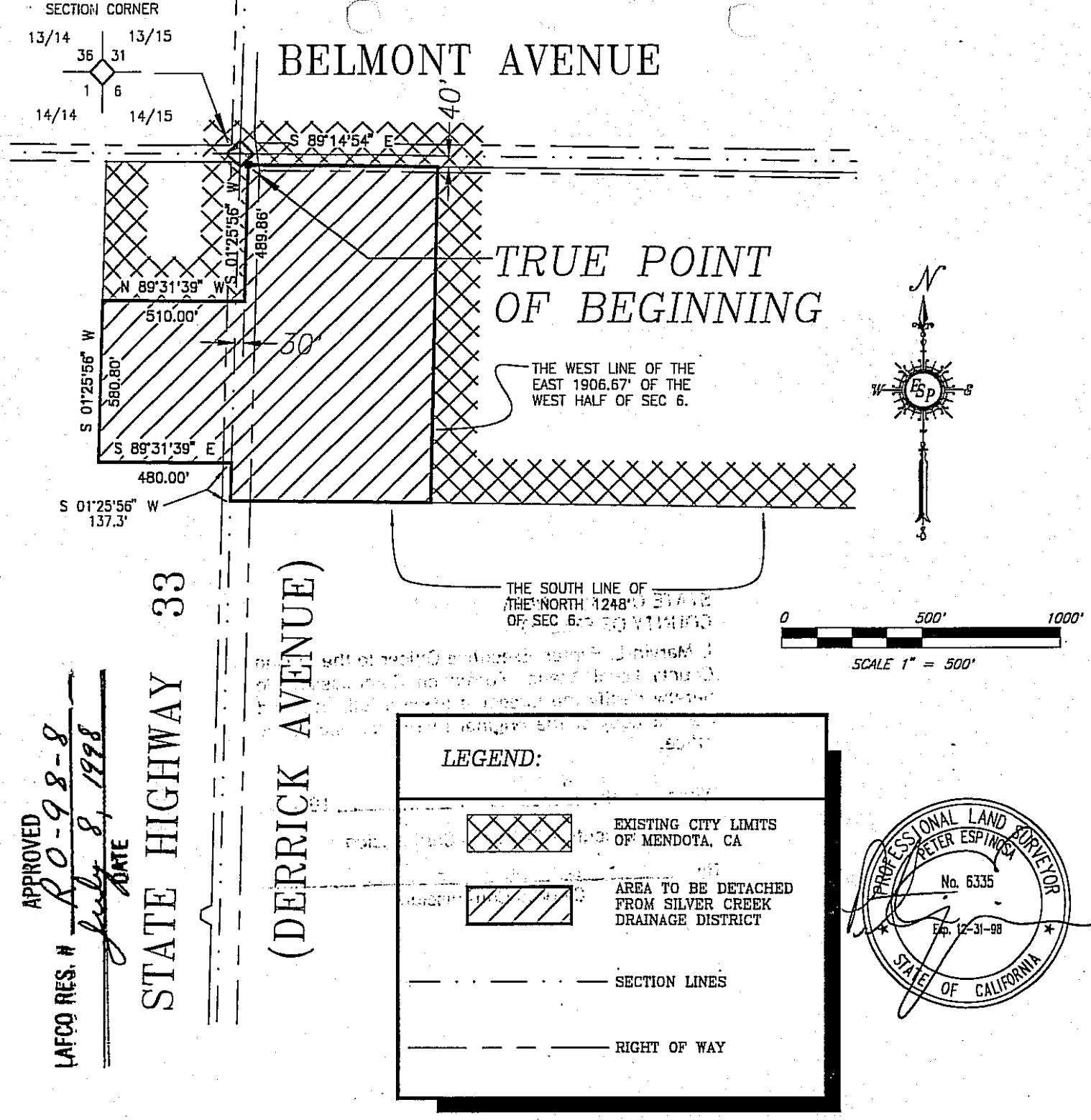
Commencing at the Northwest corner of said Section 6; thence South 89° 14' 54" East, along the North line of said Section 6, a distance of 30.00 feet; thence South 1° 25' 56" West, parallel with and 30.00 feet East of the West line of said Section 6, a distance of 40.00 feet to a point on the existing City Limit line of the City of Mendota as adopted by City of Mendota Resolution No. 1051 titled "Mendota Industrial Park Reorganization", also being the TRUE POINT OF BEGINNING; thence continuing South 1° 25' 56" West, along said parallel line and also along the existing City Limit line of the City of Mendota as adopted by City of Mendota Ordinance No. 79 entitled "An Ordinance Annexing Uninhabited Territory to the City of Mendota", a distance of 489.86 feet; thence North 89° 31' 39" West, along said City Limit line and parallel with the North line of said Section 1, a distance of 510 feet to the southwest corner of said City Limit; thence South 1° 25' 56" West, parallel with and 480 feet West of the East line of said Section 1, a distance of 580.8 feet; thence South 89° 31' 39" East, parallel with the North line of said Section 1, a distance of 480 feet to a point on the West line of said Section 6; thence South 1° 25' 56" West, along said West line, a distance of 137.3 feet, more or less, to a point on the South line of the North 1,248 feet of said Section 6; thence Easterly along said South line, to a point on the West line of the East 1906.67 feet of the West half of said Section 6 and said point also being the existing City Limit line of the City of Mendota as adopted by City of Mendota Resolution No. 92-07 titled "Mendota Unified School District Annexation"; thence Northerly, along said existing City Limit line and said West line to a point which is 40 feet Southerly of the North line of said Section 6; thence Westerly, along said existing City Limit line, parallel with and 40 feet South of the North line of said Section 6 to the TRUE POINT OF BEGINNING.

Containing an area of 25.6 acres, more or less.

August 10, 1998

PROFESSIONAL LAND SURVEYOR
PETER ESPINOSA
No. 6335
Exp. 12-31-98
STATE OF CALIFORNIA

APPROVED
LAFCO RES. # RO-98-8
July 8 1998
DATE



TERRA LINDA FARM-HANSEN RANCH ANNEXATION

ESPINOSA SURVEYING
8110 South Walnut Ave.
Fresno, CA 93706
Phone (209) 834-6335 • FAX (209) 834-6336
espls@gte.net

DETACHMENT
FROM
SILVER CREEK DRAINAGE
DISTRICT.

JOB NO. 98028TX
DRAWN BY: PE
START DATE: 08/04/98
REVISE DATE: 08/10/98
SCALE: 1" = 500'
SHEET 5 OF 7

Annex. Ile

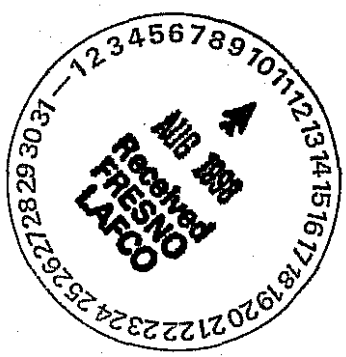
County of FRESNO

County Counsel

Phillip S. Cronin
County Counsel

August 7, 1998

VIA TELEFAX



Ms. Sherril Gatreaux
Director of Legal Affairs
Corrections Corporation of America
10 Burton Hills Blvd.
Nashville, TN 37215

Re: Proposed Private Prison for Mendota, California

Dear Ms. Gatreaux:

This letter will memorialize our telephone conversation of August 3, 1998 regarding our oral modification of Fresno County's July 29, 1998 demand letter for documents and information pertaining to lawsuits pending against Corrections Corporation of America ("CCA"). Instead of documents and information on all 660 active lawsuits (623 inmate suits and 37 staff suits), please provide this Office immediately with the following information and documents pertaining only to those civil lawsuits, whether in state or federal court, in which there have been final judgments entered against CCA at the trial court level (regardless of whether or not there are appeals pending):

1. The names of the parties.
2. The court, city and state in which the litigation is filed.
3. Each case number.
4. The date each action was filed and its present status. (e.g., pending appeal or not)
5. Copies of the complaints and CCA's answers.
6. Copies of the appellate briefs by appellants and CCA.

After this Office has had the opportunity to review these documents, we may request further information and documents relating to civil lawsuits filed against CCA which have not been terminated by way of motion to dismiss, demurrer, or summary judgment.

Also, would you please advise this Office of any past or present criminal actions, whether in state or federal court, that have been filed against CCA?

The Fresno County Sheriff and I met with Alan Bengyel, the City Manager, and David Weiland, the City Attorney for Mendota yesterday to discuss ways to comply with the directions of the Local Agency Formation Commission (LAFCo) to satisfy the contingency placed upon the

2220 Tulare Street, Fifth Floor / P.O. Box 1549 / Fresno, California 93716
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conditional grant of Mendota's request for an extension of its sphere of influence and its annexation, i.e., that either the City of Mendota will reestablish its own police force or satisfy the Sheriff that sufficient law enforcement resources will made available to the Sheriff as the result of the proposed CCA prison at Mendota. Although David Myers, the regional representative for CCA, had been notified previously and had agreed to attend yesterday's meeting, he failed to show up for the meeting. Mr. Myers failed to inform either the Sheriff or this Office that he was not going to attend the meeting. Nor has there been communication from Mr. Myers explaining why he had failed to show up for the meeting.

As a result of yesterday's meeting, the Mendota City Attorney and County Counsel agreed to work on a contract that will obligate CCA to cover the costs of law enforcement services to be rendered in connection with riots, escapes, assaults, crimes, etc., that occur as the result of the operation of the proposed prison; that will obligate CCA to defend, indemnify and hold harmless the County and the Sheriff in the above situations; and that will obligate CCA in other ways associated with the providing of law enforcement services in connection with the operation of this private prison. Of course, it would expedite matters if CCA's counsel were involved in this process with the goal of removing the contingency from LAFCo's conditional approval sooner rather than later..

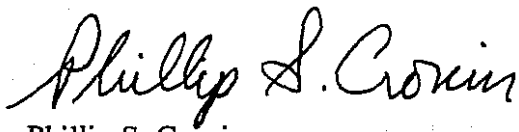
The Sheriff and the County would still like to work with CCA in addressing and resolving their concerns. Therefore, I am enclosing the agenda for yesterday's meeting, from which Mr. Myer absented himself, with the expectation that CCA may have a change of mind and work with the County and the Sheriff, instead of ignoring them.

As you know, CCA will not be able to proceed on construction of the proposed prison until the contingency of LAFCo's conditional approval is removed. I would suggest that it is in CCA's best interest to cooperate with the County of Fresno, the Sheriff and the City of Mendota to remove this contingency as quickly as possible. The sooner that you can provide this Office with the modified request for information and documents and the sooner that your corporate representatives can meet with the County and the City of Mendota to resolve the issues identified in this letter and enclosed agenda, the sooner this matter can be resolved at LAFCo.

Both the City of Mendota and the Fresno County Sheriff will be requesting LAFCo to continue the hearing of the conditional grant of the sphere of influence and annexation at the August 26, 1998 hearing until a realistic date to consummate the afore-mentioned contract.

If you have any questions or comments about the contents of this letter or any other matter that is germane to this subject, please don't hesitate to contact me. Both the Sheriff and this Office look forward to working with CCA in a professional and timely manner to resolve the problems described in this letter and to establishing a long term relationship that serves our mutual interests and objectives.

Cordially,



Phillip S. Cronin

cc: Fresno County Board of Supervisors
Fresno County Sheriff Steve Magarian
Pam Carozza, Deputy Chief Administrative Officer
Marvin Panter, Executive Officer of LAFCo
Alan Bengyle, Mendota City Manager
David Weiland, Mendota City Attorney

CCA Meeting August 6, 1998
"Talking Points"

CCA represents six (6) Sheriff's responses only each year. What is that based on?

CCA represents "less serious" incidents (misdemeanors?) handled via internal discipline with no local law enforcement contact. What's the authority for that?

If our Sheriff gets a crime complaint from an inmate or family member, will CCA permit the Sheriff to investigate at the prison?

Has CCA been sued for failing to report crimes to law enforcement?

CCA indicates 623 inmate lawsuits and 37 staff lawsuits. What issues are raised?

What is the authority for "private" CCA COs performing "peace officer" duties like detention, use of force, search and seizure, and investigating crimes within the prison?

Does the California Private Securities Act (Bus. & Prof. Code, § 7580 et seq.) provide legal authority for private CCA COs to carry and use firearms and batons?

Because of the Youngstown, Ohio experience, Ohio had adopted comprehensive legislation regulating private prisons. California has nothing comparable. Is CCA open to contracting with Fresno County to provide safeguards patterned after the Ohio law:

CCA must reimburse the County's cost in capturing escapees or quelling disturbances

CCA must provide an insurance policy fully protecting the County

CCA agrees to defend, hold harmless, and indemnify the County

CCA will make its prison and records available for County inspection

CCA agrees to comply with California BOC prison standards for construction and staffing

Does CCA presently have an agreement with INS, a foreign state, or other public entity to use the Mendota prison?

Are negotiations in progress?

What security classifications of inmates will be housed at the Mendota prison?

Fresno Local Agency Formation Commission

Rowell Building • 2100 Tulare Street, Suite 502 • Fresno, CA 93721 ☎ (209) 495-0604 Fax (209) 495-0655

Chairman, Stan Ok
Board of Supervis
Vice Chairman, Juan Arambu
Board of Supervis

Membe
Larry Fortu
Public Meml
Victor Lopez, May
City of Orange Co
Trinidad Rodriguez, May
City of Kerm

Alternate Member
William Donleave
Public Memb
Sharon Lev
Board of Superviso
Tom Stearn
City of Clov

Executive Office
Marvin L. Pant

July 30, 1998

Mr. Alan Bengyel, City Manager
City of Mendota
643 Quince Street
Mendota, CA 93640

Mr. Steve Magarian, Sheriff
Fresno County
2200 Fresno Street
Fresno, CA 93721

Dear Sirs:

Subject: Conditions of Annexation to City of Mendota

On July 8, 1998, the Local Agency Formation Commission approved the Terra Linda Farms annexation for the private prison construction. One of the conditions required an agreement for adequate police protection and, if no agreement is reached, the City shall provide to the Commission a resolution for the unresolved matters pertaining to adequacy of police protection.

Since the August 26th hearing is approaching, I encourage the two parties, City and County, to meet as soon as possible and reach a satisfactory agreement.

Please let me know, if there is something I can do to facilitate such a meeting.

Sincerely,

Marvin Panter

Marvin L. Panter
Executive Officer

MLP:cf

Fresno Local Agency Fo ation Commission

Rowell Building • 2100 Tulare Street, Suite 502 • Fresno, CA 93721 ☎ (209) 495-0604 Fax (209) 495-0655

Chairman, Stan Ol
Board of Supervis
Vice Chairman, Juan Arambu
Board of Supervis

Membe
Larry Fortu
Public Meml
Victor Lopez, May
City of Orange C
Trinidad Rodriguez, May
City of Kern

Alternate Membe
William Donleav
Public Meml
Sharon Le
Board of Supervis
Tom Stear
City of Clo

Executive Offic
Marvin L. Pan

DATE: July 8, 1998

PROPONENT: City of Mendota

TO: Bruce Barnes

FROM: Marvin L. Panter, LAFCo Executive Officer MPanter

SUBJECT: Revised Map and Legal Description for "Terra Linda Farms-Hansen Ranch Reorganization"

As indicated in the attached resolution, the Local Agency Formation Commission has approved your proposal with revision to the boundaries. Before further proceedings are taken, we must receive a revised map and legal description depicting the area approved. After the revised map and description are approved further proceedings can be taken as required by State law, and the proposal may be completed under the terms and conditions in the resolution.

MLP:cf

cc: Affected Districts

Attachment

RESOLUTION NO. RO-98-8

MAKING DETERMINATION AND APPROVE PROPOSED "TERRA LINDA FARMS-HANSEN RANCH ANNEXATION" REORGANIZATION

RESOLUTION OF THE FRESNO LOCAL AGENCY FORMATION COMMISSION

WHEREAS, preliminary proceedings were initiated by the City of Mendota to annex territory located south of Belmont Avenue, on both sides of Highway 33 to the City of Mendota and detach from the Fresno County Fire Protection District, the Silver Creek Drainage District, and the Westlands Water District in the County of Fresno; and

WHEREAS, a master property tax transfer agreement has been adopted by the responsible local agencies for the exchange of property tax revenue for this jurisdictional change; and

WHEREAS, on June 22, 1998, an application for said proposal was accepted for filing by this Local Agency Formation Commission; and said application was set for hearing on the 8th day of July 1998, at the hour of 1:30 p.m.; and

WHEREAS, the City of Mendota has stated in their resolution that the City will succeed to Land Conservation Contract No. 7743; and

WHEREAS, on June 15, and June 17, 1998, notice of the hearing of said application was given by mail, posting, and newspaper publication as required by law; and

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

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

WHEREAS, the Commission has reviewed and considered the information in the Environmental Impact Report, prepared and filed by the City of Mendota.

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

Section #1 Following the Commission consideration of the Environmental Impact Report, a Statement of Overriding Considerations and the following findings are made:

1. Revisions to the sphere of influence and reorganization boundaries have been made and conditions of the reorganization required, which avoid or substantially lessen the significant environmental effects identified in the EIR. The revisions and conditions are described below in Section 2.

2. Other changes or alterations are within the responsibility of the City of Mendota and not LAFCo. These changes and alterations are identified in the City Resolution making environmental findings.

3. The benefits of the revised project outweigh the remaining unavoidable adverse environmental effects. These overriding benefits, also described in the City of Mendota Resolution are described as follows:

   The sphere revision and reorganization of boundaries and the construction of the Corrections Corporation of America Prison at Mendota will provide a secure prison facility to serve the inmate incarceration needs of government correctional agencies and to provide a cost effective alternative to publicly funded construction and operation of prisons.

   The prison will provide excellent long term employment and career opportunities for surrounding communities. Between 85 to 90 percent of the prison employees are expected to be drawn from the Project vicinity. Approximately 400 positions for permanent correctional officers will be created. Other job opportunities will include medical, education, administrative, trade and clerical services.

   In addition to the jobs directly created by the prison, the purchase of local goods and services for the prison facility, and by CCA employees will stimulate the local economy and result in additional employment opportunities in the Project vicinity. Since Mendota has no base industries, the additional employment opportunities and the increased tax revenue generated by the prison will greatly benefit the local economy.

Section #2. Said reorganization proposal is approved with revised boundaries as follows: the City annexation and Fresno County Fire Protection District detachment shall delete all but the western 600 feet of APN 190-06-90 and 89 south of parcel 88; the boundaries of the detachment from Silver Creek Drainage District shall include only APN 190-05-15,40,41,28 and 190-06-88 and the portion of 90 north of parcel 88. A revised map and legal description shall be submitted to and approved by the Executive Officer before any further proceedings by the conducting agency are taken. Any resolution of the conducting agency ordering this reorganization shall provide that such reorganization shall be subject to the following terms and conditions:

Prior to completion of the reorganization:

1. Payment to the Westlands Water District shall be made of outstanding assessment charges in the amount of $411.28, and a detachment fee in the amount of $1,797.87 for detachment of the four parcels west of Derrick Avenue.

2. The City shall provide evidence of the recordation of a Right-to-Farm Covenant by the owners of the prison site.

3. Evidence of site construction shall be submitted, including land purchase, final approval of site plan and building permit by the City.

4. Evidence of adequate water and sewer services and facilities for the prison facility shall be submitted, to comply with the requirements of the State Health Department and Regional Water Quality Control or as described in the Service Plan in the Staff Report.

5. Evidence of an agreement for adequate police protection to the prison facility between the County Sheriff and the City of Mendota shall be submitted: if no agreement is reached, the City shall present to the Commission at their next hearing, resolution of those unresolved matters, pertaining to adequacy of police protection, in the County Sheriff's letter to the Commission. Such resolution shall be satisfactory to the Commission.

Section #3. The property tax revenue exchange agreed to by the responsible local agencies shall be:

In accordance with the provisions of the master property tax exchange agreement on file with the Commission.

Section #4. Said territory is found to be Uninhabited and is assigned the following distinctive short form designation: "Terra Linda Farms – Hansen Ranch Annexation"

Section #5. The governing body of the City of Mendota is designated as the conducting agency.

Section #6. Further proceedings shall be taken by the conducting agency as directed by State law. Proceedings and any resolution of approval must comply with the Commission's resolution.

Section #7. The Commission resolution shall expire one year from the date of this resolution unless all proceedings are complete, including condition compliance, and a Certificate of Completion issued by the Commission office.

Adopted this 8th day of July 1998, by the following vote:

AYES: Commissioners Lopez, Rodriguez, Fortune, Arambula

NOES: None

ABSENT: Commissioner Oken

STATE OF CALIFORNIA)
COUNTY OF FRESNO)

I, Marvin L. Panter, Executive Officer of the Local Agency Formation Commission certify that the foregoing resolution was adopted by the Fresno County Local Agency Formation Commission, State of California, at a regular meeting held on the 8th day of July, 1998.

Marvin Panter

Marvin L. Panter
Executive Officer

TERRA LINDA FARM-HANSEN RANCH ANNEXATION TO THE CITY OF MENDOTA AND DETACHMENT FROM FRESNO COUNTY FIRE PROTECTION DISTRICT

Legal Description

Being a Portion of Sections 1 and 12, Township 14 South, Range 14 East, Mount Diablo Base and Meridian, and of Sections 6 and 7, Township 14 South, Range 15 East, Mount Diablo Base and Meridian, in the County of Fresno, State of California, more particularly described as follows:

Commencing at the Northwest corner of said Section 6; thence South 89° 14' 54" East, along the North line of said Section 6, a distance of 30.00 feet; thence South 1° 25' 56" West, parallel with and 30.00 feet East of the West line of said Section 6, a distance of 40.00 feet to a point on the existing City Limit line of the City of Mendota as adopted by City of Mendota Resolution No. 1051 titled "Mendota Industrial Park Reorganization", also being the TRUE POINT OF BEGINNING; thence continuing South 1° 25' 56" West, along said parallel line and also along the existing City Limit line of the City of Mendota as adopted by City of Mendota Ordinance No. 79 entitled "An Ordinance Annexing Uninhabited Territory to the City of Mendota", a distance of 489.86 feet; thence North 89° 31' 39" West, along said City Limit line and parallel with the North line of said Section 1, a distance of 510 feet to the southwest corner of said City Limit; thence South 1° 25' 56" West, parallel with and 480 feet West of the East line of said Section 1, a distance of 580.8 feet; thence South 89° 31' 39" East, parallel with the North line of said Section 1, a distance of 450 feet to a point on the West line of California State Highway 33; thence South 1° 25' 56" West, along the West line of said Highway 33, a distance of 1590.79 feet; thence South 61° 25' 56" West, along the West line of said Highway 33, a distance of 42.72 feet; thence South 1° 25' 56" West, along the West line of said Highway 33, a distance of 30.00 feet; thence South 58° 34' 04" East, along the West line of said Highway 33, a distance of 42.72 feet; thence South 1° 25' 56" West, along the West line of said Highway 33, a distance of 2500.69 feet; thence South 61° 25' 56" West, along the West line of said Highway 33, a distance of 82.72 feet to a point on the South line of said Section 1; thence South 58° 33' 31" West, along the West line of said Highway 33, a distance of 82.72 feet; thence South 1° 26' 29" West, along the West line of said Highway 33, a distance of 4257.53 feet more or less to a point on the westerly prolongation of the North line of the South 62 acres of the West half of said Section 6; thence along said prolongation and said North line to a point on the center line of Panoche Road; thence northeasterly, along the center line of Panoche Road to a point on the East line of the West half of said Section 7; thence Northerly, along said East line to a point which is 327 feet Southerly of the North quarter corner of said Section 7; thence Westerly, parallel with the North line of the northwest quarter of said Section 7, a distance of 429 feet;

APPROVED
LAFCO RES. # RO-98-8
July 8, 1998

thence Northerly, parallel with the East line of the northwest quarter of said Section 7, a distance of 327 feet to a point on the North line of the northwest quarter of said Section 7; thence Westerly, along said North line to a point on the West line of the East 1906.67 feet of the West half of said Section 6; thence Northerly along said West line to a point which is 40 feet Southerly of the North line of said Section 6 and said point also being the existing City Limit line of the City of Mendota as adopted by City of Mendota Resolution No. 92-07 titled "Mendota Unified School District Annexation"; thence Westerly, along said existing City Limit line, parallel to and 40 feet South of the North line of said Section 6 to the TRUE POINT OF BEGINNING.

Containing an area of 354 acres, more or less.

May 29, 1998

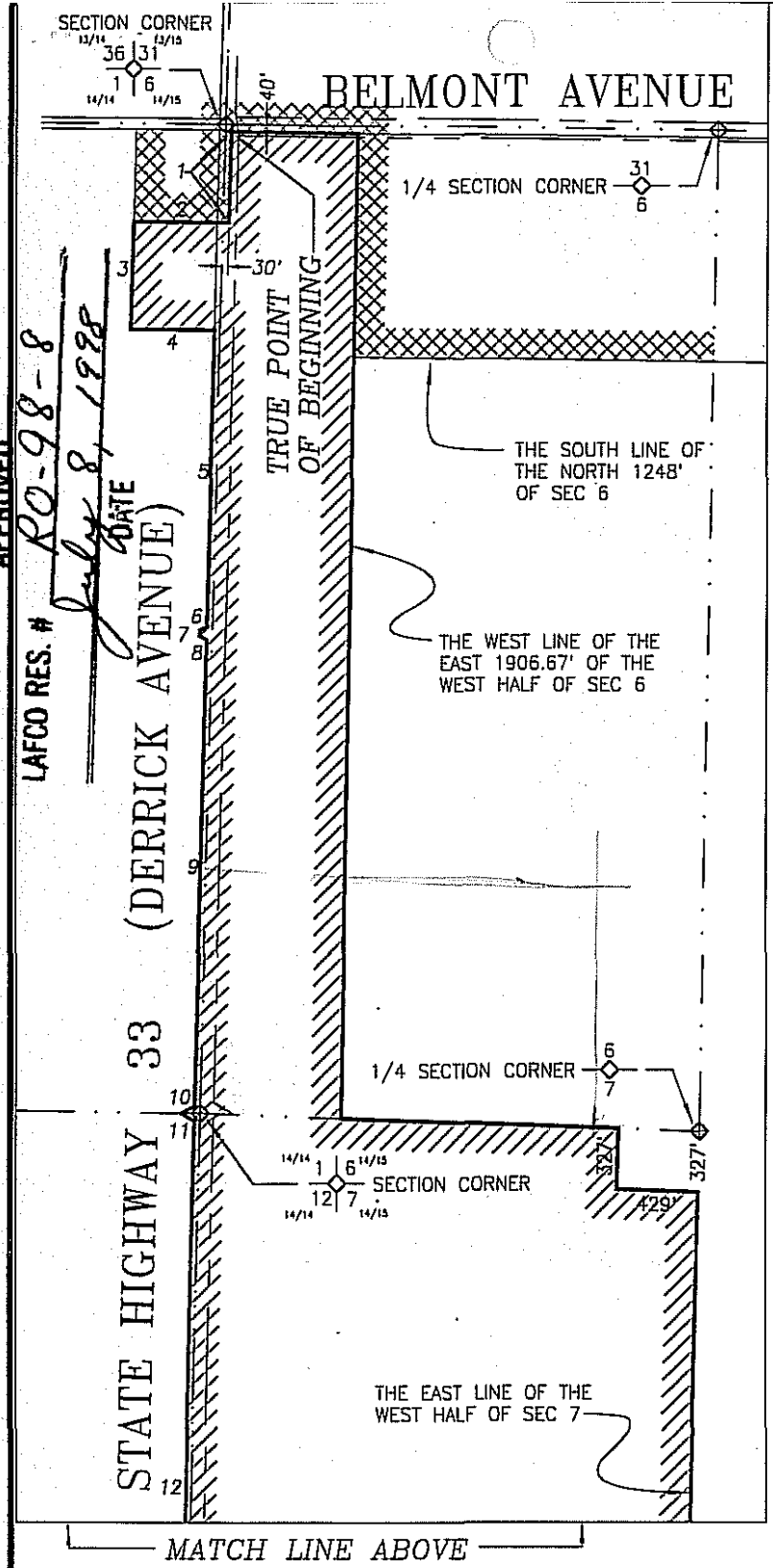
Revised June 1, 1998

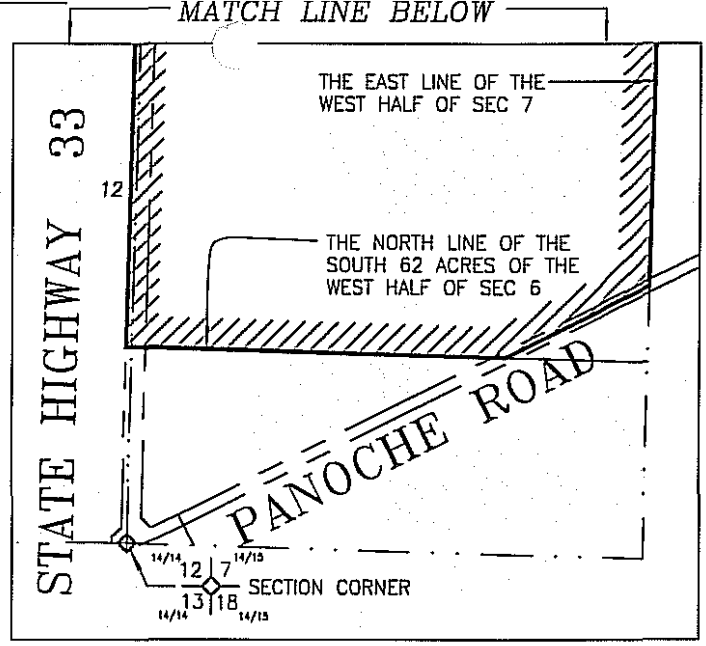
Revised June 23, 1998

Revised August 10, 1998

PROFESSIONAL LAND SURVEYOR
PETER ESPINOSA
No. 6335
Exp. 12-31-98
STATE OF CALIFORNIA

APPROVED
LAFCO RES. # RO-98-8
July 8, 1998
DATE



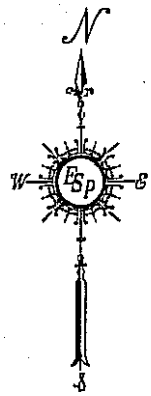


APPROVED
LAFCO RES. # RO-98-8
DATE July 8, 1998

LINE TABLE		
LINE	BEARING	LENGTH
1	S01°25'56"W	489.86
2	N89°31'39"W	510.00
3	S01°25'56"W	580.80
4	S89°31'39"E	450.00
5	S01°25'56"W	1590.79
6	S61°25'56"W	42.72
7	S01°25'56"W	30.00
8	S58°34'04"E	42.72
9	S01°25'56"W	2500.69
10	S61°25'56"W	82.72
11	S58°33'31"E	82.72
12	S01°26'29"W	4257.53

LEGEND:

- EXISTING CITY LIMITS
- AREA TO BE ANNEXED
- SECTION LINES
- RIGHT OF WAY



0 1000' 2000'
SCALE 1" = 1000'

TERRA LINDA FARM-HANSEN RANCH ANNEXATION

ESPINOSA SURVEYING
8110 South Walnut Ave.
Fresno, CA 93706
Phone (209) 834-6335 * FAX (209) 834-6336
email espls@gte.net

TERRA LINDA FARM-HANSEN RANCH ANNEXATION TO THE CITY OF MENDOTA AND DETACHMENT FROM FRESNO COUNTY FIRE PROTECTION DISTRICT.

JOB NO. 98028TX
DRAWN BY: PE
START DATE: 05/20/98
REVISE DATE: 06/01/98
06/23/98
08/10/98

DETACHMENT FROM THE SILVER CREEK DRAINAGE DISTRICT
(TERRA LINDA FARM-HANSEN RANCH ANNEXATION)

Legal Description

Being a Portion of Section 1, Township 14 South, Range 14 East, Mount Diablo Base and Meridian, and of Section 6, Township 14 South, Range 15 East, Mount Diablo Base and Meridian, in the County of Fresno, State of California, more particularly described as follows:

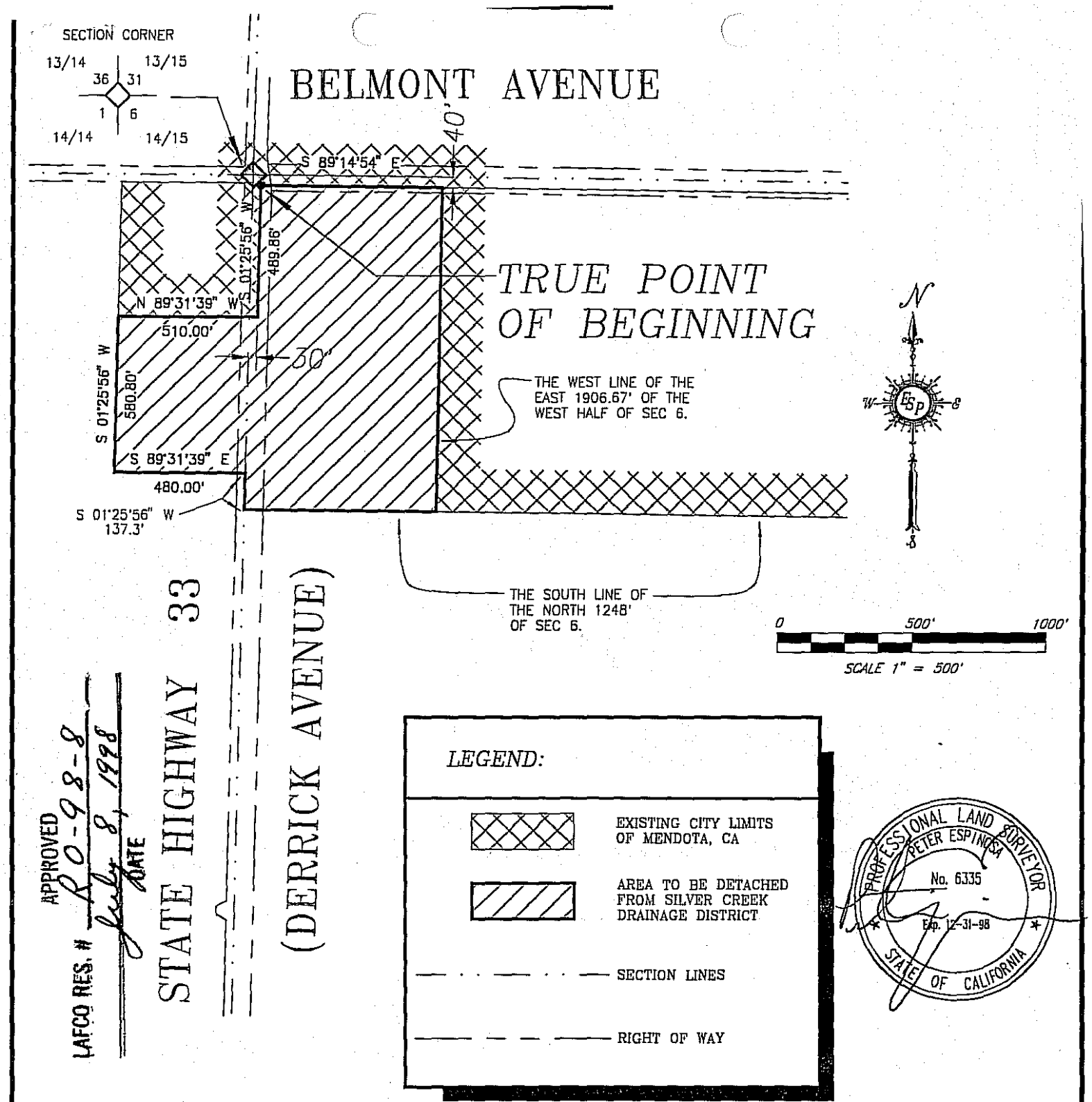
Commencing at the Northwest corner of said Section 6; thence South 89° 14' 54" East, along the North line of said Section 6, a distance of 30.00 feet; thence South 1° 25' 56" West, parallel with and 30.00 feet East of the West line of said Section 6, a distance of 40.00 feet to a point on the existing City Limit line of the City of Mendota as adopted by City of Mendota Resolution No. 1051 titled "Mendota Industrial Park Reorganization", also being the TRUE POINT OF BEGINNING; thence continuing South 1° 25' 56" West, along said parallel line and also along the existing City Limit line of the City of Mendota as adopted by City of Mendota Ordinance No. 79 entitled "An Ordinance Annexing Uninhabited Territory to the City of Mendota", a distance of 489.86 feet; thence North 89° 31' 39" West, along said City Limit line and parallel with the North line of said Section 1, a distance of 510 feet to the southwest corner of said City Limit; thence South 1° 25' 56" West, parallel with and 480 feet West of the East line of said Section 1, a distance of 580.8 feet; thence South 89° 31' 39" East, parallel with the North line of said Section 1, a distance of 480 feet to a point on the West line of said Section 6; thence South 1° 25' 56" West, along said West line, a distance of 137.3 feet, more or less, to a point on the South line of the North 1,248 feet of said Section 6; thence Easterly along said South line, to a point on the West line of the East 1906.67 feet of the West half of said Section 6 and said point also being the existing City Limit line of the City of Mendota as adopted by City of Mendota Resolution No. 92-07 titled "Mendota Unified School District Annexation"; thence Northerly, along said existing City Limit line and said West line to a point which is 40 feet Southerly of the North line of said Section 6; thence Westerly, along said existing City Limit line, parallel with and 40 feet South of the North line of said Section 6 to the TRUE POINT OF BEGINNING.

Containing an area of 25.6 acres, more or less.

August 10, 1998

PROFESSIONAL LAND SURVEYOR
PETER ESPINOSA
No. 6335
Exp. 12-31-98
STATE OF CALIFORNIA

APPROVED
LAFCO RES. # RO-98-8
July 8, 1998
DATE



APPROVED
LAFCO RES. # R0-98-8
DATE July 8, 1998

TERRA LINDA FARM-HANSEN RANCH ANNEXATION

ESPINOSA SURVEYING
8110 South Walnut Ave.
Fresno, CA 93706
Phone (209) 834-6335 * FAX (209) 834-6336
espls@gte.net

DETACHMENT
FROM
SILVER CREEK DRAINAGE
DISTRICT.

JOB NO. 98028TX
DRAWN BY: PE
START DATE: 08/04/98
REVISE DATE: 08/10/98
SCALE: 1" = 500'
SHEET 5 OF 7

DETACHMENT FROM THE WESTLANDS WATER DISTRICT
(TERRA LINDA FARM-HANSEN RANCH ANNEXATION)

Legal Description

Being a Portion of Section 1, Township 14 South, Range 14 East, Mount Diablo Base and Meridian, in the County of Fresno, State of California, more particularly described as follows:

Commencing at the Northeast corner of said Section 1; thence South 1° 25' 56" West, along the East line of said Section 1, a distance of 530 feet to a point on the South line of the existing City Limit line of the City of Mendota as adopted by City of Mendota Ordinance No. 79 entitled "An Ordinance Annexing Uninhabited Territory to the City of Mendota", also being the TRUE POINT OF BEGINNING; thence North 89° 31' 39" West, along said City Limit line and parallel with the North line of said Section 1, a distance of 480 feet to the southwest corner of said City Limit; thence South 1° 25' 56" West, parallel with and 480 feet West of the East line of said Section 1, a distance of 580.8 feet; thence South 89° 31' 39" East, parallel with the North line of said Section 1, a distance of 480 feet to a point on the East line of said Section 1; thence North 1° 25' 56" East, along said East line, a distance of 580.8 feet, more or less, to the TRUE POINT OF BEGINNING.

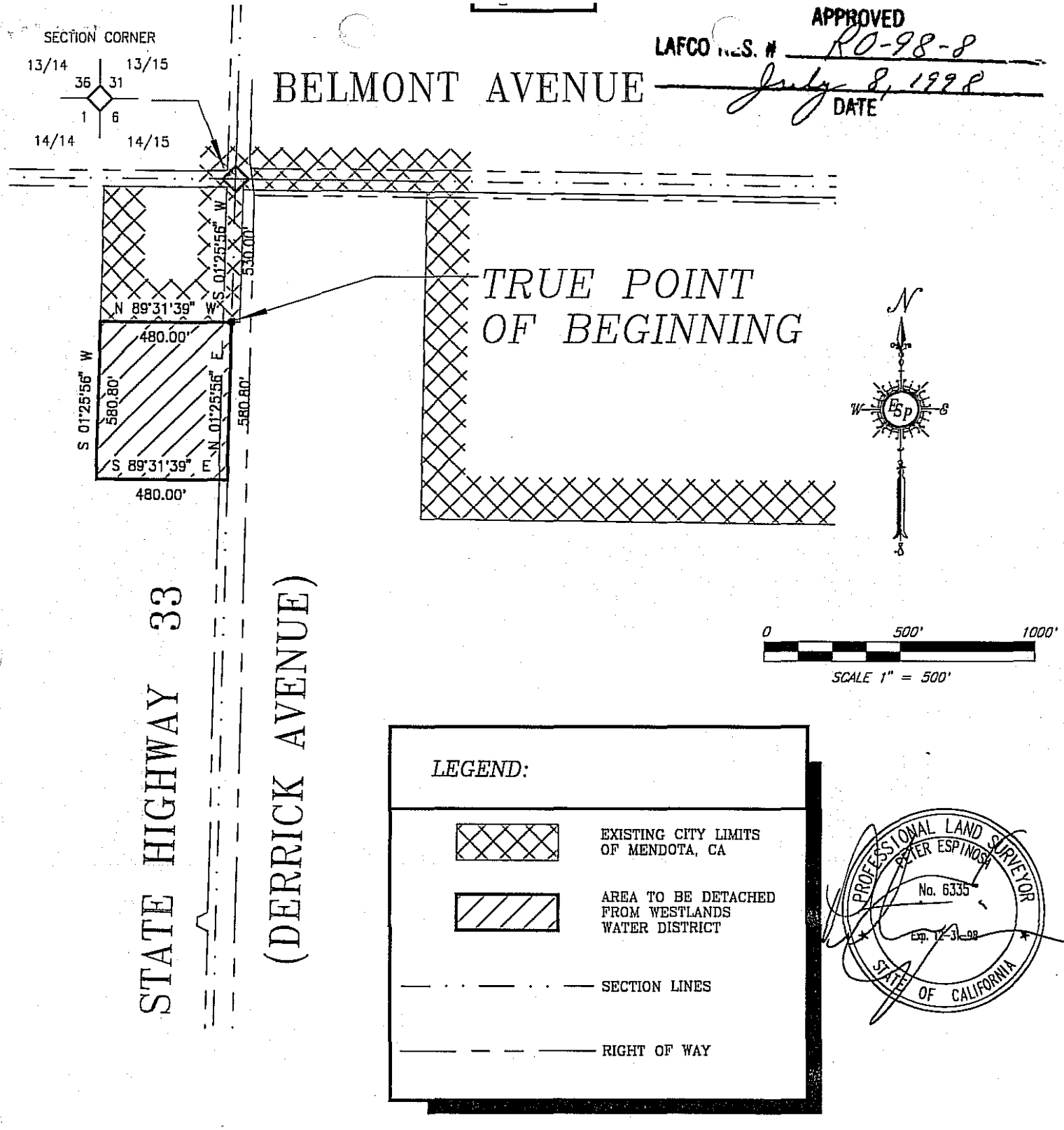
Containing an area of 6.4 acres, more or less.

August 10, 1998

PROFESSIONAL LAND SURVEYOR
PETER ESPINOSA
No. 6335
Exp. 12-31-98
STATE OF CALIFORNIA

APPROVED
LAFCO RES. # RO-98-8
July 8 1998
DATE

APPROVED
LAFCO RES. # RO-98-8
July 8, 1998
DATE



TERRA LINDA FARM-HANSEN RANCH ANNEXATION

ESPINOSA SURVEYING
8110 South Walnut Ave.
Fresno, CA 93706
Phone (209) 834-6335 * FAX (209) 834-6336
espls@gte.net

DETACHMENT
FROM
WESTLANDS WATER DISTRICT.

JOB NO. 98028TX
DRAWN BY: PE
START DATE: 08/04/98
REVISE DATE: 08/10/98
SCALE: 1" = 500'
SHEET 7 OF 7

DATE: July 8, 1998

TO: Local Agency Formation Commission

FROM: Marvin L. Panter, Executive Officer

SUBJECT: Executive Officer Report - Agenda No. 4

CITY OF MENDOTA "TERRA LINDA FARMS-HANSEN RANCH ANNEXATION" REORGANIZATION PROPOSAL AND CITY OF MENDOTA SPHERE OF INFLUENCE REVISION LAFCo FILE NO. RO-98-8 AND RSOI-104

Initiated by Resolution No. 98-08 of the City of Mendota, dated May 12, 1998, certified for filing on June 22, 1998.

RECOMMENDED ACTIONS:

1. Consider the request for the Sphere of Influence revision for approximately 450 acres, and approve in whole or in part, or deny.

2. Consider the 525 acre reorganization proposal in relation to the Sphere of Influence and Commission Standards, and either deny the proposed reorganization, or approve the proposed "Terra Linda Farms-Hansen Ranch Annexation" Reorganization with or without revision and/or conditions.

3. Review and consider the environmental information in the Environmental Impact Report, prepared and filed by the City of Mendota, and make appropriate findings.

DESCRIPTION OF PROJECT:

To revise the City's sphere of influence to include approximately 450 acres located south of Belmont Avenue on the east side of Highway 33; and to annex approximately 512 acres to the City of Mendota and detach from the Fresno County Fire Protection District, the Silver Creek Drainage District, and the Westlands Water District.

JUSTIFICATION GIVEN BY PROPONENT:

By their very nature, a prison must be somewhat isolated and apart from existing development. Prisons require an open space buffer surrounding the facility for security purposes, and prison uses should not be contiguous with residential or commercial uses. Therefore this proposal is unique in that sound planning

principals dictate that contiguous development is not desirable for detention facilities such as the proposed prison. However, orderly planning goals are met by locating the proposed prison in an agricultural area which will serve as a compatible buffer zone. Incorporating the proposed prison and agricultural uses into the City promotes orderly development by subjecting the prison and agricultural uses to local control, providing public utilities and services.

DISCUSSION OF PROPOSAL AND COMMISSION ACTION:

SPHERE OF INFLUENCE REVISION:

Most of the reorganization territory is outside of the City sphere of influence. Only the north twenty acres west of the Mendota High School and the four residential parcels west of Derrick avenue are located in the sphere. The revision is requested to allow annexation of the proposed prison site, which is planned approximately one and one-fourth mile south of the south City boundary. The intervening territory is needed only to make the annexation contiguous.

The revision boundaries are approximately one-half mile wide and two miles in length, and will increase the City sphere of influence area by 20%.

1. PRESENT AND PLANNED LAND USES IN THE AREA, INCLUDING AGRICULTURAL AND OPEN-SPACE LANDS.

Existing uses in the sphere revision are agriculture, cotton farming. Forty-five percent of the total area, the northern half, is under Land Conservation Contract (LCC) No. 7443, contracting to keep the land in agriculture for at least ten years if the County assesses the land value as agriculture. The City will succeed to the LCC. None of this area is proposed for any other use at this time. There has been discussion with the City and landowners regarding a flea market for the northern 20 acres adjacent to Belmont Avenue. The use is not permitted under the LCC.

The south 250 acres will be purchased by Corrections Corporation of America (CCA) for a prison. The prison construction is described in the application as follows:

> The proposed project involves construction and operation of a new 1,550 bed medium security prison facility. The proposed facility would employ approximately 500 persons and also include an inmate transport vehicle depot. The proposed prison would occupy approximately 50 acres of a 247-acre parcel situated at the northeast corner of Derrick Avenue (State Route 33) and Panoche Road.
>
> This project is being proposed by CCA, the leading private sector provider of detention and correction services to federal, state and local governments in the United States. CCA was founded in 1984, and currently has contracts to operate 69 correctional facilities in several states. CCA's full range of services include finance, design, construction and management of new or existing facilities, as well as long-distance inmate transportation.

The remaining 200 acres of the site purchased by CCA will serve as a buffer for the prison and may be retained as agriculture or fallow.

Commission policies governing sphere revisions emphasize the need to preserve agricultural land. In this proposal approximately 500 acres of agricultural land are proposed for the City sphere revision. The soils are classified as unique agricultural areas by the Soil Conservation Service, and have high economic value, according to their report. The area is prime agricultural land, as defined in the State Government Code, by virtue of the crop value, production of cotton.

The proposed prison facility will actually develop only 50 acres, but may result in the loss of the remaining 200 acres to cotton production. There is no proposal to continue farming by CCA. The northern 225 acres will continue in agriculture under terms of the LCC.

An alternative project to the proposed sphere and annexation boundaries and their potential adverse impact must be considered by the Commission, as suggested in the Final EIR, and will be discussed later.

2. PRESENT AND PROBABLE NEED FOR PUBLIC FACILITIES AND SERVICES IN THE AREA.

The four residential parcels west of Derrick Avenue are currently being served by City water and sewer, except the southernmost is only receiving water service.

No formal proposal to develop any part of the northern 225 acres has been made to the City. Since the area is under LCC, and the City will succeed to the contract, only ag use will be permitted. The northern 20 acres west of the high school is shown as Medium Density Residential on the Mendota General Plan. The remainder is agriculture. The County Plan shows agriculture for the entire area. The City has prezoned the northern half as Open Space (OS) for the entire 225 acres, consistent with the LCC. No present or probable need for municipal services exist for the northern half.

The City plan for the southern 250 acres has been amended on June 23rd to show the prison use, Public Facility (PF). Approximately 50 acres in the central portion will be developed as the prison facility with access to Derrick Avenue. Development of the 1550-bed prison will need municipal services of water and sewer.

3. PRESENT CAPACITY OF PUBLIC FACILITIES AND ADEQUACY OF PUBLIC SERVICES WHICH THE AGENCY PROVIDES OR IS AUTHORIZED TO PROVIDE.

As noted above, the only area demanding services under the proposal is the 50-acre prison. The primary services demanded will be water and sewer services. There is extensive discussion of the adequacy of these services in the Draft and Final EIR. The consultant and comments both indicate that present services are not adequate and that improvements are necessary and are currently planned or implemented.

These improvements being made are:

1. Three wells, an 18-inch water transmission line, and a water treatment plant are to be completed by the end of this year, 1998.

   A 12" water line is to be extended in Derrick Avenue to serve the prison facility.

2. Planned improvements to the Waste Water Treatment Facility include enlarging sewer lines, constructing a new lift station, and retrofitting the facility. Correction of existing facility deficiencies is underway and includes constructing a 20 million gallon storage basin, using two abandoned ponds for emergency storage, and purchase or lease of several large parcels for effluent irrigation. These three measures will bring the City into compliance.

   No comments were made in the Final EIR or in response to request for annexation by the Regional Water Quality Control Board.

These improvements are being made for City-wide needs, and not just for the prison facility. However, the improvements are needed to ensure water and sewer will be available and adequate. To serve the prison a 6" force sewer main will be extended south along the east side of the annexation area, and a lift station about one mile south of Belmont Avenue.

All of these improvements are necessary to provide services of water and sewer to the prison site. Conditions assuring their completion should be required. Also it is not clear if these services will be adequate to serve any additional future uses in the annexation area, other than the prison facility.

Police and fire protection will continue to be provided by the County Sheriff and Fresno County Fire Protection District under contract with the City. The Sheriff Department has made extensive comment on the project which are included in the Final EIR. Comments on the annexation are also attached, and raise serious concerns about private operation of a prison facility.

No comments were made by the fire district to the Draft EIR or for the annexation proposal.

Storm drainage for the prison facility has been discussed adequately in the Municipal Service Plan. However, there is no discussion of flood control for the Silver Creek Channel along Belmont Avenue, which is a part of the annexation project, even though requests for information was made by staff of the City and EIR Consultant. The City and Drainage District need to develop plans for flood control affecting the City and make them a part of the Service Plan for this proposal.

4. EXISTENCE OF ANY SOCIAL OR ECONOMIC COMMUNITIES OF INTEREST IN THE AREA.

Not applicable.

DISCUSSION OF CITY REORGANIZATION PROPOSAL:

Much of the discussion on the sphere revision will be relevant also to the proposed reorganization.

The proposal consists of several parts, other than City annexation:

1. **Detachment of the four residential parcels west of Derrick Avenue from the Westlands Water District, totaling 6.13 acres.** The area east of Derrick is not in an irrigation or water district. Detachment is a policy of the District and Commission, that as areas annex and develop in the City the parcels no longer need irrigation water. In this case the four parcels, being one to two acres in area, have probably not received much benefit from the district in the past and will not in the future. The Westlands Water District in two letters have requested a condition of the reorganization, requiring payment of outstanding assessment charges and future obligation payments to the Federal government by the district, totaling $2,209.15.

2. **Detachment of the entire 525 acres from the Silver Creek Drainage District,** created in 1985 to provide flood control to Silver Creek flowing from the west, eastward along Belmont Avenue within the north portion of this territory. Again, detachment is a policy of the District and Commission. The District is a landowner voter district and excluded the City when formed.

   Staff may recommend an exception to your policy, detaching only the parcels west of Derrick Avenue, and the 20 acres along Belmont Avenue, currently in the sphere of influence, leaving the remaining 500 approximate acres in the District, because of the area remaining in agriculture and as large parcels and not subdivided in ownership.

3. **Detachment from the Fresno County Fire Protection District.** All of the territory is proposed for detachment, but will continue service provision from the District by contract or agreement with the City.

4. **Annexation to the City of Mendota.** The proposal is unique in that it is very large, 525 acres (the current City area is 1320 acres), and only 10% of the area is proposed to develop to other than agriculture or vacant. The remaining area is needed for contiguity or as a buffer.

   As pointed out in the justification written by the City, prisons usually occupy isolated areas. Many oppose prison locations if proximate to their property.

   Consequently many cities, like Coalinga, will attempt to annex by special legislation, waiving the requirement of contiguity. This avoids the problem of annexing large vacant or agricultural areas and/or dividing ownerships by City boundaries. The Commission two months ago suggested legislation to include proposals such as this without contiguity. However, it appears that the new legislation is applicable only to the City of Coalinga.

Another option, also used about nine years ago by the City of Coalinga to annex the Return to Custody Facility one and one half miles north of the City, was to annex a 600 foot wide strip along Highway 33/198, making the facility site contiguous. This is an alternative offered in the Draft EIR.

The proposal boundaries have been adjusted to accommodate two other purposes:

1. Assure that the CCA prison site and parcel of 250 acres is at least 50% of the entire area. Thus, a 24-acre parcel under ownership of the northern half was not included (Parcel 84).

2. Exclude approximately five acres at the northeast corner of the parcel to be purchased by CCA. This five acres contains agriculture related structures of the existing farm ownership, which also occupy a portion of the large farming parcel to the east.

The annexation also includes the entire right-of-way of Derrick Avenue (Highway 33).

ENVIRONMENTAL REVIEW AND FINDINGS MADE FOR THE ENVIRONMENTAL IMPACT REPORT.

Staff review and findings to be made at public hearing.

COMMISSION DIRECTION TO CONDUCTING AUTHORITY (IF APPROVED):

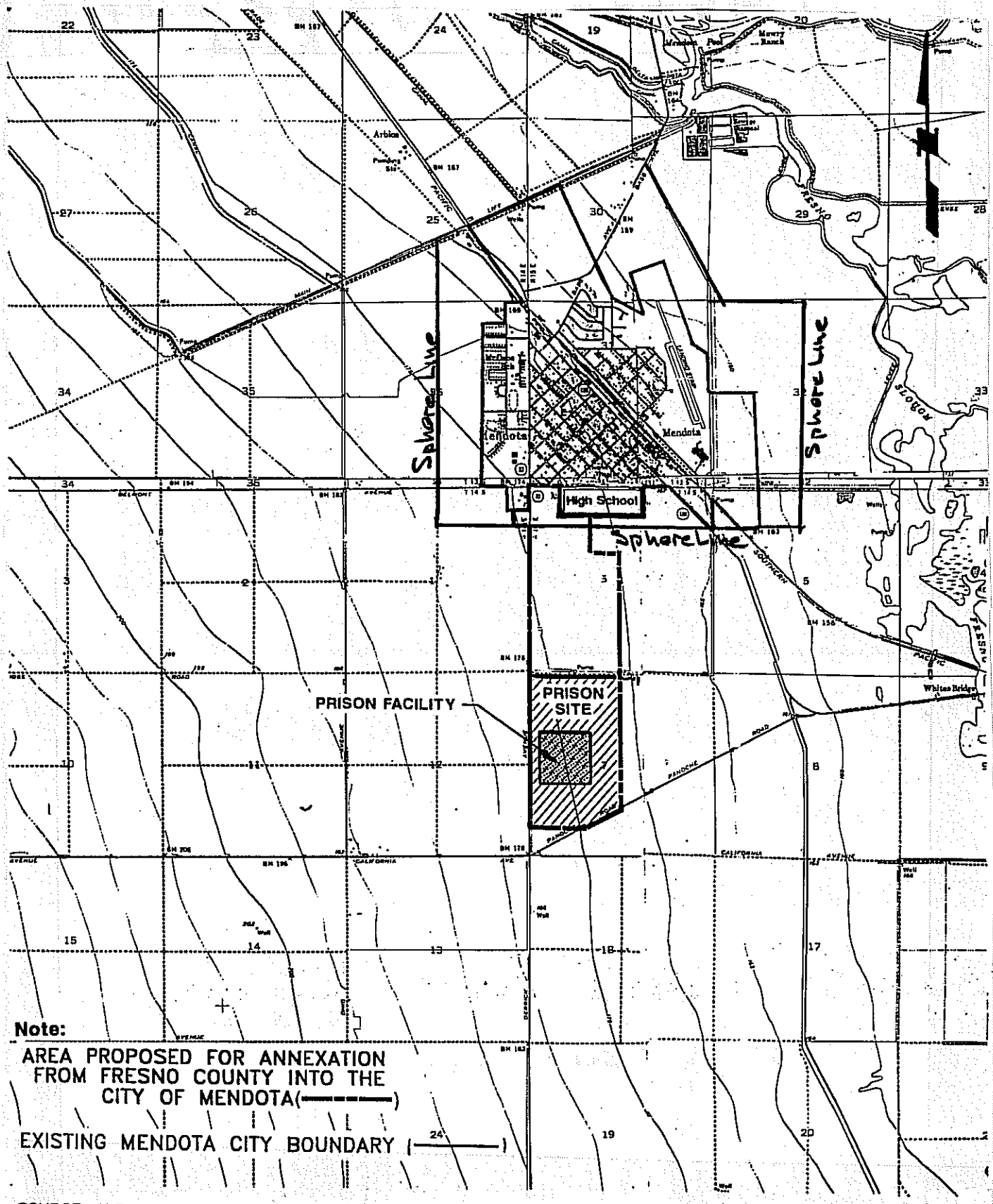
1. Designate the City of Mendota as the conducting authority, such agency to take proceedings for the reorganization in accordance with the Cortese/Knox Local Government Reorganization Act of 1985 commencing with Section 57000, subject to compliance with the Commission's resolution making determination.

2. Find the territory to be uninhabited.

Marvin Panter

Marvin L. Panter
Executive Officer

SPHERE OF INFLUENCE:



SOURCE: U.S.G.S QUADRANGLE MAPS, MENDOTA DAM, TRANQUILITY, COIT RANCH AND FIREBAUGH

EXISTING SERVICE AGENCIES AND PROPOSED SERVICE CHANGES: (Maps attached)

Water: No service/City of Mendota will provide water
Sewer: No service/City of Mendota
Fire Protection and Distance: Fresno County Fire Protection District, 2 miles/City of Mendota, 2 miles

Service Plan attached.

FISCAL DATA:

Under the property tax agreement the following exchange would occur the first fiscal year following annexation based on current tax data:

City of Mendota	+$471
Fresno County Fire Protection District	-$471

Total Assessed Valuation: $617,043

General bonded indebtedness of affected agencies: The 6-acre residential parcels are in Westlands Water District. Upon annexation, they will be detached from Westlands Water District and a detachment fee is requested as bond payment.

Name of Agency	**Bond Tax Rate for** Affected Territory	**Date of** Maturity	**General Purpose** of Bond
Westlands Water District	$34/Acre	2018	Provide irrigation water to district farmers

TERRITORY BOUNDARIES:

Boundaries **are** definite and certain, and there **are** conflicts with lines of assessment or ownership.

The proposed annexation is contiguous to present boundaries on the north side.

The map and description **are not** sufficient for filing with the State Board of Equalization.

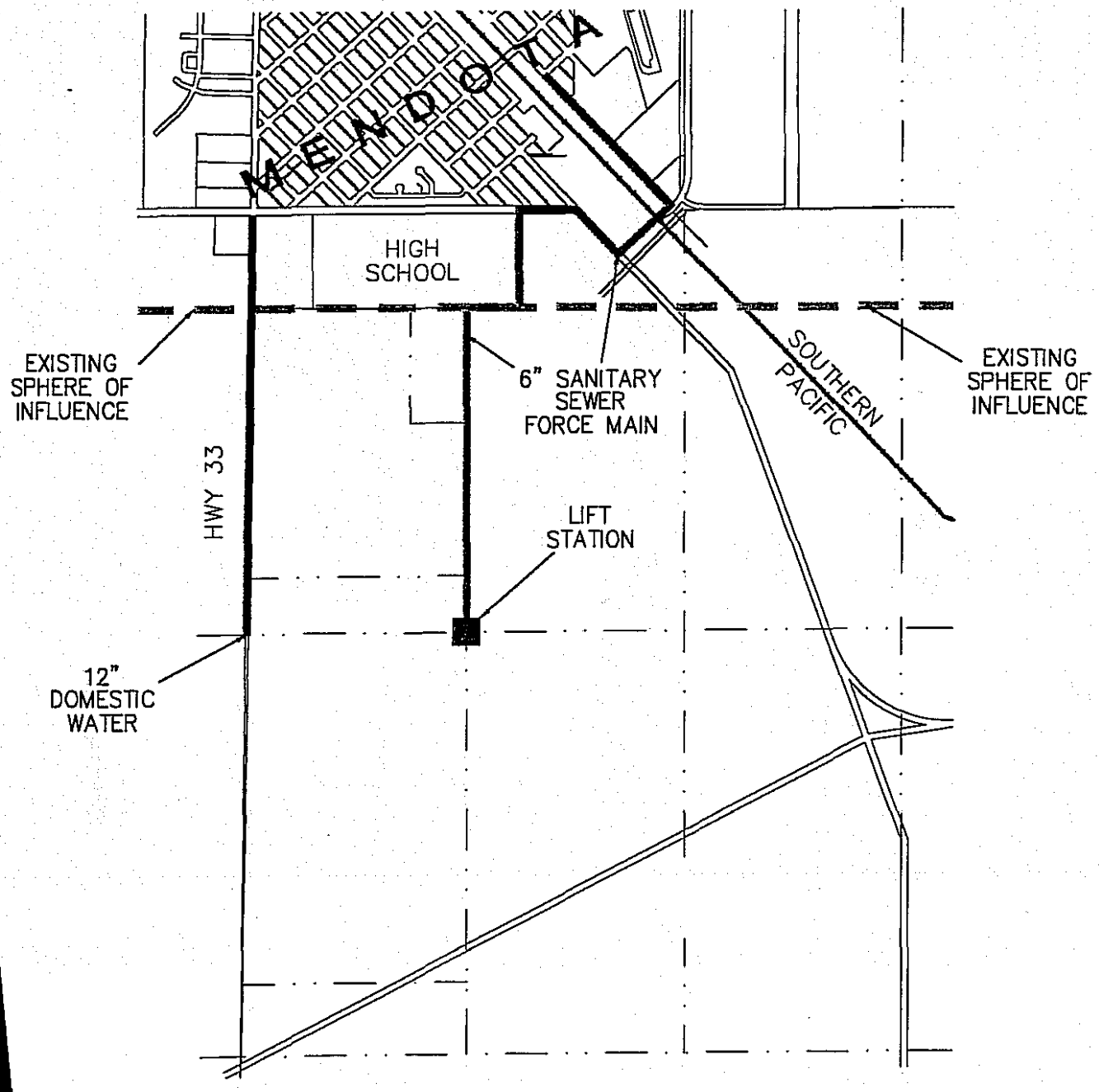


EXHIBIT D-3.2

"PROPOSED UTILITIES"
MAY 1998

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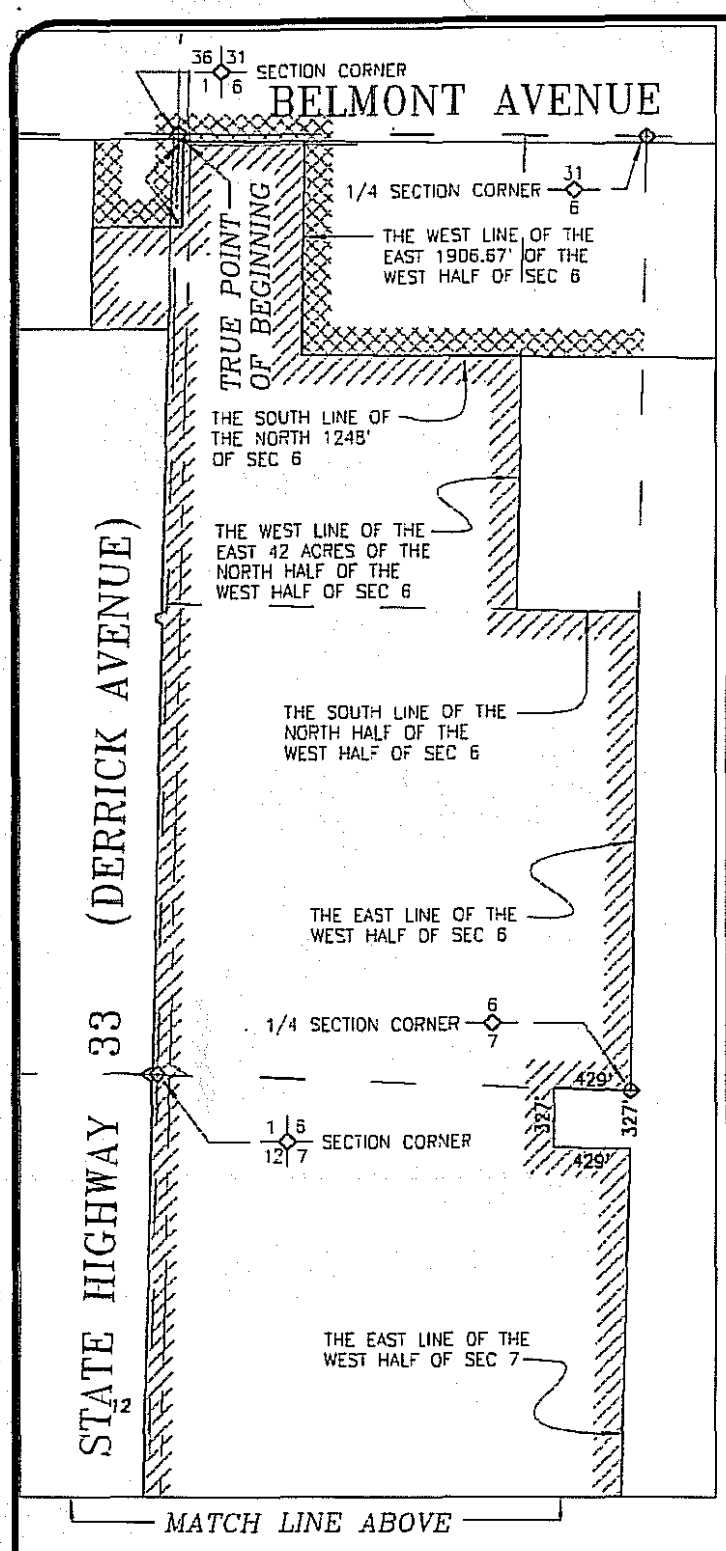
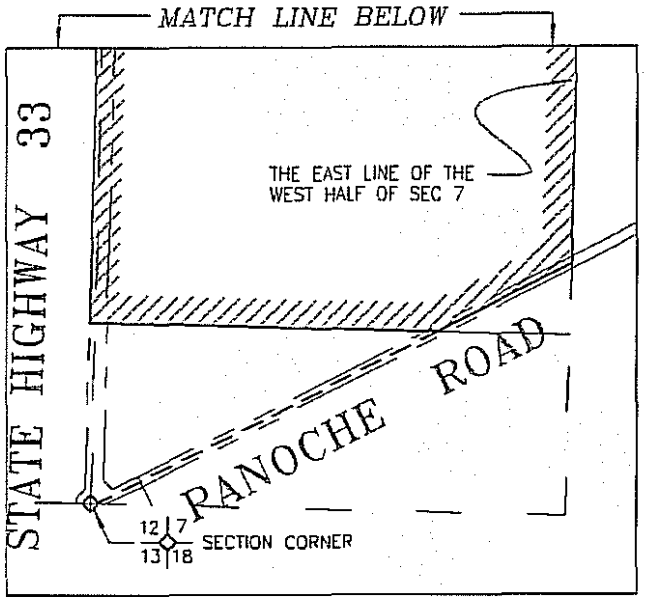




LINE TABLE		
LINE	BEARING	LENGTH
1	S01°25'56"W	489.86
2	N89°31'39"W	510.00
3	S01°25'56"W	580.80
4	S89°31'39"E	450.00
5	S01°25'56"W	1590.79
6	S61°25'56"W	42.72
7	S01°25'56"W	30.00
8	S58°34'04"E	42.72
9	S01°25'56"W	2500.69
10	S61°25'56"W	82.72
11	S58°33'31"E	82.72
12	S01°26'29"W	

PROFESSIONAL LAND SURVEYOR
PETER ESPINOSA
No. 6335
Exp. 12-31-98
STATE OF CALIFORNIA

LEGEND:

EXISTING CITY LIMITS

AREA TO BE ANNEXED

0 1000' 2000'

SCALE 1" = 1000'

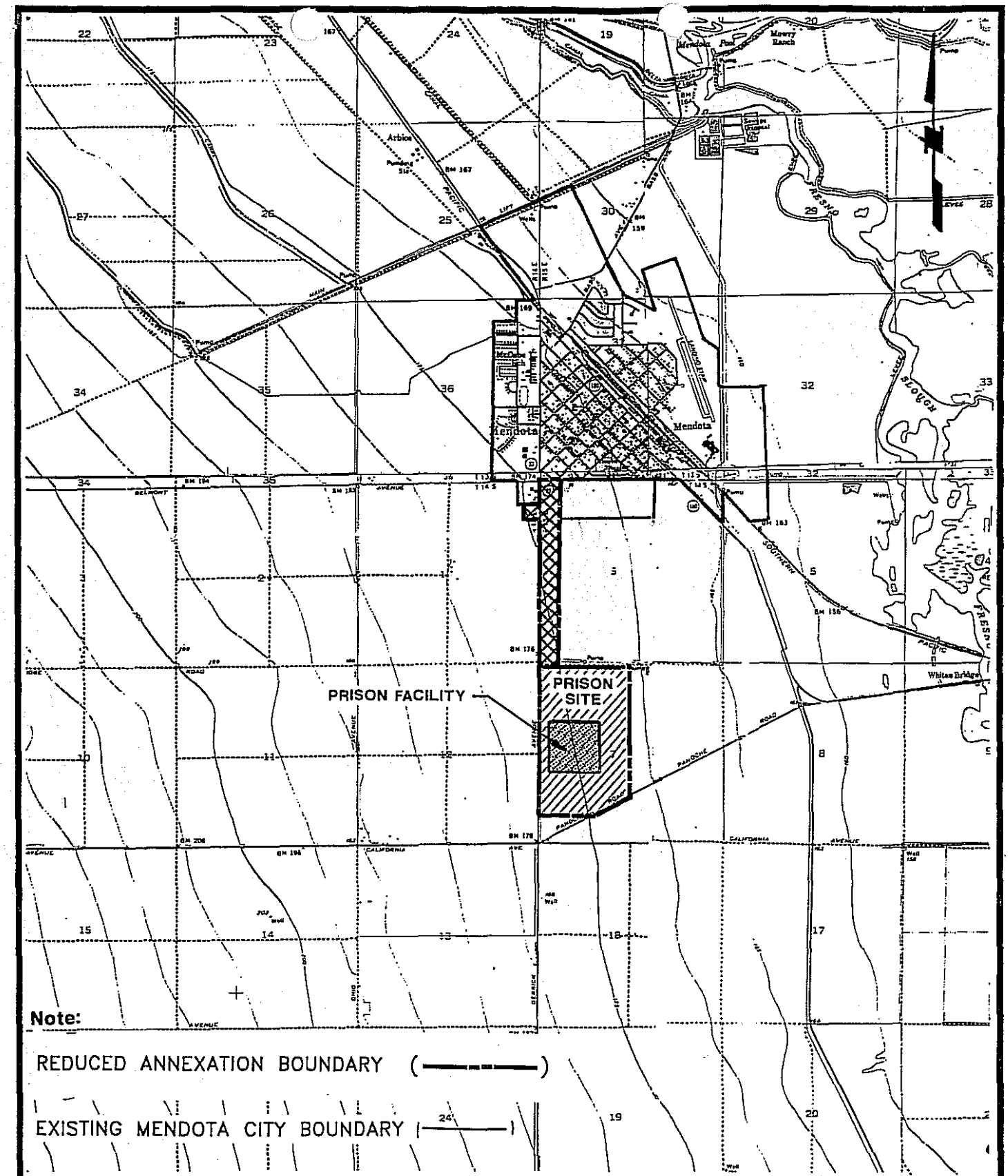
N

EXHIBIT MAP

ESPINOSA SURVEYING
8110 South Walnut Ave.
Fresno, CA 93706
Phone (209) 834-6335 * FAX (209) 834-6336
email espls@gte.net

TERRA LINDA FARM
HANSEN RANCH
ANNEXATION TO THE
CITY OF MENDOTA

JOB NO. 98028TX
DRAWN BY: PE
START DATE: 05/20/98
REVISE DATE: 05/29/98
SCALE: 1" = 100'
SHEET 1 OF 1



SOURCE: U.S.G.S QUADRANGLE MAPS, MENDOTA DAM, TRANQUILITY, COIT RANCH AND FIREBAUGH

RUST

Rust Environment & Infrastructure Inc.

PROPOSED PRISON FACILITY
AND RELATED ANNEXATION AREA

REDUCED ANNEXATION ALTERNATIVE

FIGURE

13

G:\USR3\PROJECT\CALCITY\MENSITE2.DWG

SUPPLEMENTAL INFORMATION AND MAPS

LAND USE AND OTHER DATA FOR AFFECTED AND SURROUNDING TERRITORY:
(Maps attached)

AFFECTED AREA:

Land Use: 6 acres in residential use, 473 acres in agricultural use.

Acreage: 512
Population: 11

Number of Residences: 3
Landowners: 7

Registered Voters: 4

County Zoning: AE-20/Reserve Neighborhood Commercial

City Zoning Upon Annexation: Public Facilities, 244 acres, open space, 229 acres, and C-3, 6 acres

Agricultural Preserves/Contracts: The north half of the territory, 224 acres, is in Ag Preserve and under Land Conservation Contract; the south portion, 244 acres is in Ag Preserve, but not under Land conservation Contract.

Agricultural Lands: 473 acres in cotton

SURROUNDING AREA:

Land Use: Agricultural; the City of Mendota and high school is to the north.

CONSISTENCY WITH CITY AND COUNTY GENERAL AND SPECIFIC PLANS:
(Maps attached)

Proposed Development: Federal Prison and Buffer Area, south half; Open Space, north half

Plan Conformity:

City – The proposal conforms with the recent amendments by the City

County – Agriculture, does not conform

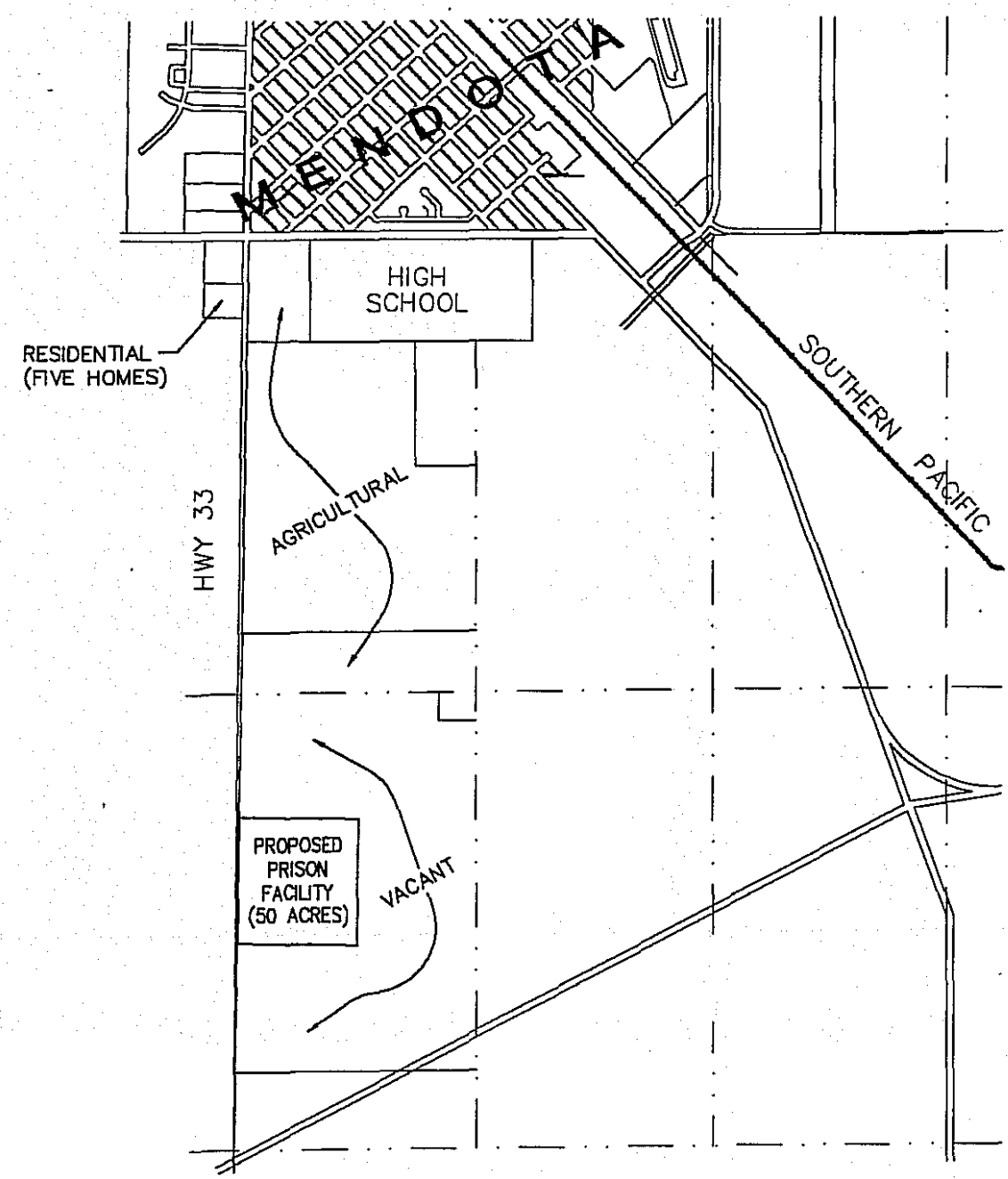


EXHIBIT D-2.1

"EXISTING LAND USE/ PROPOSED PRISON FACILITY"

MAY 1998

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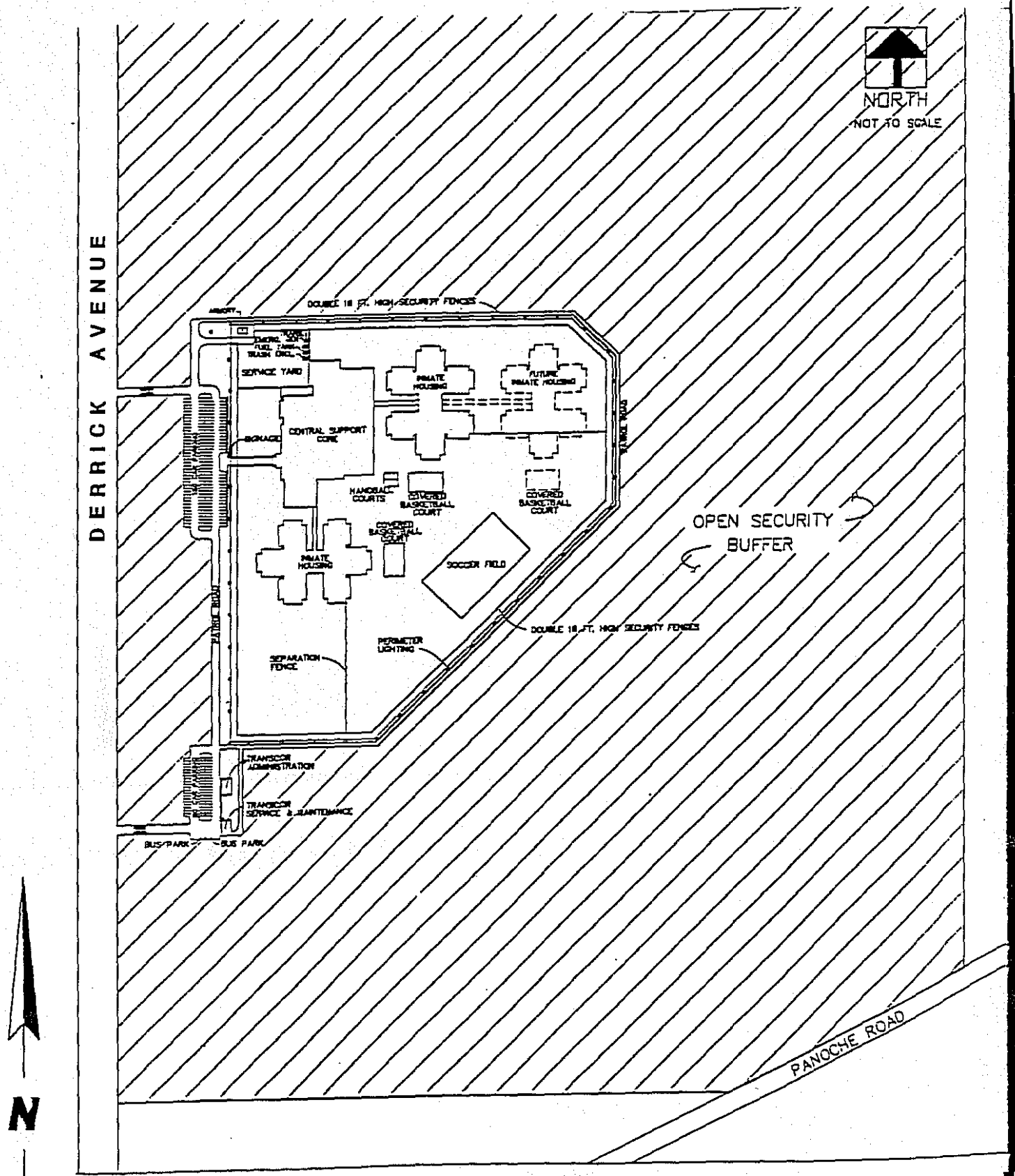

EXHIBIT D-2.2

SITE PLAN

MAY 1998

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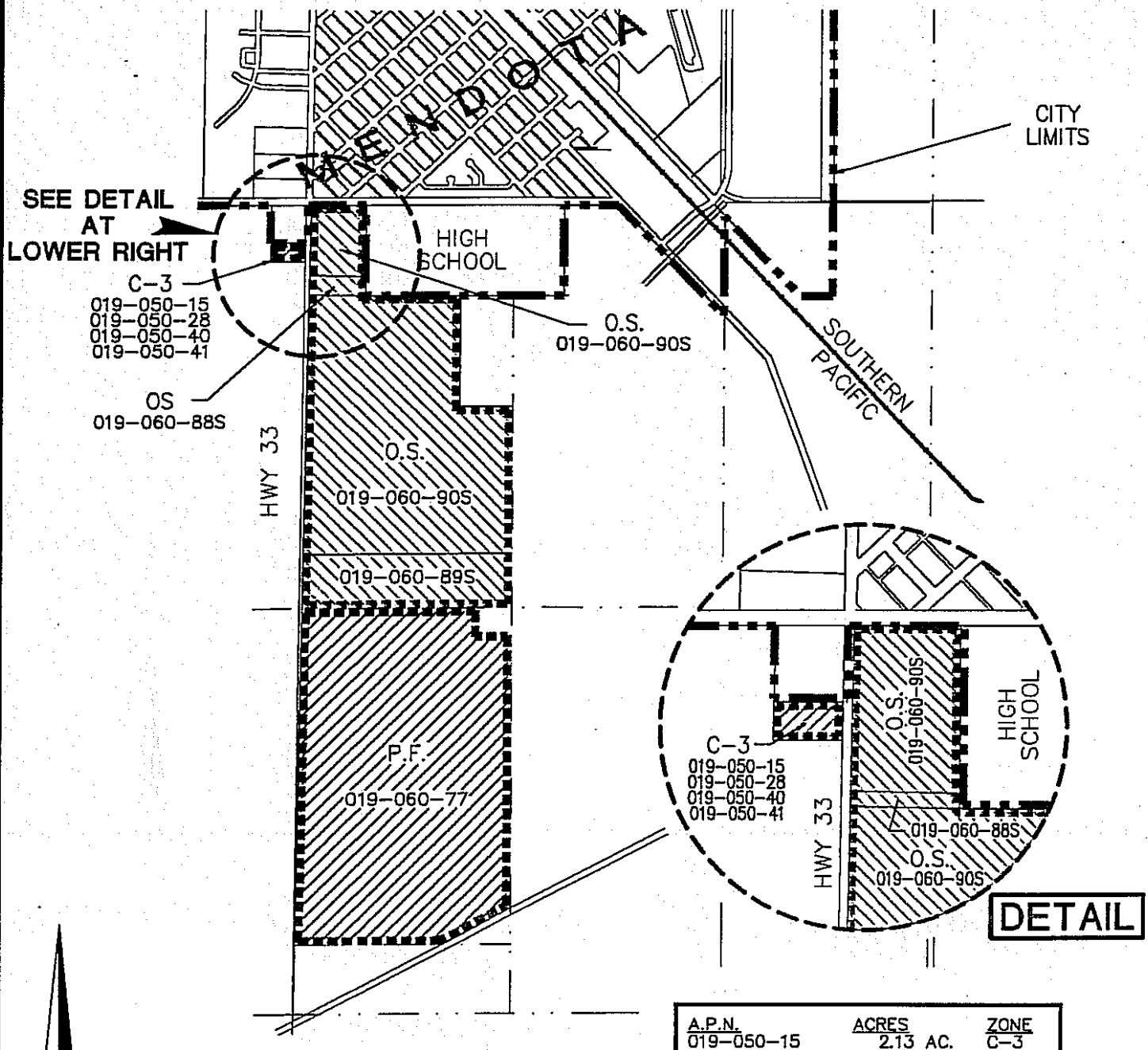

A.P.N.	ACRES	ZONE
019-050-15	2.13 AC.	C-3
019-050-28	1.51 AC.	C-3
019-050-40	1.14 AC.	C-3
019-050-41	1.35 AC.	C-3
019-060-77	243.64 AC.	PF
019-060-88S	4.00 AC.	OS
019-060-89S	30.00 AC.	OS
019-060-90S	194.94 AC.	OS
	478.71 TOTAL	

ZONING KEY
C-3 = CENTRAL BUSINESS/SHOPPING
OS = OPEN SPACE (AGRICULTURE)
PF = PUBLIC FACILITY (PRISON)

N

EXHIBIT D-3.1

"ANNEXATION PROPERTY AND PROPOSED ZONING"
MAY 1998

97112a05.dwg 5-28-98 12:01:02PM

CONSISTENCY WITH COMMISSION STANDARDS:

210 STANDARDS FOR ANNEXATION TO CITIES AND URBAN SERVICE DISTRICTS

01 Proposal is not consistent with the adopted spheres of influence and does not conflict with the goals and policies of the Commission

02 Proposal is consistent with city but not county general and specific plans, including adopted goals and policies.

03 Proposal shows that there is insufficient available land within the community plan area, consistent with the community plan, to accommodate the proposed development.

04 Proposal does not mitigate significant adverse affect on continuing agricultural operations on adjacent properties.

05 Proposal would not result in planned, well ordered, efficient development patterns and service areas. The proposal does not encourage urban sprawl.

06 Proposal shows that there is existing substantial development or gives indication of future development, thereby requiring urban services.

If no existing substantial development, a condition assuring that substantial development will occur upon annexation shall be made a part of the proposal.

07 Proposal shows that development will be provided all urban services and improvements or facilities necessary, as shown by the municipal service plan and application.

08 Proposal would create peninsulas and corridors, or other distortion of boundaries.

09 Proposal does not include mitigation of any significant adverse affect to subject or affected agencies through transition agreement or other means.

SUPPORTING DOCUMENTS AND WRITTEN COMMENTS OF OTHER AGENCIES AND PUBLIC

COMPLIANCE WITH CEQA:

Lead Agency: City of Mendota

The Environmental Impact Report was provided to the Commission on June 10, 1998.

PUBLICATION, POSTING, AND MAILED NOTICE:

Publication Newspaper and date: June 17, 1998
Notice posted and sent: June 15, 1998
Mailed by proponent to all landowners and residents on: February 6, 1998

Notice Attached.

AFFECTED AGENCY AND SCHOOL DISTRICT COMMENTS: (Letters attached)

Kerry McCants, Development Services Division
Stephanie Kahl, Environmental Health Systems
Karen Fullen, U.S. Soil Conservation Service
Dave Ciapponi, Westlands Water District
Steve Magarian, Sheriff

LANDOWNER OR RESIDENT: (Letters attached)

None

NAMES OF LANDOWNERS OR PARTIES OF REAL INTEREST:
(If inhabited only landowners of undeveloped parcels listed. Asterisk indicates consent to proposal.)

Bruce Barnes
David Weiland
Alan Bengyel
James B. Hansen*
Jess V. Hansen*
Kendall W. Gardner*
Juan Rodriguez*
Maria Rodriguez*
Jose Ramirez*
Terra Linda Farms, Jerald Coelho*
Dulce Estrella-Ramirez-Mirz*
Joel & Helen Gomez
Beto & Angela Cantu
Ruben Moreno
Mendota Unified School District*

Fresno Local Agency Formation Commission

Rowell Building • 2100 Tulare Street, Suite 502 • Fresno, CA 93721 ☎ (209) 495-0604 Fax (209) 495-0655

Chairman, Stan Oke
Board of Supervisor
Vice Chairman, Juan Arambul
Board of Supervisor

Member
Larry Fortun
Public Membe
Victor Lopez, Mayor
City of Orange Cov
Trinidad Rodriguez, Mayor
City of Kerma

Alternate Members
William Donleavey
Public Membe
Sharon Levy
Board of Supervisor
Tom Stearns
City of Clovi

Executive Officer
Marvin L. Pante

DATE: May 29, 1998

TO: Kerry McCants, Manager, Development Services Division, Stop #54
Public Works and Development Services Department

FROM: Marvin L. Panter, LAFCo Executive Officer

SUBJECT: "Terra Linda Farms Hansen Ranch Annexation" Reorganization and "City of Mendota Sphere of Influence Revision"

The subject application has been received in the office of the Local Agency Formation Commission for processing. In accordance with Section 56386 of the Government Code, your assistance in reviewing this application is requested. Those particular factors we request your comments on are:

1. County plan designation for the area is:
   Agriculture

2. Consistency of the proposal with adopted city or county general and community plans and policies (Section 205-02:3.06 - Fresno County General Plan)
   Consistent

3. Any pending County plans, projects (i.e. community development, roads, etc.) or development permits:
   None

4. Other related comments:
   See attached

5. Recommendations:
   Approval

We would appreciate your comments pertaining to this application returned to this office within **twelve working days.**

MLP:cf

Attachments: Application, Map, Legal, Service Plan (if submitted), Resolution

Signature and Title

Date 7-1-98

JUL 1998
Received
FRESNO
LAFCO

4. Other Related Comments (continued):

The County has reviewed the annexation and has determined that it will meet the Standards for Annexation contained in Exhibit 1 of the MOU once the City's Sphere of Influence is amended to include the property and a site plan has been approved for the prison.

The City of Mendota will assume jurisdiction of Land Conservation Contract No. 7443 upon annexation to the City.

The County of Fresno Road Maintenance Division has made the following comments:

> The annexation should be to the centerline of the Derrick (Hwy. 33) and Panoche Roads.
>
> Parcel (APN 019-060-78s) at the corner of Derrick and Panoche Roads should be included in the annexation.

EVB:mac
G:\DEVS&PLN\PLANNING\LAFCO\TERRALND

Fresno Local Agency Formation Commission

6-12

Rowell Building • 2100 Tulare Street, Suite 502 • Fresno, CA 93721 ☎ (209) 495-0604 Fax (209) 495-0655

Chairman, Stan O
Board of Supervi
Vice Chairman, Juan Aramb
Board of Supervi

Memb
Larry Fort
Public Mem
Victor Lopez, Ma
City of Orange (
Trinidad Rodriguez, Ma
City of Ker

Alternate Memb
William Donlea
Public Mem
Sharon L
Board of Supervi
Tom Stea
City of Cl

Executive Offi
Marvin L. Pa

DATE: May 29, 1998

TO: Keith Stewart, Environmental Health, Stop #51

FROM: Marvin L. Panter, LAFCo Executive Officer

SUBJECT: "Terra Linda Farms Hansen Ranch Annexation" Reorganization and "City of Mendota Sphere of Influence Revision"

The subject application has been received in the office of the Local Agency Formation Commission for processing. In accordance with Section 56386 of the Government Code, your assistance in reviewing this application is requested. Those particular factors we request your comments on are:

1. Adequacy and availability of existing and proposed community water and sewer systems:

2. Need for services other than those proposed:

3. Effect of project on air or water quality:

4. Related County plans or projects:

5. Other comments: No comments.

Facts and your comments pertaining to this application should be returned to this office within twelve working days. Thank you.

Attachments: Application, Map, Legal Description, Service Plan, Resolution

Stephen R Hall EHS III

Signature and Title

6-10-98

Date

RECEIVED
JUN 02 1997
Environmental Health System
Land Use / Water

Fresno Local Agency Formation Commission

Rowell Building • 2100 Tulare Street, Suite 502 • Fresno, CA 93721 ☎ (209) 495-0604 Fax (209) 495-0655

Chairman, Stan Oke
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Trinidad Rodriguez, Mayo
City of Kerma

Alternate Member
William Donleave
Public Membe
Sharon Lev
Board of Supervisor
Tom Stearns
City of Clovi

Executive Officer
Marvin L. Pante

May 29, 1998

U.S. Soil Conservation Service
4625 W. Jennifer, Suite 125
Fresno, CA 93722

Subject: "Terra Linda Farms Hansen Ranch Annexation" Reorganization and "City of Mendota Sphere of Influence Revision"

The subject application has been received in the office of the Local Agency Formation Commission for processing. In accordance with Section 56386 of the Government Code, your assistance in reviewing this application is requested. Those particular factors we request your comments on are:

1. Relationship of the proposal to prime agricultural land* in the area:
None of the soils on site meet the definition of prime agricultural land.

2. Effect of the proposal on unique agricultural areas:
Current use of the 473 acres to produce cotton meets the criteria for unique agricultural areas. Proposal will remove 244 acres from production of this crop of high economic value to the State of California.

3. Effect of the proposal on any soil hazard or limitation:
Soil on site of construction area is Cerini clay loam, saline-sodic, wet, 0-1% slopes with severe limitations for building sites.

4. Other comments:
See attached soil description.

*See Government Code Section 35046 for definition.

Facts and your comments pertaining to this application should be returned to this office within **twelve working days.**

MLP:cf

Attachments: Application, Map, Legal Description, Resolution

Karen L. Miller
Soil Conservationist
Signature and Title

6/8/98
Date

JUN 1998
Received
FRESNO
LAFCO

MUNICIPAL SERVICE PLAN

FOR THE CITY OF MENDOTA

5/11/98

This Municipal Service Plan presents an outline of current public services and planned improvements to serve the existing and future needs of the City of Mendota, including:

- Description of extended services
- Level of service required
- Date extended service will be provided
- Public improvements planned to facilitate extended service and
- Financial mechanisms.

Domestic Water System

Existing Service

The City of Mendota (City) currently uses groundwater sources to supply its residences with water. Water is pumped from groundwater wells, through a transmission line, and to the Water Treatment Plant (WTP). At the WTP, the water is chlorinated to precipitate out the dissolved iron and manganese, then the water is dechlorinated with sulfur dioxide, although some residual chlorine would remain. After chlorination and dechlorination, the iron and manganese precipitate are filtered out with Fitronics sand filters and resulting finished water is stored in two 1 million gallons (MG) storage tanks. This water is then pumped through booster pumps into the distribution system.

There are five groundwater wells within the City's Water Supply System. All the wells are located north of the City along the west side of Bass Avenue. Well number 2, 3, and 4 are just south of Lift Canal, while well numbers 5 and 6 are within Pool Park. However, not all the wells

are in service. Well numbers 4 and 5 are in operation, well numbers 2, 3, and 6 are out of service. Well number 3 is temporarily out of service due to column corrosion problem but is expected to be back in service before summer of 1998.

Once well Number 3 is back in service, the City will have a total of three wells at flow capacities of 950, 1200 and 600 gallons per minute (gpm) for well Numbers 3, 4, and 5, respectively. The combined capacity of the three wells is 2,750 gpm, more than the plant capacity of 2,250 gpm.

Proposed improvement to water supply system and Rehabilitation/Expansion of water treatment plant.

Water in Mendota meets all primary drinking water standards, the water is safe to drink and poses no health hazard. However, at times it may be aesthetically unpleasant to drink. This is due to high total dissolved solids (TDS) and presence of hydrogen sulphide in the water which produces odors and can impart a sour taste.

Since 1995, the City has conducted extensive groundwater tests and has developed a new well field site north of Bass Avenue. The quality of water of this well field is significantly better than the existing wells. The City proposes a Water Improvement Project to install three new wells at the site which will be pumped at 500 gpm each, a 18-inch transmission line and make improvements at the Water Treatment Plant (WTP) by the end of 1998 or early 1999. Well numbers 3 and 5 will remain in service to supplement the three new wells. Well water from new well field meets primary and secondary drinking water standards. This water will be blended with the existing well waters so that the blended water will have lower TDS levels. Iron and manganese will be oxidized by an automated chlorine system, dechlorinated and the precipitate will be filtered by Filtronics filters, hydrogen sulfide will be removed by a Catalytic Carbon Filter system.

With three new and two existing wells, the total capacity of the wells would be 3,050 gpm. In addition, the WTP will have new design capacity of 3,000 gpm after completion of improvements.

This will provide an ample amount of capacity for planned growth within the City and the proposed prison.

Currently, the WTP has a design capacity of 3.24 MGD (2,250 gpm). Once the Water Improvement Project is complete, the WTP capacity will increase to 4.32 MGD (3,000 gpm). Well capacity will increase from 3.96 MGD (2,750 gpm) to 4.39 MGD (3,050 gpm).

At peak periods the City's current water demand is 2.3 MGD (1,600 gpm) . The proposed prison will require approximately 170 gallons per inmate per day. The prison facility proposes to accommodate up to 1,550 inmates with a estimated demand of 0.26 MGD (181 gpm) of water. Combining the prison demand with existing demand, the City's total requirement would be 2.56 MGD (1,778 gpm). Therefore, based on the scheduled and budgeted water system improvements, the Mendota water supply and treatment capacity will be more than adequate to meet the needs of the City residents and proposed prison.

Proposed water system improvements are:

- Construct three new water wells at the proposed well field site
- Construct an 18-inch water transmission line from the well field to the City's Water treatment plant
- Add additional filtration facilities and make related improvements at the water treatment plant
- Construct small segments of water distribution system which are missing
- Install 12-inch water line to prison site.

Wastewater System

Existing System

Mendota's Wastewater Treatment Facility (WWTF) is located north of the City on the east side of Bass Avenue and directly south of the Fresno Slough. Currently, the WWTF has a capacity of 1.24 MGD (861 gpm) and the average dry weather flow of the WWTF is 0.956 MGD (664 gpm).

Wastewater generated throughout Mendota is collected in a network of sewer lines laid under streets and easements. Wastewater flows through laterals, collector sewers, and eventually the 30-inch main trunk sewer line which transports the wastewater northeast along Bass Avenue about half-mile to the Bass Avenue lift station. The wastewater is pumped from the lift station through a 12-inch force main to the WWTF. At the WWTF, the wastewater is aerated in two lagoons. These lagoons are used to reduce the biological oxygen demand (BOD) and settle out suspended solids. Aerobic and anaerobic activity occurs throughout the system. After detention in aerated lagoons, the water passes to four evaporation-percolation ponds. From these ponds, the water flows through a pump station and delivers it to an underground irrigation pipe, which distributes the wastewater throughout the reclamation fields.

Proposed Improvements

Planning for the expansion of the wastewater system started in 1997. These improvements are planned and will be implemented late 1998 or early 1999.

Wastewater system improvements, which will be implemented between late 1998 and early 1999, will consist of :

- Enlarging sewer lines (2nd Street)
- Constructing a new lift station at WWTP and abandoning the existing lift station at Bass Avenue
- Extending the 30-inch trunk sewer line from Bass Avenue Lift Station to the WWTP
- New head works, new lab/control building, rehabilitation of the ponds, installing new

aerators and constructing a new storage basin (20 million gallons) for increased storage capacity, and

- 6-inch sanitary sewer force main with a lift station at the prison site which would be connected to the City's Sewer System.

The City expects the State Water Resources Board to approve the Sewer Improvement Project concept in June of 1998. The City anticipates funds for this $3 million project in November or December of 1998.

The proposed expansion to the WWTF will have a 12-year design capacity of 2.2 MGD (1,528 gpm). The prison will generate approximately 150 gallons per inmate per day of wastewater. With a maximum capacity of 1,550 inmates, the prison facility is estimated to generate 0.23 MGD (160 gpm) of wastewater. Since the WWTF is currently operating at 0.956 MGD (664 gpm), this will provide a total estimated flow of 1.188 MGD (524 gpm). Currently, the WWTF design capacity is 1.24 MGD (561 gpm), so the estimated flow of the City and the prison is within the WWTF's current design capacity. Furthermore, the growth of the City in the near future can be easily accommodated by WWTF Improvement project.

Police Services

Police Services for the annexation area are currently provided by the Fresno County Sheriff. The City of Mendota's contract with the Fresno County Sheriff will likely require an amendment to cover any potential increased expense associated with providing law enforcement services for the properties proposed for annexation. As an alternative, the prison may contract directly with the Fresno County Sheriff to cover potential cost for police services.

Fire Protection Services

According to the Fire Protection District, the proposed annexation and prison project may require an additional third full-time fire fighter to be assigned to the District's Mendota Station. New revenues generated by the prison will assist with the cost of hiring an additional firefighter.

Contractual arrangements between Mendota and the District may require amendment to cover expenses for potential services to the prison. As an alternative, the District may elect to contract directly with the prison to cover potential expenses.

DATE: JULY 8, 1998

TO: LOCAL AGENCY FORMATION COMMISSION

FROM: MARVIN L. PANTER, EXECUTIVE OFFICER

SUBJECT: **ADDENDUM TO STAFF REPORT AGENDA NO. 4**

"TERRA LINDA FARMS – HANSEN RANCH ANNEXATION"

RECOMMENDED ACTION:

Staff recommends approval of the Sphere Revision and Reorganization with revision and conditions, and Environmental Findings and Statement of Overriding Considerations.

Recommended changes in the project, i.e. revised boundaries and conditions of annexation to alter the project, provide mitigation, or provide further environmental information, are as follows:

1. Revise the proposed boundaries of sphere of influence and reorganization as shown in Exhibit A, also referred to as the "Reduced Annexation Alternative" in the Draft EIR. This alternative would connect the 247 acre prison parcel to the City by a 600 ft. wide strip, not including Derrick Avenue. Four objectives would be achieved:

    A. The prison facility and buffer (247 acres) would be annexed to the City.

    B. The four residential parcels and an approximately 20-acre parcel southeast of Belmont and Derrick Avenue, already in the sphere of influence, would be annexed to the City.

    C. The alternative has a reduced potential for significant adverse effect on prime agricultural land as defined in the Cortese-Knox Act, and as such, the Commission must consider the alternative. Although described as infeasible, none of the reasons given make the alternative infeasible. Property ownership is already divided by the proposal, and the division which the alternative would create is not a problem for either zoning or the land conservation contract.

    D. The Commission policy and standard of not annexing vacant land without development proposed would be more consistently applied to such a revision.

2. Further revise the reorganization boundaries by only detaching that area in the existing City sphere of influence from the Silver Creek Drainage District (approximately 30 acres), as recommended in the staff report.

3. Not require any condition for payment of Westlands Water District assessment, but recognize that Government Code Section 57354 states that detached areas continue to be liable for assessments or other obligations outstanding on the effective date of the detachment.

4. Provide further mitigation of any adverse impact on agricultural land by requiring recordation of a Right-to-Farm Covenant by the owners of the prison site.

5. Require a condition to assure that annexation will occur only if the prison actually starts construction as follows:

   Prior to completion, evidence of site construction shall be submitted, including land purchase, final approval of site plan and building permit by City, and site grading for facility.

6. As conditions, assure that water and sewer facilities are adequate for the prison facility and City of Mendota by requiring evidence of City water and sewer improvements. These are:

   3 new wells
   18" transmission line
   Water Treatment Plant improvements
   Effluent storage basin construction
   Implementing use of farmland for irrigation with effluent (approximately 600 acres)

7. Supplement the Final EIR by presenting to Commission in some detail, prior to completion, information and options for flood control along Belmont Avenue being currently considered, and agencies responsible, such information not made available in the Final EIR.

8. Prior to completion, present to Commission at August 26th hearing, a resolution satisfactory to the Commission of the unresolved matters presented by the County Sheriff's Department letter and testimony.

Make environmental findings and adopt statement of overriding considerations for the Sphere Revision and Reorganization of boundaries as follows.

The Commission Finds that:

1. Revisions to the sphere of influence and reorganization boundaries have been made and conditions of the reorganization required, which avoid or substantially lessen the significant environmental effects identified in the EIR. The revisions and conditions are described in the Staff Recommendations above.

2. Other changes or alterations are within the responsibility of the City of Mendota and not LAFCo. These changes and alterations are identified in the City Resolution making environmental findings.

3. The benefits of the revised project outweigh the remaining unavoidable adverse environmental effects. These overriding benefits, also described in the City of Mendota Resolution, are described as follows:

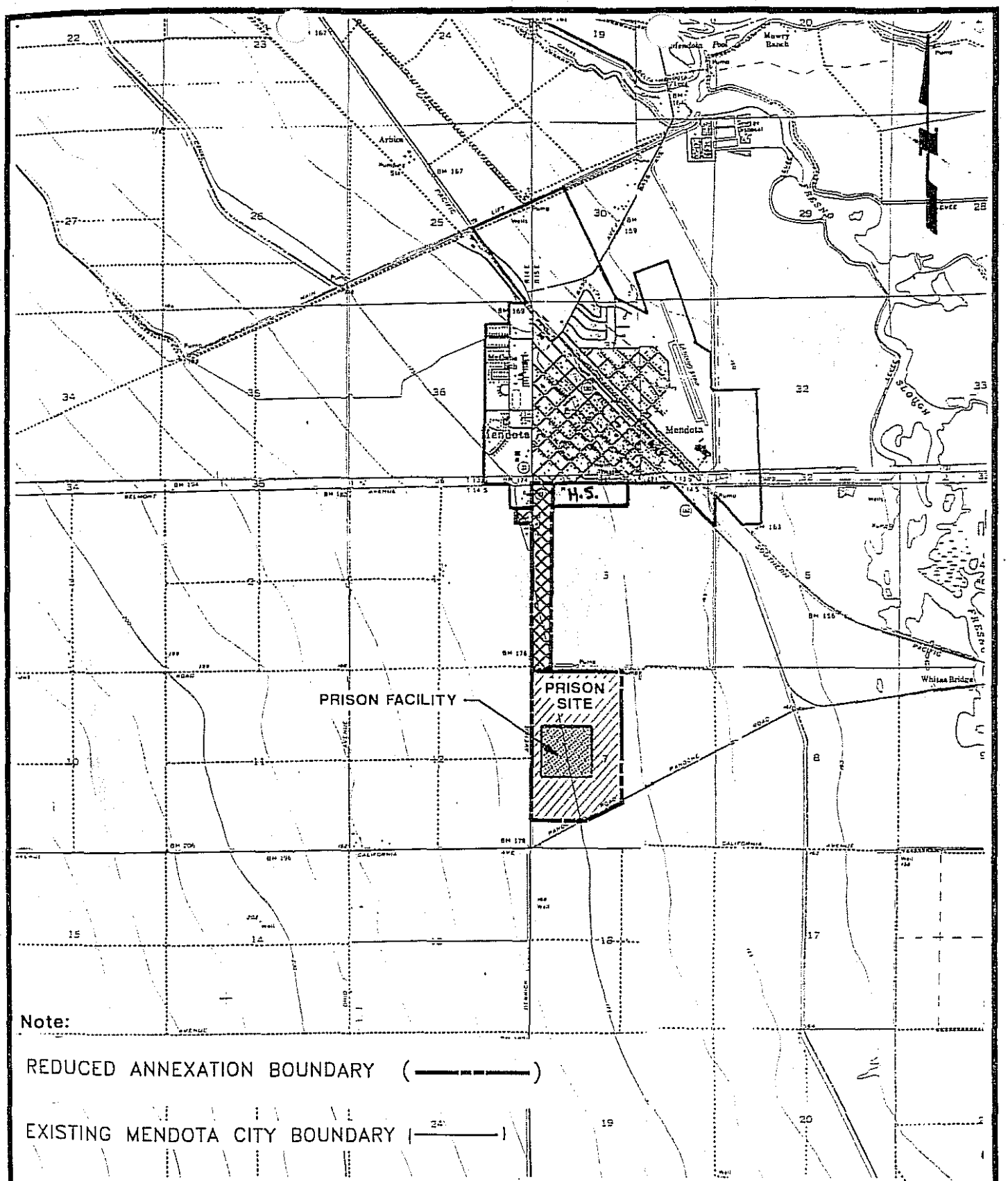
The sphere revision and reorganization of boundaries and the construction of the Corrections Corporation of America Prison at Mendota will provide a secure prison facility to serve the inmate incarceration needs of government correctional agencies and to provide a cost effective alternative to publicly funded construction and operation of prisons.

The prison will provide excellent long term employment and career opportunities for surrounding communities. Between 85 to 90 percent of the prison employees are expected to be drawn from the Project vicinity. Approximately 400 positions for permanent correctional officers will be created. Other job opportunities will include medical, education, administrative, trade and clerical services.

In addition to the jobs directly created by the prison, the purchase of local goods and services for the prison facility, and by CCA employees will stimulate the local economy and result in additional employment opportunities in the Project vicinity. Since Mendota has no base industries, the additional employment opportunities and the increased tax revenue generated by the prison will greatly benefit the local economy.

Marvin Panter

Marvin L. Panter, Executive Officer



SOURCE: U.S.G.S QUADRANGLE MAPS, MENDOTA DAM, TRANQUILITY, COIT RANCH AND FIREBAUGH

RUST

Rust Environment & Infrastructure Inc.

PROPOSED PRISON FACILITY AND RELATED ANNEXATION AREA

REDUCED ANNEXATION ALTERNATIVE

FIGURE

13

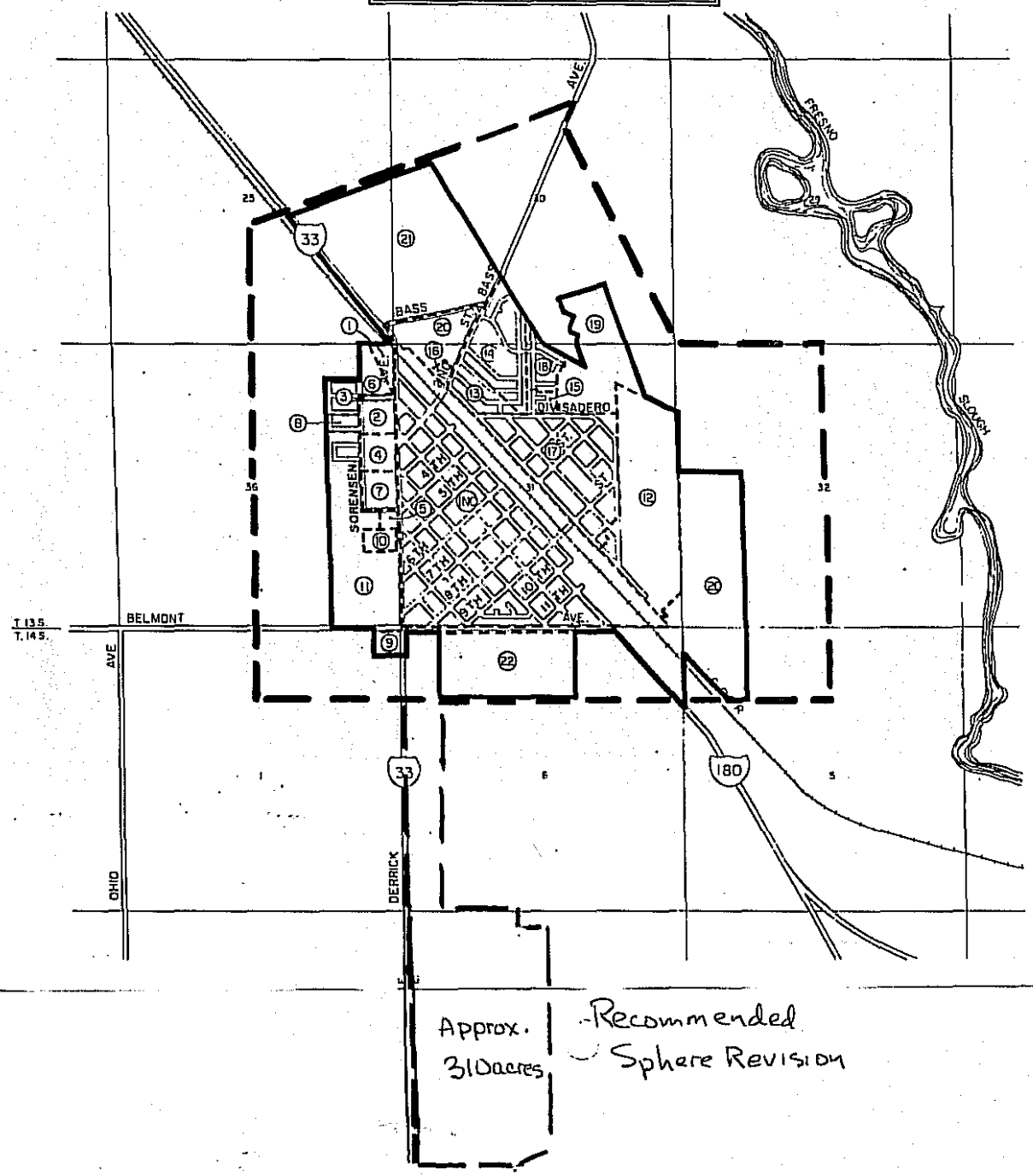
G:\USR3\PROJECT\CALCITY\MENSITE2.DWG

FRESNO LOCAL AGENCY FORMATION COMMISSION

SPHERE OF INFLUENCE

City Data (1/97)

Sphere Area: 3.5 Sq. Miles
City Area: 2.1 Sq. Miles
1,319 Acres



Exh. A

PROCESS FOR A RESPONSIBLE AGENCY

CEQA SECTIONS 15096, 15091, 15093

15096

A Responsible Agency complies with CEQA by considering the EIR or Negative Declaration prepared by the Lead Agency and by reaching its own conclusions on whether and how to approve the project involved. This section identifies the special duties and public agency will have when acting as a Responsible Agency.

A Responsible Agency shall respond to consultation by the Lead Agency in order to assist the Lead Agency in preparing adequate environmental documents for the project. By this means, the Responsible Agency will ensure that the documents it will use will comply with CEQA.

A Responsible Agency should review and comment on draft EIRs for projects which the Responsible Agency would later be asked to approve.

Prior to reaching a decision on the project, the Responsible Agency must consider the environmental effects of the project as shown in the EIR.

When considering alternatives and mitigation measures, a Responsible agency is more limited than a Lead Agency. A Responsible Agency has responsibility for mitigating or avoiding only the direct or indirect environmental effects of those parts of the project which it decides to approve.

When an EIR has been prepared for a project, the Responsible Agency shall not approve the project as proposed if the agency finds any feasible alternative or feasible mitigation measures within its powers that would substantially lessen or avoid any significant effect the project would have on the environment.

The Responsible Agency shall make the findings required by section 15091 for each significant effect of the project and shall make the findings in Section 15093 if necessary.

FINDINGS

15091

(1) Changes or alternatives have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

(2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

(3) Specified economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the final EIR.

(b) The findings required shall be supported by substantial evidence in the record.

(c) The finding in subsection (2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives.

15093

(a) CEQA requires the decision-maker to balance the benefits of a proposed project against its unavoidable environmental risks in determining whether to approve the project. If the benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."

(b) Where the decision of the public agency allows the occurrence of significant effects which are identified in the final EIR but are not at least substantially mitigated, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. This statement may be necessary if the agency also make a finding under section 15091(2) or (3).

(c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the Notice of Determination.

Fresno Local Agency Formation Commission

Rowell Building • 2100 Tulare Street, Suite 502 • Fresno, CA 93721 ☎ (209) 495-0604 Fax (209) 495-0655

Chairman, Stan Oken
Board of Supervisors
Vice Chairman, Juan Arambula
Board of Supervisors

Members
Larry Fortune
Public Member
Victor Lopez, Mayor
City of Orange Cove
Trinidad Rodriguez, Mayor
City of Kerman

Alternate Members
William Donleavey
Public Member
Sharon Levy
Board of Supervisors
Tom Stearns
City of Clovis

Executive Officer
Marvin L. Panter

DATE: July 8 1998

TO: Local Agency Formation Commission

FROM: Marvin L. Panter, Executive Officer

SUBJECT: Final and Draft Environmental Impact Report for Mendota Prison, Sphere Revision, and Annexation – Report Sent June 10, 1998

The City of Mendota has prepared an EIR for a new prison, privately operated by the Corrections Corporation of America. The prison will occupy 50 acres of land within an annexation of about 500 acres to the City. Almost all of the area is outside of the City sphere of influence so the City is requesting a revision to the sphere of influence to allow the annexation to be consistent (see map Exhibit A).

The sphere revision and annexation could cause several impacts which are discussed in the Draft and Final EIR, and include:

- Loss of and effect on agricultural lands
- Effect on Williamson Act Contracts
- Extension of City services and improvements
- Changes in land use and sphere of influence policy
- Effect on other agencies, i.e. County and Districts

The Commission must consider the Report and make findings prior to taking action on the project at your hearing July 8th at 1:30 p.m. Staff will make further report and recommendations at that time.

Attached is a copy of your staff letter which was meant to be presented to the City Council which, according to the Minutes, was not presented.

Also attached are copies of the City Council resolutions certifying the EIR, making findings and adopting Mitigation Measures, and City staff report to the Council.

MLP:cf

Attachments

CITY of MENDOTA

MINUTE ORDER

The City Council of the City of Mendota, held a Public Hearing at their regularly scheduled meeting held on Tuesday, June 23, 1998, to consider Certification of Environmental Impact Report (EIR) and Related Actions in Support of the Medium Security Prison Proposed by the Corrections Corporation of America, as follows:

1) ***RESOLUTION NO. 98-16:*** In the Matter of making Certain Environmental Findings and Adopting a Statement of Overriding Considerations in Connection with the Corrections Corporation of America Prison at Mendota and Related matters. The Council members unanimously approved this resolution, based on a motion made by Council member Amador, seconded by Council member De La Cruz.

2) ***RESOLUTION NO. 98-17***: In the Matter of Approving a General Plan Amendment No. 98-01. The Council members unanimously approved this resolution, based on a motion made by Council member Riofrio, seconded by Council member Amador.

3) ***RESOLUTION NO. 98-18:*** In the Matter of Approving Prezoning of the Project Site and Surrounding Parcels. The Council members unanimously approved this resolution, based on a motion made by Council member Amador, seconded by Council member Riofrio.

4) ***RESOLUTION NO. 98-19:*** In the Matter of Establishing Procedures and Requirement for the Consideration of Development Agreements. The Council members unanimously approved this resolution, based on a motion made by Council member Riofrio, seconded by Council member Amador.

ATTEST:

6/23/98
DATE:

Rosemary A. Ramirez
ROSEMARY A. RAMIREZ,
CITY CLERK

643 QUINCE STREET • MENDOTA, CALIFORNIA 93640 • 209-655-3291 • FAX 209-655-4064

MITIGATION MONITORING PROGRAM

CORRECTIONS CORPORATION OF AMERICA
PRISON AT MENDOTA

State Clearinghouse No. 97112070

Lead Agency:
City of Mendota
643 Quince Street
Mendota, CA 93640
(209)655-3291

Prepared by:
Rust Environment & Infrastructure
17671 Cowan Suite 150
Irvine, California 92614-6031
(714)251-6400

Project Applicant:
Corrections Corporation of America
10 Burton Hills Boulevard,
Nashville, Tennessee 37215
(615)263-3000

June, 1998

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MITIGATION MONITORING PROGRAM

CITY OF MENDOTA

SECTION 1 - INTRODUCTION

The Mendota Planning Commission adopts this Mitigation Monitoring Program (MMP) in accordance with Public Resources Code (PRC) Section 21081.6. This MMP is to ensure the project known as the Corrections Corporation of America (CCA) Prison at Mendota and annexation of territory (the "project") complies with environmental mitigation and permit requirements. The EIR was certified and environmental findings and mitigation measures for the project were adopted by the Mendota Planning Commission on June 16, 1998, in conjunction with the Final EIR. These mitigation measures have been integrated into the project MMP, and are organized and referenced by subject category and by numerical reference. Specific actions to fulfill each mitigation measure are enumerated and responsible parties to conduct each action item are identified.

PRC Section 21081.6 requires the Lead Agency for each project subject to the California Environmental Quality Act (CEQA) to "adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment." The City, as the Lead Agency for the project, has designed this MMP to ensure compliance with this law and to effectively monitor performance of the mitigation measures. The MMP identifies responsibility for implementing each measure and responsibility for verifying implementation has occurred. The applicant has the responsibility for ensuring the design and construction of the project incorporates and implements the mitigation measures adopted by the City.

SECTION II - STATEMENT OF PURPOSE

1.0 INTRODUCTION

The purpose of the MMP is to monitor the implementation of mitigation measures adopted as part of the Final EIR, and to identify the responsibilities of the City and Applicant for carrying out the MMP. Specifically, the MMP will monitor and verify implementation of mitigation measures adopted in the CCA Prison at Mendota Final EIR.

2.0 RESPONSIBILITIES OF THE MITIGATION MONITORING TEAM

There are four categories of personnel identified in the MMP as part of the monitoring team. They are:

(1) City Council;

(2) Planning Director, designated as the City's Monitoring Program Manager (MPM), or a Senior Planning Department staff member appointed by the Planning Director;

(3) The Mitigation Monitor (MM), from within the appropriate City Department, e.g. Planning, Engineering, Public Works, etc., or a contract employee whose specific task is to serve as the MM;

(4) Applicant.

2.1 General Responsibilities

City Council:

a. Initial and final approval of EIR mitigation measures.

b. Receives and reviews bi-annual reports on mitigation monitoring from MMP.

Monitoring Program Manager:

a. Final approval of Mitigation Monitoring Reports presented to the City Council.

b. Overall management of the MMP.

c. Quality control of field monitoring personnel.

d. Certification of implementation documentation.

e. Acts as liaison between the City Council and MMP personnel.

f. Acts as liaison between the City and Applicant.

g. Coordination of mitigation monitors to ensure proper monitoring, reporting and documentation.

h. Ensure the Applicant has knowledge of, complies with, and implements mitigation measures.

I. Acts as a contact for interested parties, affected property owners who wish to register complaints, observations of unsafe conditions, environmental violations; and verifies any such actions and develops any necessary corrective actions.

j. Writes Mitigation Monitoring Reports for the City Council.

k. Presents conclusions of Mitigation Monitoring Reports to the City Council.

l. Provides documentation of implementation/non-implementation to the City Council.

Mitigation Monitor(s):

a. Maintains a working knowledge of the project schedule and progress as they relate to environmental mitigation.

b. Monitors assigned measures.

c. Ensures incorporation of mitigation measures into the project design.

d. Reports on and provides documentation for implementation or non-implementation of mitigation measures to MPM.

e. Assists MPM in resolving conflicts and/or problems.

Applicant:

a. Tasks required to implement the mitigation measures, except for tasks which the Mitigation Monitoring Implementation Plans (MMIPs) specify are to be performed by the City or others. In this regard, where an MMIP does not designate specific responsibility for an action to implement a particular mitigation measure, the applicant will be responsible for such action. Furthermore, the applicant shall provide documentation of their actions to the verification party in a timely manner.

3.0 MITIGATION MONITORING IMPLEMENTATION PLANS

The MMIPs contain the procedures for implementation and verification of each mitigation measure and subparts thereof.

The procedures contained in the MMIPs describe certain general actions common to measures, as well as actions specific to particular measures. The following is an outline of the structure of each MMIP.

3.1 Monitoring

Description of Mitigation Measure

a. Mitigation Measure Number.

b. Environmental Topic: Describes the environmental issue pertaining to the measure, as stated in Section 4.0 of the Final EIR.

c. Mitigation Measure Text: Restates the measure adopted in Sections 3 and 4 of the environmental findings.

3.2 Implementation and Verification

Action Responsibility

Such as assignment of responsibility for monitoring implementation.

Method of Verification:

Each MMIP describes documentation appropriate to prove implementation of each mitigation measure. The following preliminary types of documentation have been established:

a. Design Review Verification - During the design process, the applicant shall verify implementation of applicable mitigation measures. Documentation will include a verification form and other documentation as deemed necessary by the MPM.

b. Field Verification - Some mitigation measures will require field verification by the MPM or MM. Personnel designated for field verification documentation shall be approved by the MPM. Field verification documentation shall include a consultant report if deemed necessary by the MPM, regardless of whether such a report is specified in the MMIP.

c. Status Report - The MPM is required to report bi-annually to the City Council regarding the status of mitigation implementation. These reports will include all documentation necessary to inform the City Council as to the progress made on the mitigation implementation.

3.3 Compliance Record

Timing

Timing - For example, identification of project phase prior to or during which the mitigation measures and/or implementation action must be completed. The following six phrases are used:

a. In conjunction with final design, i.e. during preparation of the final design documents

b. Prior to issuance of grading permit

c. Prior to issuance of building permit

d. During construction

e. Prior to issuance of certificate of occupancy

f. Ongoing

Verification Responsibility

The MPM and/or the MM will have responsibility for determining the adequacy of verification documents. A document deemed unacceptable will be returned to the originator by the MPM and/or MM with specific instructions as to the changes necessary for acceptance.

Certification Date

The date when an implementation action has been fulfilled.

Internal Note

The MPM is responsible for tracking the implementation status of mitigation measure. The status of a mitigation measure or other information related to its implementation may be entered.

4.0 CONCLUSION

The implementation of this Mitigation Monitoring Program will ensure compliance with PRC Section 21081.6. Additionally, this program will demonstrate the City's commitment to protect the environment, while providing a necessary service to government correctional agencies in addition to creating employment opportunities for residents of Mendota and vicinity.

SECTION III

MITIGATION MONITORING IMPLEMENTATION PLAN AND COMPLIANCE RECORD

Introduction

This section of the MMP includes Implementation Plans and Compliance Records for each Mitigation Measure.

Measure: *GEO-1*
Topic: *Soils and Geology*

Description

GEO-1 The project engineer/geologist shall submit to the City Engineer a site-specific geotechnical report which characterizes soil and geotechnical conditions at the proposed prison site and provides recommendations for site grading and drainage, structural foundations as appropriate, placement of subsurface utilities and corrosivity control measures.

Implementation and Verification

Applicant to conduct design level geotechnical investigation and provide recommendations as noted above in GEO-1.

City Plan Check Review Staff to conduct review of geotechnical investigation as part of grading plan review.

Compliance Record

Prior to issuance of grading and building permit, Building Department shall verify compliance.

Date Completed:

Submitted by:

Fee:

Further Action Required:

Follow-up Date:

Measure: *HD-1*
Topic: *Hydrology and Drainage*

Description

HD-1 As part of final engineering plan review for the proposed prison, the City Engineer shall review and approve final drainage plans for the prison. The drainage plans must detail how project-generated stormwater will be managed on the project site including the proposed location, size and number of detention ponds proposed on the 247-acre prison site.

Implementation and Verification

City Engineering to review detailed site plan to review stormwater collection, retention and discharge facilities design.

Compliance Record

Prior to issuance of grading permit, applicant to provide City Public Works Department evidence of compliance.

Date Completed:

Submitted by:

Fee:

Further Action Required:

Follow-up Date:

Measure: *AQ-1, AQ-2*
Topic: *Air Quality*

Description

AQ-1 Project contractors shall water active grading sites at least twice a day, and clean appropriate construction equipment in the morning and/or evening to reduce particulate emissions.

AQ-2 Project contractors shall suspend all grading or earthmoving operations during periods of high winds greater than 20 miles per hour averaged over one hour or during first and second stage smog alerts to reduce the release of fugitive dust.

Implementation and Verification

Applicant shall reflect measures as detailed notes on grading plans.

City Plan Check Review Staff shall ensure compliance on approved grading plans and permits.

Compliance Record

Prior to issuance of grading permit, City Plan Check Review Staff shall ensure measure is included on grading plans.

Date Completed:

Submitted by:

Fee:

Further Action Required:

Follow-up Date:

Measure: *AQ-3, AQ-4*
Topic: *Air Quality*

Description

AQ-3 The project contractors shall ensure that all trucks hauling dirt, sand, soil, or other loose materials are covered or should maintain at least two feet of freeboard (i.e. minimum vertical distance between top of the load and the top of the trailer) in accordance with the requirements of the California Vehicle Code Section 23114 to reduce the spilling of this material on area roads.

AQ-4 The area disturbed by clearing, earthmoving, or excavation activities shall be minimized at all times.

Implementation and Verification

Applicant shall reflect measures as detailed notes on grading plans.

Compliance Record

City Plan Check Review Staff shall ensure compliance on approved grading plans and permits.

Date Completed:

Submitted by:

Fee:

Further Action Required:

Follow-up Date:

Measure: *AQ-5*
Topic: *Air Quality*

Description

AQ-5 Project contractors shall reestablish ground cover on construction sites through seeding and watering on portions of the site that would not be disturbed for two months or more in order to reduce the release of fugitive dust.

Implementation and Verification

Applicant to comply with measure.

Applicant shall include measures as detailed notes on grading plans.

Compliance Record

City Plan Check Review Staff shall ensure compliance on approved grading plans and permits.

Date Completed:

Submitted by:

Fee:

Further Action Required:

Follow-up Date:

Measure: *AQ-6, AQ-7, AQ-8*
Topic: *Air Quality*

Description

AQ-6 Project contractors shall, as necessary, wash truck tires leaving the site to reduce the amount of particulate matter transferred to paved streets.

AQ-7 Project contractors shall sweep on and off site streets if silt is carried over to adjacent public thoroughfares, as determined by the City Engineer to reduce the amount of particulate matter on public street.

AQ-8 Project contractors shall limit traffic speeds on all unpaved road surfaces to 15 miles per hour or less to reduce the release of fugitive dust.

Implementation and Verification

Applicant to comply with measure.

Applicant shall reflect measures as detailed notes on grading plans.

Compliance Record

Prior to issuance of grading permit, City Plan Check Review Staff shall ensure measures are included on grading plans.

During construction, Mitigation Monitor shall verify compliance.

Date Completed:

Submitted by:

Fee:

Further Action Required:

Follow-up Date:

Measure: *AQ-9, AQ-11*
Topic: *Air Quality*

Description

AQ-9 Project contractors shall use low emission mobile construction equipment where feasible to reduce the release of undesirable emissions.

AQ-10 Project contractors shall maintain construction equipment engines by keeping them tuned thereby reducing undesirable emissions.

Implementation and Verification

Applicant to demonstrate compliance through construction equipment maintenance records.

Compliance Record

During construction, Mitigation Monitor shall verify compliance.

Date Completed:

Submitted by:

Fee:

Further Action Required:

Follow-up Date:

Measure: *AQ-10*
Topic: *Air Quality*

Description

AQ-10 Project contractors shall encourage rideshare and transit programs for project construction personnel to reduce automobile emissions into the atmosphere.

Implementation and Verification

Applicant to comply with measure.

Applicant to maintain records of information provided to construction employees.

Compliance Record

During construction, Mitigation Monitor shall verify compliance.

Date Completed:

Submitted by:

Fee:

Further Action Required:

Follow-up Date:

Measure: *AQ-12*
Topic: *Air Quality*

Description

AQ-12 Project contractors shall use existing on-site electrical power sources to the maximum extent practicable. Where such power is not available, the Contractor shall use clean fuel generators during the early stages of construction to minimize or eliminate the use of portable generators and reduce the release of undesirable emissions.

Implementation and Verification

Applicant to demonstrate compliance through construction records.

Compliance Record

During construction, Mitigation Monitor shall verify compliance.

Date Completed:

Submitted by:

Fee:

Further Action Required:

Follow-up Date:

Measure: *AQ-13, AQ-14, AQ-15*
Topic: *Air Quality*

Description

AQ-13 The project shall be designed and operated to conserve energy as required by Pacific Gas and Electric and/or other appropriate agencies.

AQ-14 CCA will utilize high efficiency appliances for space and water heating, as well as use low Nox emitting natural gas fired appliances.

AQ-15 CCA will support and encourage employees to participate in ridesharing programs, and may provide information about alternatives to solo-commuting.

Implementation and Verification

Applicant shall demonstrate compliance through Design Review Verification.

Compliance Record

Prior to the issuance of a building permit, City Plan Check Review Staff will review and approve designs.

Date Completed:

Submitted by:

Fee:

Further Action Required:

Follow-up Date:

Measure: *T-1*
Topic: *Transportation and Circulation*

Description

T-1 A southbound left-turn lane at the SR-33/Panoche Road-California intersection shall be added to separate the significant amount of project traffic projected to make the southbound to eastbound left-turn movement from the through traffic, which would improve traffic flow at this intersection. Some improvement to the south intersection leg would also be required for alignment purposes, which would likely result in a northbound left-turn lane as part of an improvement project, and if required, would be constructed on a pro-rata basis by benefiting projects.

Implementation and Verification

Applicant to contract intersection improvements.

Compliance Record

Prior to issuance of Certificate of Occupancy, Monitoring Program Manager shall verify compliance with Caltrans..

Date Completed:

Submitted by:

Fee:

Further Action Required:

Measure: *T-2*
Topic: *Transportation and Circulation*

Description

T-2 The intersection of SR-33/Panoche Road-California shall be signalized to improve PM peak hour operations to an acceptable level. Installation of the signal shall commence at such time when Caltrans and/or Fresno County determines that the projected decline in LOS at this intersection warrants signalization. Prior to installation of the signal, fees for the signal shall be assessed on a pro rata basis between all projects benefiting from the signal. Based on the volumes listed in the traffic study the project's percentage share of the future traffic signal at SR33/Panoche Road would be (250)/ (1,300-520)=32.0%.

Implementation and Verification

Applicant to comply with measure.

Compliance Record

Prior to 2020 conditions, a percentage share (32%) shall be submitted.

Date Completed:

Submitted by:

Fee:

Further Action Required:

Measure: *T-3*
Topic: *Transportation and Circulation*

Description

T-3 The project applicant will be responsible to submit an application for a Caltrans Encroachment Permit for the proposed facility driveways which front on SR-33 which includes left turn channelization and flare type right turn entry access to Caltrans standards.

Implementation and Verification

Applicant shall submit a Caltrans Encroachment Permit.

Compliance Record

Prior to issuance of grading permit.

Date Completed:

Submitted by:

Fee:

Further Action Required:

Measure: *PU-1*
Topic: *Public Utilities (Water Supply)*

Description

PU-1 The proposed prison design would include the following provisions to minimize water at the prison:

- Use of low-flow fixtures, and
- Use of drought-tolerant, native landscaping.

Implementation and Verification

Applicant to comply with measure.

In conjunction with final design, applicant to verify utility improvements described above are included in utility plan.

Compliance Record

Prior to issuance of building permits, City Plan Check Review staff to verify compliance.

Date Completed:

Submitted by:

Fee:

Further Action Required:

Follow-up Date:

Measure: *PU-2*
Topic: *Public Utilities (Water Supply)*

Description

PU-2 The project shall be conditioned upon completion of the City's water supply and delivery augmentation plans.

Implementation and Verification

The City shall implement and comply by completing water supply and delivery augmentation plans and by making project approvals conditional upon completion of water supply and delivery augmentation plans.

Compliance Record

Prior to issuance of building permits, City Plan Check Review staff to verify compliance.

Date Completed:

Submitted by:

Fee:

Further Action Required:

Follow-up Date:

Measure: *AS-1, AS-2*
Topic: *Aesthetics*

Description

AS-1 Where feasible, lighting shall be shielded and directed downward to minimize off-site illumination.

AS-2 Mast lighting posts shall not exceed 30 feet in height.

Implementation and Verification

Applicant to design lighting in accordance with measure and show such design on detailed facility site plans submitted for review to City Building Department Staff.

Compliance Record

In conjunction with final design, City Plan Check Review Staff shall ensure compliance.

Date Completed:

Submitted by:

Fee:

Further Action Required:

Follow-up Date:

Measure: *CR-1, CR-2, CR-3*
Topic: *Cultural Resources*

Description

CR-1 During excavation greater than four feet, a qualified paleontologist shall be retained to perform periodic inspections of the excavations and earthmoving processes, and if necessary, salvage exposed fossils. The frequency of inspections shall depend on the rate of excavation, the materials being excavated, and if fossils are being discovered. If fossils are discovered by the contractor or other personnel, and a paleontologist is not on-site, the qualified paleontologist must be notified immediately.

CR-2 The paleontologist shall be allowed to divert or direct grading in the area of the exposed fossil to facilitate inspection and, if necessary, salvage resources.

CR-3 Because some of the fossils may be small, it may be necessary to collect samples of promising horizons or beds for processing through fine screens.

Implementation and Verification

Applicant to comply with measures.

Applicant to submit records that qualified archaeologist has been retained.

Applicant to comply with measure during site grading.

Compliance Record

Prior to issuance of grading permit, City Plan Check and Review Staff shall review site grading plans to ensure measure is included.

During construction, applicant shall maintain records of any notifications.

During construction, Mitigation Monitor shall periodically inspect to ensure compliance.

Date Completed:

Submitted by:

Fee:

Further Action Required:

Follow-up Date:

Measure: *CR- 4, CR-5*
Topic: *Cultural Resources*

Description

CR-4 Fossils collected shall be prepared to the point of identification and catalogued before they are curated at a final repository.

CR-5 All fossils collected shall be curated at a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County.

Implementation and Verification

During construction, applicant shall submit records of any notifications.

Compliance Record

Prior to issuance of grading permit, City Plan Check Staff to review applicable plan for detailed notes.

Date Completed:

Submitted by:

Fee:

Further Action Required:

Follow-up Date:

Measure: *CR-6*
Topic: *Cultural Resources*

Description

CR-6 A report detailing the results of the monitoring effort, a list of the fossils collected, and the name of the repository shall be submitted to the City of Mendota at the conclusion of the project.

Implementation and Verification

Applicant shall maintain records of any notifications.

Compliance Record

JUN 1999
Received
FRESNO
LAFCO

Date Completed:

Submitted by:

Fee:

Further Action Required:

Follow-up Date:

BEFORE THE PLANNING COMMISSION
OF THE
CITY OF MENDOTA, COUNTY OF FRESNO

IN THE MATTER OF APPROVING A RECOMMENDATION TO THE CITY COUNCIL TO APPROVE GENERAL PLAN AMENDMENT No. 98-01.

P.C. RESOLUTION No. 98-03

WHEREAS, the Planning Commission had duly considered and approved P.C. Resolution 98-02, which certified the Environmental Impact Report for the prison project proposed by the Corrections Corporation of America (CCA); and

WHEREAS, considering of the need to plan for the orderly growth and development of the city, and upon consideration of public comments, a careful review of the staff's written report and the staff's presentation; and

WHEREAS, the Planning Commission desires to amend the General plan as described in Exhibit 1, Proposed General Plan Designation, dated May, 1998, and is incorporated by reference into this resolution; and

WHEREAS, the Planning Commission has found that General Plan Amendment No. 98-01 is in the best interest of the public;

NOW, THEREFORE, BE IT RESOLVED THAT, the Planning Commission hereby recommends that the City Council approve General Plan Amendment 98-01 as more particularly described in Exhibit 1, attached.

Introduced, approved and adopted this 16th day of June, 1998.

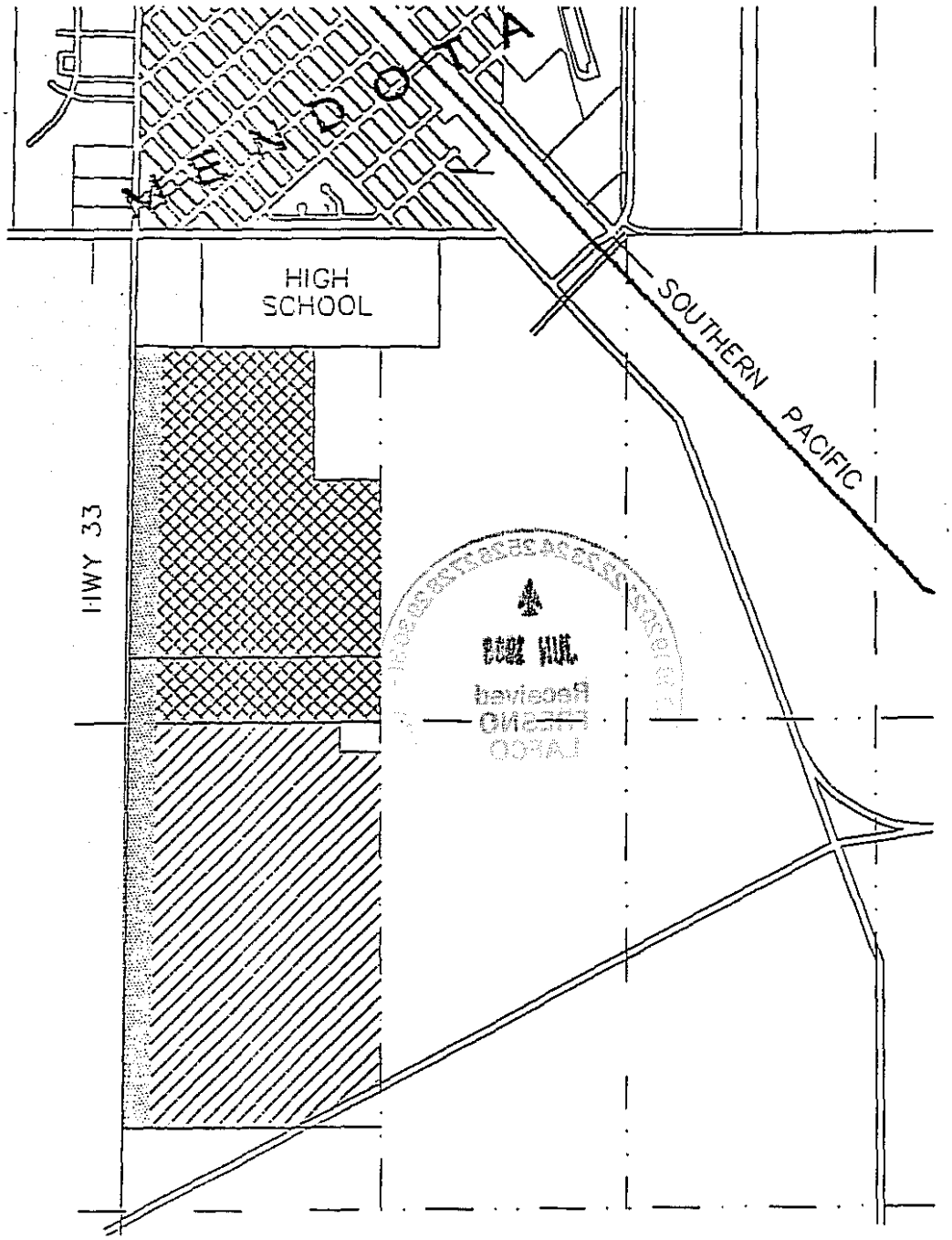
Chair, Planning Commission

ATTEST:
I, ROSEMARY A. RAMIREZ, City Clerk of the City of Mendota do hereby certify that the foregoing resolution was duly adopted and approved by the Planning Commission at a regular meeting held on June 16, 1998, by the following vote:

AYES:	(4)	**STEVE TORRES, RUDOLPH RIOFRIO, ISABEL MALDONADO, STEVE MARTINEZ**
NOES:		
ABSENT:	(1)	**ELEANOR VALDEZ**
ABSTAIN:		

Date: 6/16/98

Rosemary A. Ramirez, City Clerk



N

INDICATES PUBLIC FACILITIES (PROPOSED PRISON SITE)

INDICATES OPEN SPACE AGRICULTURAL

INDICATES BUFFER AREA

EXHIBIT 1

PROPOSED GENERAL PLAN DESIGNATION MAY 1998

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BEFORE THE PLANNING COMMISSION
OF THE
CITY OF MENDOTA, COUNTY OF FRESNO

IN THE MATTER OF APPROVING A RECOMMENATION TO THE CITY COUNCIL TO APPROVE PREZONING OF THE PROJECT SITE AND SURROUNDING PARCELS.

P.C. RESOLUTION No. 98-04

WHEREAS, the Planning Commission has duly considered and approved P.C. Resolution 98-03 which recommended to the City Council that General Plan Ammendment No. 98-01 be approved; and

WHEREAS, upon consideration of the proposed General Plan Amendment No. 98-01 and the need for the zoning to be consistent with General Plan; and

WHEREAS, upon consideration of public comments, a careful review of hte staff's written report and the staff presentation; and

WHEREAS, the Planning Commission desires to prezone the subject property and surrounding parcels as described in Exhibit 2, Annexation Propery and Proposed Zoning, dated May, 1998, and is incorporated by reference into this resolution;

NOW, THEREFORE, BE IT RESOLVED THAT, the Planning Commission hereby recommends that the City Council approve the prezoning as more particulary descived in Exhibit 2 attached.

Introduced, approved and adopted this 16th day of June, 1998

Chair, Planning Commission

ATTEST:
I, ROSEMARY A. RAMIREZ, City Clerk of the *City of Mendota* do hereby certify that the foregoing resolution was duly adopted and approved by the Planning Commission at a regular meeting held on June 16, 1998 by the following vote:

AYES: (4) **STEVE TORRES, RUDOLPH RIOFRIO, ISABEL MALDONADO, STEVE MARTINEZ**

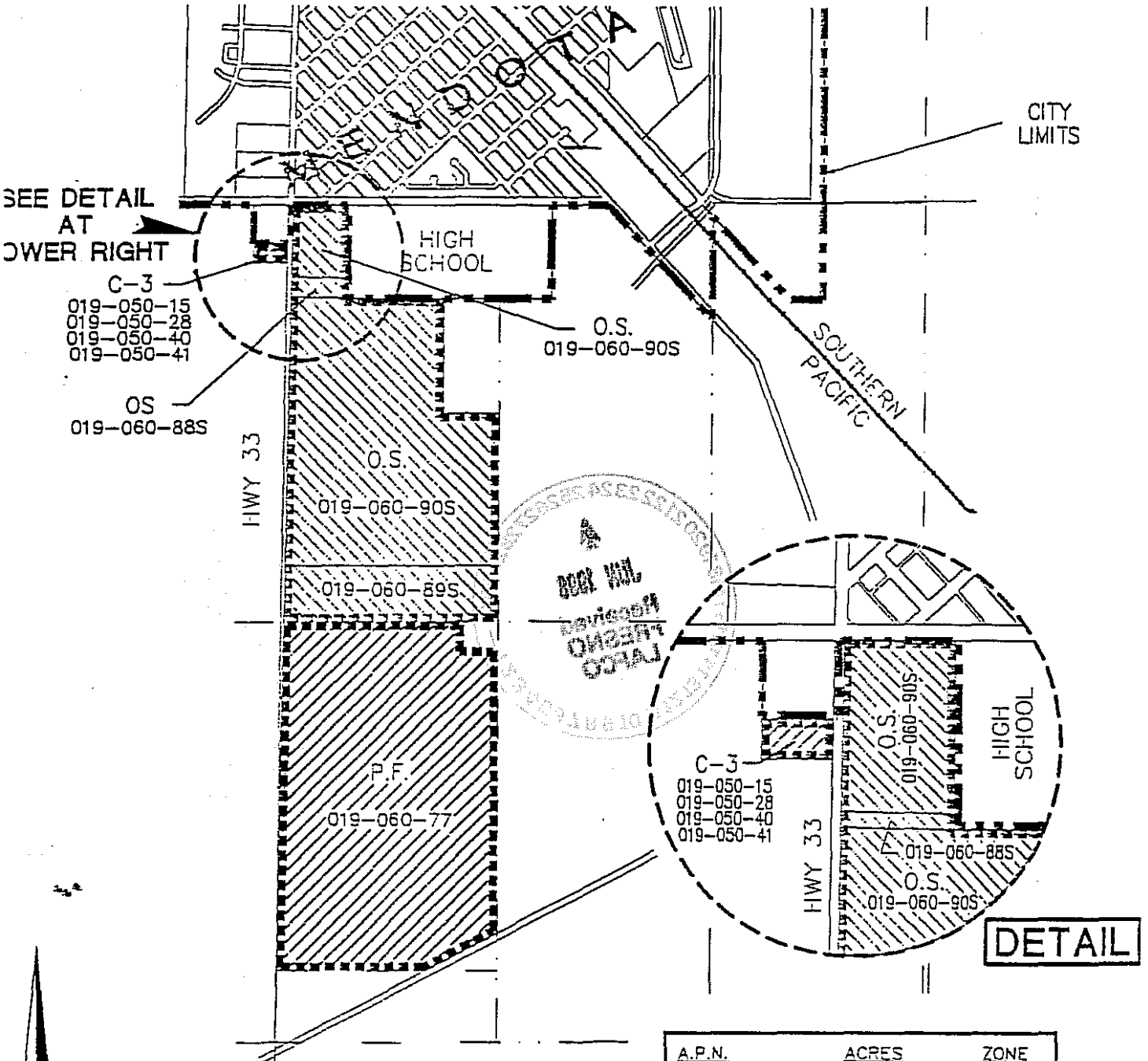
NOES:

ABSENT: (1) **ELEANOR VALDEZ**

ABSTAIN:

Date: 6/16/98

Rosemary A. Ramirez, City Clerk



A.P.N.	ACRES	ZONE
019-050-15	2.13 AC.	C-3
019-050-28	1.51 AC.	C-3
019-050-40	1.14 AC.	C-3
019-050-41	1.35 AC.	C-3
019-060-77	243.64 AC.	PF
019-060-88S	4.00 AC.	OS
019-060-89S	30.00 AC.	OS
019-060-90S	194.94 AC.	OS
	478.71 TOTAL	

ZONING KEY
C-3 = CENTRAL BUSINESS/SHOPPING
OS = OPEN SPACE (AGRICULTURE)
PF = PUBLIC FACILITY (PRISON)

N

EXHIBIT 2

"ANNEXATION PROPERTY AND PROPOSED ZONING"
MAY 1998

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BEFORE THE PLANNING COMMISSION
OF THE
CITY OF MENDOTA, COUNTY OF FRESNO

IN THE MATTER OF APPROVING
CONDITIONAL USE PERMIT 98-03.

P.C. Resolution No. 98-05

WHEREAS, the Corrections Corporation of America (CCA) has applied to the city for a Conditional Use Permit to operate a 1,550-bed medium security private prison on property which is proposed to be annexed, planned and zoned to permit CCA to construct and operate said prison; and

WHEREAS, the Planning Commission in accordance with Municipal Code Section 17.08.050 concurs with the findings noted in the staff report and further concur with the conditions outlined in the staff report and shall include any other conditions which the Planning Commission may impose; and

WHEREAS, the validity of Conditional Use Permit 98-03 shall be effective upon the official date the subject property is annexed into the city; and

WHEREAS, the Planning Commission has duly considered all public comments, the written staff report, and the staff's presentation;

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission does hereby approved the Conditional Use Permit No. 98-03.

Introduced, approved and adopted this 16th day of June, 19

Chair, Planning Commission

ATTEST:
I, ROSEMARY A. RAMIREZ, City Clerk of the City of Mendota do hereby certify that the foregoing resolution was duly adopted and approved by the planning Commission at a regular meeting held on June 16, 1998, by the following vote:

AYES: (4) **STEVE TORRES, RUDOLPH RIOFRIO, ISABEL MALDONADO, STEVE MARTINEZ**

NOES:

ABSENT: (1) **ELEANOR VALDEZ**

ABSTAIN:

Date: 6/16/98

Rosemary A. Ramirez, City Clerk

BEFORE THE CITY COUNCIL
OF THE
CITY OF MENDOTA, COUNTY OF FRESNO

IN THE MATTER OF MAKING CERTAIN ENVIRONMENTAL FINDINGS AND ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS IN CONNECTION WITH THE CORRECTIONS CORPORATION OF AMERICA PRISON AT MENDOTA AND RELATED MATTERS.

RESOLUTION No. 98- 16

WHEREAS, Corrections Corporation of America (CCA) has filed various applications with the city requesting approval to construct a 1,550 inmate capacity prison (the "Prison") and related utility improvements; and

WHEREAS, the proposed project includes a 482-acre annexation of the Prison site and several parcels immediately to the north from the County of Fresno jurisdiction into the City of Mendota (the proposed prison and annexation hereafter referred to collectively as the "Project"); and

WHEREAS, the Planning Department determined an Environmental Impact Report (EIR) be prepared pursuant to the California Environmental Quality Act (CEQA) to determine the individual and cumulative environmental impacts associated with the Project, which includes the following discretionary actions:

- Prezone all parcels being proposed for annexation from the County to the City.
- Amend the City of Mendota Sphere of Influence as appropriate.
- Annex subject property and adjacent parcels from Fresno County jurisdiction into the City of Mendota.
- Amend City of Mendota General Plan to incorporate parcels annexed from the County and establish the appropriate land use designations.
- Approve a Development Agreement between the Project applicant and the City of Mendota; and

WHEREAS, the Draft EIR was prepared by RUST Environment & Infrastructure under contract to the City and under the supervision of the Planning Department, and circulated for review from April 9, 1998 to May 26, 1998; and

WHEREAS, responses to comments were prepared and included in the Final EIR; and

WHEREAS, the City Council authorized the City Manager to prepare and file an application for annexation and revised sphere of influence with the Local Agency Formation Commission by Resolution 98-08 on May 12, 1998; and

WHEREAS, the City Manager filed an application for annexation and revised sphere of influence with the Local Agency Formation Commission on May 29, 1998; and

WHEREAS, on June 16, 1998 the Planning Commission certified the EIR, and recommended that the City Council also certify the EIR;

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Mendota, as follows:

BEFORE THE CITY COUNCIL
OF THE
CITY OF MENDOTA, COUNTY OF FRESNO

IN THE MATTER OF APPROVING A
GENERAL PLAN AMENDMENT No. 98-01. RESOLUTION 98- 17

WHEREAS, the City Council has duly considered and approved Resolution 98-16, which certified the Environmental Impact Report for the prison project proposed by the Corrections Corporation of America (CCA); and

WHEREAS, considering of the need plan for the orderly growth and development of the city, and upon consideration of public comments, a careful review of the staff's written report and the staff's presentation; and

WHEREAS, the City Council desires to amend the General plan as described in Exhibit 1, Proposed General Plan Designation, dated May, 1998, and is incorporated by reference into this resolution; and

WHEREAS, the City Council has found that General Plan Ammendment No.98-01 is in the best interest of the public; and

WHEREAS, on June 16, 1998 the Planning Commission recommended approval of General Plan Amendment No. 98-01 to the City Council;

NOW, THEREFORE, BE IT RESOLVED THAT, the City Council approve General Plan Amendment 98-01 as more particularly described in Exhibit 1, attached.

Introduced, approved and adopted this 23th day of June,1998.

Robert Silva, Mayor

ATTEST:
I, ROSEMARY A. RAMIREZ, City Clerk of the *City of Mendota* do hereby certify that the foregoing resolution was duly adopted and approved by the City Council at a regular meeting held on June 23, 1998, by the following vote:

AYES: (5) **ROBERT SILVA, JOSEPH AMADOR, FIDEL DE LA CRUZ, JOSEPH RIOFRIO, ROBERT RASMUSSEN**

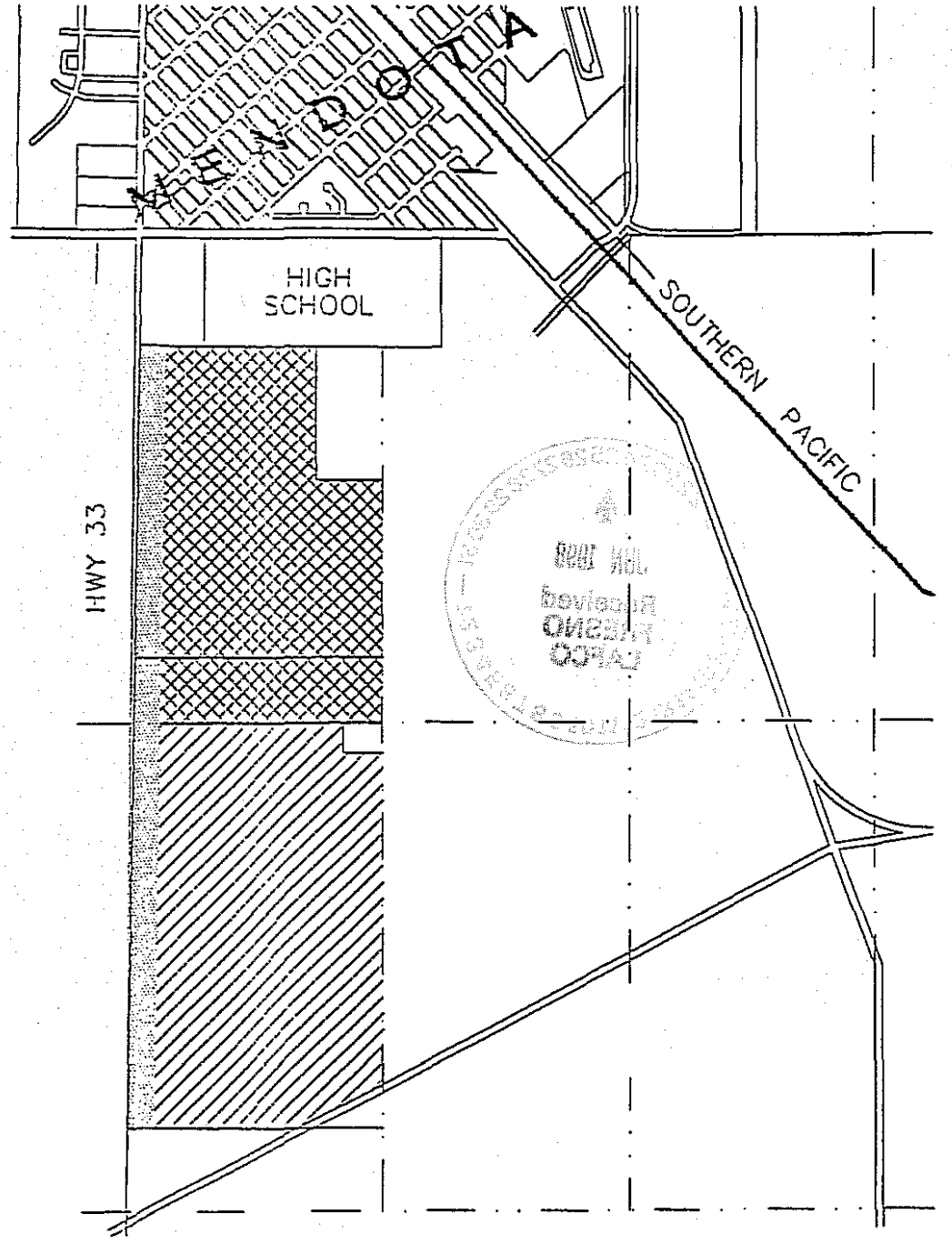
NOES:

ABSENT:

ABSTAIN:

Date: 6/23/98

Rosemary A. Ramirez, City Clerk



INDICATES PUBLIC FACILITIES (PROPOSED PRISON SITE)

INDICATES OPEN SPACE AGRICULTURAL

INDICATES BUFFER AREA

EXHIBIT 1

PROPOSED GENERAL PLAN DESIGNATION MAY 1998

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BEFORE THE CITY COUNCIL
OF THE
CITY OF MENDOTA, COUNTY OF FRESNO

IN THE MATTER OF APPROVING
PREZONING OF THE PROJECT SITE
AND SURROUNDING PARCELS.

RESOLUTION NO. 98-18

WHEREAS, the City Council has duly considered and approved Resolution 98- 17 which approved General Plan Amendment No. 98-01; and

WHEREAS, upon consideration of the proposed General Plan Amendment No. 98-01 and the need for the zoning to be consistent with the General Plan; and

WHEREAS, upon consideration of public comments, a careful review of the staff's written report and the staff presentation; and

WHEREAS, the City Council desires to prezone the subject property and surrounding parcels as described in Exhibit 2, Annexation Property and Proposed Zoning, dated May, 1998, and is incorporated by reference into this resolution; and

WHEREAS, on June 16, 1998 the Planning Commission recommended approval of the prezoning contemplated herein to the City Council;

NOW, THEREFORE, BE IT RESOLVED THAT, the City Council hereby approves the prezoning as more particularly described in Exhibit 2 attached.

Introduced, approved and adopted this 23 day of June, 1998.

Robert Silva, Mayor

ATTEST:
I, ROSEMARY A. RAMIREZ, City Clerk of the *City of Mendota* do hereby certify that the foregoing resolution was duly adopted and approved by the City Council at a regular meeting held on June 23, 1998 by the following vote:

AYES: (5) **ROBERT SILVA, JOSEPH AMADOR, FIDEL DE LA CRUZ, JOSEPH RIOFRIO, ROBERT RASMUSSEN**

NOES:

ABSENT:

ABSTAIN:

Date: 6/23/98

Rosemary A. Ramirez, City Clerk

2.0 DRAFT EIR COMMENTS AND RESPONSES

Provided below are written comments received by the City during the public comment period for the Draft EIR prepared for the CCA-proposed prison in Mendota, California, and the responses to those comments. Comments were received from the following public agencies:

- Fresno County Local Agency Formation Commission (LAFCO)
- Fresno County Public Works and Development Services Department
- Fresno County Sheriff's Department
- Fresno County Community Health Department, Environmental Health System
- State of California, Department of Health Services
- State of California, Department of Transportation (Caltrans)
- State of California, Governor's Office of Planning and Research
- San Joaquin Valley Unified Air Pollution Control District

2.1 FRESNO COUNTY LOCAL AGENCY FORMATION COMMISSION (LAFCo)

1. **Comment:** *Figure 1 shows the City boundary incorrectly. The high school should be included.*

   Response: Comment noted. Figure 1 has been revised to show the City boundary including the High School. Please refer to Section 3.0.

2. **Comment** *(From page 4-3) State law required the City to succeed to the land conservation contract in place of the county if the City annexes the parcel, and the City must state in their resolution of annexation their succession.*

   Response: The City has agreed to succeed to the existing land conservation contracts, and will provide a statement of this intent in their resolution of annexation.

3. **Comment:** *(From page 4-4) Including the northern parcels is not a County requirement but is necessary to effect contiguity of the prison site with existing city boundaries.*

   Response: Comment noted.

4. **Comment:** *(From page 4-6, Section 4.1.3) Requirements for approval by LAFCO and the City are not mitigation measures. The EIR should provide measures for the two bodies to implement as mitigation when they review and approve or deny the project.*

   Response: Comment noted. The information presented in the DEIR in Section 4.1.3 will be moved to Section 4.1.2. DEIR Section 4.1.3 shall read as follows, "No mitigation measures are necessary because the project, and approval of all discretionary and ministerial actions will not result in any significant

impacts to land use".

4. **Comment:** *(From page 4-9) In addition to the experience of CCA, experience from other Valley cities is needed in the discussion of population impacts from nearby state or federal prisons.*

Response: Although other Valley cities have had experience with prisons in their communities (Avenal, Wasco, Coalinga, and Corcoran) these correctional facilities are operated by the State of California Department of Corrections (CDC) and cannot be compared to the population impacts of a CCA operated prison. CCA prefers to hire from the local community, and supports job-readiness programs (such as GED classes) to prepare existing residents for success in obtaining employment at a CCA prison.

5. **Comment:** *(From page 4-10 and 11) The report says the soils are not prime soils. However, the land is defined as prime agricultural land. The definitions in State law which the Commission must use are found in the Govt. Code, Section 56064. The impact of this project, both the prison and the annexation will have a significant effect on prime agricultural land, and both mitigation measures and alternatives must be identified.*

Response: Appendix G(y) of the CEQA Guidelines states that "a project may be deemed to have a significant effect on the environment if it will convert prime agricultural land to non-agricultural land use or impair the productivity of prime agricultural land." With regard to the approximate 229-acres of annexed agricultural land located immediately north of the proposed prison, it is irrelevant whether the land is prime agricultural land because none of this land is proposed for conversion to nonagricultural use. With regard to the prison site, the DEIR disclosed that the prison site is currently used for agriculture and that approval of the project would convert this land to non-agricultural use. However, CEQA does not define or identify the requisite statutory definition of "prime agricultural land." Therefore, the DEIR analyzed the property soil as defined by the United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS), which determined that the prison site soils consisted of non-prime farmland soil types which are highly salinic and problematic for crop production. Reliance on the NRCS criteria for identifying prime agricultural soils is a standard and well accepted practice. Based upon NRCS criteria, the DEIR concluded that the project would not convert prime agricultural land to non-agricultural use and would not interfere with the productivity of prime agricultural land.

However, as noted by LAFCo, the criteria under California Government Code Section 56064 is the standard for determining whether land is prime agricultural land for purposes of annexation. The project involves annexation. Below is an analysis of whether the agricultural land may be

considered prime agricultural land according to the criteria set forth in Section 56064.

s 56064. "Prime agricultural land"

"Prime agricultural land" means an area of land, whether a single parcel or contiguous parcels, which have not been developed for a use other than an agricultural use and which meets any of the following qualifications:

(a) Land which qualifies for rating as class I or class II in the in the Natural Resources Conservation Service (NRCS) land use capability classification.

The agricultural land on the prison site does not qualify for rating as Class I or Class II soil in the NRCS land use capability classification. Based on NRCS criteria, the soils on the prison site property are rated as Class III land capability classification (See NRCS correspondence included in Section 5.0).

(b) Land which qualifies for rating 80 through 100 Storie Index Rating.

A Storie Index analysis conducted by NRCS staff for the prison site indicated that soils mapped at the proposed prison facility will have a Storie Index of approximately 50 (See NRCS correspondence included in Section 5.0).

(c) Land which supports livestock used for the production of food and fiber and which has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the United States Department of Agricultural in the National Handbook on Range and Related Grazing Lands, July, 1967, developed pursuant to Public Law 46, December 1935.

The agricultural land comprising the prison site does not support livestock.

(d) Land planted with fruit or nut-bearing trees, vines, bushes, or crops which have a nonbearing period of less than five years and which will return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than two hundred dollars ($200) per acre.

The agricultural land on the prison site is not planted with fruit or nut-bearing trees, vines, bushes, or crops.

(e) Land which has returned from the production of unprocessed agricultural plant products an annual gross value of not less than two hundred dollars ($200) per acre for three of the previous five calendar

years.

The agricultural land on the prison site has returned from the production of unprocessed agricultural plant products an annual gross value of more than two hundred dollars ($200) per acre for three of the previous five calendar years.

According to the above analysis, the land would be considered prime agricultural land according to Section 56064(e). However, a plant product annual gross value of not less than two hundred dollars ($200) per acre for three of the previous five calendar years is a very low economic threshold that docs not relate to the more important physical and chemical properties in the soil. The soil on the prison site has a salinity of greater than 8 decisiemens per meter and a high perched watertable within 4 to 6 feet of the soil surface. In a letter dated June 2, 1998 by Kerry D. Arrouss, Senior Soil Scientist for the NRCS, stated that "salinity of greater than 4 decisiemens per meter within 40 inches of the soil surface would preclude a soil from being Prime Farmland under the state or federal definitions." Mr. Arrouss added that "there are limitations associated with salinity that make growing many crops problematic and in many cases impossible." Cotton is grown on the proposed prison site, and cotton is one of the few salinity-resistant crops. This accounts for the ability to earn an annual gross of more than $200 per acre on the proposed prison site, but also reveals that the agricultural uses on the prison site are very limited.

Nevertheless, pages 4-11 and 4-12 of the DEIR shall be amended to state that according to an alternative definition of prime agricultural land set forth in Government code Section 56064(e), the approval of the project would result in the conversion of 247 acres of prime agricultural land on the prison site to non-agricultural use. This is a significant impact that cannot be mitigated. Therefore, approval of the project will require that a statement of overriding considerations be adopted with regard to the impact on prime agricultural land.

This amendment to the DEIR is not a new, previously undisclosed environmental impact. The DEIR clearly stated that the agricultural land on the prison site would be converted to non-agricultural use. In addition, the amendment does not delete or supersede the conclusion in the DEIR that according to NRCS criteria, the project will not have a significant impact on prime agricultural land. The amendment is merely statutory clarification that under an alternative definition of prime agricultural land, the project would have a significant impact on prime agricultural land.

6. Comment: *(From page 4-13) There is a flood channel within the project area along Belmont Avenue from Silver Creek drainage. The flooding problems must be*

identified and the impacts for the subject project addressed.

Response: The flood control channel along Belmont Avenue is located approximately one mile north of the proposed prison property. The proposed project includes no improvements to the 229 acres of farmland located immediately north of the proposed prison that would change and/or increase storm water runoff characteristics. The current storm water runoff pattern for this area would not change from current conditions.

Storm water runoff from the developed portions of the proposed prison site will drain to an on-site retention basin. The existing drainage pattern of the prison site and quantities of runoff would remain unchanged or possibly be slightly reduced. Based on the on-site drainage improvements of the proposed project, impacts to the Belmont Avenue flood channel are anticipated to be less than significant.

7. **Comment:** *(From page 7-3) Reduced Annexation Area Alternative. The environmental impact on ag land is decreased by excluding the 160 acres of prime agricultural land under Land Conservation Contract under this alternative to the project. Future land use proposals in the area would be referred to the City for annexation and development and would not be split. Currently there are no proposals and the land is planned for ag use. There is no increased problem with multiple jurisdiction. Even the current proposal of the City leaves ownership under multiple jurisdiction.*

This alternative is not correctly analyzed by the author and should be rewritten. Several years ago the City of Coalinga annexed a State Return to Custody facility more than a mile north of the City by a connecting 600' wide strip of land. This alternative could be used by the City of Mendota also State legislation to allow a non-contiguous annexation of a prison would also be an alternative.

Also, the Table 8 on page 7-6 showing more significant impacts by this project alternative is in error. There would be less impact since 160 acres of prime agricultural land would be excluded from the project. Since many LAFCO policies cite the need to conserve and protect prime agricultural land, as we noted in the response to the City Notice of Preparation, this alternative must be considered very seriously.

Response: This Alternative would meet the objectives of the proposed prison project, and is being considered by the project applicant as a potential alternative.

Potential environmental impacts to agricultural land are limited to the conversion of agricultural land at the prison site to non-agricultural use. The reduced annexation alternative would not change this impact because the size

of the prison site is not reduced in the reduced annexation alternative. With regard to the remaining agricultural land proposed for annexation, the exclusion of 160 acres of LCC agricultural land, from annexation would not reduce environmental impacts on this land because annexation, by itself, does not result in environmental impacts. Annexation merely changes the jurisdictional boundary of the local government applicable to the land, but has no environmental consequence. None of this land is proposed conversion to nonagricultural use. Annexation will have no environmental impact on the LCC land because the LCCs will continue to be enforced by the City of Mendota and the land will continue to be preserved for agricultural use. The only change that will occur on the annexed LCC land is that the City rather than the County will administer the LCCs. The land will remain subject to the LCCs regardless of annexation.

8. Comment: *The Municipal Master Service Plan has not been included in the impact analysis. Prior to accepting an application for sphere revision and annexation, an evaluation of the MSP submitted by the City will be needed to determine if any additional environmental impacts will occur.*

Response: The Municipal Master Service Plan (MMSP), as required by the annexation and SOI applications, consists of an evaluation of existing and planned improvements to public services and planned improvements to serve the future needs of the entire City. Section 4.8 of the DEIR, Public Utilities and Community Services presents the existing conditions of public utilities and services in Mendota and evaluates the potential environmental impacts of the City of Mendota/Fresno County public utilities and community services.

The MMSP indicates that several infrastructure improvement projects are currently being completed by City of Mendota Public Works to improve the quality and capacity of municipal water and sewer systems. While the proposed prison project will benefit from, and be accommodated by, these system improvements, these City of Mendota initiated projects commenced prior to consideration by CCA to construct a prison at the currently proposed location. No additional impacts to municipal services are anticipated beyond those evaluated in the DEIR.

BEFORE THE CITY COUNCIL
OF THE
CITY OF MENDOTA, COUNTY OF FRESNO

IN THE MATTER OF ESTABLISHING
PROCEDURES AND REQUIREMENTS
FOR THE CONSIDERATION OF
DEVELOPMENT AGREEMENTS

RESOLUTION No. 98-19

WHEREAS, the City of Mendota intends to enter into a developer agreement with the Correction Corporation of America; and

WHEREAS, California Government Code Section 65864, et seq., provides the legislative body of a city may enter into a development agreement for the development of real property; and

WHEREAS, California Government Code Section 65865 allows for a city to establish procedures and requirements for the consideration of development agreements:

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Mendota hereby adopts the following procedures and requirements:

- Periodic review at least every 12 months at which time the applicant, or successor in interest thereto, shall be required to demonstrate good faith compliance with the terms of the agreement.
- Permission to terminate or modify conditions of the agreement if the city determines, on the basis of substantial evidence, that the applicant or successor in interest has not complied in good faith with the terms or conditions of the agreement.
- The duration of the agreement, the permitted uses of the property, the density or intensity of use, the maximum height and size of proposed building, and provisions of reservation or dedication of land for public purposes.
- The agreement may include conditions, terms, restrictions and requirements of subsequent discretionary action.
- The agreement may provide that construction of the project, or certain phases of the project, shall commence of be completed within a specified time.
- The agreement may also include terms and conditions relating to applicant financing of necessary public facilities and subsequent reimbursement over time.
- A public hearing shall be held on an application for a development agreement by the planning commission and the legislative body. Notice shall be given as provided in California Government Code Section 65090 and 65091 of the intention to consider adoption of a development agreement.
- The development agreement shall not be approved unless the City Council finds that the provisions of the agreement are consistent with the general plan or any applicable specific plan.
- Notice of intention to amend or cancel any portion of the development agreement shall be given in a manner provided by California Government Code section 65867.
- No later than 10 days after the city enters into a development agreement the city clerk shall

record with the county recorder a copy of the agreement.

Introduced, approved and adopted this 23 day of June 1998

Robert Sliva, Mayor

ATTEST:
I, ROSEMARY A. RAMIREZ, City Clerk of the *City of Mendota* do hereby certify that the foregoing resolution was duly adopted and approved by the City Council at a regular meeting held on June 23, 1998, by the following vote:

AYES: (5) **ROBERT SILVA, JOSEPH AMADOR, FIDEL DE LA CRUZ, JOSEPH RIOFRIO, ROBERT RASMUSSEN**

NOES:

ABSENT:

ABSTAIN:

Date: 6/23/98

Rosemary A. Ramirez, City Clerk

BEFORE THE PLANNING COMMISSION
OF THE
CITY OF MENDOTA, COUNTY OF FRESNO

IN THE MATTER OF MAKING CERTAIN ENVIRONMENTAL FINDINGS AND ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS IN CONNECTION WITH THE CORRECTIONS CORPORATION OF AMERICA PRISON AT MENDOTA AND RELATED MATTERS.

RESOLUTION No. 98- 02

WHEREAS, Corrections Corporation of America (CCA) has filed various applications with the city requesting approval to construct a 1,550 inmate capacity prison (the "Prison") and related utility improvements; and

WHEREAS, the proposed project includes a 482-acre annexation of the Prison site and several parcels immediately to the north from the County of Fresno jurisdiction into the City of Mendota (the proposed prison and annexation hereafter referred to collectively as the "Project"); and

WHEREAS, the Planning Department determined an Environmental Impact Report (EIR) be prepared pursuant to the California Environmental Quality Act (CEQA) to determine the individual and cumulative environmental impacts associated with the Project, which includes the following discretionary actions:

- Prezone all parcels being proposed for annexation from the County to the City.
- Amend the City of Mendota Sphere of Influence as appropriate.
- Annex subject property and adjacent parcels from Fresno County jurisdiction into the City of Mendota.
- Amend City of Mendota General Plan to incorporate parcels annexed from the County and establish the appropriate land use designations.
- Approve a Development Agreement between the Project applicant and the City of Mendota; and

WHEREAS, the Draft EIR was prepared by RUST Environment & Infrastructure under contract to the City and under the supervision of the Planning Department, and circulated for review from April 9, 1998 to May 26, 1998; and

WHEREAS, responses to comments were prepared and included in the Final EIR; and

WHEREAS, the City Council authorized the City Manager to prepare and file an application for annexation and revised sphere of influence with the Local Agency Formation Commission by Resolution 98-08 on May 12, 1998; and

WHEREAS, the City Manager filed an application for annexation and revised sphere of influence with the Local Agency Formation Commission on May 29, 1998;

NOW, THEREFORE BE IT RESOLVED, by the Planning Commission of the City of Mendota, as follows:

BEFORE THE CITY COUNCIL
OF THE
CITY OF MENDOTA, COUNTY OF FRESNO

IN THE MATTER OF SUBMITTING AN ANNEXATION APPLICATION AND REVISED SPHERE OF INFLUENCE APPLICATION TO THE LOCAL AGENCY FORMATION COMMISSION.

RESOLUTION NO. 98-08

WHEREAS, the Corrections Corporation of America (CCA) intends to construct a $75 million dollar private prison on a 244 acre parcel located one mile south of the city limits; and

WHEREAS, CCA needs urban services, particularly water, sewer, fire and Sheriff's services for their proposed prison; and

WHEREAS, Mendota is the logical City to provide these services once the territory is within the city limits; and

WHEREAS, the *City of Mendota* intends and agrees to succeed to any land conservation contracts in the territory proposed for annexation; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the *City of Mendota* hereby desires to annex approximately 479 acres (also known as Terra Linda-Hansen Farms Annexation) into the *City of Mendota* and provide the urban services required by CCA and authorizes the City Manager to file the City annexation application and Revised Sphere of Influence application with the Local Agency Formation Commission on or before May 29, 1998.

ROBERT SILVA, MAYOR

ATTEST:

I, ROSEMARY A. RAMIREZ, City Clerk of the *City of Mendota* do hereby certify that the foregoing resolution was duly adopted and approved by the City Council at a regular meeting held on May 12, 1998, by the following vote:

AYES:	(5)	ROBERT SILVA, JOSEPH AMADOR, FIDEL DE LA CRUZ, ROBERT RASMUSSEN
NOES:		
ABSENT:	(1)	JOSEPH RIOFRIO
ABSTAIN:		

Date: 5/12/98

ROSEMARY A. RAMIREZ, CITY CLERK

CITY OF MENDOTA
CERTIFIED
BY Rosemary A. Ramirez
City Clerk

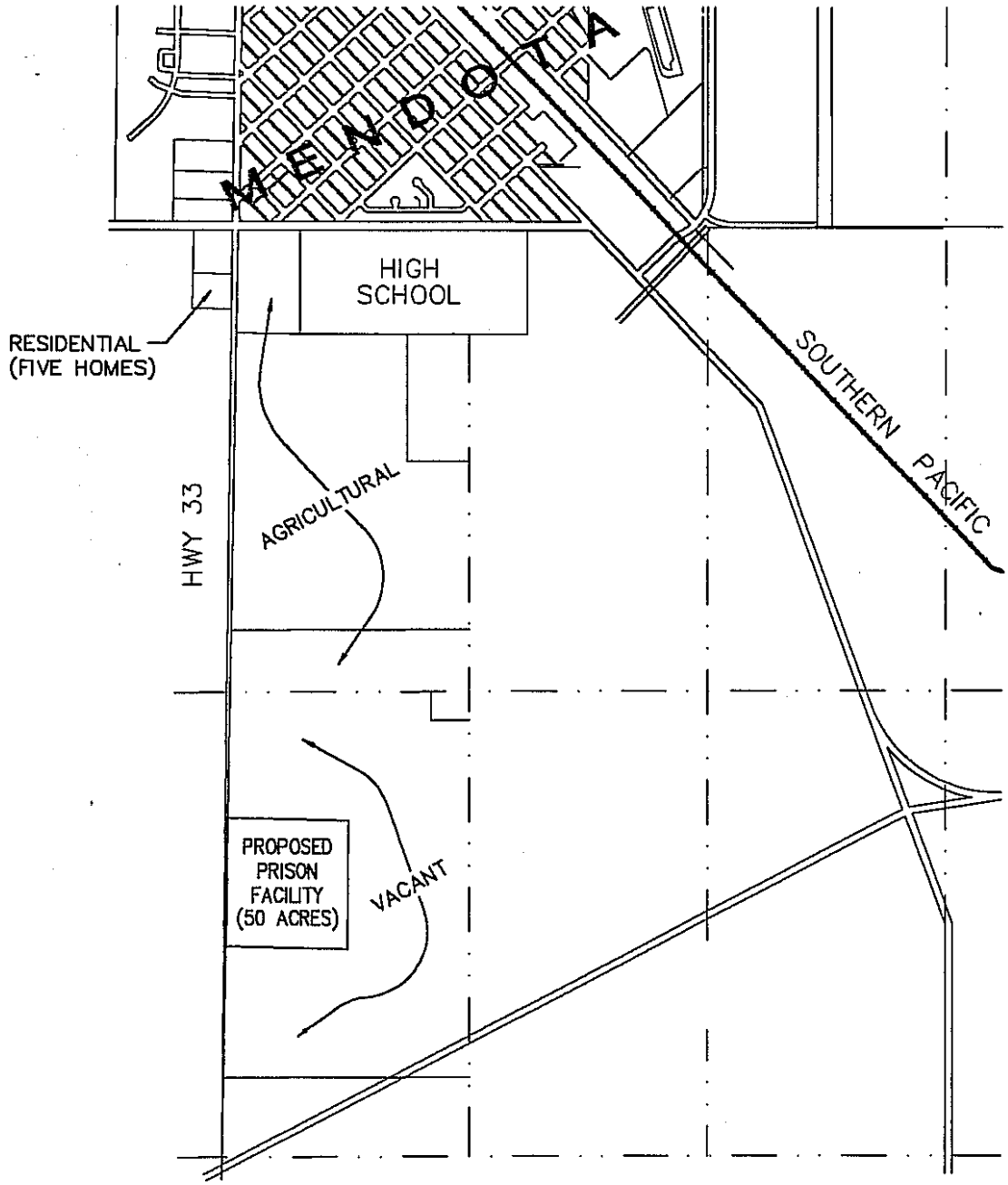

EXHIBIT D-2.1

"EXISTING LAND USE/ PROPOSED PRISON FACILITY"

MAY 1998

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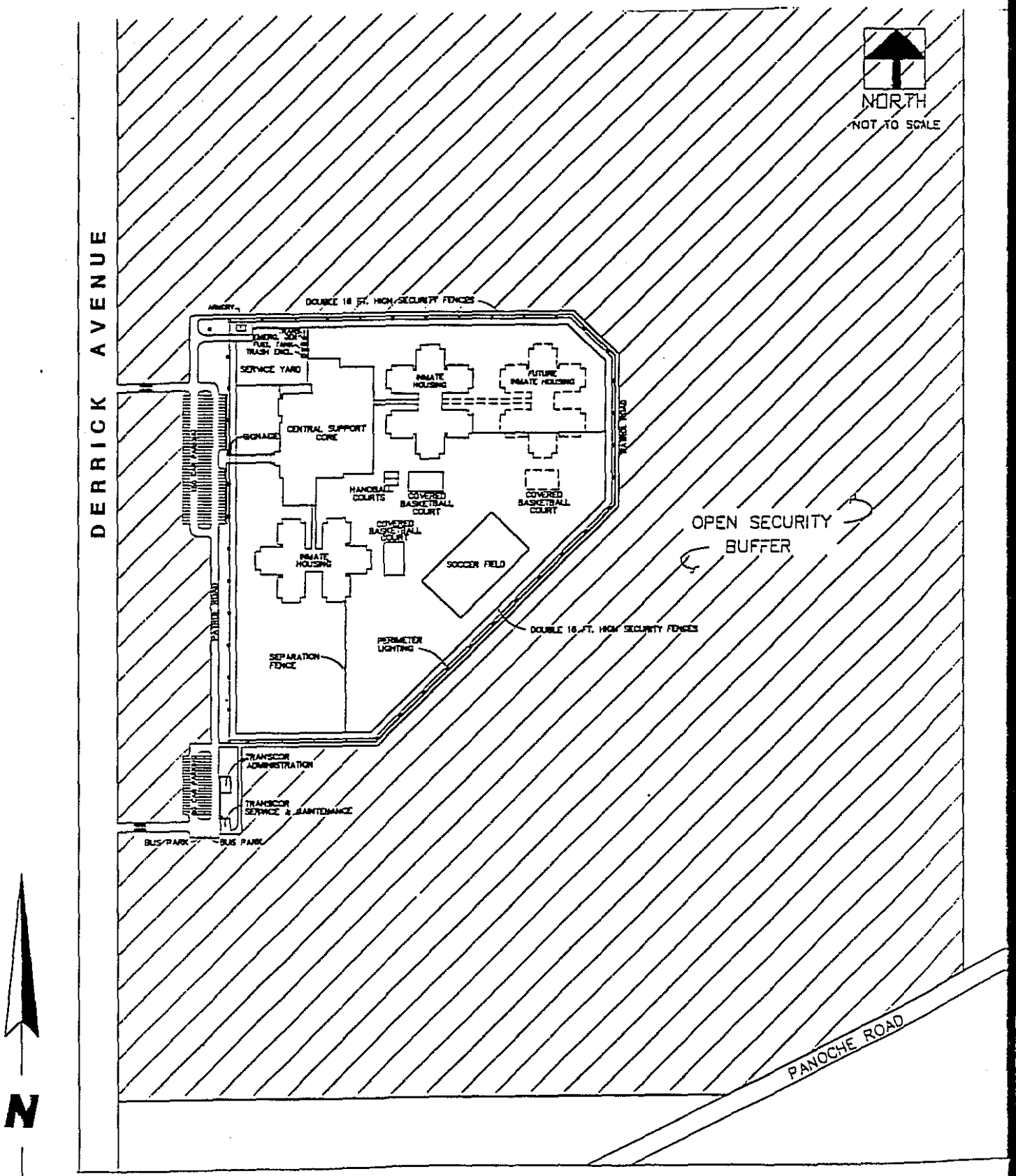

EXHIBIT D-2.2

SITE PLAN

MAY 1998

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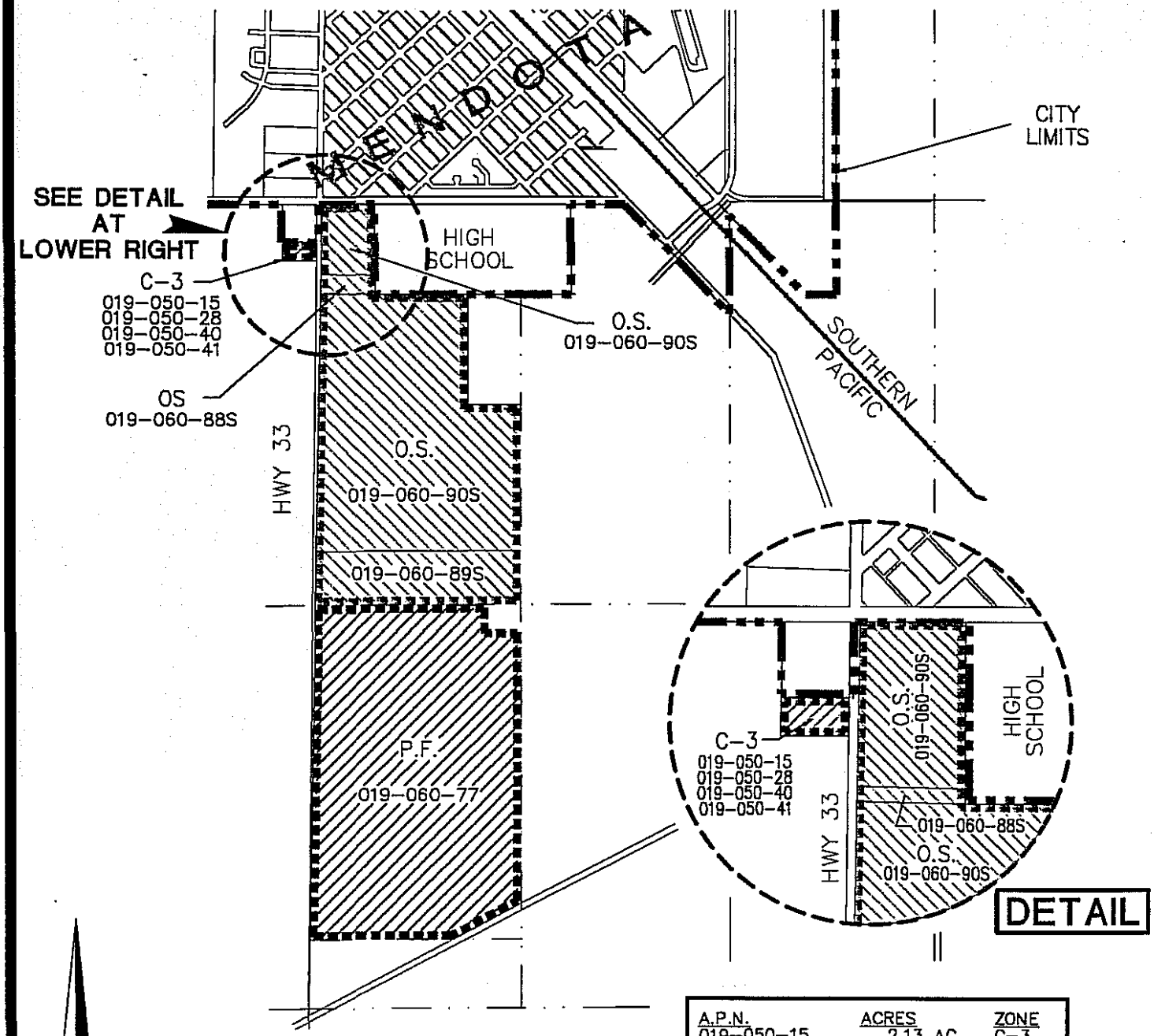

ZONING KEY
C-3 = CENTRAL BUSINESS/SHOPPING
OS = OPEN SPACE (AGRICULTURE)
PF = PUBLIC FACILITY (PRISON)

A.P.N.	ACRES	ZONE
019-050-15	2.13 AC.	C-3
019-050-28	1.51 AC.	C-3
019-050-40	1.14 AC.	C-3
019-050-41	1.35 AC.	C-3
019-060-77	243.64 AC.	PF
019-060-88S	4.00 AC.	OS
019-060-89S	30.00 AC.	OS
019-060-90S	194.94 AC.	OS
	478.71 TOTAL	

EXHIBIT D-3.1

"ANNEXATION PROPERTY AND PROPOSED ZONING"
MAY 1998

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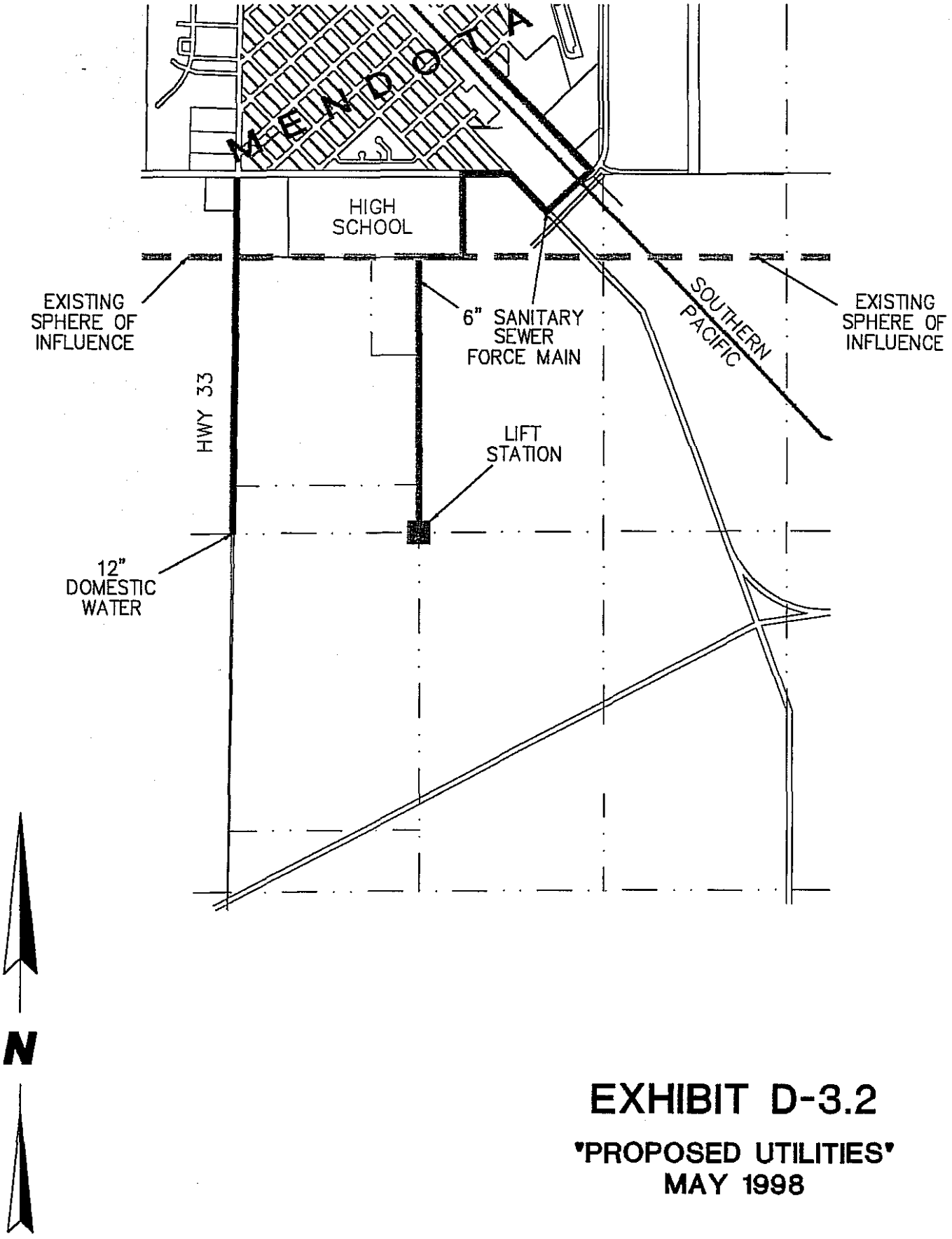

EXHIBIT D-3.2

"PROPOSED UTILITIES"
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SECTION 1

INTRODUCTION

1. PRELIMINARY

CCA will develop a 1,550 bed prison on a 247- acre property in Mendota, Fresno County. The Project will accommodate medium security inmates. The City was the Lead Agency for the preparation of an Environmental Impact Report (EIR) in compliance with the California Environmental Quality Act of 1970 (CEQA) (Public Resources Code §§ 21000 et seq.) and the CEQA Guidelines (California Administrative Code §§ 15000 et seq., as amended).

Because the EIR identified significant effects which may occur as a result of the Project, City adopts these findings as part of the approval of the CCA Project. In adopting this Statement of Findings, the City certifies the EIR and approves the construction of the CCA Prison at Mendota on a 247 acre property located at the northeast corner of Derrick Avenue (State Route 33) and Panoche Road.

Section 1 of these findings provides an introduction and description of the proposed Project and the certification of the Final EIR. Section 2 discusses potential environmental effects considered to have no significant impacts and require no mitigation. Section 3 discusses potential environmental effects which have been mitigated to a level that is less than significant. Section 4 discusses the significant unavoidable environmental effects of the Project, which cannot be feasibly mitigated to a level that is less than significant. Section 5 discusses Project alternatives. Section 6 discusses the Mitigation Monitoring Plan. Section 7 discusses recirculation. Section 8 presents the Statement of Overriding considerations.

2. DESCRIPTION OF THE APPROVED PROJECT

The Project involves construction and operation of a new 1,550 bed medium security prison facility located approximately one mile south of the City of Mendota in Fresno County, California. The Prison facility would employ approximately 500 persons and also include an inmate transport vehicle depot. The Prison will occupy approximately 50 acres of a 247-acre parcel situated at the northeast corner of Derrick Avenue (State Route 33) and Panoche Road. The Project also includes a proposed annexation of the Prison site, and several parcels immediately to the north which total 235 acres, from the Fresno County jurisdiction into the City of Mendota. This proposed 482-acre annexation will require an application to the Fresno County Local Agency Formation Commission (LAFCO) to amend the City of Mendota's Sphere of Influence (SOI) as part of the Project action. The proposed prison will also require extension of public utilities to the Prison site and other necessary agency approvals. As Lead Agency for this Project, the City of Mendota commissioned the preparation of an EIR to consider the following discretionary actions:

- Prezone all parcels being proposed for annexation from the County to the City.
- Amend the City of Mendota Sphere of Influence as appropriate.

- Annex subject property and adjacent parcels from Fresno County jurisdiction into the City of Mendota.

- Amend City of Mendota General Plan to incorporate parcels annexed from the County and establish the appropriate land use designations.

- Approve a Conditional Use Permit to allow construction and operation of the proposed prison within the appropriate zone designation on the subject property.

- Approve a Development Agreement between the Project applicant and the City of Mendota.

The Prison will meet the following objectives:

- Provide a secure prison facility to serve the inmate incarceration needs of government correctional agencies.

- Provide a cost effective alternative to publicly funded construction and operation of prisons.

- Provide opportunities for academic education, vocational training, and specialized treatment for inmates.

- Provide excellent long term employment and career opportunities for surrounding communities.

3. CERTIFICATION

The Planning Department has reviewed the Final EIR for the proposed Project and has considered the public record on the Project, including without limitation the following:

- Record of Public Hearing on the Final Environmental Impact Report. Corrections Corporation of America Prison at Mendota. on June 16, 1998, before the Planning Commission.

- Final Environmental Impact Report. June, 1998.

- Responses to Comments on the Draft Environmental Impact Report. Corrections Corporation of America Prison at Mendota. May, 1998 (Volume II).

- Draft Environmental Impact Report. Corrections Corporation of America Prison at Mendota. April 1998.

The custodian of the documents and other materials which constitute the record upon which these findings are based is the City Clerk. The record is available for public review at the City of Mendota, 643 Quince Street, Mendota, California, 93640.

Finding

Based upon complete review of the record, the Planning Commission certifies that:

- The Final EIR is adequate and has been completed in compliance with CEQA; and
- The Final EIR was presented to the Planning Commission and the Planning Commission reviewed and considered the information contained in the Final EIR; and
- The Final EIR reflects the City's independent judgment and analysis.

SECTION 2

POTENTIAL ENVIRONMENTAL EFFECTS CONSIDERED TO HAVE NO SIGNIFICANT IMPACTS AND REQUIRE NO MITIGATION MEASURES

Finding

The EIR identified thresholds of significance and evaluated environmental impacts for the following environmental categories. The EIR determined that these environmental impacts did not cross the thresholds of significance for these environmental categories. Therefore, no mitigation measures are required for the following environmental categories:

Land Use, Population and Housing, Employment, Biological Resources, Law Enforcement, Fire Protection, Hospitals, Schools, Wastewater Treatment and Disposal, Solid Waste Disposal, Energy, Telephone and Cable.

SECTION 3

POTENTIAL ENVIRONMENTAL EFFECTS WHICH HAVE BEEN MITIGATED TO A LEVEL THAT IS LESS THAN SIGNIFICANT

A. SOILS AND GEOLOGY

Impacts

Saline-sodic soils found on the Prison site can be corrosive to steel pipes and concrete. Expansive soil may also be present on the Project site.

Mitigation

The following mitigation measure will be adopted and incorporated into the Project to reduce potential impacts to soils and geology to a less than significant level:

- GEO-1 The Project engineer/geologist shall submit to the City Engineer a site-specific geotechnical report which characterizes soil and geotechnical conditions at the proposed Prison site and provides recommendations for site grading and drainage, structural foundations as appropriate, placement of subsurface utilities and corrosivity control measures.

Finding

Changes or alterations have been required in, or incorporated into, the Project which will avoid or reduce impacts to soils and geology to a less than significant level.

B. HYDROLOGY AND DRAINAGE

Impacts

Implementation of the Prison Project would result in the covering of approximately 50 acres with impervious services such as buildings, access roads, and parking areas.

Mitigation

The following mitigation measure will be adopted and incorporated into the Project to reduce potential impacts to hydrology and drainage to a less than significant level:

- HD-1 As part of final engineering plan review for the proposed prison, the City Engineer shall review and approve final drainage plans for the Prison. The drainage plans must detail how Project-generated stormwater will be managed on the Prison site including the proposed location, size and number of detention ponds proposed on the 247-acre Prison site.

Finding

Changes or alterations have been required in, or incorporated into, the Project which will avoid or reduce impacts to hydrology and drainage to a level that is less than significant.

C. TRANSPORTATION AND CIRCULATION

Impacts

The traffic impacts of the Project are limited to those generated by development of the Prison, which is the only new development affecting traffic and circulation proposed in the Project. During operations, the Prison would generate approximately 1,150 daily vehicle trips on peak weekdays. This impact was shown to have no significant impact to existing traffic conditions. However, additional ingress and egress traffic at the SR 33/Panoche Road-California intersection poses a potentially significant operational safety impact in expressway conditions.

Adding the Project-generated traffic increase to future base conditions, all of the intersections

maintain the same Level of Service ("LOS") operations (LOS A), except at the SR-33/Panoche Road-California intersection during the PM peak hour. This intersection has an increase in overall operations from LOS A to B which is still an acceptable level and, therefore, not a significant impact..

Further analysis was required by Caltrans to add Project-generated traffic to the expected Year 2020 traffic volumes to provide the "worst case" future conditions. The intersection of SR-33/Panoche Road-California would be significantly impacted by Project-generated traffic by reducing the level of intersection operations to an LOS F during the PM peak hour. The other traffic study intersections would maintain acceptable LOS values during the AM and PM peak hours under these conditions.

The only potentially significant traffic congestion impacts are associated with the combination of Project-generated traffic with the expected Year 2020 traffic volumes. These impacts are addressed by Mitigation Measure T-2. Mitigation Measures T-1 and T-3 are not intended to mitigate potentially significant traffic congestion impacts. Rather Mitigation Measures T-1 and T-3 are intended to mitigate ingress and egress traffic safety impacts.

S.R. 33 is a state highway under the jurisdiction of Caltrans. The City shall ensure through the Mitigation Monitoring Plan that the applicant commits resources to Caltrans for the intersection improvements identified below. However, the City of Mendota, as lead agency, has no jurisdiction to implement mitigation on S.R. 33. Caltrans can and should implement this mitigation measure to reduce Project-related traffic congestion and safety impacts to a less than significant level. Caltrans has recommended that the applicant for the proposed prison be responsible for Mitigation Measure T-1, below, and in exchange be released of any future responsibilities for intersection improvements at the SR-33/Belmont Avenue intersection required for 2020 traffic conditions, which was identified as Mitigation Measure T-2 in the Draft EIR. The City has accepted the Caltrans recommendation.

Mitigation

The following mitigation measures will be adopted and incorporated into the Project to reduce potential impacts to traffic and circulation to a less than significant level:

- T-1 A southbound left-turn lane at the SR-33/Panoche Road-California intersection shall be added to separate the significant amount of traffic projected to make the southbound to eastbound left-turn movement from through traffic, which would improve traffic flow at this intersection. Some improvements to the south intersection leg would also be required for alignment purposes, which would likely result in a northbound left-turn lane as part of an improvement project, and if required, would be constructed on a pro-rata basis by benefiting projects.

  As described above, the proposed Project would require a southbound left turn lane at the SR-33/Panoche Road intersection, and this improvement would trigger the need for similar improvements to the northbound leg of this intersection.

- T-2 The intersection of SR/33/Panoche Road-California shall be signalized to improve PM peak hour operations to an acceptable level. Installation of the signal shall commence at such time Caltrans and Fresno County determines that the projected decline in LOS at this intersection warrants signalization. Prior to installation of the signal, fees for the signal shall be assessed on a pro-rata basis between all projects benefitting from the signal. Based on the volumes listed in the traffic study, the Project's percentage share of the future traffic signal at SR-33/Panoche Road would be (250)/(1,300-520) = 32.0%.

Mitigation Measure T-2, above, addresses traffic and circulation conditions anticipated to occur in the year 2020. The mitigation measure would not be required until the traffic levels at identified intersection reach the volumes and related LOS assigned to traffic conditions.

- T-3 CCA will be responsible to submit an application for a Caltrans Encroachment Permit for the proposed facility driveways which front on SR-33 which includes left turn channelization and flare type right turn entry to Caltrans standards.

Finding

Changes or alterations have been required in, or incorporated into, the Project which will avoid or reduce impacts to transportation and circulation to a level that is less than significant.

D. WATER SUPPLY

Impacts

The current City water supplies would require augmentation to support the Prison without effecting existing City of Mendota customers. However, the City is currently developing a new well field north of the City to meet the demands of the Project as well as projected future demands for the City.

Mitigation

The following mitigation measure will be adopted and incorporated into the Project to reduce potential impacts to water supply to a less than significant level:

- PU-1 The prison design will include the following provisions to minimize water use at the prison:

  - Use of low-flow fixtures, and
  - Use of drought-tolerant, native landscaping.

- PU-2 The Project shall be conditioned upon completion of the City's water supply and delivery augmentation plans.

Finding

Changes or alterations have been required in, or incorporated into, the Project which avoid or reduce water supply impacts to a less than significant level.

E. CULTURAL RESOURCES

Impacts

No prehistoric or historic cultural material was identified in the Project area. However, grading or excavating operations during development of the Prison may expose fossils. These grading and excavation activities could destroy any fossils present, which poses a potentially significant impact to paleontological resources.

Mitigation

The following mitigation measures will be adopted and incorporated into the Project to reduce potential impacts to cultural resources to a less than significant level:

- CR-1 During excavation greater than four feet, a qualified paleontologist shall be retained to perform periodic inspections of the excavations and earthmoving processes, and if necessary, salvage exposed fossils. The frequency of inspections shall depend on the rate of excavation, the materials being excavated, and if fossils are being discovered. If fossils are discovered by the contractor or other personnel, and a paleontologist is not on-site, the qualified paleontologist must be notified immediately.

- CR-2 The paleontologist shall be allowed to divert or direct grading in the area of the exposed fossil to facilitate inspection, and if necessary, salvage resources.

- CR-3 Because some of the fossils may be small, it may be necessary to collect samples of promising horizons or beds for processing through fine screens.

- CR-4 Fossils collected shall be prepared to the point of identification and catalogued before they are curated at a final respository.

- CR-5 All fossils collected shall be curated at a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County.

- CR-6 A report detailing the results of the monitoring effort, a list of the fossils collected, and the name of the repository shall be submitted to the City of Mendota at the conclusion of the Project.

Finding

Changes or alterations have been required in, or incorporated into, the Project which avoid or reduce cultural resources impacts to a less than significant level.

SECTION 4

SIGNIFICANT UNAVOIDABLE ENVIRONMENTAL IMPACTS WHICH CANNOT BE MITIGATED TO A LEVEL THAT IS LESS THAN SIGNIFICANT

A. AIR QUALITY

The Project site is located in the San Joaquin Valley Air Basin (SJVAB) which is non-attainment for three air pollutants including carbon monoxide (CO), ozone (O3), and particulate matter (PM10).

Short Term Impacts

The short term air quality impacts of the Project are limited to those generated by development of the Prison, which is the only new development affecting air quality proposed in the Project. Development of the Prison site would modify approximately 50 acres of soil. It is estimated that during construction of the Prison, approximately 1,320 pounds of PM10 would be emitted, resulting in an average of 44 pounds of PM10 per day. Although Project-specific generation of PM10 is below significance thresholds, it would contribute to increases in localized concentrations of PM10 and affect PM10 compliance with ambient air quality standards on a regional basis. This would be a temporary effect which would cease at the completion of construction activities, but is nevertheless a significant cumulative impact which cannot be mitigated below a level of significance.

Mitigation

Although the impacts associated with PM10 are significant and unavoidable, the following mitigation measures will be adopted and incorporated into the Project to substantially lessen short term air quality impacts:

- AQ-1 Project contractors shall water active grading sites at least twice a day, and clean appropriate construction equipment in the morning and/or evening to reduce particulate emissions.

- AQ-2 Project contractors shall suspend all grading or earthmoving operations during periods of high winds greater than 20 miles per hour averaged over one hour or during first and second stage smog alerts to reduce the release of fugitive dust.

- AQ-3 The project contractors shall ensure that all trucks hauling dirt, sand, soil, or other loose materials are covered or should maintain at least two feet of freeboard (i.e. minimum vertical distance between top of the load and the top of the trailer) in accordance with the requirements of the California Vehicle Code Section 23114 to reduce the spilling of this material on area roads.

- AQ-4 The area disturbed by clearing, earthmoving, or excavation activities shall be minimized at all times.

- AQ-5 Project contractors shall reestablish ground cover on construction sites through seeding and watering on portions of the site that would not be disturbed for two months or more in order to reduce the release of fugitive dust.

- AQ-6 Project contractors shall, as necessary, wash truck tires leaving the site to reduce the amount of particulate matter transferred to paved streets.

- AQ-7 Project contractors shall sweep on and off site streets if silt is carried over to adjacent public thoroughfares, as determined by the City Engineer to reduce the amount of particulate matter on public streets.

- AQ-8 Project contractors shall limit traffic speeds on all unpaved road surfaces to 15 miles per hour or less in order to reduce the release of fugitive dust.

- AQ-9 Project contractors shall use low emission mobile construction equipment where feasible to reduce the release of undesirable emissions.

- AQ-10 Project contractors shall encourage rideshare and transit programs for Project construction personnel to reduce automobile emissions into the atmosphere.

- AQ-11 Project contractors shall maintain construction equipment engines by keeping them tuned thereby reducing undesirable emissions.

- AQ-12 Project contractors shall use existing on site electrical power sources to the maximum extent practicable. Where such power is not available, the Contractor shall use clean fuel generators during the early stages of construction to minimize or eliminate the use of portable generators and reduce the release of undesirable emissions.

Finding

Prison construction cumulative air quality impacts identified in the Final EIR cannot be mitigated to a less than significant level. However, changes or alterations have been required in, or incorporated into, the Prison which substantially lessen the significant environmental effects identified in the Final EIR. A Statement of Overriding Considerations has been prepared for the Project (See Section 8).

Long Term Impacts

The long term air quality impacts of the Project are limited to those generated by development of the Prison, which is the only new and permanent development affecting air quality proposed in the Project. The main source of emissions generated by buildout of the Project would be from motor vehicles. Total daily trips to the site during operation peak weekdays are estimated to be 1,320.

Vehicle emissions would total 6.57 tons/year reactive organic gases, 67.79 tons/year carbon monoxide, 12.25 tons/year nitrogen oxides, and 0.15 tons/year of PM_{10}. Other emissions resulting from the proposed Project would be generated by stationary sources. Stationary source emissions are generated on site as a result of the combustion of natural gas for space heating. Estimates of Project related emissions would exceed the significance threshold for NOX. Consequently, the generation of NOX is a significant impact which cannot be mitigated below a level of significance. However, the SJVAB is in attainment for NOX. Therefore, the significant Project-specific impact associated with NOX would not result in a significant cumulative impact with regard to NOX emissions.

The Prison's long term generation of reactive organic compounds (ROG), carbon monoxide (CO), and PM10 are not estimated to exceed significant thresholds. ROG is the primary constituent in the formation of ozone. Because the SJVAB is in nonattainment status for air pollutants ozone and PM10, contribution of these constituents from the Prison would result in significant cumulative and unavoidable impacts to long term air quality.

Mitigation

Although the Project-specific and cumulative long term air quality impacts are significant and unavoidable, the following mitigation measures will be adopted and incorporated into the Project to substantially lessen long term air quality impacts:

- AQ-13 The prison Project shall be designed and operated to conserve energy as required by Pacific Gas and Electric and/or other appropriate agencies.

- AQ-14 CCA will utilize high efficiency appliances for space and water heating, as well as use low Nox emitting gas fired appliances.

- AQ-15 CCA will support and encourage employees to participate in rideshare programs, and may provide information about alternatives to solo-commuting.

Finding

Project-specific and cumulative long term air quality impacts arising from operation cannot be mitigated to a less than significant level. However, changes or alterations have been required in, or incorporated into, the Project which substantially lessen the significant environmental effect identified in the Final EIR. A Statement of Overriding Considerations has been prepared for the Project (See Section 8).

B. AESTHETICS

Impacts

The aesthetic impacts of the Project are limited to those generated by development of the Prison, which is the only new development affecting aesthetics proposed in the Project. The Prison would

permanently alter views of the vicinity's predominantly agricultural landscape. Due to the flat topography of the site and the maximum 26-foot-high prison buildings, the prison facility would have a greater visual effect at this location than in areas immediately adjacent to existing industrial areas. Although the proposed prison structures would have an exterior finish which would blend with the natural environment, buildings would be constructed where agricultural terrain now exists. Construction of a prison within an area primarily comprised of agricultural land uses would be a significant unavoidable impact to existing viewscapes. In addition, the cumulative loss of agricultural viewscapes would be a significant and unavoidable cumulative aesthetic impact

The Prison site would also be a new source of night lighting since 30-foot tall light standards would be used to provide prison security during hours of darkness. The creation of this new source of area lighting would be considered a significant unavoidable adverse impact of the Project.

Mitigation

Although the project-specific and cumulative aesthetic impacts are significant and unavoidable, the following mitigation measures will be adopted and incorporated into the Project to substantially lessen aesthetic impacts:

- AS-1 Where feasible, lighting shall be shielded and directed downward to minimize off-site illumination.

- AS-2 Mast lighting posts shall not exceed 30 feet in height.

Finding

Project-specific and cumulative aesthetic impacts cannot be mitigated to a less than significant level. However, changes or alterations have been required in, or incorporated into, the Project which substantially lessen the significant environmental effects identified in the Final EIR. A Statement of Overriding Considerations has been prepared for the Project (See Section 8).

C. SOILS AND GEOLOGY

Soil Impacts

The 247 acres of agricultural land on the prison site has returned from the production of unprocessed agricultural plant products an annual gross value of more than two hundred dollars ($200) per acre for three of the previous five calendar years. According to an alternative definition of prime agricultural land set forth in Government code Section 56064(e), the annual gross value of the crops qualifies the land as prime agricultural land. Approval of the Project would therefore result in the conversion of 247 acres of prime agricultural land on the prison site to non-agricultural use. Application of this alternative definition to significance thresholds results in a significant impact that cannot be mitigated, thereby amending the conclusion in the Draft EIR.

Finding

Application of the Section 56064(e) alternative definition to significance thresholds results in a significant impact that cannot be mitigated. Should this alternative definition be applied, a Statement of Overriding Considerations has been prepared for the Project (See Section 8). However, this finding is not a new, previously undisclosed environmental impact (See Section 7).

SECTION 5

ALTERNATIVES

The Final EIR identifies and evaluates five potential alternatives to the Project that "could feasibly accomplish most of the basic purposes of the Project". The five alternatives include (1) No Project, (2) The Derrick Avenue-Less Intense Prison (3) Reduced Annexation (4)Alternative Site No.1 (5)Alternative Site No.2 (6) Alternative Site No.3. The alternatives discussed in the Final EIR constitute a reasonable range of potential options necessary to permit a reasoned choice of alternatives in light of the Project Objectives identified in Sections 1.3 and 7.0 of the Draft EIR. The Final EIR identifies the No Project Alternative and the Less-Intensive Prison Alternative as environmentally superior to the Project and they would reduce or eliminate the unavoidable significant impacts associated with the Project. However, neither of these alternatives fulfill the Project objectives. In addition, specific economic and social considerations make the environmentally superior alternatives identified in the Final EIR Supplement infeasible. Therefore, pursuant to CEQA Guideline 15364, and Public Resources Code Section 21081(a)(3), the City Council will reject the environmentally superior alternatives as infeasible.

The alternatives considered in the Final EIR are summarized below:

1. **No Project Alternative**-Under the No Project Alternative, a correctional facility would not be constructed south of the City of Mendota and annexation of Fresno County property would be required. The site would remain in agricultural use. Assuming the property remains vacant, none of the potential impacts associated with the development would occur. Unavoidable adverse impacts related to light and glare and air quality (particulate and ozone-producing gases) during both construction and facility operation would be avoided. Although this alternative is environmentally superior to the proposed Project and would not result in environmental impacts, it would not achieve any of the basic objectives of the proposed action.

Finding

The No Project Alternative is infeasible and is rejected for the following reasons:

- This alternative will fail to meet any of the Project objectives identified in the Final EIR; and
- This alternative would forego the substantial benefits of the Project, particularly:
  - Construction of the Corrections Corporation of America Prison at Mendota is

necessary to provide a secure prison facility to serve the inmate incarceration needs of government correctional agencies, and to provide a cost effective alternative to publicly funded construction and operation of prisons.

-- The prison will provide excellent long term employment and career opportunities for surrounding communities. Between 85 to 90 percent of the prison employees are expected to be drawn from the Project vicinity. Approximately 400 positions for permanent correctional officers will be created. Other job opportunities will include medical, education, administrative, trade and clerical services.

-- In addition to the jobs directly created by the prison, the purchase of local goods and services for the prison facility, and by CCA employees will stimulate the local economy and result in additional employment opportunities in the Project vicinity. Since Mendota has little base industries, the additional employment opportunities and the increased tax revenue generated by the prison will greatly benefit the local economy.

2. **The Derrick Avenue - Less Intense Prison-** The EIR evaluated a smaller scale Project on the same site comprised of 1,000 beds on a 40 acre site.

Finding

The Derrick Avenue-Less Intense Prison Alternative is infeasible and for the following reasons:

- This alternative provides environmental benefits, however, this alternative will not provide as many employment opportunities as the proposed Project and would provide less capacity to serve the incarceration needs of government correctional agencies. Thus, this alternative will do less to meet Project objectives; and

- Based on the required investment in land and facility development costs, a smaller prison on the 247- acre site may not be economically viable. Thus, this alternative does not present a cost effective alternative to a publicly funded and operated correctional facility.

3. **Reduced Annexation** - This alternative would include a prison facility identical to that of the Project. The annexation request to Fresno County LAFCO for this alternative however, would only address a 600 foot wide strip of property along the east side of Derrick Avenue to connect the Prison site to the existing southerly corporate boundary of Mendota. Thus, the requested annexation would include a narrow strip of property of approximately 72 acres and the 247-acre Prison site. The remaining 157 acres of the Northern Parcels would remain in County of Fresno jurisdiction.

This alternative would generally meet the Project objectives and site selection criteria described above. Potential environmental impacts resulting from the reduced annexation

alternative are likely to be similar in scope to impacts resulting from the proposed Project. Potential impacts to owners of the Northern Parcels which would be located within multiple jurisdictions may be more significant than the proposed Project.

Finding

The Reduced Annexation alternative is infeasible and is rejected for the following reason:

- This alternative would subject owners of properties along the east side of Derrick Avenue between the Prison site and the Mendota city boundary o rules and regulations of multiple jurisdictions. For example, Agricultural Preserve designated parcels would be subject to requirements of both Mendota and Fresno County Zoning Codes, which could potentially impact these properties by subjecting any future land use proposals to review by multiple jurisdictions. Advantages of annexing only a narrow strip of property connecting the proposed prison to Mendota appear limited, as compared to allowing the proposed annexation to follow existing parcel ownership boundaries which would facilitate an orderly extension of the Mendota city limits.

4. **Alternative Site No.1** -Alternative Site No. 1 is located north and east of the Mendota municipal airport, within the City's SOI. The site is currently used for agriculture and would require annexation into the City. Potential environmental impacts resulting from this alternative which would be more significant than the proposed Project include:

- Increased light and glare on adjacent and nearby land uses, particularly residential areas, and neighboring airport operations in Mendota.

- Potential to impact existing and future airport planning and land uses based on compatibility considerations.

- Being located in proximity to the Fresno Slough, this site may be subject to shallow ground water which could be impacted by construction of the proposed prison.

Finding

Alternative Site No. 1 is infeasible and is rejected for the following reasons:

- This alternative appears to meet the Project objectives, although the environmental consequences appear to be more significant than the proposed Project.

- The irregular dimensions of this property may limit the feasibility of this alternative by reducing the available land for an open security buffer around the perimeter of the fenced facility.

5. **Alternative Site No.2** -Alternative Site No. 2 uses the site currently occupied by Mendota

Airport and would meet the Project objectives described in Section 3.0. This site, being located within the City of Mendota, would not require a request for annexation or amendment of the City's SOI which are required for the proposed Project. Potential environmental impacts resulting from this alternative which would be more significant than the proposed Project include:

- Increased light and glare, and related aesthetic effects on adjacent and nearby land uses, particularly residential areas located immediately west of the airport property in Mendota.

- Due to site configuration, perimeter open security buffer areas would be limited resulting in potential land use compatibility impacts with neighboring residential areas.

- Elimination of the municipal airport may result in potential land use compatibility concerns and loss of future commerce opportunities for the City of Mendota.

- Demolition of the existing airport would result in more severe short term air quality impacts.

Finding

Alternative Site No. 2 is infeasible and is rejected for the following reasons:

- This alternative appears to meet the Project objectives, however, the environmental consequences, particularly land use compatibility, air quality, appear to be more significant than the proposed Project.

- Additionally, the configuration of this property may limit the feasibility of this alternative by reducing the available land for an open security buffer around the perimeter of the fenced facility.

6. **Alternative Site No.3** -Alternative site No. 3 is located immediately south of Mendota High School and is currently used for agriculture. This site is in the County of Fresno and would require annexation into the City of Mendota. Similar to the proposed Project, this site is not supported with any utility infrastructure, and all utility services would be constructed during the development process. Potential environmental impacts resulting from this alternative which would be more significant than the proposed Project include:

- Increased light and glare, and related aesthetic effects on adjacent and nearby residential uses in Mendota, as a result of being located approximately one mile closer to the City,

- Short term construction air quality, aesthetic and noise impacts on the adjacent high school, and nearby residential land uses.

- Conflicts with the established educational use of the adjacent high school.

Finding

Alternative Site No. 3 is infeasible and is rejected for the following reasons:

- This alternative appears to meet the Project objectives, although the environmental consequences appear to be more significant than the proposed Project. Based on the closer location to the residential community in Mendota, this alternative results in environmental impacts which may be unavoidable and more significant than impacts of the proposed Project.

SECTION 6

FINDINGS REGARDING THE MITIGATION MONITORING PROGRAM

Section 21081.6 of the Public Resources Code requires that when a public agency is making the findings required by State CEQA Guidelines Section 15091(a)(1) and Section 21081(a) of the Public Resources Code the public agency shall adopt a program for reporting on or monitoring the changes which it has either required of the Project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.

The City Council hereby finds that the Mitigation Monitoring Program dated May, 1998, and adopted as part of the Project's Conditional Use Permit meets the requirements of Section 21081.6 of the Public Resources Code by providing for and enforcing the implementation and monitoring of Project conditions intended to mitigate potential environmental effects of the Project.

SECTION 7

RECIRCULATION

SECTION 21092.1 FINDING

Finding: Pursuant to CEQA Guideline 15088.5, and Public Resources Code Section 21092.1, on the basis of its review and consideration of the Final EIR this Planning Commission finds that:

- According to an alternative definition of prime agricultural land set forth in Government code Section 56064(e), the approval of the Project would result in the conversion of 247 acres of prime agricultural land on the prison site to non-agricultural use. Application of this alternative definition to significance thresholds results in a significant impact that cannot be mitigated, thereby amending the conclusion in the Draft EIR (the "56064(e) Amendment"). This amendment to the Draft EIR is not a new, previously undisclosed environmental impact. The Draft EIR clearly stated that the agricultural land on the prison site would be converted to non-agricultural use. In addition, the amendment does not delete or supersede the

conclusion in the Draft EIR that according to NRCS criteria, the Project will not have a significant impact on prime agricultural land. The amendment is merely statutory clarification that under an alternative definition of prime agricultural land, the project would have a significant impact on prime agricultural land.

- The 56064(e) Amendment is not a substantial change in the Draft EIR that would deprive the public of a meaningful opportunity to comment on a substantial adverse environmental effect of the project, a feasible way to mitigate or avoid such an effect, or a feasible project alternative; and

- The 56064(e) Amendment will not result in new significant environmental effects or substantially increase the severity of the previously identified significant effects disclosed in the Draft EIR; and

- The 56064(e) Amendment will not involve mitigation measures or alternatives which are considerably different from those analyzed in the Draft EIR that would substantially reduce one or more significant effects on the environment; and

- The 56064(e) Amendment does not render the Draft EIR so fundamentally inadequate and conclusory in nature that meaningful public review and comment would be precluded;

- Thus, none of the conditions set forth in CEQA Guideline 15088.5 or Public Res. Code § 21092.1 requiring recirculation of a Draft EIR have been met. Incorporation of the 56064(e) Amendment into the Final EIR does not require that the EIR be recirculated for public comment.

SECTION 8

STATEMENT OF OVERRIDING CONSIDERATIONS

Having reduced the effects of the proposed Project by adopting mitigation measures, and balanced the benefits of the proposed Project against the proposed Project's potential unavoidable adverse impacts, the City hereby determines the benefits of the proposed Project outweigh the potential unavoidable adverse impacts, and the unavoidable adverse impacts are acceptable, based on the following overriding considerations, which are sufficient to outweigh the proposed Project's unavoidable adverse impacts:

- Construction of the Corrections Corporation of America Prison at Mendota will provide a secure prison facility to serve the inmate incarceration needs of government correctional agencies and to provide a cost effective alternative to publicly funded construction and operation of prisons.

- The prison will provide excellent long term employment and career opportunities for surrounding communities. Between 85 to 90 percent of the prison employees are expected

to be drawn from the Project vicinity. Approximately 400 positions for permanent correctional officers will be created. Other job opportunties will include medical, education, adminstrative, trade and clerical services.

- In addition to the jobs directly created by the prison, the purchase of local goods and services for hte prison facility, and by CCA employees will stimulate the local economy and result in additional empolyment opportunties and the Project vicinity. Since Mendota has no base industries, the additional employment opportunties and the increased tax revenue generated by the prison will greatly benifit the local economy.

Introduced, approved and adopted this 23 day of June, 1998.

Robert Sliva, Mayor

ATTEST:
I, ROSEMARY A. RAMIREZ, City Clerk of the City of Mendota do hereby certify that the foregoing resloution was duly adopted and approved by the City Council at a regular meeting held on June 23 1998, by the following vote:

AYES: (5) **ROBERT SILVA, JOSEPH AMADOR, FIDEL DE LA CRUZ, JOSEPH RIOFRIO, ROBERT RASMUSSEN**

NOES:

ABSENT:

ABSTAIN:

Date: 6/23/98

Rosemary A. Ramirez, City Clerk

Fresno Local Agency For ation Commission

Rowell Building • 2100 Tulare Street, Suite 502 • Fresno, CA 93721 ☎ (209) 495-0604 Fax (209) 495-0655

Chairman, Stan Ok
Board of Supervis
Vice Chairman, Juan Arambu
Board of Supervis

Membe
Larry Fortu
Public Memb
Victor Lopez, May
City of Orange Co
Trinidad Rodriguez, May
City of Kerm

Alternate Member
William Douleave
Public Memb
Sharon Lev
Board of Superviso
Tom Stearn
City of Clov

Executive Office
Marvin L. Pant

June 22, 1998

CERTIFICATE OF FILING

Mr. Alan J. Bengyel, City Manager
City of Mendota
643 Quince Street
Mendota, CA 93640

Dear Mr. Bengyel:

Subject: "Terra Linda Farms-Hansen Ranch Annexation" Reorganization

This notice certifies that on June 22, 1998, pursuant to Section 56828 of the Government Code, the proposed reorganization for the City of Mendota was accepted for filing with the Local Agency Formation Commission.

The date and place for the Local Agency Formation Commission's consideration of the subject proposal is July 8, 1998, in Room 301, Hall of Records, Tulare and "M" Streets, Fresno.

Sincerely,

Marvin Panter

Marvin L. Panter
Executive Officer

cc: Commissioners

NAMES OF LANDOWNERS OR PARTIES OF REAL INTEREST (Asterisk indicates consent):

Bruce Barnes David Weiland Jim McKelvey, Representative
Georgia Marchini Irma Marchini Juan & Maria Rodriguez
Joe Gomez & Helen Mendoza Maria Ramirez
Beto & Angela Cantu

Note: If you are an applicant for, or a participant in actively supporting or opposing) any proceeding on the agenda and have made a campaign contribution of more than $250 to or for any of the Commission members, state law provides for disqualification of Commissioner voting, or even prohibition of such gifts. These restrictions also apply to agents of applicants or participants. Please consult with Commission staff as to the requirements of the Political Reform Act (Government Code Section 84308).

FRESNO COUNTY
LOCAL AGENCY FORMATION COMMISSION
NOTICE OF HEARING

Notice is hereby given that the Local Agency Formation Commission will consider the following proposal at a public hearing on July 8, 1998 to:

> Revise the Sphere of Influence for the City of Mendota to include approximately 450 acres (RSOI-104); and annex a total of approximately 512 acres to the City of Mendota and detach from the Fresno County Fire Protection District, the Silver Creek Drainage District, and the Westlands Water District. The area is located south of Belmont Avenue, on both sides of Highway 33 (RO-98-8).

An Environmental Impact Report has been prepared for the proposal which includes a new 1550 bed prison facility occupying 50 acres of a 247-acre parcel in the south half of the proposed annexation. This Report is available for review at the Commission office or at the City Hall, City of Mendota. The Commission will consider the Report and make findings as required by the California Environmental Quality Act.

The hearing will begin at 1:30 p.m. in the Board of Supervisors' Chambers, Hall of Records, Room 301, Tulare & M Streets, Fresno. Any person may offer either written or oral testimony related to the proposal. For additional information contact the Commission Office, 2100 Tulare Street, Suite 502, Fresno, CA 93721, or phone (209) 495-0604.

Marvin Panter

Marvin L. Panter, Executive Officer

Date: June 17, 1998

TO: ROBERT SILVA, MAYOR & COUNCIL MEMBER

FROM: BRUCE BARNES, ASSOCIATE PLANNER, RM ASSOCIATES

VIA: ALAN J. BENGYEL, CITY MANAGER

SUBJECT: MEDIUM SECURITY PRISON PROPOSED BY THE CORRECTIONS COPORATION OF AMERICA--CONSIDER CERTIFICATION OF ENVIRONMENTAL IMPACT REPORT (EIR) AND RELATED ACTIONS IN SUPPORT OF THE PROJECT.

DATE: JUNE 17,1998

Background/Discussion

In May of 1997 the Corrections Corporation of America (CCA) began investigating various sites in and around the City of Mendota for the construction and operation of a 1,550-bed medium security private prison. A 244 acre site was located outside the existing Mendota city boundaries and CCA entered into a purchase option agreement with the property owner in November of 1997. The City Planning Department determined that an Environmental Impact Report (EIR) would need to be prepared to assess potential environmental impacts of the proposed project, which includes a proposed annexation of the prison site and an additional 235 acres from Fresno County into the City of Menodota. Additionally, CCA and the City of Mendota seek to enter a development agreement to govern development of the project. In accordance with provisions of the California Environmental Quality Act (CEQA) the City Council must consider the draft and final EIR, and any public comments on the EIR which may be received at the public hearing prior to considering any action on the project. An adequate EIR is a prerequisite to all discretionary actions on the project.

At conclusion of the public hearing, the City Council may consider the following actions with regard to the EIR:

- certification of the EIR
- addendum to the EIR
- supplement to the EIR
- continuation of the EIR process, re-opening public comment period and /or recirculation of the EIR to consider additional issues.

If the City Council adopts Resolution No. 98- 16, which certifies the EIR, makes certain findings, and adopts a statement of overriding consideration, the City Council may consider the following actions:

- Adoption of Resolution 98- 17 approving General Plan Amendment 98-01.

- Adoption of Resolution 98- 18 approving prezoning of the site and surrounding parcels.

The City Council also needs to consider adopting the following:

- Adoption of Resolution 98- 19 establishing procedures and requirements for the consideration of development agreements.

Please be advised that on June 16, 1998 the Planning Commission took the following actions:

- Adopted Planning Commission (P.C.) Resolution No. 98-02 which made certain environmental findings, certified the EIR and adopted a statement of overriding consideration and related matters.

- Adopted P.C. Resolution 98-03 which made a recommendation to the City Council to approve General Plan Amendment No. 98-01.

- Adopted P.C. Resolution No. 98-04 which made a recommendation to the City Council to prezone the site and the surrounding parcels.

- Adopted P.C. Resolution No. 98-05 which approved Conditional Use Permit No. 98-03.

Recommendation

Please see Staff Report attached for further details. Staff recommends adoption of Resolutions Nos. 98- 16, 98- 17, 98- 18, and 98- 19.

FIREBAUGH-MENDOTA JOURNAL
681 S. Madera Ave.
~~P. O. Box 336~~
Kerman, CA 93630
Telephone: 846-6689

This space is for the County Clerk's Filing Stamp

PROOF OF PUBLICATION
(2015.5 C.C.P.)

STATE OF CALIFORNIA
County of Fresno,

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the printer of the **Firebaugh-Mendota Journal**, a newspaper of general circulation, printed and published weekly in the City of Kerman, County of Fresno, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Fresno, State of California, under the date of 1949, Case Number 135831; that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following date, to-wit:

June 17,

all in the year 19 98.

I Certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated at Kerman, California this 17th

day of June, 19 98

Sylvia Valdez
Signature

Proof of Publication

Fresno County LAFCO

Public Hearing, July 8, 1998

FRESNO COUNTY LOCAL AGENCY FORMATION COMMISSION
NOTICE OF HEARING

Notice is hereby given that the Local Agency Formation Commission will consider the following proposal at a public hearing on July 8, 1998 to:

Revise the Sphere of Influence for the City of Mendota to include approximately 450 acres (RSOI-104); and annex a total of approximately 512 acres to the City of Mendota and detach from the Fresno County Fire Protection District, the Silver Creek Drainage District, and the Westlands Water District. The area is located south of Belmont Avenue, on both sides of Highway 33 (RO-98-8).

An Environmental Impact Report has been prepared for the proposal which includes a new 1550 bed prison facility occupying 50 acres of a 247-acre parcel in the south half of the proposed annexation. This Report is available for review at the Commission office or at the City Hall, City of Mendota. The Commission will consider the Report and make findings as required by the California Environmental Quality Act.

The hearing will begin at 1:30 p.m. in the Board of Supervisors' Chambers, Hall of Records, Room 301, Tulare & M Streets, Fresno. Any person may offer either written or oral testimony related to the proposal. For additional information contact the Commission Office, 2100 Tulare Street, Suite 502, Fresno, CA 93721, or phone (209) 495-0604.

/s/ Marvin L Panter,
Executive Officer
Date: June 17, 1998

CITY of MENDOTA

MINUTE ORDER

The Planning Commission of the City of Mendota, held a Public Hearing at their regularly scheduled meeting held on Tuesday, June 16, 1998, to consider Conditional Use Permit No. 98-03 (Correction Corporation of America): To construct and operate a 1,550 bed medium security prison facility to be located on the east side of Highway 33 approximately 1.0 miles south of the Mendota City Limits. The Commissioners took action on the following:

1) ***P.C. RESOLUTION NO. 98-02:*** In the Matter of making certain Environmental findings and Adopting a Statement of Overriding consideration in connection with the Corrections Corporation of America prison at Mendota and related matters. The Planning Commissioners approved the resolution, based on a motion made by Vice Chairman Torres, seconded by Commissioner Riofrio, with Chairperson Valdez absent.

2) ***P.C. RESOLUTION NO. 98-03:*** In the Matter of Approving a Recommendation to the City Council to Approve General Plan Amendment No. 98-01. The Planning Commissioners approved the resolution, based on a motion made by Commissioner Riofrio, seconded by Commissioner Martinez, with Chairperson Valdez absent.

3) ***P.C. RESOLUTION NO. 98-04:*** In the Matter of Approving a Recommendation to the City Council to approve Prezoning of the Project Site and Surrounding Parcel. The Planning Commissioners approved the resolution, based on a motion made by Commissioner Martinez, seconded by Commissioner Riofrio, with Chairperson Valdez absent.

4) ***P.C. RESOLUTION NO. 98-05:*** In the Matter of Approving Conditional Use Permit No. 98-03. The Planning Commissioners approved the resolution, based on a motion made by Commissioner Martinez, seconded by Commissioner Riofrio, with Chairperson Valdez absent.

ATTEST:

6/16/98
DATE:

Rosemary A. Ramirez
ROSEMARY A. RAMIREZ,
CITY CLERK

643 QUINCE STREET • MENDOTA, CALIFORNIA 93640 • 209-655-3291 • FAX 209-655-4064

CITY of MENDOTA

June 16, 1998

JUN 1998
Received
FRESNO
LAFCO

Mr. Marvin Panter, Executive Officer
Fresno Local Agency Formation Commission
Rowell Building
2100 Tulare St., #502
Fresno, California 93721

RE: Additional LAFCO Comments on the CCA
Prison at Mendota, Draft EIR, SCH # 97112070

Dear Mr. Panter:

I have reviewed your letter of June 10, 1998 regarding your additional comments that were received after the close of the public review period for the Draft Environmental Impact Report dated May 26, 1998. Although I had some concerns in providing this additional information to the Planning Commission and my City Council, I have done so with my attached response.

The responses provided correspond to the numbered LAFCO comments contained in your attached letter.

1. This comment objects to the manner in which the Final EIR treats Land Use impacts. The Final EIR clarifies that approval of each discretionary action on the proposed project will not result in incompatible land uses or inconsistency with any local or regional plan. Thus, no mitigation measures for land use impacts are necessary. The Final EIR also clarifies impacts relative to prime agricultural farm land. Only proposed or planned physical changes, i.e., development or conversion of agricultural land, pose potentially significant impacts which must be mitigated. For further details, please refer to Response No. 5.

2. This comment requests additional information to justify the distinction between the population impacts of a CCA prison and a public prison. The following differences between public corrections officers and private prison officers should be considered. Private prison officers are typically recruited and trained from the general population surrounding a proposed prison. Public correctional officers are typically civil service personnel and must complete a lengthy civil service employment regimen. In addition, the public agencies are often unable to hire new personnel due to budget restrictions. Consequently, public prisons will typically import personnel to staff prisons in new areas because they cannot recruit and train personnel expeditiously. CCA on the other hand, can expedite the hiring and background checks

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necessary to place security officers into prison sites in accordance with requirements of the contracting agency. Therefore, CCA is capable of hiring from the community, resulting in less population impacts on the community. Specific to this project, the City of Mendota has initiated a program to better qualify local citizens for employment.

3. Comment Noted. Only proposed or planned physical changes, i.e., development or conversion of agricultural land, pose potentially significant impacts. Please see Response Number 5, below.

4. This comment addresses potential flooding impacts along Belmont Avenue. The Final EIR EIR clarified that the Belmont Avenue flood channel is located approximately one mile north of the proposed prison site and would not be impacted by the proposed project for the following reasons:

- The proposed prison site will include stormwater drainage improvements to manage stormwater runoff from developed areas of the site, likely reducing the quantity of runoff previously attributable to the site; and

- The remainder of the project, the 229 acres of agricultural land located north of the prison site would remain unchanged and pose no additional impacts to the Belmont Avenue flood channel.

5. The comment referenced a court case (Bozung v. Local Agency Formation Commission 13 Cal.3d 263 (1975)) regarding an annexation and related environmental consequences. The following response is based on information from legal counsel and is provided to clarify the findings of this case.

Contrary to your contention, the holding of Bozung v. Local Agency Formation Commission, 13 Cal. 3d 263 (1975), was not that a change to a sphere of influence has an environmental effect. The issue in Bozung was whether CEQA applied to a LAFCO approval of a sphere of influence amendment, Id. at 268. The facts of Bozung are that the Ventura County LAFCO approved a sphere of influence amendment without complying with CEQA. The court ruled that LAFCO approvals are "projects" under CEQA and required compliance with CEQA. Id. at 279. Identifying a certain government action as a "project" under CEQA is not the same as identifying potentially significant environmental impacts resulting from that project.

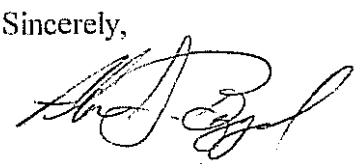
The Bozung court did address whether the individual project at issue in the case "may have a significant effect on the environment" and ruled that it would. The project at issue was the

total conversion of agricultural land to dense residential and commercial use Id at 281. As the court stated: "This case does not involve the question of whether any annexation to any city may have a significant effect on the environment." Id. The court's ruling that the individual project at issue may have a significant effect on the environment was based upon the undisputed physical changes intended on the annexed land. Id.

Therefore, the conclusion that no potentially significant environmental impacts will result from the annexation of 229 acres of agricultural land, that is not proposed for development and will remain unchanged by annexation, is correct and in full compliance with the principals set forth in Bozung. Bozung stands for the proposition that LAFCO approvals must comply with CEQA. The sphere of influence amendment and annexation were included within the EIR for the Mendota project. Bozung stands for the proposition that physical changes proposed to annexed land may result in significant environmental impacts. The construction of the prison and the extension of utilities are the only physical impacts on the environment and were fully analyzed in the EIR with mitigation measures proposed. Because no physical changes are proposed or planned to the 229 acres of agricultural land north of the prison site, the EIR and the Response to Comments is correct that a mere change of jurisdictional boundary is not a potentially significant environmental impact unless accompanied by proposed physical changes to the land annexed. That conclusion is in harmony with legal principals set forth in Bozung.

I trust the responses are helpful in understanding the scope of the proposed project. I look forward to seeing you on July 8th regarding this project at the scheduled LAFCO meeting.

Sincerely,



Alan J. Bengyel
City Manager

cc: Mayor & City Council
City Attorney
Planning Commission

STATE OF CALIFORNIA)
COUNTY OF FRESNO)
CITY OF FRESNO)

RECEIVED
JUN 15 1998
CLERK, BOARD OF SUPERVISORS

CERTIFICATE OF POSTING
NOTICE OF PUBLIC HEARING

The undersigned certifies under penalty of perjury as follows:

I am the duly selected Executive Officer of the Fresno County Local Agency Formation Commission of the above county.

I posted, or caused to be posted, notice of public hearing by the Local Agency Formation Commission of said county. A copy of said notice is attached hereto.

Said notice was posted upon the official bulletin board customarily used for the purpose of public notices by or pertaining to said Commission.

Said posting was commenced on the 15th day of June, 1998, and continued to the time of the hearing specified in the attached notice.

Executed this 15th day of June 1998 in the above entitled city.

Marvin L. Panter, Executive Officer
Fresno County Local Agency
Formation Commission

Attachment

Proposal No. RO-98-8 & RSOI-104

JUN 1998
Received
FRESNO
LAFCO

Westlands Water District
3130 N. Fresno Street, P.O. Box 6056, Fresno, California 93703-6056, (209) 224-1523, FAX: (209) 241-6277

June 15, 1998

JUN 1998
Received
FRESNO
LAFCO

Mr. Marvin Panter
Executive Officer
Fresno County LAFCO
2100 Tulare St., Suite 502
Fresno, CA 93721

Dear Mr. Panter:

Subject: "Terra Linda Farms Hansen Ranch Annexation" Reorganization and "City of Mendota Sphere of Influence Revision"

The Finance & Administration Committee of the Westlands Water District Board of Directors met today to review the proposed "Terra Linda Farms Hansen Ranch Annexation" Reorganization and "City of Mendota Sphere of Influence Revision," which involves the detachment of 6.13 acres from Westlands Water District.

The Committee requested that the proposed detachment be conditioned on the following:

- Payment of $411.28 for outstanding assessment charges.
- Payment of the "detachment fee" discussed in my letter of June 8, 1998, in the amount of $293.29 per acre, totaling $1,797.87.

The District has no objection to the proposed detachment upon the satisfaction of the foregoing conditions. If you should have any further questions, please feel free to contact me at (209) 224-1523.

Sincerely,

Dave Ciapponi
Director of Finance & Administration

Y:\fis\reclaw\108rec98.wpd

Fresno Local Agency Formation Commission

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City of Kerm

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William Donleave
Public Memb
Sharon Lev
Board of Supervis
Tom Stear
City of Clov

Executive Office
Marvin L. Pant

June 10, 1998

Mr. Alan Bengyel, City Manager
City of Mendota
643 Quince Street
Mendota, CA 93640

Dear Mr. Bengyel:

Subject: Responses to LAFCo Comments on Draft EIR

On June 7, 1998, we received the subject responses for the Environmental Impact Report (EIR) consultant to our comments on the draft EIR. Before the City of Mendota certifies the EIR, I would like the following comments to be part of our record at the hearing:

1. On Page 2, Comment and Response No. 4, I requested that the report provide mitigation measures for the City and Commission for the significant impacts identified in the report. In the response, the consultant, rather than provide mitigation measures, has stated that none are necessary because no significant impact to land use will result. This response is not satisfactory for consideration by the Commission.

2. On Page 3, also Comment No. 4, requested that experiences from other valley cities be cited. The response did not list any experiences stating that CCA practices are different from the other state prisons. I still would request the experience of other cities.

3. The response to the comment regarding the definition of prime agricultural land is adequate.

   However, since the courts determined that development and annexation of agricultural land is a significant impact, that must be identified as an impact in this report for this project, which is not only to develop a prison in Mendota, but to annex over 500 acres of agricultural land. Because of this, mitigation measures and alternatives must be identified, or if none are possible, a statement of overriding consideration adopted by each of the lead agencies.

4. On page 5, Comment 6, stated that there was a flood channel within the project area along Belmont Avenue. The project is the entire 500 acre annexation to the City of Mendota and not just the prison site. There is no statement or identification of these flood problems and no mitigation measures identified in the response.

5. On Page 7, Response to Comment No. 7, a correction is needed to one of the statements in the response that "annexation merely changes jurisdictional boundaries of the local government applicable to the land but has no environmental consequence." In 1973, the Bozung Case established that change to a sphere of influence or annexation does have environmental consequences, and need to be addressed in an environmental document.

6. Comment and Response No. 8 on Page 7, normally we would require an update of the Master Service Plan for this kind of sphere of influence revision. The Draft EIR and application submitted do give information about existing and planned services and improvements for the subject property. For this application I believe this information is adequate and will wait to update the Master Service Plan when the sphere of influence of the City is updated. I am enclosing a copy of the 1987 update for your information and use at that time.

I would appreciate your presenting the information in this letter to both the Planning Commission and City Council.

Sincerely,

Marvin Panter

Marvin L. Panter
Executive Officer

MLP:cf

Enclosure

Fresno Local Agency Formation Commission

file

Rowell Building • 2100 Tulare Street, Suite 502 • Fresno, CA 93721 ☎ (209) 495-0604 Fax (209) 495-0655

Chairman, Stan Oken
Board of Supervisor
Vice Chairman, Juan Arambula
Board of Supervisor

Members
Larry Fortune
Public Membe
Victor Lopez, Mayor
City of Orange Cov
Trinidad Rodriguez, Mayor
City of Kerman

Alternate Members
William Donleavey
Public Membe
Sharon Levy
Board of Supervisor
Tom Stearns
City of Clovis

Executive Officer
Marvin L. Panter

DATE: June 10, 1998

TO: Local Agency Formation Commission

FROM: Marvin L. Panter, Executive Officer

SUBJECT: Final and Draft Environmental Impact Report for Mendota Prison, Sphere Revision, and Annexation – Report Attached

The City of Mendota has prepared an EIR for a new prison, privately operated by the Corrections Corporation of America. The prison will occupy 50 acres of land within an annexation of about 500 acres to the City. Almost all of the area is outside of the City sphere of influence so the City is requesting a revision to the sphere of influence to allow the annexation to be consistent (see map Exhibit A).

The sphere revision and annexation could cause several impacts which are discussed in the attached report, and include:

- Loss of and effect on agricultural lands
- Effect on Williamson Act Contracts
- Extension of City services and improvements
- Changes in land use and sphere of influence policy
- Effect on other agencies, i.e. County and Districts

The Commission must consider the Report and make findings prior to taking action on the project. A hearing has been scheduled for July 9th at 1:30 p.m. for these matters. Staff will make further report and recommendations at that time.

MLP:cf

Attachment

Fresno Local Agency Formation Commission

file

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Chairman, Stan Oke
Board of Supervisor
Vice Chairman, Juan Arambul
Board of Supervisor

Member
Larry Fortun
Public Membe
Victor Lopez, Mayor
City of Orange Cov
Trinidad Rodriguez, Mayor
City of Kerma

Alternate Member
William Donleavey
Public Membe
Sharon Levy
Board of Supervisor
Tom Stearns
City of Clovi

Executive Officer
Marvin L. Pante

DATE: June 10, 1998

TO: Local Agency Formation Commission and Alternates

FROM: Marvin L. Panter, Executive Officer Marvin Panter

SUBJECT: Special Hearing July 8th

The Chairman has requested a special meeting be held on July 8th at the request of the City of Mendota. Each of the Commissioners have been contacted about their availability for this meeting.

Some time ago we agreed to have only bi-monthly meetings and hearings of the Commission. We also agreed to schedule a meeting in the "off" months for "emergency annexations" or other matters, if necessary. Two city annexations and one district reorganization application were not completed in time for the June hearing have some urgency to be scheduled in July rather than wait for the next hearing August 26th.

Please schedule on your calendar both the June 24th meeting at 1:30 p.m. and July 8th at 1:30 p.m.

MLP:cf

Fresno Local Agency Formation Commission

Rowell Building • 2100 Tulare Street, Suite 502 • Fresno, CA 93721 ☎ (209) 495-0604 Fax (209) 495-0655

file

Chairman, Stan Oke
Board of Supervisc
Vice Chairman, Juan Arambul
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Member
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City of Kerm

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William Donleave
Public Memb
Sharon Lev
Board of Superviso
Tom Stearn
City of Clov

Executive Office
Marvin L. Pant

June 10, 1998

Mr. Robert Silva, Mayor
City of Mendota
643 Quince Street
Mendota, CA 93640

Dear Mayor Silva:

Subject: Request for Special LAFCo Meeting

I received your request of June 8th and have called for a special meeting on July 8th at 1:30 p.m. to consider the sphere revision and annexation for the private prison facility. According to the LAFCo staff, the application is complete with the reports received today from the City of Mendota. You will receive further information regarding this hearing from our LAFCo office.

Sincerely,

Stan Oken MP

Stan Oken, Chairman
Local Agency Formation Commission

SO:MP:cf

cc: Local Agency Formation Commission
Board of Supervisors

FRESNO COUNTY
LOCAL AGENCY FORMATION COMMISSION
NOTICE OF HEARING

Notice is hereby given that the Local Agency Formation Commission will consider the following proposal at a public hearing on June 24, 1998 to:

1. Annex approximately 21 acres to the City of Kerman and detach from the Kings River Conservation District those parcels located at the southeast corner of Whitesbridge and Vineland Avenues.

2. Revise the Sphere of Influence for the City of Mendota to include approximately 479 acres (RSOI-104); and annex a total of approximately 479 acres to the City of Mendota and detach from the Fresno County Fire Protection District, the Silver Creek Drainage District, and the Westlands Water District. The area is located south of Belmont Avenue, on the east side of Highway 33 (RO-98-8).

The hearing will begin at 1:30 p.m. in the Board of Supervisors' Chambers, Hall of Records, Room 301, Tulare & M Streets, Fresno. For additional information contact the Commission Office, 2100 Tulare Street, Suite 502, Fresno, CA 93721, or phone (209) 495-0604.

Marvin Panter

Marvin L. Panter, Executive Officer

Date: June 8, 1998

CITY of MENDOTA

June 8, 1998

Mr. Stan Oken, Chairman
Local Agency Formation Commission (LAFCO)
2281 Tulare Street, Rm 301
Fresno, Ca. 93721

RE: Request for Special LAFCO Meeting

Dear Chairman Oken:

As you may know, in April of 1997, we were first contacted by the Corrections Corporation of America (CCA), for the construction of a private prison facility. Over the past 14 months, the City Council, City staff, City consultants, CCA officials, and CCA consultants have been working diligently to ensure this project becoming a reality. The project will cost approximately $75 million to construct and will create 400 permanent, year-round jobs for the residents of Mendota.

CCA currently has an option to purchase a 244 acre site which will be used for the facilities. CCA's option to purchase the site expires on July 9, 1998. I understand that CCA will not exercise their option unless the site is annexed into the City limits. Since the option was already extended from June 9, 1998 to July 9, 1998, further extensions are not possible. Therefore, I respectfully request that LAFCO hold a special meeting on July 1, 1998, if possible, but certainly no later than July 8, 1998 for consideration of this annexation.

I am sure you can appreciate the situation we are in and anything you can do will be greatly appreciated.

Sincerely,

Robert Silva,
Mayor

Dave Meyers
Hansen + Coelho

cc: Board of Supervisors
Marvin Panter, Executive Director, LAFCO
City Council members

643 QUINCE STREET • MENDOTA, CALIFORNIA 93640 • 209-655-3291 • FAX 209-655-4064

Westlands Water District
3130 N. Fresno Street, P.O. Box 6056, Fresno, California 93703-6056, (209) 224-1523, FAX: (209) 241-6277

June 8, 1998

JUN 1998
Received
FRESNO
LAFCO

Mr. Marvin Panter
Executive Officer
Fresno County LAFCO
2100 Tulare St., Suite 502
Fresno, CA 93721

Dear Mr. Panter:

Subject: "Terra Linda Farms Hansen Ranch Annexation" Reorganization and "City of Mendota Sphere of Influence Revision"

This is in response to your letter of May 29, 1998, requesting comments on the proposed "Terra Linda Farms Hansen Ranch Annexation" Reorganization and "City of Mendota Sphere of Influence Revision," which involves the detachment of 6.13 acres from Westlands Water District.

District staff is in the process of reviewing this matter with the Board of Directors' Finance & Administration Committee. At this time, we have identified the following as issues of concern to the District:

- Prior to detachment, all outstanding assessments must be paid in full.
- District policy will require payment of a "detachment fee" which consists of the net present value for future payments for which the District has a repayment obligation to the United States. The fee may also include Central Valley Project capital repayment and U.S. Bureau of Reclamation costs, if applicable, for the land seeking detachment.

The Finance & Administration Committee will meet on June 15, 1998, to further review this matter. Following that meeting, the District will provide LAFCO with the Committee's final comments and specific amounts that will need to be paid to meet Westlands' approval of the detachment.

In the meantime, if you should have any questions, please feel free to contact me at (209) 224-1523.

Sincerely,

Dave Ciapponi
Director of Finance & Administration

Enclosures

Y:\fis\reclaw\107rec98.wpd

County of
FRESNO

June 5, 1998

Steve Magarian
Sheriff

JUN 1998
Received
FRESNO
LAFCO

Mr. Marvin L. Panter
Executive Officer
Fresno Local Agency Formation Commission
Rowell Building
2100 Fresno Street, Suite 502
Fresno, CA 93721

Re: "Terra Linda Farms Hansen Ranch Annexation" Reorganization and "City of Mendota Sphere of Influence Revision"

Dear Mr. Panter:

We are in receipt of your letter dated May 29, 1998, regarding the above-referenced matter.

Pursuant to your request for our review of this application, please be advised that our comments regarding this matter are contained within a letter dated May 22, 1998, to Mr. Alan Bengel, City of Mendota, entitled "County of Fresno Comments for Draft Environmental Impact Report for the Proposed Corrections Corporation of America Prison at Mendota." The portion of this letter pertaining to the Fresno County Sheriff's Department response involving this matter is attached herewith for your information and consideration.

In this regard, we believe that until the issues and concerns which we have identified in our response to this related Draft Environmental Impact Report of April, 1998 have been thoroughly and satisfactorily addressed, consideration for approval of this proposed annexation would be premature at this time.

Thank you for the opportunity to review this application.

Sincerely,

Steve Magarian

Steve Magarian
Sheriff

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Dedicated to Protect & Serve

Fresno Local Agency Formation Commission

Rowell Building • 2100 Tulare Street, Suite 502 • Fresno, CA 93721 ☎ (559) 495-0604 Fax (559) 495-0655

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Vice Chairman, Juan Arambu
Board of Supervis

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Public Meml
Victor Lopez, May
City of Orange Co
Trinidad Rodriguez, May
City of Kerm

Alternate Membe
William Donleave
Public Meml
Sharon Le
Board of Supervis
Tom Stear
City of Clo

Executive Offic
Jeff Twee

June 4, 1999

Mr. Bruce Barnes, City Manager
City of Mendota
643 Quince Street
Mendota, CA 93640

Dear Mr. Barnes:

Subject: "Terra Linda Farms-Hansen Ranch Annexation" Reorganization

Enclosed is a check made payable to the State Board of Equalization for the above annexation. The check is dated September 3, 1998, which is no longer acceptable to the State Board. Also, the State Board fees have since gone up and the new fee for your 354-acre annexation is $2,000 (see attached fee schedule).

This proposal cannot be completed until evidence of compliance with the conditions placed on the proposal has been submitted to LAFCo.

We will again be requesting a check made payable to the State Board of Equalization when the proposal is ready for completion.

Sincerely,

Candie Fleming

Candie Fleming
Commission Clerk/Secretary

/cf

Enclosure

Fresno Local Agency Formation Commission

Rowell Building • 2100 Tulare Street, Suite 502 • Fresno, CA 93721 ☎ (209) 495-0604 Fax (209) 495-0655

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Public Memb
Victor Lopez, Mayo
City of Orange Co
Trinidad Rodriguez, Mayo
City of Kerma

Alternate Member
William Donleave
Public Memb
Sharon Lev
Board of Supervis
Tom Stearn
City of Clov

Executive Office
Marvin L. Pante

DATE: May 29, 1998

TO: Elections Division, Stop #43

FROM: Marvin L. Panter, LAFCo Executive Officer

SUBJECT: "Terra Linda Farms Hansen Ranch Annexation" Reorganization and "City of Mendota Sphere of Influence Revision"

The subject application has been received in the office of the Local Agency Formation Commission for processing. In accordance with Section 56386 of the Government Code, your assistance in reviewing this application is requested. Those particular factors we request for comments on are (answer if checked):

A. X Number of registered voters in the area. 1

B. _____ What percent of the registered voters in the proposal area does the attached petition represent? _____

C. X Will the proposal adversely affect precinct boundaries or the conduct of elections? NO

D. _____ Other comments:

MLP:cf

Attachments: Map, Legal description

Craig Madole Computer Graphics Specialist
Signature and Title

June 17, 1998
Date

JUN 1998
Received
FRESNO
LAFCO

County of
FRESNO

Public Works & Development Services Department
Carolina Jimenez-Hogg
Director

May 20, 1998

Alan J. Bengyel
City Manager
City of Mendota
643 Quince Street
Mendota, CA 93640

Subject: Terra Linda Farms - Hansen Ranch Annexation
(482 acres - Mendota Prison Project)

Dear Mr. Bengyel:

In accordance with Article II, Section 2.2 of the Memorandum of Understanding (MOU) between the City of Mendota and the County, we have reviewed the Terra Linda Farms - Hansen Ranch proposal for annexation into the City of Mendota.

The City proposes to annex 482 acres, of which 247 acres will be developed as a private prison. This will meet the Standards for Annexation contained in Exhibit 1 of the MOU once the City's Sphere of Influence is amended to include the property and a site plan has been approved for the prison.

If you have questions concerning this matter, please give me a call at 262-4055 or Jeff Tweedie at 262-4022.

Very truly yours,

Kerry L. McCants, Manager
Development Services Division

KLM:EVB:hm
G:\DEVS&PLN\PLANNING\DOCS\MEND-PRS.LTR

c: William H. Randolph, County Administrative Officer
County Administrative Office, ATTN: Jose Barraza
Carolina Jimenez-Hogg, Director
Public Works & Development Services Department
Marvin Panter, LAFCo Executive Director

2220 Tulare Street, Sixth Floor / Fresno, California 93721 / Phone (209) 262-4055 / 262-4029 / 262-4302 / 262-4022 / 262-4310 / FAX 262-4893
Equal Employment Opportunity • Affirmative Action • Disabled Employer

County of
FRESNO

Public Works & Development Services Department
Carolina Jimenez-Hogg
Director

May 20, 1998

Alan J. Bengyel
City Manager
City of Mendota
643 Quince Street
Mendota, CA 93640

MAY 1998
Received
FRESNO
LAFCO

Subject: Terra Linda Farms - Hansen Ranch Annexation
(482 acres - Mendota Prison Project)

Dear Mr. Bengyel:

In accordance with Article II, Section 2.2 of the Memorandum of Understanding (MOU) between the City of Mendota and the County, we have reviewed the Terra Linda Farms - Hansen Ranch proposal for annexation into the City of Mendota.

The City proposes to annex 482 acres, of which 247 acres will be developed as a private prison. This will meet the Standards for Annexation contained in Exhibit 1 of the MOU once the City's Sphere of Influence is amended to include the property and a site plan has been approved for the prison.

If you have questions concerning this matter, please give me a call at 262-4055 or Jeff Tweedie at 262-4022.

Very truly yours,

Kerry L. McCants, Manager
Development Services Division

KLM:EVB:hm
G:\DEVS&PLN\PLANNING\DOCS\MEND-PRS.LTR

c: William H. Randolph, County Administrative Officer
County Administrative Office, ATTN: Jose Barraza
Carolina Jimenez-Hogg, Director
Public Works & Development Services Department
Marvin Panter, LAFCo Executive Director

County of FRESNO

Inter Office Memo

EXHIBIT "B"

DATE: May 18, 1998

TO: RocQuel Johnson, Public Works and Development Services

FROM: Stephanie L. Kahl, Environmental Health Analyst III

SUBJECT: Draft Environmental Impact Report, Corrections Corporation of America Prison at Mendota, Fresno County

The Fresno County Community Health Department, Environmental Health System has reviewed the Draft Environmental Impact Report prepared by Rust Environment & Infrastructure for the project noted above and offer the following comments:

- The site plan identifies a fuel tank located in the service yard. However, the environmental document states that the Transcor vehicle maintenance area\transportation depot is not proposed to be equipped with any petroleum storage tanks. While these are two separate sites that are delineated on the map, the consultant should clarify that the nature and use of the fuel tank appears to be for the petroleum powered generators. In addition, the consultant should identify the volume of storage tank and discuss potential hazards related to the storage of fuel and a threatened release.

- The environmental document does not adequately discuss the coordination of emergency services relative to the release of, or threatened release of hazardous materials. Procedures for notification of employees and responding agencies, as well as potential evacuation procedures should be addressed.

- It may not be appropriate for the consultant to suggest that *"noise related impacts for the project would fall below a level of significance due to the remote siting of the prison facility and the lack of sensitive noise receptors around the prison site"* in absence of an acoustical analysis prepared by a qualified consultant.

  What is the existing ambient noise level in the area? What is the projected noise level from increased traffic that is attributed to the project? Does this project conform to the Noise Element of the Fresno County General Plan? Does the project incorporate the use of any outdoor sound amplification systems?

  Will appropriate measures be incorporated into the project to minimize potentially significant short-term localized noise impacts caused by the operation of construction equipment? Construction specifications for the project should require that all construction equipment be maintained according to the manufacturers' specifications, and that noise generating construction equipment be equipped with mufflers. What are the proposed hours for construction of the project? Consideration should be given to limiting

noise-generating construction activities to daytime hours as specified in the Fresno Noise Ordinance or City of Mendota's Noise Ordinance (if applicable) unless acoustical data indicates otherwise.

As the Local Enforcement Agency for the California Well Standards Ordinance in the unincorporated area of Fresno County, this Department is concerned that wells not adequately constructed may serve as a conduit for the entrance of unsanitary and inferior-quality water into usable ground water supplies. The age, construction features and location of any existing water wells may pose a threat to groundwater quality by providing a preferential pathway for the movement of pollutants, contaminants, or poor quality water, from above ground to below ground.

Historically, our records indicate that some wells drilled on the west side of Fresno County have been constructed with perforations above and below the Corcoran clay layer to enhance well yield. It has also been common practice on agricultural wells to place the pumps on timbers with no direct sanitary seal installed between the pump base and the top of the well casing.

As city boundaries expand, community services are provided to areas originally served only by individual domestic and agricultural wells. Improper abandonment of such wells presents a significant risk of contaminating the city's community water supply. For this reason, when development occurs, it is extremely important to ensure the safe and proper destruction of <u>all</u> abandoned water wells. The environmental document does not discuss the potential impacts related to the improper destruction of existing or abandon wells. Since the subject property is agricultural land, some discussion should be provided relative to destroying any existing wells on the subject property.

It is recommended that adequate field work be performed to identify and locate existing and/or abandon water wells in the area of the proposed project. The final EIR should incorporate appropriate mitigation measures relative to the proper destruction of these wells.

SLK

c: Tim Casagrande, Division Manager, Environmental Health System
Jim Brunton, Supervising Environmental Health Analyst

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CITY of MENDOTA

MAY 1998
Received
FRESNO
LAFCO

May 7, 1998

Maria O. Ramirez
321 S. Derrick
Mendota, CA 93640

Subject: Annexation to City of Mendota

Dear Ms. Ramirez:

Please be advised that the City intends to annex your property. As a result of this annexation, we will require that you connect to the City sewer when your existing leach field/septic system fails.

Our Public Works Department will work with you to keep costs as low as possible. It is likely that your cost will be minimal and in any event the City will make it financially feasible for you to be connected to the sewer. Also, keep in mind that you will be detaching from the Westlands Water District at a saving of $71 per year.

Sincerely,

Alan J. Bengyel, City Manager
City of Mendota

cc: Bruce Barnes, RM Associates
LAFCO Application Packet

B:\97116-34\RAMIREZM.LTR

643 QUINCE STREET • MENDOTA, CALIFORNIA 93640 • 209-655-3291 • FAX 209-655-4064

Fresno Local Agency Formation Commission

Rowell Building • 2100 Tulare Street, Suite 502 • Fresno, CA 93721 ☎ (209) 495-0604 Fax (209) 495-0655

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City of Orange Co
Trinidad Rodriguez, Mayor
City of Kerma

Alternate Member
William Donleave
Public Membe
Sharon Lev
Board of Supervisor
Tom Stearns
City of Clovi

Executive Officer
Marvin L. Pante

April 30, 1998

Mr. Alan Bengyel, City Manager
City of Mendota
643 Quince Street
Mendota, CA 93640

Dear Mr. Bengyel:

Subject: Comments on Draft EIR for Prison Annexation

Following are changes and/or comments for the Local Agency Formation Commission. The Commission as both a lead agency for the sphere of influence revision and responsible agency for the annexation will require ten copies of the Final EIR and a copy of the City resolution of certification and making findings.

1. Figure 1 shows the City boundary incorrectly. The high school should be included.

2. (From page 4-3) State law requires the City to succeed to the land conservation contract in place of the County if the City annexes the parcel, and the City must state in their resolution of annexation their succession.

3. (From page 4-4) Including the northern parcels is not a County requirement but is necessary to effect contiguity of the prison site with existing city boundaries.

4. (From page 4-6, Section 4.1.3) Requirements for approval by LAFCo and the City are not mitigation measures. The EIR should provide measures for the two bodies to implement as mitigation when they review and approve or deny the project.

5. (From page 4-9) In addition to the experience of CCA, experience from other Valley cities is needed in the discussion of population impacts from nearby state or federal prisons.

6. (From page 4-10 and 11) The report says the soils are not prime soils. However, the land is defined as prime agricultural land. The definitions in State law which the Commission must use are found in the Govt. Code, Section 56064. The impact of this project, both the prison and the annexation will have a significant effect on prime agricultural land, and both mitigation measures and alternatives must be identified.

7. (From page 4-13) There is a flood channel within the project area along Belmont Avenue from Silver Creek drainage. The flooding problems must be identified and the impacts for the subject project addressed.

8. (From page 4-15) The City and LAFCo policy is to detach from Silver Creek Drainage District as City annexations occur.

9. (From page 7-3) Reduced Annexation Area Alternative. The environmental impact on ag land is decreased by excluding the 160 acres of prime agricultural land under Land Conservation Contract under this alternative to the project. Future land use proposals in the area would be referred to the City for annexation and development and would not be split. Currently there are no proposals and the land is planned for ag use. There is no increased problem with multiple jurisdictions. Even the current proposal of the City leaves ownership under multiple jurisdiction.

   This alternative is not correctly analyzed by the author and should be rewritten. Several years ago the City of Coalinga annexed a State Return to Custody facility more than a mile north of the City by a connecting 600' wide strip of land. This alternative could be used by the City of Mendota also. State legislation to allow a non-contiguous annexation of a prison would also be an alternative.

Also, the Table 8 on page 7-6 showing more significant impacts by this project alternative is in error. There would be less impact since 160 acres of prime agricultural land would be excluded from the project. Since many LAFCo policies cite the need to conserve and protect prime agricultural land, as we noted in the response to the City Notice of Preparation, this alternative must be considered very seriously.

10. The Municipal Master Service Plan has not been included in the impact analysis. Prior to accepting an application for sphere revision and annexation, an evaluation of the MSP submitted by the City will be needed to determine if any additional environmental impacts will occur.

Sincerely,

Marvin Panter

Marvin L. Panter
Executive Officer

cc: Kerry Mc Cants

Fresno Local Agency Formation Commission

Rowell Building • 2100 Tulare Street, Suite 502 • Fresno, CA 93721 ☎ (209) 495-0604 Fax (209) 495-0655

Chairman, Stan Oken
Board of Supervisors
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Board of Supervisors

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Mayor, City of Kerman

Alternate Members
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Public Member
Sharon Levy
Board of Supervisors
Tom Stearns
City of Clovis

Executive Officer
Marvin L. Panter

March 13, 1998

Mr. Jim Hunter
Rust Environment and Infrastructure
17671 Cowan, Suite 150
Irvine, CA 92614-6031

Dear Mr. Hunter:

Subject: Administrative Draft EIR for Mendota Prison

I have reviewed the copy sent. Generally the Land Use section is acceptable. There is a comment on page 4-3, top paragraph, that is not. If the author believes the prison use is compatible with and will not significantly impact agricultural land, there should be other reasons given. The reason given does not support the contention.

Probably most of the rest of my comments will be dealt with in the other sections not sent. The response I sent to the Notice of Preparation requested several other items which are not included in the discussion here. In this or other sections there should be discussion of those items, including:

- Location and impact of sewer and water lines, including growth inducing impacts.
- What agricultural land type is located here, what crops have been grown, and value of the crops?
- What lands have Land Conservation Contracts in the area?
- What alternative sites were considered?
- What are alternative boundaries?
- What does the Service Plan show?
- What will be the impact on affected districts?
- What will be effect of flooding on the site?

Thank you for letting me review this early draft.

Sincerely,

Marvin Panter

Marvin L. Panter
Executive Officer

MLP:cf

cc: Alan Bengyel, City of Mendota

Attachment: Notice of Preparation

FRESNO LOCAL AGENCY FORMATION COMMISSION LANDOWNER CONSENT FORM

Name of Proposal Terra Linda - Hansen Ranch Annexation

Description of Proposal:

Annex to City of Mendota,

Detach from Fresno County Fire District, Westlands Water District, Silver Creek Drainage District

Each of the undersigned represents that they are the owner of the property described opposite their name and located within the territory described in the attached legal description, and hereby consents to the change of organization or reorganization described above of said property to the above named city and/or district.

Date	Name	Address	Property Description or County Assessor's Parcel Number
	Mendota Unified School District	250 Derrick Mendota, CA 93640	019-060-88 s
	Gilbert Rosette (SUPERINTENDENT)	Feb 20, 1998	

The legal description of the territory proposed for change of organization or reorganization must be attached at the time consent is signed.

Each individual listed on the last equalized assessment roll of the county must sign for the subject parcel(s).

Note: If you are an applicant for, or a participant in any proceeding on the agenda and have made a campaign contribution of $250 or more to or for any of the Commission members, state law provides for disqualification of Commissioner voting, or even prohibition of such gifts. These restrictions also apply to agents of applicants or participants. Please consult with Commission staff as to the requirements of the Political Reform Act (Government Code Section 84308).

Reference: Section 56837, Govt. Code.
Revised 1/87

FRESNO LOCAL AGENCY FORMATION COMMISSION LANDOWNER CONSENT FORM

Name of Proposal Terra Linda Farm - Hansen Ranch Annexation

Description of Proposal:

Annex to City of Mendota

Detach from Fresno County Fire District, Westlands Water District
Silver Creek Drainage District

Each of the undersigned represents that they are the owner of the property described opposite their name and located within the territory described in the attached legal description, and hereby consents to the change of organization or reorganization described above of said property to the above named city and/or district.

Date	Name	Address	Property Description or County Assessor's Parcel Number
	H,G and H	P.O. Box 398 Corcoran, CA 93212	019-060-77
	James B. Hansen		
	Jessie V. Hansen		
	Lindell W. Hansen		
	Feb. 5, 1998		

The legal description of the territory proposed for change of organization or reorganization must be attached at the time consent is signed.

Each individual listed on the last equalized assessment roll of the county must sign for the subject parcel(s).

Note: If you are an applicant for, or a participant in any proceeding on the agenda and have made a campaign contribution of $250 or more to or for any of the Commission members, state law provides for disqualification of Commissioner voting, or even prohibition of such gifts. These restrictions also apply to agents of applicants or participants. Please consult with Commission staff as to the requirements of the Political Reform Act (Government Code Section 84308).

Reference: Section 56837, Govt. Code.
Revised 1/87

FRESNO LOCAL AGENCY FORMATION COMMISSION LANDOWNER CONSENT FORM

Name of Proposal Terra Linda Farm - Hansen Ranch Annexation

Description of Proposal:

Annex to City of Mendota

Detach from Fresno County Fire District, Westlands Water District
Silver Creek Drainage District

Each of the undersigned represents that they are the owner of the property described opposite their name and located within the territory described in the attached legal description, and hereby consents to the change of organization or reorganization described above of said property to the above named city and/or district.

Date	Name	Address	Property Description or County Assessor's Parcel Number
	Juan and Maria R. Rodriguez	803 Derrick Mendota, CA 93640	019-050-40
	Juan M Rodriguez		
	Maria R Rodriguez		
	Feb 10, 1998		

The legal description of the territory proposed for change of organization or reorganization must be attached at the time consent is signed.

Each individual listed on the last equalized assessment roll of the county must sign for the subject parcel(s).

Note: If you are an applicant for, or a participant in any proceeding on the agenda and have made a campaign contribution of $250 or more to or for any of the Commission members, state law provides for disqualification of Commissioner voting, or even prohibition of such gifts. These restrictions also apply to agents of applicants or participants. Please consult with Commission staff as to the requirements of the Political Reform Act (Government Code Section 84308).

Reference: Section 56837, Govt. Code.
Revised 1/87

FRESNO LOCAL AGENCY FORMATION COMMISSION LANDOWNER CONSENT FORM

Name of Proposal Terra Linda Farm - Hansen Ranch Annexation

Description of Proposal:

Annex to City of Mendota

Detach from Fresno County Fire District, Westlands Water District
Silver Creek Drainage District

Each of the undersigned represents that they are the owner of the property described opposite their name and located within the territory described in the attached legal description, and hereby consents to the change of organization or reorganization described above of said property to the above named city and/or district.

Date	Name	Address	Property Description or County Assessor's Parcel Number
	Maria O. Ramirez, Life Estate	321 S. Derrick Mendota, CA 93640	019-050-15
	Jose Ramirez		
February 12, 1998	Dulce Estella Ramirez-Mirza		

The legal description of the territory proposed for change of organization or reorganization must be attached at the time consent is signed.

Each individual listed on the last equalized assessment roll of the county must sign for the subject parcel(s).

Note: If you are an applicant for, or a participant in any proceeding on the agenda and have made a campaign contribution of $250 or more to or for any of the Commission members, state law provides for disqualification of Commissioner voting, or even prohibition of such gifts. These restrictions also apply to agents of applicants or participants. Please consult with Commission staff as to the requirements of the Political Reform Act (Government Code Section 84308).

Reference: Section 56837, Govt. Code.
Revised 1/87

FRESNO LOCAL AGENCY FORMATION COMMISSION LANDOWNER CONSENT FORM

Name of Proposal Terra Linda Farms-Hansen Ranch Annexation

Description of Proposal:

Annex to City of Mendota

Detach from Fresno County Fire District, Westlands Water District, Silver Creek Drainage

Each of the undersigned represents that they are the owner of the property described opposite their name and located within the territory described in the attached legal description, and hereby consents to the change of organization or reorganization described above of said property to the above named city and/or district.

Date	Name	Address	Property Description or County Assessor's Parcel Number
	Terra Linda Farms		19-060-89S
	c/o Jerald Coelho		19-060-90S
	5494 West Mount Whitney Ave.		
	Riverdale, CA 93656		
	x Jerald Coelho	Mercer Coelho	
	[illegible]	Veronica Coelho	
	[illegible]	Bonnie Coelho	

May 28, 1998

The legal description of the territory proposed for change of organization or reorganization must be attached at the time consent is signed.

Each individual listed on the last equalized assessment roll of the county must sign for the subject parcel(s).

Note: If you are an applicant for, or a participant in any proceeding on the agenda and have made a campaign contribution of $250 or more to or for any of the Commission members, state law provides for disqualification of Commissioner voting, or even prohibition of such gifts. These restrictions also apply to agents of applicants or participants. Please consult with Commission staff as to the requirements of the Political Reform Act (Government Code Section 84308).

Reference: Section 56837, Govt. Code.
Revised 1/87

Declined to consent

FRESNO LOCAL AGENCY FORMATION COMMISSION LANDOWNER CONSENT FORM

Name of Proposal Terra Linda - Hansen Ranch Annexation

Description of Proposal:

Annex to City of Mendota

Detach from Fresno County Fire District, Westlands Water District, Silver Creek Drainage District

Each of the undersigned represents that they are the owner of the property described opposite their name and located within the territory described in the attached legal description, and hereby consents to the change of organization or reorganization described above of said property to the above named city and/or district.

Date	Name	Address	Property Description or County Assessor's Parcel Number
	Joel Gil Gomez and Helen		19-050-41
	1958 7th Street		
	Mendota, CA 93640		

The legal description of the territory proposed for change of organization or reorganization must be attached at the time consent is signed.

Each individual listed on the last equalized assessment roll of the county must sign for the subject parcel(s).

Note: If you are an applicant for, or a participant in any proceeding on the agenda and have made a campaign contribution of $250 or more to or for any of the Commission members, state law provides for disqualification of Commissioner voting, or even prohibition of such gifts. These restrictions also apply to agents of applicants or participants. Please consult with Commission staff as to the requirements of the Political Reform Act (Government Code Section 84308).

Reference: Section 56837, Govt. Code.
Revised 1/87

FRESNO LOCAL AGENCY FORMATION COMMISSION LANDOWNER CONSENT FORM

Name of Proposal Terra Linda Farm - Hansen Ranch Annexation

Description of Proposal:

Declined to consent

Annex to City of Mendota

Detach from Fresno County Fire District, Westlands Water District
Silver Creek Drainage District

Each of the undersigned represents that they are the owner of the property described opposite their name and located within the territory described in the attached legal description, and hereby consents to the change of organization or reorganization described above of said property to the above named city and/or district.

Date	Name	Address	Property Description or County Assessor's Parcel Number
	Beto and Angela Cantu	889 N Derrick Mendota, CA 93640	019-050-28

The legal description of the territory proposed for change of organization or reorganization must be attached at the time consent is signed.

Each individual listed on the last equalized assessment roll of the county must sign for the subject parcel(s).

Note: If you are an applicant for, or a participant in any proceeding on the agenda and have made a campaign contribution of $250 or more to or for any of the Commission members, state law provides for disqualification of Commissioner voting, or even prohibition of such gifts. These restrictions also apply to agents of applicants or participants. Please consult with Commission staff as to the requirements of the Political Reform Act (Government Code Section 84308).

Reference: Section 56837, Govt. Code.
Revised 1/87

CHANGE OF ORGANIZATION OR REORGANIZATION
CORTESE-KNOX LOCAL GOVERNMENT REORGANIZATION
(Government Code Sec. 56000, et seq.)

CITY ANNEXATION APPLICATION
Proposal Initiated by Resolution or Petition
Not In Urban Service Areas

FRESNO LOCAL AGENCY FORMATION COMMISSION
2100 TULARE STREET, SUITE 502
FRESNO, CA 93721 PHONE: (209) 495-0604

Marvin L. Panter, Executive Officer
Candie Fleming, Secretary

OFFICE USE ONLY:

LAFCo File No.
RO-98-8

Date Received

MAY 1998
Received
FRESNO
LAFCO

Name of Proposal Terra Linda Farm - Hansen Ranch Annexation

Changes of Organization listed in Resolution or Petition Annex to City of Mendota and detach from Westlands Water District, Silver Creek Drainage District and Fresno County Fire District

Signature of Chief Petitioner or Representative of Initiating Agency

5/28/98
Date

Name Alan J. Bengyel Address 643 Quince St. Mendota, CA 93640

Title City Manager Phone (209)655-3291

This application and attached documents are complete and are in all respects true and correct to the best of my knowledge.

List the name and address of officers or persons, not to exceed three in number, who are to receive the notice of hearing and the Executive Officer's Report.

Name	Address and Zip Code
Bruce Barnes	1111 E. Herndon, Suite 115, Fresno, CA 93720
David Weiland	~~800 "M" Street, Fresno, CA 93721~~ 6051 N. Fresno Street 93710-5280
Alan J. Bengyel	643 Quince Street, Mendota, CA 93640

1. Reasons for Proposal

A. State the reasons for this change, and why the change is proposed at this time.
Refer to Response 1A attached

B. Describe in detail any proposed development:

Development location and acreage 244 Acres (APN#019-060-77S)

Types of uses and number of units 1,550 bed private prison

Project file numbers and status SOI, EIR, CUP, Prezoning, General Plan Amendment are pending.

Other details: See EIR

If already developed, describe in detail any added service and greater frequency or range of services to be provided to residents of the area.
N/A

C. What is the reason for the proposal boundaries? Describe the city plan to annex any remaining substantially surrou d area created.

The proposed annexation is based on the location of adjacent roadways and along parcel ownership boundaries

2. Information on Proposal Area and Vicinity

A. Acreage 479 No. of Registered Voters 4

Population Est. 11 County Zoning AE-20/Reserve Neighborhood Commercial

City Zoning Upon Annexation Public Facilities-244 Acres, Open Space-229 Acres and C-3-6 Acres

B. List the uses of land in the affected area and give acreage for each. If in agricultural use, list crops produced over the past three years.

6 Acres = Residential Uses
473 Acres = Agricultural Uses-Cotton

C. If annexation/development is adjacent to agricultural parcels, how has the city buffered the developing area or mitigated the impact of development on agricultural parcels.

The City concurs with the request of CCA that a 194 Acre security buffer be maintained around the prison. This buffer lessens the impact on Agricultural surrounding the site.

D. Is any of the affected territory in an agricultural preserve or under Land Conservation Contract?

Yes, 224 Acres is in the Ag. preserve and under Land Conservation Contract; 244 Acres is in the Ag. preserve, but not under Land Conservation Contract.

If so, does the resolution of application state the city's intention not to succeed to the contract? No. It states that City will succeed to the contract.

E. Does the proposed development and change of organization conform to the City General and Specific Plans (explain if not conforming)?

The City is in the process of Amending its General Plan and the area will conform the revised General Plan.

What is the city plan designation? Public Facilities (244 Acres)
Open Space (229 Acres)
Commercial (6 Acres)

3. Information on Services PLEASE REFER TO THE ATTACHED PUBLIC UTILITIES/SERVICE INFORMATION FOR THE SPHERE OF INFLUENCE APPLICATION AND ANNEXATION APPLICAT

A. List below the names of agencies or companies now providing services and which agency will provide service after annexation completion. Include estimated date new service will begin (use "UA", if upon annexation, "UD" if upon development).

	Existing	Proposed Change	Date
Domestic Water			
Sewer Collection			
Solid Waste Collection			
Street Lighting			
Parks and Recreation			
Fire Protection			
(station distance)			
Paramedic			
(station distance)			
Police			
Storm Drainage			
Elementary School			
High School			

B. Comment on the principal or other public service facilities or improvements which will serve the affected territory after annexation (i.e. water or sewer lines or facilities, fire stations, school facilities). Are any of these services or facilities below city standards, near or beyond their capacity to adequately serve the area? _____ Are there any notices or orders to the city from state or federal agencies related to these services or facilities and their standards that would affect city service?

See Attached Municipal Services Plan

If yes, explain how these improvements/facilities will be upgraded, when and how financed, or how any deficiencies are being met.

See Attached Municipal Services Plan

4. Information on Costs and Revenue

A. Is there any outstanding general bonded indebtedness for any of the agencies whose boundaries are changed by this proposal? Yes, the 6 acre residential parcels are in Westlands Water District-Upon Annexation, they will be detached from Westlands Water District.

B. If so, give information listed below:

Name of Agency	Bond Tax Rate for Affected Territory	Date of Maturity	General Purpose of Bond
Westlands Water District	$34/Acre	2018	Provide irrigation water to district farmers

C. Is the affected territory to be subject to all of the above general bonded indebtedness upon annexation? No

D. If any costs of services to be or already being received by residents within the affected territory will change as a result of this proposal, give breakdown of change for a typical residential landowner or resident in the affected territory for comparison purposes.

The four residential properties are being detached from Westlands Water District at a cumulative savings of $202 annually. There will be no other increase or decrease in cost to the residents that we are aware of.

E. If any resident or landowner in the affected area will be required to connect to sewer or water lines as a result of annexation or construct any other improvements (other than as a requirement for a proposed development), list requirements, when required, and any other special circumstances related. (A letter from City to residents and landowners should also indicate these requirements.)

Only APN#019-050-15 will be required to connect to the City Sewer. The parcel is located at the extreme southern point.

5. Information on Processing Change of Organization or Reorganization

A. Property Tax Exchange (Revenue & Tax Code 99 & 99.1) Check either:

[x] Master Tax Agreement should apply to the change. If so, provide letter indicating consistency with the master agreement.

[ ] Other agreement for change is to be negotiated (Explain other agreement).

B. Compliance with California Environmental Quality Act. Check either:

[ ] Project is Exempt and a Notice of Exemption, prepared in consultation with LAFCo, is included.

[ ] An initial study is complete and a Negative Declaration prepared for the annexation in consultation with LAFCo and other affected agencies and is included.

[x] An EIR has been prepared for the annexation project and 10 copies are included.

C. Initiation of Application. A clear and reproducible legal description and map meeting Commission standards must be included, and a copy also attached to the resolution or petition. Check either:

[x] A certified resolution of application is included.

[ ] A petition of landowners or registered voters is included.

D. Landowner Consent or Notice. Check either:

[X] 1. Signed LAFCo property owner consent forms for all landowners are included as shown on Assessor's roll.

[X] 2. Letter of Notification to Landowner and Residents (if no consent of all landowners).

a. All property owners and residents must be notified of the change and how to receive notice of LAFCo hearing.

b. For inhabited proposals, a City response to a neighborhood meeting, held for the annexation listing the issues and the City response.

E. Municipal Service Plan. Check either:

[X] A Service Plan for the change is included.

[ ] A Master Service Plan is filed with LAFCo and is current (updated in 1993 or later).

F. Waiver of Conducting Authority proceeding.

[ ] Check if all landowners have consented in writing and there are less than twelve registered voters, and if all annexing agencies have consented in writing to waive further Conducting Authority proceeding. Include State Board of Equalization filing information and fees.

6. Supplementary Maps

A map(s) showing land use, water and sewer service lines, and City and County zoning for the affected area and vicinity.

7. Application Fees

A fee must accompany the application in accordance with the LAFCo fee schedule.

8. Political Reform Act Compliance

List of Affected Landowners and Financial Interests

For all uninhabited proposals, or proposals where land use entitlements have been or may be filed with the city, the names of all landowners, lessees, options to purchase or lease the property, or any others having any ownership or financial interest in the property, must be furnished with the applications. If the interest is a corporation or partnership, list all persons owning more than 10% of the corporation shares or interest in partnership. If a trust or non-profit organization, list any directors or trustees, trustors, or beneficiaries.

Hansen Ranch*----------019-060-77S
Terra Linda Farms ----------019-060-89S/90S
Mendota Unified School District ----------019-060-88

*CCA has option to purchase this parcel

If an applicant for or participant of any proceeding has made a campaign contribution of more than $250 to or for any of the Commission members, state law provides for disqualification of Commissioner voting, or even prohibition of such gifts. These restrictions also apply to agents of applicants or participants. Please consult with Commission staff as to the requirements of the Political Reform Act (Government Code Section 84308).

BEFORE THE CITY COUNCIL
OF THE
CITY OF MENDOTA, COUNTY OF FRESNO

IN THE MATTER OF REQUESTING THE LOCAL AGENCY FORMATION COMMISSION TO TAKE PROCEEDINGS FOR THE CHANGE OF REORGANIZATION.

RESOLUTION NO. 98-14

WHEREAS, the ***City of Mendota***, desires to initiate proceedings pursuant to the Cortese-Knox Local Government Reorganization Act of 1985, Division 3, commencing with Section 56000 of the California Government Code, for the change of reorganization; and

WHEREAS, the specific change of organization requested is to annex to the ***City of Mendota*** and detach from Westland Water District, Silver Creek Drainage District and Fresno County Fire District; and

WHEREAS, the territory proposed to be changed is uninhabited, and on this day contains four (4) registered voters, according to information received from the County Elections Officer; and

WHEREAS, a description of the boundaries of the territory is set fourth in Exhibit A attached hereto and by this reference incorporated herein; and

WHEREAS, this proposal is not consistent with the sphere of influence of the affected City, however, an application has been filed with Fresno Local Agency formation commission, which, if approved will make the proposal consistent; and

WHEREAS, it is desired to provide that the proposed change be subject to the following terms and conditions: NONE; and

WHEREAS, the City Council intends and agrees to succeed to any land conservation contracts in the territory proposed for annexation; and

WHEREAS, the reasons for this proposed change are as follows: To provide for the orderly expansion of the City boundaries in order to accommodate a $75 million private medium security prison; and

WHEREAS, the City Council has considered the Draft Environmental Impact Report and will consider the Final Environmental Impact Report prepared for the subject proposal in compliance with the California Environmental Quality Act on June 23, 1998.

NOW, THEREFORE, BE IT RESOLVED, that this Resolution of Application is hereby

adopted and approved by the City Council of the *City of Mendota*, and the Local Agency Formation Commission of Fresno County is hereby requested to take proceedings for the change of reorganization of territory as described in Exhibit A, according to the terms and conditions stated above and in the manner provided by the Cortese-Knox Local Government Reorganization Act of 1985.

ROBERT SILVA, MAYOR

ATTEST:

I, ROSEMARY A. RAMIREZ, City Clerk of the City of Mendota, do hereby certify that the foregoing resolution was duly adopted and passed by the City Council at a regular meeting of said Council, held at the Mendota City Hall on the 9th day of JUNE, 1998, by the following vote:

AYES:	(4)	ROBERT SILVA, JOSEPH AMADOR, JOSEPH RIOFRIO FIDEL DE LA CRUZ
NOES:		
ABSENT:	(1)	ROBERT RASMUSSEN
ABSTAIN:		

Date: 6-9-98

ROSEMARY A. RAMIREZ,
CITY CLERK

Staff Report
to
The Mendota City Council

CEQA Resolution 98-16

General Plan Resolution No. 98-17

Prezoning Resolution 98-18

Development Agreement Procedure Resolution 98-19

Applicant: City of Mendota and Corrections Corporation of America

Accepted on: May 27, 1998

Request: The City of Mendota requests that the General Plan be amended so that the prison project proposed by the Corrections Corporation of America (CCA) can be accommodated in the Public Facilities District. In addition, the city wishes to amend the General Plan so the "Northern Property" is planned for Open Space and that a strip of land along Highway 33 is planned as a Landscape Buffer. As a prerequisite to amending the General Plan, it is requested that the City Council consider certification of the EIR. If the City Council finds that the EIR is adequate, it is requested that the City Council accept the recommendations of the Planning Commission regarding approval of General Plan Amendment No. 98-01 and prezoning the prison site and other parcels proposed for annexation. See Exhibits 1 and 2 attached. It is also requested that the City Council approve Resolution No. 98-19 establishing procedures and requirements for consideration of development agreements.

CCA proposes to build and operate a 1,550-bed medium security private prison facility. The prison facility will also include an inmate transport vehicle depot.

Location: East side of Highway 33 approximately 1.0 miles south of the current Mendota City limits.

Present Zoning: AE-20 (Fresno County)

A. Area, Existing Land Use, Surrounding Zoning, and Public Noticing.

1. Approximate Area: 473 acres
2. Uses of subject property: Agriculture (cotton)
3. Uses of surrounding area: Agriculture
4. Surrounding Zoning: AE-20 (Fresno County)
5. City Limits: the City of Mendota is located approximately 1.0 miles north of the

subject property.

6. Notices were sent to 24 property owners within 300 feet of the subject property and a public notice was published in the Mendota Journal on May 27, 1998.

B. Background

The proposed project was submitted to the city in December of 1997. Due to the scale of the project and the potential benefits to Mendota including prospect of creating 500 jobs, the city decided to initiate General Plan Amendment No. 98-01 and the prezoning of the subject property and surrounding properties. General Plan Amendment No. 98-01 must be approved before the prezoning can be considered.

C. Operational Statement

Project Objectives

In planning the Mendota prison facility and annexation of all related properties, and in accordance with section 15124(b) of the CEQA Guidelines, CCA identified the following objectives:

- Provide a secure prison facility to serve the inmate incarceration needs of government correctional agencies.
- Provide a cost-effective alternative to publicly funded construction and operation for prisons.
- Provide opportunities for academic education, vocational training, and specialized treatment for inmates as required by contracting agencies.
- Provide excellent long term employment and career opportunities for surrounding communities.
- Annex the 235-acres north of the prison site to provide a contiguous city-controlled corridor to the prison, and provide uninterrupted community and utility services to these properties.

Project Location and Setting

The proposed prison project and related Annexation Area, is located in Fresno County immediately south of the City of Mendota, as shown on Figure 1. The prison site is located one mile south of Mendota, east of Derrick Avenue (State Route 33), and immediately north of Panoche Road, at an elevation roughly 175 feet above mean sea level. The proposed prison site, and the land around the site for approximately one mile, have no topographic relief, and are zoned and used for agricultural purposes. Consequently, the prison site and all surrounding

properties are void of natural vegetation and are either in agricultural production or fallow waiting forthcoming plantings.

The project also includes a proposed annexation from Fresno County of approximately 229 acres of agricultural land north of the proposed prison facility ("Northern Parcels"), and six acres of commercial/residential land at the southwest corner of Derrick Avenue and Belmont Avenue ("Residential Parcels"), into the boundaries and jurisdiction of Mendota. The Northern and Residential Parcels are intended to remain in their current land use after annexation. No applications or development proposals for the Northern of Residential Parcels are reportedly pending or planned.

Facility Description

The proposed prison is a private venture by CCA to design, construct and operate a 1,550 bed medium security prison facility at complete buildout, with 1,024 beds proposed for the first phase of operation. The facility would occupy approximately 50 acres of a 247-acre site, and employ approximately 500 people split between three shifts. The facility will also include an inmate transportation vehicle service depot. The depot will provide offices for inmate transport drivers, and a building for full-service light maintenance would largely be limited to fluid changes and minor repairs. Vehicles based at this depot will be on the road approximately 90 percent of the time for periods extending ten days. This prison facility will be designed to meet American Correctional Association standards. A conceptual site plan of the prison is shown in Figure 2. This site plan will be finalized in accordance with all applicable state and local codes and regulations.

The primary elements of the proposed prison facility will include the following:

- An administration building comprised of offices for the prison management, support staff and correctional officers. This building will also include space for medical response facilities, central kitchen and dining area, chapel, housekeeping, facility maintenance, inmate's educational facilities, and visitation. The administration building will also be equipped with a fenced service yard.

- Secure inmate housing buildings, constructed of precast panels, would be connected to the administration building by twelve-foot wide precast concrete corridors. Inmate housing units would be equipped with staff and inmate support facilities, including programmatic meeting areas, restrooms and a commissary. Secure inmate housing units would be comprised of double occupancy cells.

- An armory, containing weapons and riot gear, would be located in a secure building, detached from the main prison building. CCA correctional officers do not carry any weapons inside the prison facility as part of normal operations.

- Outdoor recreation and exercise areas, including covered hard court areas, would be

centrally located, near the inmate housing buildings and the administration building.

- All of the improvements described above will be situated within a perimeter compound security system that will include two rows of chain link fencing equipped with razor wire. The facility would also be equipped with a motion detection system, and nighttime security lights on thirty-foot tall posts. To facilitate security patrols, a paved perimeter road would encompass the exterior of the entire fenced prison compound.

- Site improvements located external to the fenced and secured prison facility would include, an asphalt paved parking lot to accommodate approximately 216 employees and visitor vehicles. An asphalt paved, two lane road would provide access to the parking lot and prison. Petroleum powered generators would be installed to provide electricity to the facility in the event of a power failure.

- Transcor's West Region Satellite Depot, an inmate transportation service, would be located at the southeast area of the site. This facility would include 25 vans, two 40-passenger busses and an office building and vehicle maintenance facility. The Depot would provide full service vehicle maintenance and parking for Transcor staff and overnight parking for between shift vans and busses.

Facility Construction

The construction of the proposed prison facility is projected to employ a total of 250 people over a 15-18 month period. It is anticipated that within this construction period, there would be a three month peak activity period when the number of employees would increase to approximately 350. Based on the contractor's experience and the remote location of the site, it is estimated that 30% of the construction employees would car pool to the site.

Facility Operations

Operating at full capacity, the proposed CCA prison would employ approximately 500 staff members during three correctional officer shifts, seven days per week, and one administrative staff shift five days per week. Staff distribution per eight hour shifts would be as follows:

- The first shift of 134 correctional officers would begin at 6:00 A.M..
- The second shift of 133 correctional officers would begin at 2:00 P.M..
- The third shift of 133 correctional officers would begin at 10:00 P.M..
- The administrative staff shift of 100 people would begin at 8:00 A.M..

As part of standard prison operations, inmates would be transported to and from the proposed prison on a weekly, or more frequent basis, as required by the contracting agencies supplying inmates for the proposed prison. Educational and vocational programs for inmates would be implemented by CCA staff to meet the needs of individual inmates, and as specified by the requirements of the contracting agencies.

Also proposed for operation on the southeast corner of the prison site, and just outside the prison fence, is the Transcor West Region Satellite Depot (see Figure 2). The depot would include an approximate 1,500 square-foot inmate transportation maintenance service center and an approximate 1,500 square-foot administration building. No inmates would be handled at the depot. Rather all inmate transfers would occur in the secured areas of the adjacent prison. The depot would support 25 vans and two 40-passenger busses with a full time staff of seven employees working from 8:00 a.m. to 5:00 p.m., daily.

Current Transcor vehicle scheduling anticipates that of the 25 vans based at the depot, five will operate in and out of the facility on a daily basis with the other 20 vans coming into the depot every ten days on independent schedules. The two 40-passenger busses will travel in and out of the depot approximately three times per week. Overnight parking for 60 vehicles, including the Transcor vans, drivers and depot staff, and two bus spaces, would be provided on the depot site.

Specific operations at the approximately 1,500 square-foot maintenance building are proposed to include light, full service vehicle maintenance, employing ASC certified mechanics. These activities would be limited to oil and filter changes, lubrication, tuneups, tire changes, brake replacements and vehicle washing. The depot would not perform vehicle painting, power train rebuilds or replacements, and would not store vehicle fuel on site. Waste water generated at the vehicle wash bay would be routed to an oil/water separator. Equipment used at the facility is expected to include air compressors for tires and pneumatic tools, machine tools, arc welder(s) and antifreeze and refrigerant recycling.

Public Utilities Improvements

The proposed prison would require the extention of electricity, water, natural gas, telephone, cable television and sewer utilities to the prison site (See Figure 3). Water and natural gas lines would be extended to the site from existing utilities located approximately one mile to the north, within the Derrick Avenue right-of-way. Electricity would likely be extended to the site from overhead utility lines along Derrick Avenue. Sewer service to the proposed prison would be provided by constructing an underground sewer line extention from existing sewer mains in the City of Mendota located approximately one and one-half miles northeast of the project site.

D. Site Plan

The site plan submitted by the applicant show the following major features:

1. The subject 244 acre parcel is located on the east side of State Route 33 (Derrick Avenue), approximately one mile south of the Mendota City Limits.

2. A total of approximately 50 acres is to be used as the prison site, with the balance of the site to be used as a security buffer.

3. Security lighting and a 16-foot high security fencing surrounds the site.

4. Two points of ingress and igress are along Derrick Avenue.

5. Parking spaces are available for 210 vehicles.

6. Landscaping is along Derrick Avenue in the front of the building.

7. The location of a storm water retention basin and an on site potable water storage tank.

8. The location of the Transcor Inmate Transport Facility is noted.

E. Environmental Analysis

An Environmental Impact Report (EIR) was prepared for this project under the CEQA guidelines. All potentially significant environmental impacts that were identified in the EIR can be reduced too less than significant levels except for the following:

- Conversion of 247 acres of prime agricultural land to nonagricultural use, as prime agricultural land is defined in Government Code 56064(e).
- Air quality -- The project would result in a significant short term cumulative impact arising from contribution of particulate matter generated during construction to the region's non-attainment of particulate matter standards. The project would also result in significant long term impacts arising from project-generated nitrogen oxides, as well as from contribution of particulate matter and reactive organic compounds to the region's non-attainment status for these air pollutants.
- Aesthetics --The project would permanently alter agricultural viewscapes and would be a new source of light in the area. These impacts are significant project-specific as well as cumulative impacts.

Should the City Council determine that the benefits of the project outweigh these unavoidable impacts, the City Council must adopt a Statement of Overriding Considerations.

F. Staff Analysis/ Finding of Fact

<u>General Plan Amendment No. 98-01</u>

As indicated in the background section above, the General Plan Amendment 98-01 must be approved before the prezoning can be considered. The General Plan would designate the "Northern Property" as an Open Space District and the "Prison Property" would be designated as a Public Facilities District. In addition, a landscape Buffer District is designated along State Highway 33. This Buffer District is consistent with the currently adopted General Plan and continues this treatment down State Highway 33. In addition, the "Northern Property" will

remain open space which is compatible to its existing Agricultural District as designated by Fresno County.

The Public Facilities District, which allows for public or private prison facilities to be constructed and operated, is a logical location for such a facility. It is separated by over a 1 mile distance from the urbanized area of the city but is close enough to the city to obtain city sewer, water, and other community services.

The City Council must find that the amendment to the General Plan is in the public interest.

Conditional Use Permit No. 98-03

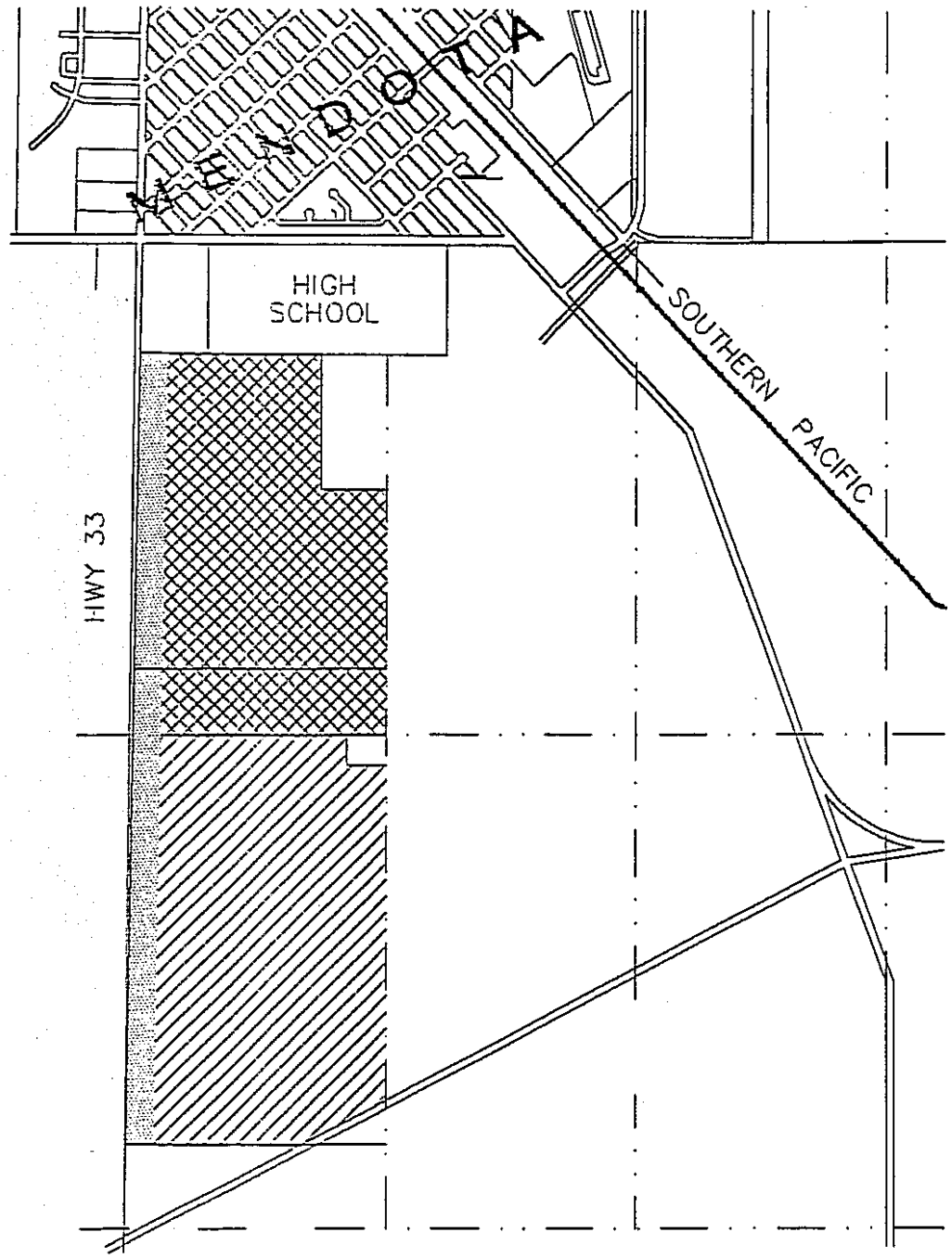
A conditional use permit was approved by the Planning Commission June 16, 1998. The following conditions will apply:

1. Development by the applicant shall be in accordance with the site plans approved by the city, operational statement, and related approvals by the commission.
2. Applicant shall pay school fees prior to issuing of building permit.
3. Applicant shall implement the mitigation measures identified in the Mitigation Monitoring Program.
4. Applicant agrees to enter a Development Agreement as approved by the City Council.
5. Parking requirements shall be accordance with the city's ordinance (250 spaces).
6. Parking and internal circulation roads shall be paved in accordance with the city's ordinance.
7. A landscape and irrigation plan shall be approved by the city manager. The plan shall include the species of the plant and location. Installation shall be the responsibility of the applicant. Based on the unique security needs of the proposed prison, landscaping will be limited to planting of drought tolerant native grasses. Bedding plants will be installed at the entry ways.
8. Applicant shall make transportation improvements as required by Caltrans and/or as required by the Development Agreement.
9. Applicant shall be permitted to install a 16' foot high, razor wire fence as indicated on site plan.
10. Kitchen/dining facilities shall meet all requirements of the Fresno County Health Department.
11. All EIR Mitigation Measures listed in the Mitigation Monitoring Program, (attached hereto) shall be complied with unless the City of Mendota requires a higher standard in which case the higher standard shall be met. Prior to any development, the applicant shall enter into a development agreement with the City of Mendota for the purpose of reimbursing the city for all costs incurred by the city in complying with the Mitigation Monitoring requirements of CEQA (Public Resources Code Section 21081.6). These costs shall include, but are not limited to, staff and consultant services.
12. The above noted conditions shall only apply and become valid subject to CCA

acquiring all necessary permits and approvals from the Mendota City Council and other local, regional, state and/or federal agencies.

13. CCA shall contact Caltrans to determine what improvements at the intersection of Whitesbridge and Belmont Avenue and Whitesbridge and Panoche Road are needed, if any.

The above conditions are provided to the City Council as informational only. No action is required or requested. Finally, please be advised that a Development Agreement will be presented to both the Planning Commission and the City Council in July 1998 for consideration.



N

INDICATES PUBLIC FACILITIES (PROPOSED PRISON SITE)

INDICATES OPEN SPACE AGRICULTURAL

INDICATES BUFFER AREA

EXHIBIT 1

PROPOSED GENERAL PLAN DESIGNATION MAY 1998

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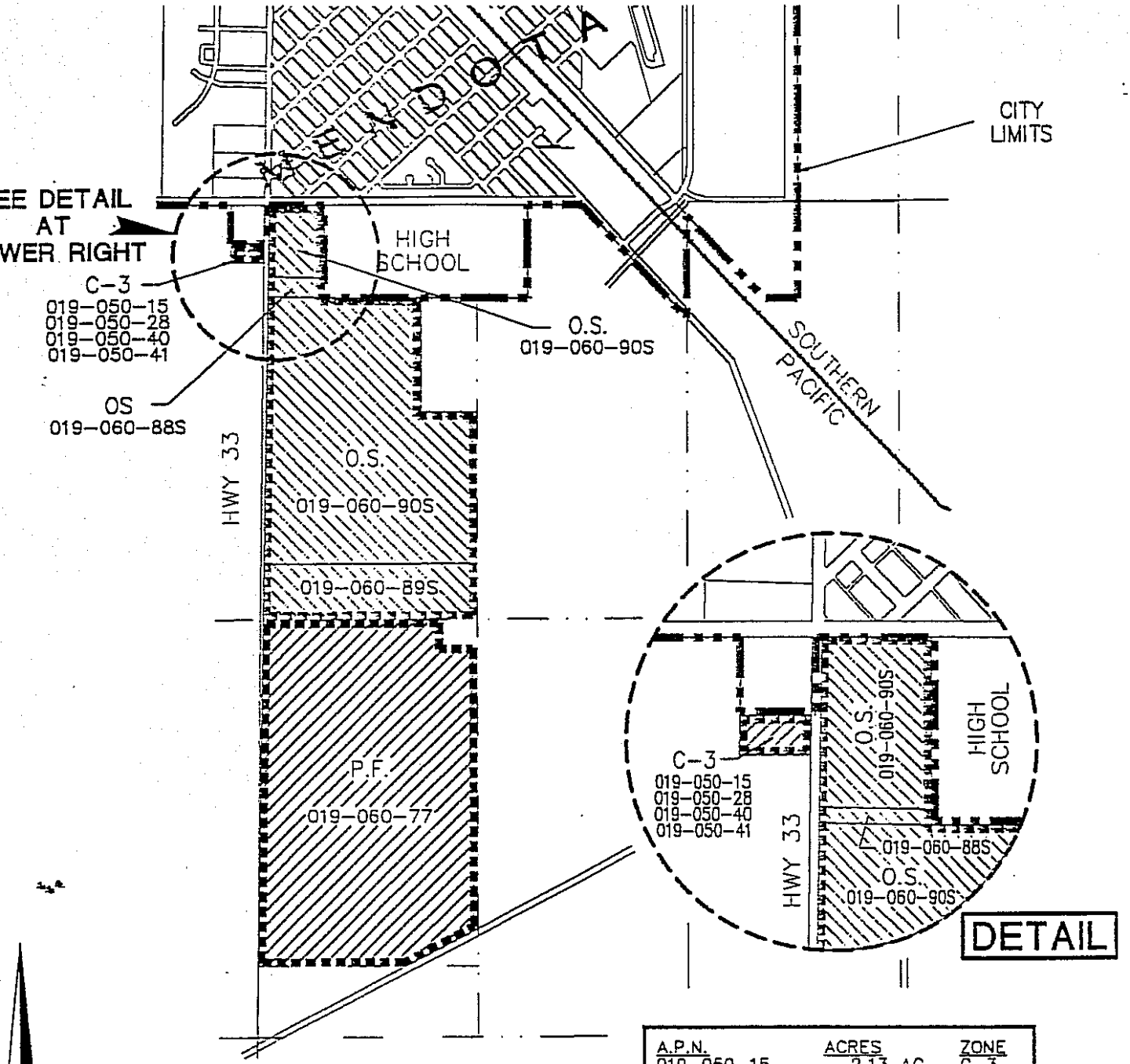

ZONING KEY
C-3 = CENTRAL BUSINESS/SHOPPING
OS = OPEN SPACE (AGRICULTURE)
PF = PUBLIC FACILITY (PRISON)

A.P.N.	ACRES	ZONE
019-050-15	2.13 AC.	C-3
019-050-28	1.51 AC.	C-3
019-050-40	1.14 AC.	C-3
019-050-41	1.35 AC.	C-3
019-060-77	243.64 AC.	PF
019-060-88S	4.00 AC.	OS
019-060-89S	30.00 AC.	OS
019-060-90S	194.94 AC.	OS
	478.71 TOTAL	

EXHIBIT 2

"ANNEXATION PROPERTY AND PROPOSED ZONING"
MAY 1998

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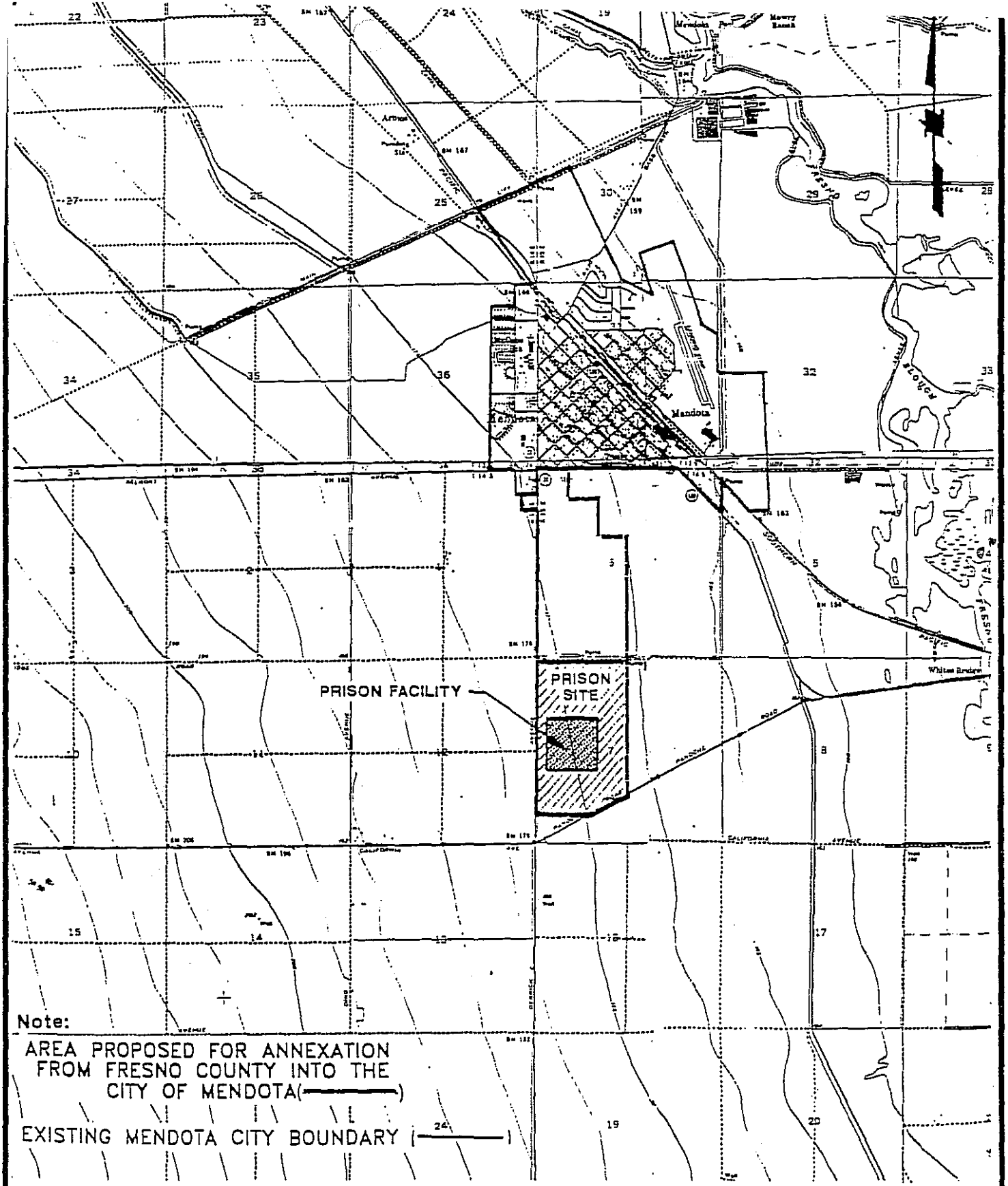

SOURCE: U.S.G.S QUADRANGLE MAPS, MENDOTA DAM, TRANQUILITY, COIT RANCH AND FIREBAUGH

RUST

Rust Environment & Infrastructure Inc.

PROPOSED PRISON FACILITY AND RELATED ANNEXATION AREA

PROJECT LOCATION MAP

FIGURE

1

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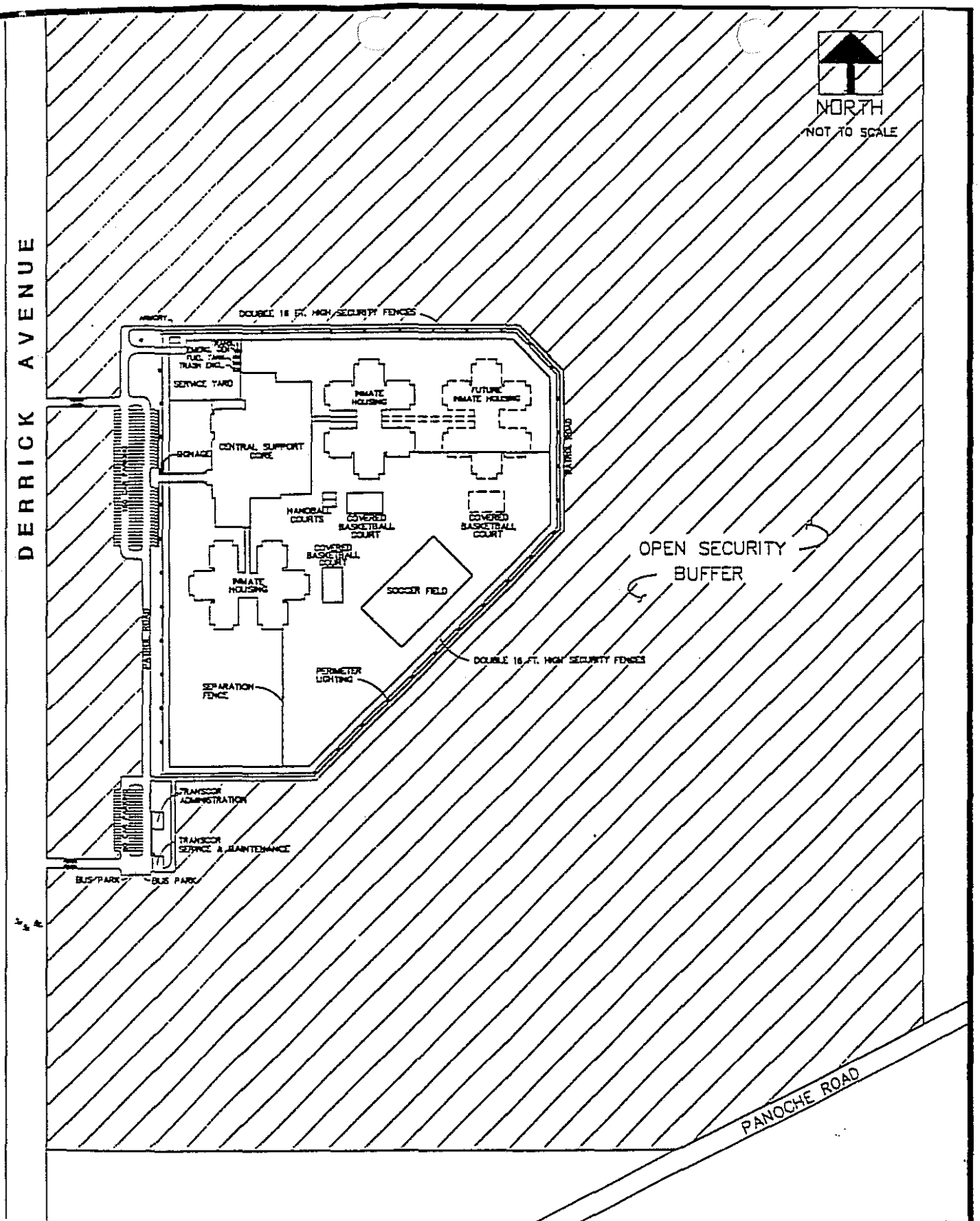

RUST

Rust Environment & Infrastructure Inc.

CORRECTIONS CORPORATION OF AMERICA
PRISON FACILITY

CONCEPTUAL SITE PLAN

FIGURE 2

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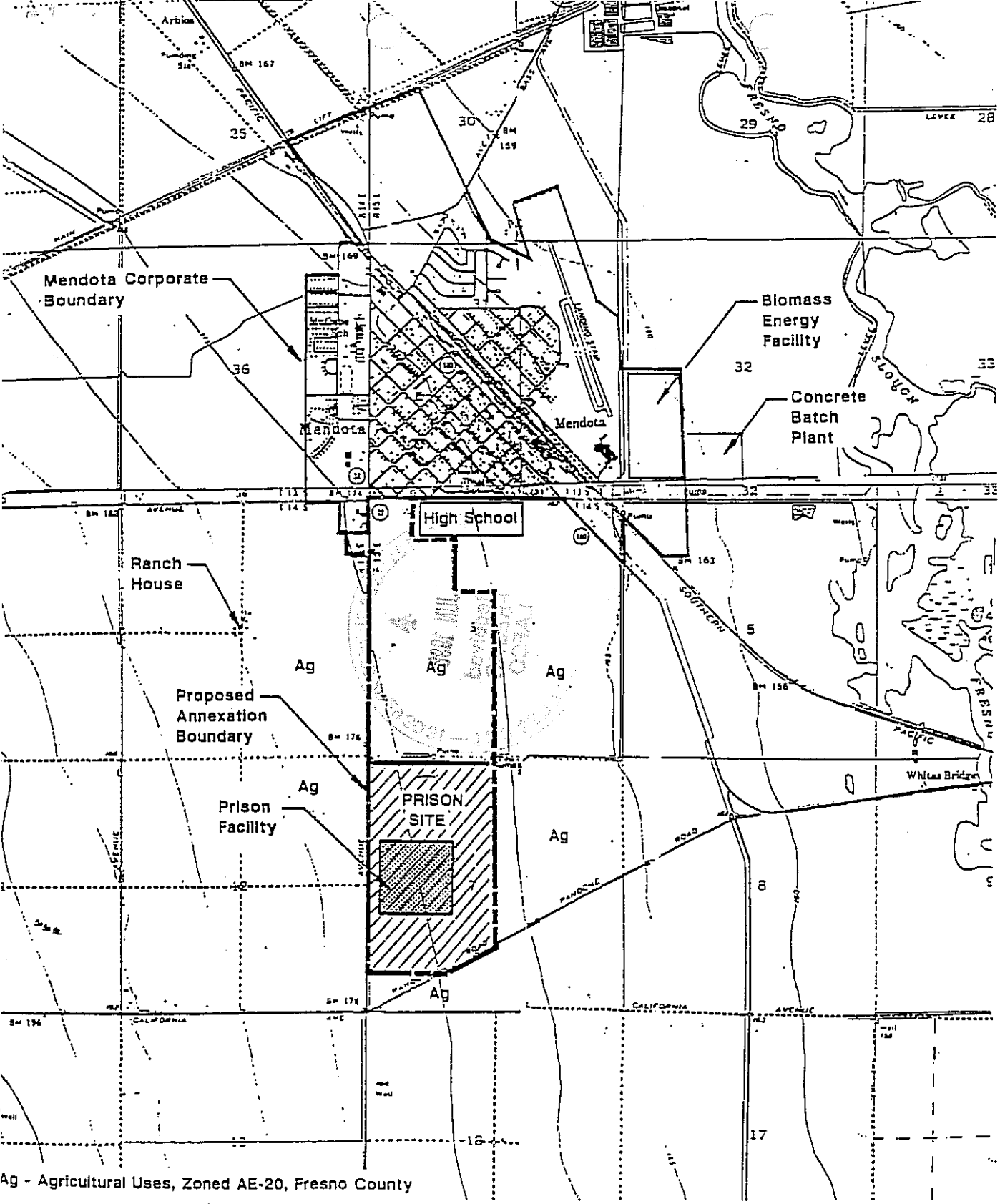


Ag - Agricultural Uses, Zoned AE-20, Fresno County

URCE: USGS QUADRANGLE MAPS, MENDOTA DAM, TRANQUILITY, COIT RANCH AND FIREBAUGH

RUST

Rust Environment & Infrastructure Inc.

PROPOSED PRISON FACILITY
CALIFORNIA CITY, CALIFORNIA

LAND USE MAP

FIGURE

3

CITY of MENDOTA

APR 1998
Received
FRESNO
LAFCO

NOTICE OF AVAILABILITY

Pursuant to Section 15087 of the California Public Resources Code, the following Notice of Availability is given by the City of Mendota as the Lead Agency for the project described below.

Project Title:

Draft Environmental Impact Report (EIR) for the proposed Corrections Corporation of America Prison at Mendota.

State Clearinghouse No. 97112070

Project Location:

The 247 -acre prison site is located north of Panoche Road and east of Derrick Avenue approximately one mile south of the City of Mendota, in Fresno County. The prison site and approximately 235 acres north of prison site are being proposed for annexation from Fresno County into the City of Mendota.

Project Description:

Corrections Corporation of America is proposing a 1,550 bed prison facility on the 247 acre site located along the east side of Derrick Avenue. In order to efficiently provide public utilities and support services to the proposed prison facilities, the prison site and approximately 235 acres of land separating the prison site from the Mendota city boundary, would require annexation from the Fresno County jurisdiction into the City of Mendota as part of the proposed action.

Address Where Copies of the Draft EIR are Available:

The Draft EIR Supplement is available for review at City of Mendota offices at the following address:

643 Quince Street
Mendota, California 93640

Review Period:

The public review period for the Draft EIR Supplement begins on April 9, 1998 and continues 45 days to May 23, 1998.

Written comments on the Draft EIR must be submitted by 1:00 p.m., Monday, May 25, 1998.

Comments may be submitted by fax to (209) 655-4064, but the original must be received by the City of Mendota within four working days.

Comments should be addressed to:

Alan Bengyel
City of Mendota
643 Quince Street
Mendota, California 93640

The application file and initial study of environmental effects are available for review in the City of Mendota office at the above address. For more information, please call (209) 655-3291.

Alan Bengyel
City Manager

CITY of MENDOTA

April 21, 1998

LAFCO Received Fresno

William H. Randolph
County Administrative Officer
County of Fresno
2281 Tulare, Room 304
Fresno, CA 93721

Subject: Terra Linda Farms - Hansen Ranch Annexation
(482 Acres - Mendota Prison Project)

Dear Mr- Randolph:

Per our tax sharing agreement (MOU Agreement #90-127) the City of Mendota hereby notifies the County of Fresno of the City's intent to annex approximately 482 acres as noted on the attached map (Exhibit A). We believe that the proposal complies with the MOU and the "Standards" as set forth in Exhibit "1" of said MOU.

The City intends to file the following documents with LAFCO on or before May 29, 1998:

- City Annexation Application
- Revision Sphere of Influence Application

With regard to this particular annexation we are counting the "security buffer" acreage as part of the development. The draft EIR was released April 9, 1998.

If you have any comments or suggestions, please do not hesitate to call me.

Sincerely,

Alan J. Bengyel
City Manager

cc: Marvin L. Panter, Executive Officer, LAFCO
Jeff Tweedie, Senior Staff Analyst, Fresno Public Works Department
Kerry McCants, Development Services Manager, FresnoPublic Works Department
Carolina Jiminez-Hogg, Public Works Director, Fresno Public Works Department

643 QUINCE STREET • MENDOTA, CALIFORNIA 93640 • 209-655-3291 • FAX 209-655-4064

CITY of MENDOTA

February 6, 1998

ATTENTION

Important Meeting Regarding Annexation to the City of Mendota

Dear Property Owner:

Please plan to attend a special meeting on Wednesday, February 11, 1998 at 10:00 a.m. at the Mendota City Hall. The purpose of the meeting will be to explain the annexation process and answer questions. All property owners (both husband and wife, for example) should attend. At the end of the meeting you will be given the opportunity to consent to the annexation by signing a consent form.

Please call Rosemary Ramirez at City Hall for more information. Her phone number is 655-3291.

Sincerely,

Alan J. Bengyel, City Manager

cc: Joel Gil Gomez & Helen Mendoza
1958 7th Street
Mendota, CA 93640

Juan & Maria R. Rodriguez
803 Derrick
Mendota, CA 93640

Beto & Angela Cantu
889 N. Derrick
Mendota, CA 93640

Maria O. Ramirez, Life Estate
321 S. Derrick
Mendota, CA 93640

643 QUINCE STREET • MENDOTA, CALIFORNIA 93640 • 209-655-3291 • FAX 209-655-4064

CITY of MENDOTA

February 3, 1998

Mr. Gilbert Rossette, Superintendent
Mendota Unified School District
115 McCabe Avenue
Mendota, Ca. 93640

RE: Annexation of Parcel 19-060-88

Dear Mr. Rossette:

Please be advised that the City of Mendota is pursuing a $60 million dollar private prison which will create 300 - 400 jobs here in Mendota. As part of this project, the City needs to annex several parcels of land, including a four acre parcel owned by the School District. Therefore, I respectfully request that this item be placed on your next School Board agenda as an action item. I understand the next meeting is February 19, 1998 at 6:30 p.m.

I, or a representative from the City Engineer's office, will be in attendance to discuss this matter with the School Board members. If you have any questions, please feel free to give me a call.

Sincerely,

Alan J. Bengyel,
City Manager

cc: Mayor Silva & Council members
RM Associates
File

643 QUINCE STREET • MENDOTA, CALIFORNIA 93640 • 209-655-3291 • FAX 209-655-4064

County of
FRESNO

Steve Magarian
Sheriff

January 14, 1998

Resent 1/28/98
to:
17671 COWAN #150
IRVINE, 92614

Mr. James M. Hunter
Manager of Regulatory Compliance Services
Rust Environment and Infrastructure, Inc.
18401 Von Karman Avenue
Suite 550-5th floor
Irvine, California 92312-1542

Dear Mr. Hunter:

I am in receipt of your letter dated December 29, 1997 advising that your company is preparing an Environmental Impact Report (EIR) for a proposed 1,500 bed prison to be built on a 247 acre property located approximately one mile south of the city of Mendota.

In this regard, you have requested our input as to the type of law enforcement assistance which could be provided by our Department regarding this proposed prison. Unfortunately, we will need more specific information concerning your request before we could properly respond at this time.

As the Sheriff of Fresno County, I support the basic concept of providing the law enforcement services which you have generally requested in your letter. There are, however, several significant legal and policy issues related to this matter which we will need to research and discuss with other appropriate County officials prior to properly responding to your request.

It is our understanding that the subject property on which this proposed prison will be built, as well as certain parcels of land between the subject property and the City of Mendota boundary, will require annexation from the Fresno County jurisdiction into the City of Mendota. In this regard, the City of Mendota would have primary responsibility to provide the law enforcement services which you have requested.

As you may be aware, the City of Mendota does not have it own police force and contracts with the Fresno County Sheriff's Department to provide general law enforcement services within the city's boundaries, as they currently exist, or as such limits may be modified by annexation. This law enforcement services contract would have to be modified to provide for the enhanced law enforcement services which you have requested in your letter. In order to do this, we would need more specific information regarding your request, review relevant legal and policy issues involved and request ultimate approval by our Board of Supervisors.

Dedicated to Protect & Serve

Pursuant to your request and based upon the limited information available at this time, we believe that this proposed prison will have a significant impact involving major public safety issues and result in the need for additional law enforcement personnel, equipment, and support services to properly support this proposed project.

We look forward to scheduling a meeting with your and/or designated representative(s) to discuss your request in more detail as soon as possible.

Thank you for your support and assistance in this matter.

Sincerely,

Steve Magarian
Sheriff

cc: Mr. Alan J Bengyel
Mendota City Manager
643 Quince Street
Mendota, CA 93640

G:\11\ADMIN\CAWIG\MENDOTA\HUNTER.EIR

RUST Rust Environment & Infrastructure Inc.

A Rust International Company
18401 Von Karman Avenue
Suite 650 - 6th Floor
Irvine, CA 92612-1542

Phone 714.251.6400
Fax 714.251.6444

December 29, 1997

Sheriff Steve Magarian
Fresno County Sheriff's Department
2200 Fresno Street
Fresno, CA 93721

Dear Sheriff Magarian:

Rust Environment & Infrastructure (Rust) is preparing an Environmental Impact Report (EIR) for a prison facility proposed at the northeast corner of Derrick Avenue (Hwy. 33) and Panoche Road, approximately one mile south of the City of Mendota. As you may already know, the facility is proposed to accommodate 1,500 beds at maximum capacity, and will employ approximately 500 people split between three shifts. The facility will also include a inmate transportation vehicle service depot. The depot will provide offices for inmate transport drivers, and a building for light maintenance of vehicles used to transport inmates throughout a wide geographic region. Maintenance would largely be limited to fluid changes and minor repairs. Vehicles based at this depot will be on the road approximately 90 percent of the time for periods extending two consecutive weeks.

The purpose of this correspondence is to request information regarding your Department's capabilities and requirements to support the proposed prison. Specifically, I am seeking your input as to what type of assistance your department could provide in the event of emergency situations, such as major assault to an inmate of prison employee, or an inmate escape, the number of personnel, general type of equipment, and any anticipated increase in support services that would be required to support the proposed project. Although the prison would provide its own security, capable of responding to safety and security-related emergencies on the prison grounds, the number of criminal cases handled by your department could also increase in response to criminal activity or other law enforcement needs.

If you have any questions regarding this request, please feel free to contact me at 714-251-6400. Thank you in advance for your assistance with this matter.

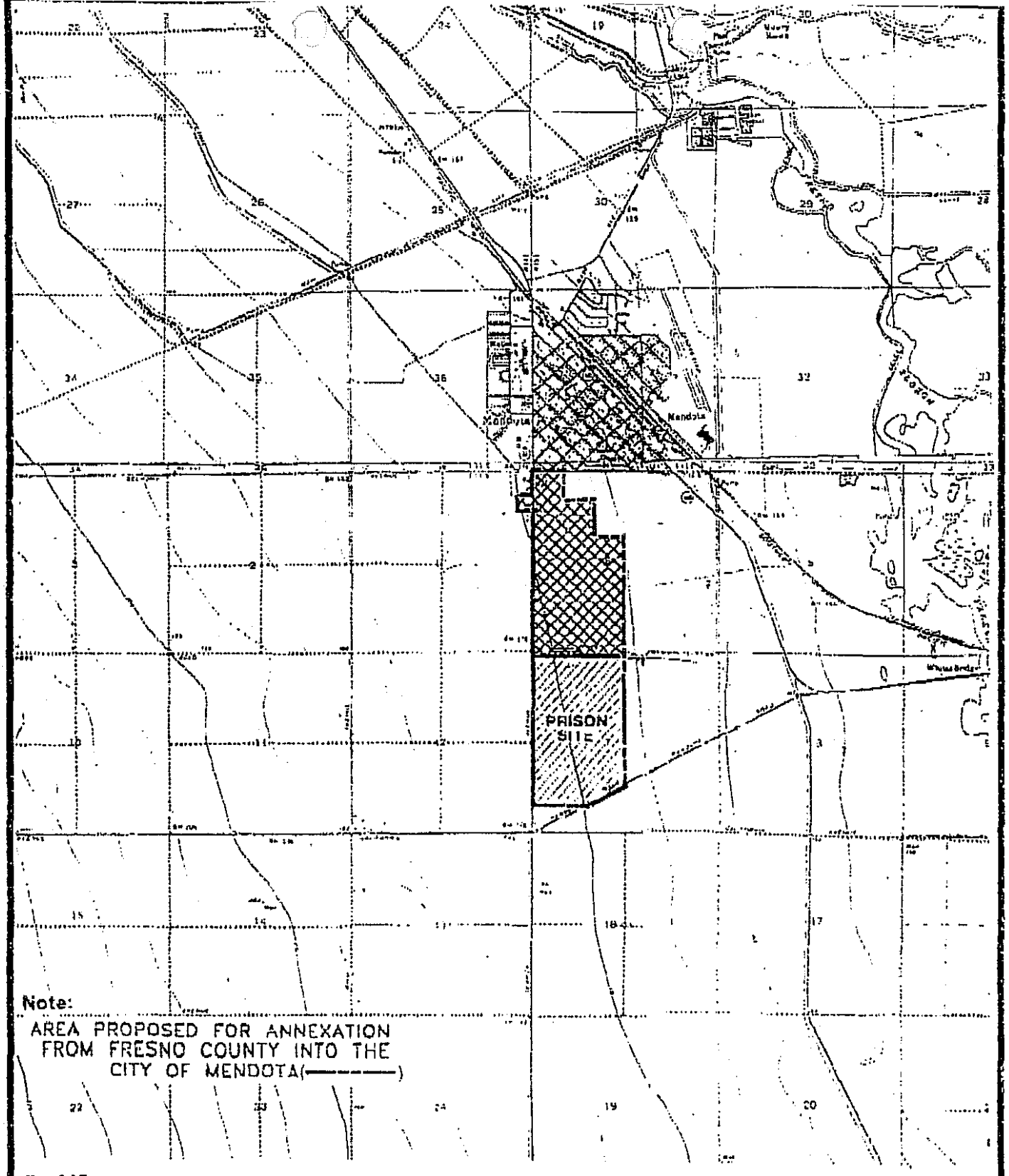
Sincerely,

Rust Environment & Infrastructure

James M. Hunter
Manager of Regulatory Compliance Services

Enclosure: Site map; additional project description

G:\CMS\CCA CC\MENDOTA\WILLSERV.LTR\SHERIFF.WPD



SOURCE: U.S.G.S QUADRANGLE MAPS, MENDOTA DAM, TRANQUILITY, COIT RANCH AND FIREBAUGH

LEAD AGENCY:

CITY OF MENDOTA

PROPOSED PRISON FACILITY AND ADJACENT PARCELS

SITE LOCATION MAP

FIGURE 1

4002

Fresno Local Agency Fo ation Commission

Rowell Building • 2100 Tulare Street, Suite 502 • Fresno, CA 93721 ☎ (209) 495-0604 Fax (209) 495-0655

Chairman, Victor Lopez,
Mayor, City of Orange Cove
Vice Chairman, Trinidad Rodriguez,
Mayor, City of Kerman

Members:
Juan Arambula,
Board of Supervisors
Larry Fortune,
Public Member
Stan Oken,
Board of Supervisors

Alternate Members:
William Donleavey,
Public Member
Sharon Levy,
Board of Supervisors
Tom Stearns,
City of Clovis

Executive Officer:
Marvin L. Panter

December 8, 1997

Mr. Alan J. Bengyel, City Manager
City of Mendota
643 Quince Street
Mendota, CA 93640

Dear Mr. Bengyel:

Subject: Response to Notice of Preparation for Revision to General Plan and Sphere of Influence

1. The Fresno Local Agency Formation Commission has adopted policy, which apply to the revision to the Plan and Sphere of Influence and the impact on agricultural lands. This policy states in part that a Sphere Revision or Update which includes prime agricultural land shall be discouraged. Development shall be guided towards areas containing non-prime agricultural lands, unless such action will promote unplanned, disorderly, inefficient development of the community.

   Current commission policy utilizes the Sphere of Influence as the primary tool for the protection of agricultural lands, which is one of the responsibilities of LAFCo. The Sphere of Influence defines an urbanized community over a twenty-year period. Following these policies, the Sphere of Influence of a City is to be compact and orderly, showing urban growth directed away from the prime agricultural lands.

   As proposed, the revision to the General Plan and Sphere of Influence do not direct growth away from these prime agricultural lands. They also do not follow Commission policy in that they do not propose a compact and orderly urban community. An alternative Sphere of Influence and Plan should give recognition to the importance of agriculture to the County and to Mendota, and attempt to provide for growth that is compact, efficient and orderly, but which is also directed away from the prime agricultural areas of this community.

   The Commission has adopted policy stating that proposals which would conflict with the goals of maintaining the physical and economic integrity of open space lands, agricultural lands, or agricultural preserve areas in open space uses, as indicated on the City or County general plan, shall be discouraged.

   The Commission has adopted policy that development of existing vacant lands and nonprime agricultural land within the City Sphere of Influence should occur prior to development outside of the existing Sphere of Influence.

2. Assuming that a prison facility must be located some distance from a city or community, and yet must be provided municipal services of water and sewer through annexation, an alternative annexation proposal which would lessen the impact on agricultural land would be to include only the prison site and a 600 foot wide connecting strip along Derrick Avenue. The home sites west of Derrick could remain a part of the proposal.

3. One of the major elements of a Sphere of Influence update is the Municipal Service Plan, which we have not yet seen. As required by state law, the Service Plan is required to list all services to be provided, describe the level and range of these services, state how each are to be financed, and list and describe each City improvement or facility required to provide services, and how they are to be financed.

4. The Commission is responsible to address several factors in their review of a proposal, and for a Sphere of Influence must prepare a written statement in relation to each of the following (from Government Code Section 56425):

   A. The present and planned land uses in the area, including agricultural and open-space lands.

   B. The present and probable need for public facilities and services in the area.

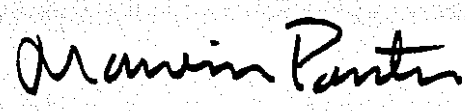
      1. Urban service and public facility delivery and inventory
      2. Service agencies providing urban services

   C. The present capacity of public facilities and adequacy of public services which the agency provides or is authorized to provide.

      1. Master service plan update
      2. Capital facility element
      3. Service transition plan for affected agencies

5. The effect of detachment from the affected districts of the Fresno County Fire and Silver Creek Drainage Districts should also be analyzed.

Sincerely,



Marvin L. Panter
Executive Officer

MLP:cf

Fresno Local Agency Formation Commission

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Chairman, Stan Oke
Board of Superviso
Vice Chairman, Juan Arambul
Board of Superviso

Member
Larry Fortun
Public Memb
Victor Lopez, Mayo
City of Orange Co
Trinidad Rodriguez, Mayo
City of Kerma

Alternate Member
William Donleave
Public Memb
Sharon Lev
Board of Supervisor
Tom Stearn
City of Clov

Executive Office
Marvin L. Pante

November 26, 1997

Mr. Alan J. Bengyel, City Manager
City of Mendota
643 Quince Street
Mendota, CA 93640

Dear Mr. Bengyel:

Subject: Response to Draft General Plan and Draft EIR

The Fresno Local Agency Formation Commission has adopted policy, which apply to the Draft Plan and Sphere of Influence Update and the impact on agricultural lands. This policy states in part that a Sphere Revision or Update which includes prime agricultural land shall be discouraged. Development shall be guided towards areas containing non-prime agricultural lands, unless such action will promote unplanned, disorderly, inefficient development of the community.

Current commission policy utilizes the Sphere of Influence as the primary tool for the protection of agricultural lands, which is one of the responsibilities of LAFCo. The Sphere of Influence defines an urbanized community over a twenty-year period. Following these policies, the Sphere of Influence of a City is to be compact and orderly, showing urban growth directed away from the prime agricultural lands.

As proposed, the Draft General Plan and Sphere of Influence do not direct growth away from these prime agricultural lands. They also do not follow Commission policy in that they do not propose a compact and orderly urban community. An alternative Sphere of Influence and Plan should give recognition to the importance of agriculture to the County and to Clovis, and attempt to provide for adequate growth that is compact, efficient and orderly, but which is also directed away from the prime agricultural areas of this community and subregion.

The Commission has adopted policy stating that proposals which would conflict with the goals of maintaining the physical and economic integrity of open space lands, agricultural lands, or agricultural preserve areas in open space uses, as indicated on the City or County general plan, shall be discouraged. The draft plan gives more concern to the integrity of the proposed communities than to the rural, agricultural or open space areas. These areas appear to serve the planned community interests, rather than the balancing of the interests of both urban and agricultural uses. There should be discussion of a means to preserve the integrity of both uses.

The commission has adopted policy that development of existing vacant lands and nonprime agricultural land within the City Sphere of Influence should occur prior to development outside of the existing Sphere of Influence.

One of the major elements of a Sphere of Influence update is the Municipal Service Plan, which we have not yet seen. As required by state law, the Service Plan is required to list all services to be provided, describe the level and range of these services, state how each are to be financed, and list and describe each City improvement or facility required to provide services, and how they are to be financed.

The Commission is responsible to address several factors in their review of a proposal, and for a Sphere of Influence must prepare a written statement in relation to each of the following (from Government Code Section 56425):

1. The present and planned land uses in the area, including agricultural and open-space lands.

    a. Growth projection (population and area-size and location)
    b. Economic growth projection
    c. Growth policies and annexation program
    d. Vacant land inventory
    e. Urban infill policies
    f. Agricultural and open space conservation plan

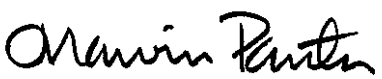
2. The present and probable need for public facilities and services in the area.

    a. Urban service and public facility delivery and inventory
    b. Service agencies providing urban services

3. The present capacity of public facilities and adequacy of public services which the agency provides or is authorized to provide.

    a. Master service plan update
    b. Capital facility element
    c. Cost revenue studies
    d. Service transition plan for affected agencies

Sincerely,



Marvin L. Panter
Executive Officer

MLP:cf

Fresno Local Agency Formation Commission

Rowell Building • 2100 Tulare Street, Suite 502 • Fresno, CA 93721 ☎ (209) 495-0604 Fax (209) 495-0655

Chairman, Victor Lopez
Mayor, City of Orange Cov
Vice Chairman, Trinidad Rodriguez
Mayor, City of Kerma

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Board of Supervisor
Larry Fortune
Public Membe
Stan Oken,
Board of Supervisor

Alternate Members:
William Donleavey
Public Member
Sharon Levy,
Board of Supervisors
Tom Stearns,
City of Clovis

Executive Officer:
Marvin L. Panter

November 24, 1997

Mr. Bruce Barnes
RM Associates
1111 E. Herndon Avenue, Suite 115
Fresno, CA 93720

Dear Bruce:

Subject: Mendota Prison Annexation - Procedural Steps

The following are the general steps for annexation of the subject site:

1. Application received for plan amendment, prezoning, and site plan from proponent.

2. City prepares application for sphere revision and annexation to LAFCo. City may negotiate a tax agreement with County of Fresno if annexation is submitted with sphere revision.

3. Preparation of draft and final EIR on the above projects. Includes sending Notice of Preparation to affected and responsible agencies, preparation of draft, review of draft by City and affected and responsible agencies, responding to comments on draft.

4. City hearing on final EIR and certification, findings and adoption of mitigation.

5. City submits application for sphere revision to LAFCo. If annexation submitted at same time, City must have negotiated tax agreement with County of Fresno. City application shows their succeeding to Land Conservation Contract for northern parcels (019-060-90, 89).

6. LAFCo review and hearing on sphere revision and annexation (unless annexation to be submitted later). Ten copies of draft and final EIR needed for our review and findings for project.

7. If approved, City holds protest hearing. If uninhabited (fewer than 12 voters) City approves annexation unless majority of assessed value of land protests. If inhabited, City approves if protested by less than 25% of voters or landowners (if 25 % or more protest, election held).

8. If approved, LAFCo office completes annexation when all conditions are complied with. Zoning now effective.

Time taken approximately nine months or more. Please note that LCC #7443 is not under City protest so that the City must succeed to the contract. However, either City or landowner can give notice of nonrenewal whereby the contract winds down after ten years.

The above steps are general in nature. If you have additional questions please let me know.

Sincerely,

Marvin Panter

Marvin Panter
Executive Officer

cc: Kerry McCants

CITY of MENDOTA

NOTICE OF PREPARATION

NOV 1997
Received
FRESNO
LAFCO

DATE: November 20, 1997

TO: Responsible and Trustee Agencies
Interested Public
County and Local Agencies
Surrounding Property Owners

SUBJECT: Notice of Preparation of an Environmental Impact Report

The City of Mendota will be the Lead Agency for preparation of an Environmental Impact Report (EIR) for a proposed 1,500 bed prison on a 247 acre property located approximately one mile south of the City of Mendota. The subject property is situated on the east side of Derrick Avenue (Highway 33), immediately north of Panoche Road in Fresno County, as shown in the attached Vicinity Map. In order to efficiently provide public utilities and support services to the proposed project, the subject property and certain parcels of land between the subject property and Mendota City boundary, would require annexation from the Fresno County jurisdiction into the City of Mendota.

Implementation of the proposed prison would require the following actions which would be initiated by the City of Mendota as lead agency and addressed in the EIR:

- Prezone all parcels being proposed for annexation from the County to the City.
- Amend the City of Mendota Sphere of Influence as appropriate.
- Annex subject property and adjacent parcels shown in the attached figure from Fresno County jurisdiction into the City of Mendota.
- Amend City of Mendota General Plan to incorporate parcels annexed from the County and establish the appropriate land use designations.
- Approve a Development Agreement between the project applicant and the City of Mendota.
- Approve a Conditional Use Permit to allow construction and operation of the proposed prison within the appropriate zone designation on the subject property.

An initial study, although not attached to this notice, is being completed to fully define the environmental issues to be addressed in the EIR, which will, at a minimum address the following: land use and planning, visual considerations, employment, population and housing, public utilities and

643 QUINCE STREET • MENDOTA, CALIFORNIA 93640 • 209-655-3291 • FAX 209-655-4064

community services, transportation, air quality, noise, geology, soils, groundwater and seismicity, hydrology, storm drainage and flood control, biological resources, cultural resources, growth inducing effects and cumulative impacts.

This notice is a request for environmental information that you or your organization believes should be addressed in the EIR. The City, as the lead agency, and responsible agencies will need to use the EIR prepared by the City when considering the issuance of discretionary permits and other actions related to the proposed project. Responses to this Notice of preparation should be sent by certified mail or equivalent procedure to:

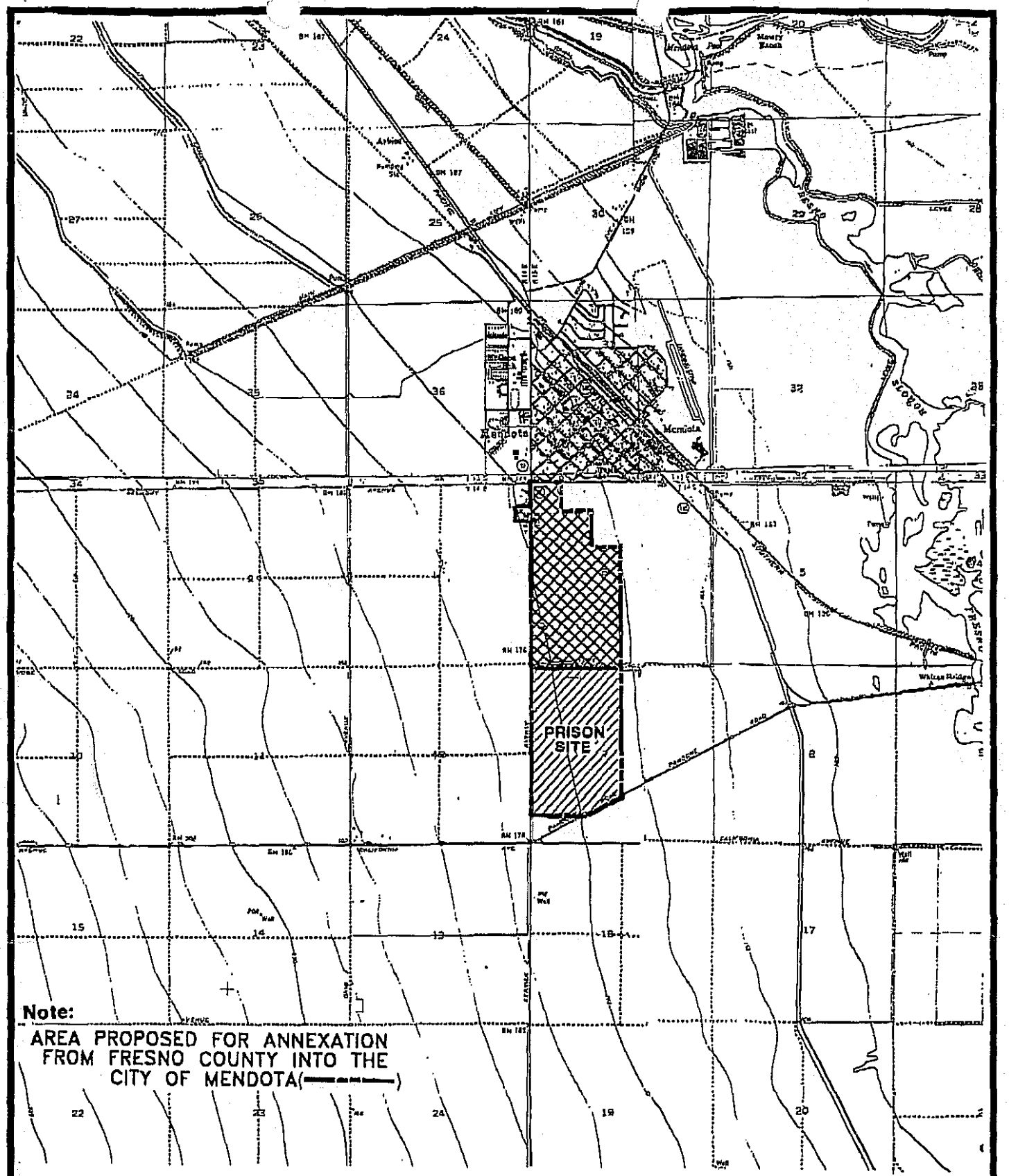
City of Mendota
643 Quince Street
Mendota, California 93640
Attention: Mr. Alan J. Bengyel, City Manager

In accordance with time limits established ibn Section 15082(b) of the California Environmental Quality Act (CEQA) Guidelines, your response to this Notice of Preparation should be sent to the address above at the earliest possible date, but no later than 30 days from the receipt of this notice.

Your interest and participation in the EIR process for this project is appreciated.

Sincerely,

Alan J. Bengyel,
City Manager



SOURCE: U.S.G.S QUADRANGLE MAPS, MENDOTA DAM, TRANQUILITY, COIT RANCH AND FIREBAUGH

LEAD AGENCY:

CITY OF MENDOTA

PROPOSED PRISON FACILITY AND ADJACENT PARCELS

SITE LOCATION MAP

FIGURE

1

4002

CITY of MENDOTA

TUESDAY, DECEMBER 2, 1997, 6:00 P.M.
MENDOTA HIGH SCHOOL LIBRARY
1993 BELMONT AVENUE, MENDOTA

THE MENDOTA CITY COUNCIL WELCOMES YOU TO THIS MEETING.

I. CALL TO ORDER AND INTRODUCTIONS:

II. ROLL CALL:

III. PLEDGE TO ALLEGIANCE:

IV. DISCUSSION/CONSIDERATION/CONCERNS REGARDING HIGHWAY 180, **CITY OF MENDOTA** AND THE ENTIRE WESTSIDE OF FRESNO COUNTY:

V. ADJOURNMENT: by 9:00 p.m.

Certification of Posting of the Agenda; I declare under penalty of perjury that I am employed by the **City of Mendota** and that I posted this agenda on the bulletin boards of City Hall, and Employment Development Department on 11-25-97.

Rosemary A. Kamiya
CITY CLERK

643 QUINCE STREET • MENDOTA, CALIFORNIA 93640 • 209-655-3291 • FAX 209-655-4064

HIGHWAY 180 PROJECT MEETING DECEMBER 2, 1997, 6:00 P.M.

MENDOTA HIGH SCHOOL LIBRARY 1993 BELMONT AVENUE MENDOTA, CA. 93640

The Community is invited to participate and express concerns with State and Local officials regarding Highway 180, City of Mendota, and entire Westside of Fresno County.

Fresno Local Agency Formation Commission

Rowell Building • 2100 Tulare Street, Suite 502 • Fresno, CA 93721 ☎ (209) 495-0604 Fax (209) 495-0655

Chairman, Victor Lopez,
Mayor, City of Orange Cove
Vice Chairman, Trinidad Rodriguez,
Mayor, City of Kerman

Members:
Juan Arambula,
Board of Supervisors
Larry Fortune,
Public Member
Stan Oken,
Board of Supervisors

Alternate Members:
William Donleavey,
Public Member
Sharon Levy,
Board of Supervisors
Tom Stearns,
City of Clovis

Executive Officer:
Marvin L. Panter

October 27, 1997

Mr. Bruce Barnes
City of Mendota
643 Quince Street
Mendota, CA 93640

Dear Mr. Barnes:

Subject: Mendota Prison Annexation

Regarding your fax October 24, 1997, the standards for annexation in the City/County MOU states that "if no development exists (in the annexation area) at least 50% of the area proposed for annexation must have an approved site plan (for urban development)".

The site plan for the prison development, therefore, should include at least 50% of the annexation area. The larger the annexation, the larger the site plan area must be; the smaller the annexation, the smaller the project area.

If you have any other questions about the MOU standards, please contact the County of Fresno, Jeff Tweedie, Public Works Department.

Sincerely,

Marvin Panter

Marvin L. Panter
Executive Officer

MLP:cf

cc: Jeff Tweedie

Public Utilties/Service Information for Sphere of Influence Application
and Annexation Application
(Prison Parcel)

Current Use: Agriculture (Approximately 244 Acres)
Current Zoning: AE-20
Proposed Zoning: Public Facilities

	Existing	Proposed Change	Date
Domestic Water	No Service	City of Mendota will provide water CCA will provide on-site tank(s)	July, 99
Sewer Collection	No Service	City of Mendota	July, 99
Solid Waste Collection	No Service	Western Waste	July, 99
Street Lighting	Fresno County	City of Mendota	July, 99
Parks and Recreation	Fresno County	City of Mendota	UA
Fire Station (Station distance)	Fresno County (2 mile)	City of Mendota (2 miles) Amend Mendota Contract with Fresno County Fire District or CCA to contract directly with County Fire District	UA
Paramedic (Station Distance)	Fresno County (3 miles)	American Ambulance (3 miles)	UA
Police	Fresno County	Amend Mendota Contract with Sheriff or CCA to contract directly with Sheriff	July, 99
Storm Drainage	Fresno County	On-site Pond(s) Provided by CCA	July, 99
Public Transit	Fresno County	Fresno County	UA

Public Utilties/Service Information for Sphere of Influence Application
and Annexation Application
(Northern Parcel)

Current Use: Agriculture (Approximately 224 Acres)
Current Zoning: AE-20
Proposed Zoning: Open Space

	Existing	Proposed Change	Date
Domestic Water	No Service	None Proposed	UA
Sewer Collection	No Service	None Proposed	UA
Solid Waste Collection	No Service	None Proposed	UA
Street Lighting	No Service	None Proposed	UA
Parks and Recreation	No Service	None Proposed	UA
Fire Station (Station distance)	Fresno County (1 mile)	None Proposed	UA
Paramedic (Station Distance)	Fresno County (2 miles)	None Proposed	UA
Police	Fresno County	City of Mendota	UA
Storm Drainage	Fresno County	City of Mendota	UA
Public Transit	Fresno County	Fresno County	UA

Public Utilties/Service Information for Sphere of Influence Application
and Annexation Application
(Residential Parcels)

Current Use: Residential Use (Approximately 6 Acres)
Current Zoning: Urban Reserve
Proposed Zoning: C-3

	Existing	Proposed Change	Date
Domestic Water	City of Mendota	City of Mendota	UA
Sewer Collection	City of Mendota	City of Mendota	UA
Solid Waste Collection	City of Mendota	City of Mendota	UA
Street Lighting	City of Mendota	City of Mendota	UA
Parks and Recreation	Fresno County	City of Mendota	UA
Fire Station (Station distance)	Fresno County (1 mile)	City of Mendota (2 miles)	UA
Paramedic (Station Distance)	Fresno County (2 miles)	Fresno County	UA
Police	Fresno County	Fresno County	UA
Storm Drainage	Fresno County	City of Mendota	UA
Public Transit	Fresno County	Fresno County	UA