

RESOLUTION NOs. USOI-193A and No. AD 19-2A

**A RESOLUTION OF THE FRESNO LOCAL AGENCY FORMATION COMMISSION
CONTINUING THE SPHERE OF INFLUENCE UPDATE AND ANNEXATION FOR THE
SIERRA RESOURCE CONSERVATION DISTRICT TO OCTOBER 13, 2021**

WHEREAS, pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (“CKH”), the Fresno Local Agency Formation Commission is required to review and update, as necessary, spheres of influence (“SOI”) of local agencies not less than once every five years; and

WHEREAS, on July 24, 2019, the Sierra Resource Conservation District (“Sierra RCD” or “District”) submitted an application (File No. USOI-193) and supporting materials requesting LAFCo expand the Sierra RCD SOI by approximately 235,776 acres of unincorporated and incorporated territory and a corresponding application for a change of organization to annex this territory (LAFCo File No. AD 19-2) to the District; and

WHEREAS, CKH directs the Commission to conduct a Municipal Service Review (“MSR”) no later than the time it considers an action to either determine, amend, or update a SOI for a local agency; and

WHEREAS, the Executive Officer prepared an MSR for the Sierra RCD in response to Sierra RCD’s application for a SOI update, published the draft MSR on the Commission’s website, and provided a mailed 21-day public notice to all affected local agencies within the affected territory; and

WHEREAS, a notice of the Commission hearing for the proposed Sierra RCD SOI update was duly given in a publication of general circulation as required by CKH, at the time, in the form, and manner provided by law; and

WHEREAS, the Executive Officer reviewed the subject applications and prepared staff reports to the Commission, including recommendations for approval, said reports having been mailed to each affected local agency within the affected territory and interested individuals pursuant to Government Code section 56428(c); and

WHEREAS, at the duly noticed public meeting, held on June 9, 2021, the Commission heard, discussed, and considered all relevant evidence, including but not limited to the MSR determinations and recommendations, environmental review documents, and all testimony, correspondence, and attachments received during the public hearing process; and

WHEREAS, the Commission received written and public testimony from the Alta Irrigation District, Consolidated Irrigation District, Fresno Irrigation District, and Kings River Conservation District (“affected special districts”) stating their concerns and opposition to the proposed Sierra RCD SOI update and annexation; and

WHEREAS, at the June 9, 2021 hearing, the Commission unanimously voted to adopt the written determinations provided in the MSR update prepared for the Sierra RCD (MSR-21-07) and unanimously voted to continue the hearing on the Sierra RCD SOI update (File No. USOI No. 193) and Sierra RCD Annexation (LAFCo File No. AD 19-2) to August 11, 2021; and

WHEREAS, the Commission directed staff to facilitate negotiations between the affected special districts and Sierra RCD to outline their concerns with the proposed Sierra RCD SOI update and annexation application and return to the Commission no later than August 11, 2021; and

WHEREAS, on June 21, 2021, the Executive Officer called a meeting with representatives of the affected special districts and Sierra RCD to specify the affected special districts' concerns with applications USOI-193 and AD 19-02 and to explore options available to address their concerns; and

WHEREAS, on August 2, 2021, the affected special districts provided LAFCo with a written letter that continued to assert their collective opposition to the Sierra RCD SOI and annexation proposals; and

WHEREAS, at the August 11, 2021 hearing, the Commission reconvened to consider all relevant factors and heard all interested parties wishing to speak on application files USOI-193 and AD 19-2; and

WHEREAS, the Commission was concerned that there was yet no mutually-agreeable resolution of the affected special districts' concerns and directed the affected special districts and the Sierra RCD to continue negotiations that could include either a Memorandum of Understanding or Joint Powers Agreement between the affected special districts' and the Sierra RCD to define their cooperative efforts should the Commission approve the proposals; and

WHEREAS, speaking on behalf of the affected special districts, the general manager of the Fresno Irrigation District informed the Commission that though they preferred the "status quo," they were willing to continue to explore a collaborative working relationship with the Sierra RCD; and

WHEREAS, the general manager of Sierra RCD informed the Commission that he is willing to work with the Sierra RCD board of directors and the affected special districts to memorialize in writing a mutual agreement that finds a resolution addressing the affected special districts' concerns; and

WHEREAS, the Commission allowed an additional negotiating period that would permit the parties to continue to negotiate in good faith to seek a resolution of the concerns expressed to date and report back to the Commission at its hearing on October 13, 2021.

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

Continue the Sierra Resource Conservation District SOI update (LAFCo File No. USOI-193) to October 13, 2021.

ADOPTED THIS 11th DAY OF AUGUST 2021 BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS YEP, PARRA, MAGSIG, SANTOYO, BRANDAU

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

Continue the Sierra Resource Conservation District Annexation (LAFCo File No. AD-19-2) to October 13, 2021.

ADOPTED THIS 11th DAY OF AUGUST 2021 BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS MAGSIG, YEP, PARRA, SANTOYO, BRANDAU

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

**STATE OF CALIFORNIA)
COUNTY OF FRESNO)**

CERTIFICATION

I, David E. Fey, Executive Officer, Fresno Local Agency Formation Commission, hereby certify that the foregoing resolution was adopted by the Commission on the 11th day of August 2021.



David E. Fey, Executive Officer
Fresno Local Agency Formation Commission