

AGENDA

FRESNO LOCAL AGENCY FORMATION COMMISSION (LAFCo)

June 12, 2024 – 1:30 P.M.

Hall of Records, Room 301, 2281 Tulare Street, Fresno, California

COMMISSION MEMBERS

Buddy Mendes, Chair
Mario Santoyo, Chair Pro Tem
Nathan Magsig
Daniel Parra
Gary Yep

ALTERNATE MEMBERS

Michael Lopez
Scott Robertson
Vacant

LAFCO STAFF

Brian Spaunhurst, Executive Officer
Amanda Olivas, Clerk to the Commission
Jessica Gibson, LAFCo Analyst
Joel Matias, LAFCo Analyst
Jessica Johnson, LAFCo Counsel

LAFCo Office: 1401 Fulton Street, Suite 800, Fresno, CA - 93721 - (559) 600-0604
Staff reports prepared for each item listed in this agenda may be viewed at www.fresnolafco.org.

1. **Call to Order and Roll Call**
2. **Pledge of Allegiance**
3. **Comments from the Public:** Any person wishing to address the Commission on a subject not listed on the agenda may do so at this time. (State your name and address and please keep your comments to three (3) minutes.)
4. **Potential Conflict of Interest:** Any Commission member who has a potential conflict of interest shall now identify the item and recuse themselves from discussing and voting on the matter pursuant to Govt. Code sec 84308.

CONSENT AGENDA

All consent agenda items are considered routine in nature and will be enacted by one motion; there will be no individual discussion of these items unless requested by a member of the Commission or the public. Any item pulled from the consent agenda for discussion will be set aside until after approval of the consent agenda. Prior to taking any action the public will be given the opportunity to comment on any consent item. The consent agenda will be considered on or about 1:30 p.m.

5. **Recommendation:** Approve 5A by taking the following actions:
 - A. **Consider Approval:** Minutes from the LAFCo meeting of May 8, 2024.

REGULAR AGENDA ITEMS

6. **Consider Approval:** Determine the Value of Protests Received and not Withdrawn for City of Fresno “Ashlan-Hayes No. 2, 3, and 4 Reorganization.”

Recommendation: Approve.

7. **Executive Officer Comments**
8. **Commission Comments/ Reports**

CLOSED SESSION

9. **Public Employee Performance Evaluation**
Title: Executive Officer
10. **Adjournment**

THE NEXT LAFCO MEETING will be held on July 10, 2024, at 1:30 p.m. in the Board of Supervisors’ Chamber – Hall of Records, Room 301, Fresno, California.

PLEASE NOTE:

(1) If you are an applicant for, or a participant in, any proceeding on the agenda for a **land use entitlement** and have made **campaign contributions** totaling more than \$250.00 to any member or alternative member of the Commission **within twelve (12) months prior to the Commission considering your application**, please immediately inform the Commission of your contribution. State law **disqualifies** each Commissioner and alternative Commissioner from participating in and voting on land use entitlement decisions (which include changes of organization and reorganizations) if the Commissioner or alternative Commissioner has received campaign contributions from (i) an applicant for a land use entitlement, (ii) someone who lobbies the Commission or LAFCo staff regarding an application for land use entitlement, (iii) someone who testifies in person before the Commission regarding an application for land use entitlement, or (iv) someone who otherwise acts to influence the outcome of an application for land use entitlement. State law also prohibits applicants and participants from making campaign contributions totaling more than \$250.00 to a Commissioner or alternate Commissioner during the time of the proceeding is pending before the Commission and for twelve (12) months **after** the Commission’s final action. If you have any questions regarding these requirements (which are contained in the **California Political Reform Act** Government Code Section 84308 *et seq.*), please feel free to contact LAFCo staff at (559) 600-0604.

(2) In compliance with the Americans with Disabilities Act (**ADA**), if you need special assistance to participate at this meeting, please contact Ms. Amanda Olivas, Clerk to the Commission at 559-600-0604. Notification provided a minimum of 48 hours prior to the meeting will enable the Clerk to make reasonable arrangements to ensure accessibility to this meeting. Pursuant to the ADA, the meeting room is accessible to the physically disabled.



Fresno Local Agency Formation Commission
1401 Fulton Street, Suite 800, Fresno, CA 93721, (559) 600-0604

CONSENT AGENDA ITEM NO. 5A

FRESNO LOCAL AGENCY FORMATION COMMISSION (LAFCo)

MEETING MINUTES

May 8, 2024

Members Present: Commissioners Magsig, Mendes, Parra, Santoyo, Yep

Members Absent: None

Staff Present: Brian Spaunhurst, LAFCo Executive Officer
Amanda Olivas, Clerk to the Commission
Jessica Gibson, LAFCo Analyst
Joel Matias, LAFCo Intern
Jessica S. Johnson, LAFCo Counsel

1. Call to Order and Roll Call

Chair Yep called the meeting to order at 1:30 p.m.

2. Pledge of Allegiance

Chair Yep led the Pledge of Allegiance.

3. Transition of Chair Pro Tempore to Chair Pursuant to LAFCo Policy 500. 4-5.

Chair Pro Tem Mendes takes over as Chair.

4. Consider Appointment of New Chair Pro Tempore from City or Public Commission Members.

Commissioner Magsig nominated Commissioner Santoyo, Commissioner Yep nominated Commissioner Parra.

Commissioner Santoyo is appointed as Chair Pro Tem by majority vote.

5. Comments from the Public

There were no comments from the public.

6. Potential Conflicts of Interest

Commissioner Magsig will recuse himself from voting on Item 10.

CONSENT AGENDA

- 7. A. Minutes from the LAFCo Meeting of April 10, 2024.
B. City of Fresno “Bullard-Maroa No. 3 Reorganization.” (LAFCo File No. RO-24-03)**

Motion: Approve Item 7A-7B
Moved: Commissioner Yep
Second: Commissioner Santoyo
Ayes: Commissioners Yep, Santoyo, Magsig, Parra, Mendes
Noes: 0
Absent: 0
Abstain: 0
Passed: 5-0

REGULAR AGENDA ITEMS

- 8. Appointment of the Alternate Public Commission Member**

This item will be re-noticed and brought back to the Commission in July.

Applicant Tom Chaney was in attendance and introduced himself to the Commission.

- 9. Final Budget and Work Plan for Fiscal Year 2024-2025.**

Motion: Approve Item 9
Moved: Commissioner Parra
Second: Commissioner Magsig
Ayes: Commissioners Parra, Magsig, Santoyo, Yep, Mendes
Noes: 0
Absent: 0
Abstain: 0
Passed: 5-0

- 10. Authorize the EO to Sign new Lease Agreement with Tutelian for Office Space Located in the Grand Tower and Authorize Partial Expenditure of the Commission’s Contingency Fund for FY 23-24. Continued from April 10, 2024.**

Commissioner Magsig left the chambers.

Motion: Approve Item 10
Moved: Commissioner Yep
Second: Commissioner Parra
Ayes: Commissioners Yep, Parra, Santoyo, Mendes
Noes: 0
Absent: 0
Abstain: Commissioner Magsig
Passed: 4-0-0-1

Commissioner Magsig came back into the chambers.

11. Executive Officer Comments.

LAFCo Executive Officer Brian Spaunhurst provided comments.

12. Commission Comments/Reports.

No Commission Comments.

13. Adjournment

Moved: Commissioner Santoyo

Second: Commissioner Yep

The meeting adjourned at 2:04 p.m.

Amanda Olivas
Clerk to the Commission

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

AGENDA ITEM No. 6

DATE: June 12, 2024

TO: Fresno Local Agency Formation Commission

FROM: Brian Spaunhurst, Executive Officer 

SUBJECT: Consider Approval – Determine the Value of Protests Received and not Withdrawn for City of Fresno “Ashlan-Hayes No. 2, 3, and 4 Reorganization.” Confirm results of the Conducting Authority Proceedings held on May 15, 2024. Number of Protests received and not withdrawn confirms proposal is to be determined by election.

Applicant: City of Fresno

RECOMMENDATION: Approve by Taking the Following Actions:

Action 1:

- A. Find that the Conducting Authority Proceeding was held consistent with LAFCo Policies and the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH).
- B. Find pursuant to CKH and information in the record that:
 - a. Written protests not withdrawn were received from 34% of the registered voters residing within the Affected Area and 37% of the landowners in the Affected Area who also own 36% of the land value within the Affected Area; and
 - b. The subject Proposal is to be confirmed by the registered voters within the affected territory; and
 - c. The Fresno Local Agency Formation Commission will direct the elections official to provide the voters with the question of project approval which is to be formatted as defined in CKH; and
 - d. The Fresno Local Agency Formation Commission will direct the Executive Officer to conduct any and all actions necessary or required for this process, including but not limited to:
 - i. Inform the Fresno County Board of Supervisors of the need for approval by majority vote of the Proposal to be confirmed by the registered voters and request the Board of Supervisors to direct their elections official to conduct the election; and

- ii. Inform the City of Fresno of their responsibility of costs associated with the election.

Action 2: Approve Resolution ordering proposal approval subject to confirmation by the registered voters.

Executive Summary

On May 15, 2023, the City of Fresno adopted Resolution No. 2023-335 requesting the Commission to begin proceedings for the “Ashlan-Hayes No. 2, 3, and 4 Reorganization” to detach approximately 140 acres from the North Central Fire Protection District Fire Protection District and the Kings River Conservation District and annex it to the City of Fresno.

On April 10, 2024, the Fresno Local Agency Formation Commission conditionally approved the proposal subject to a noticed Conducting Authority Proceeding held on May 15, 2024.

At the Conducting Authority Proceeding, the Executive Officer confirmed the number of written protests received but not withdrawn to meet the thresholds defined in CKH to send the Proposal to be determined by election.

Consistency with LAFCo Policies, Standards and Procedures

Landowner Protest

Valid protest has been submitted by 37% (28/76) of the landowners in the affected territory who also own 36% (\$1,944,032/ \$5,425,779) of the land value within the affected territory.

Registered Voter Protest

Valid protest has been submitted by 34% (43/126) of the Registered Voters in the affected territory.

Pursuant to Government Code Section 57091, the proposal is subject to confirmation by registered voters.

Pursuant to the very specific provisions in the LAFCo Law, the question presented to the voters is as follows:

"Shall the order adopted on April 10, 2024, by the Fresno Local Agency Formation Commission ordering a reorganization affecting Ashlan-Hayes No. 2, 3, and 4 and providing for the annexation of approximately 140 acres to the City of Fresno and detachment from the North Central Fire Protection District and the Kings River Conservation District for properties generally located west of North Polk Avenue, east of North Bryan Avenue, and on the north and south side of West Ashlan Avenue be confirmed subject to the terms and conditions specified in the order?"

The resolution further delegates to the Executive Officer the ability to modify the question in the event that the Fresno County Elections Department or another County department requires such a modification so long as the requirements in LAFCo law are met (Gov. Code section 57133).

Revenue & Tax Code

The County of Fresno and the Fresno City Council approved a standalone tax sharing agreement between the City of Fresno and the County of Fresno regarding the Ashlan-Hayes No. 2, 3, and 4 Reorganization.

Individuals and Agencies Receiving this Report

- LAFCo Counsel
- Bernard Jimenez, Planning and Resources Management Officer
- Kings River Conservation District
- Fresno County Fire Protection District
- Robert Holt, Supervising Planner, City of Fresno

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RESOLUTION NO. 246

CONDUCTING AUTHORITY PROCEEDINGS

**A RESOLUTION OF THE FRESNO LOCAL AGENCY FORMATION COMMISSION
APPROVING THE VALUE OF PROTESTS RECEIVED AND NOT WITHDRAWN RELATED
TO THE “ASHLAN-HAYES NOS. 2, 3 AND 4 REORGANIZATIONS”
(LAFCO FILE NO. RO-24-01)**

WHEREAS, on April 10, 2024, the Fresno Local Agency Formation Commission (Commission) conditionally approved City of Fresno’s proposal designated “Ashlan-Hayes Nos. 2, 3, and 4 Reorganization” (Proposal); and

WHEREAS, the Proposal consisted of the annexation of approximately 140 acres to the City of Fresno, and concurrent detachment from the North Central Fire Protection District and the Kings River Conservation District; and

WHEREAS, the affected boundaries of the annexation are described in Exhibit A, attached hereto and incorporated herein (Affected Area); and

WHEREAS, the Commission set forth the reasons for approval of the Proposal, made determinations, including those required by the California Environmental Quality Act (CEQA), and approved terms and conditions for the Proposal described in LAFCo Resolution No. RO-24-1, attached hereto and by this reference incorporated herein; and

WHEREAS, the Affected Area is inhabited and did not have 100% owner-consent; and

WHEREAS, the Commission directed the Executive Officer, pursuant to Government Code Section 56881(d), to initiate protest proceedings pursuant to Part 4 of Government Code commencing with Section 57000; and

WHEREAS, by Resolution No. 88 dated July 11, 2012, the Commission delegated authority to the Executive Officer to perform conducting authority proceedings pursuant to Government Code section 57000(c); and

WHEREAS, the Executive Officer set the Proposal for a Conducting Authority Proceeding Hearing on May 15, 2024, at the hour of 1:30 p.m., at 1401 Fulton, Suite 900, Fresno; and

WHEREAS, the Executive Officer duly gave notice of the protest hearing in accordance with California Government Code Section 57025, and all other applicable sections of the California Government Code, said noticing being published in the local newspaper and mailed to all property owners in the Affected Area; and

WHEREAS, on May 15, 2024, the Executive Officer held a duly noticed Conducting Authority Proceeding Hearing, as provided for in Section 57000 *et seq.* of the California Government Code for the purpose of hearing objections and protests to the approved

reorganization, to receive written “official” protests, and to allow for the withdrawal of any written protests filed with the Commission prior to or at said hearing, if any; and

WHEREAS, Government Code section 57091 requires the Commission to order the change of organization subject to the confirmation of the registered voters within the affected territory if written protests are filed and not withdrawn by either at least 25% but less than 50% of the registered voters in the affected territory, or at least 25% of the number of landowners who also own at least 25% of the assessed valuation; and

WHEREAS, written protests not withdrawn were received from 34% of the registered voters residing within the Affected Area and 37% of the landowners in the Affected Area who also own 36% of the land value within the Affected Area; and

WHEREAS, a resolution ordering the change of organization subject to confirmation by registered voters is required pursuant to Part 4 of the Cortese Knox Hertzberg Local Government Reorganization Act of 2000 commencing with Section 57000 of the Government Code.

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

Section #1. The subject Proposal is hereby ordered subject to confirmation by the registered voters pursuant to Government Code Section 57091(a)(1)(B)(i) and (ii).

Section #2. The type of change involves a proposed reorganization to annex approximately 140 acres to the City of Fresno and detach from the North Central Fire Protection District and the Kings River Conservation District for properties generally located west of North Polk Avenue, east of North Bryan Avenue, and on the north and south side of West Ashlan Avenue.

Section #3. The established boundaries of the annexation are those set forth in Exhibit A attached hereto.

Section #4. Approval of the annexation is subject to the conditions set forth in Resolution No. RO-24-01.

Section #5. The territory is within the Sphere of Influence of the City of Fresno and is contiguous to the Fresno city limits.

Section #6. The reason for the change of organization is the removal of a boundary peninsula in support of Fresno LAFCo policies.

Section #7. The regular county assessment roll will be utilized.

Section #8. The affected territory will not be taxed for existing general bonded indebtedness for the City of Fresno.

Section #9. Directs the Executive Officer to inform the Fresno County Board of Supervisors that the approval of the Proposal shall be subject to confirmation by the registered voters being ordered by this resolution and request that the Fresno County Board of Supervisors direct the elections official to conduct the necessary election as required by Government Code Section 57000(d) and by mailed ballot pursuant to Government Code Section 57125(b).

Section #10. Directs the City of Fresno as the project applicant to assume the costs of the election pursuant to Government Code Section 57150.

Section #11. Directs that the election be conducted within the territory to be annexed (i.e., the Affected Area) as permitted under Government Code Section 57118(d).

Section #12. Directs the elections official to provide the voters with the following question: "Shall the order adopted on April 10, 2024, by the Fresno Local Agency Formation Commission ordering a reorganization affecting Ashlan-Hayes No. 2, 3, and 4 and providing for the annexation of approximately 140 acres to the City of Fresno and detachment from the North Central Fire Protection District and the Kings River Conservation District for properties generally located west of North Polk Avenue, east of North Bryan Avenue, and on the north and south side of West Ashlan Avenue be confirmed subject to the terms and conditions specified in the order?" In the event that the Fresno County Elections Department or another County department requires a modification to the question described in this Section #12, the Commission delegates authority to modify the question to the Executive Officer so long as the requirements in Government Code section 57133 are satisfied.

Section #13. Confirmation of the proposal is subject to a majority vote.

Section #14. Directs the Executive Officer to conduct any and all actions necessary or required for this process.

ADOPTED THIS 12TH DAY OF JUNE 2024 BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSENT:

ABSTAIN:

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

CERTIFICATION

I, Brian Spaunhurst, Executive Officer, Fresno Local Agency Formation Commission, hereby certify that the foregoing resolution was adopted by the Commission on the 12th day of June 2024.

**Brian Spaunhurst, Executive Officer
Fresno Local Agency Formation Commission**