

Consent Agenda Item No. 5

FRESNO LOCAL AGENCY FORMATION COMMISSION (LAFCo)

"MINUTES"

LAFCo MEETING – JUNE 18, 2014

Call to Order: Chairman Silva called the meeting to order at 10:00 a.m.

Members Present: Commissioners Debbie Poochigian, Mario Santoyo, Armando Lopez, Henry Perea and Robert Silva

Staff Present: David E. Fey, AICP, LAFCo Executive Officer
Ken Price, LAFCo Counsel
Candie Fleming, Commission Clerk

1. Call to Order and Roll Call

Chairman Silva called the meeting to order at 10:00 am.

2. Pledge of Allegiance

Chairman Silva led the Pledge of Allegiance.

3. Comments from the Public

There were no comments from the public.

4. Potential Conflicts of Interest

There were no conflicts reported.

CONSENT AGENDA

5. Minutes from the Regular LAFCo Meeting of May 14, 2014

A motion was made by Commissioner Lopez to approve the minutes for the May 14, 2014 meeting. The motion was seconded by Commissioner Perea and Commissioners Santoyo and Silva voted in favor of the motion with Commissioner Poochigian abstaining.

PUBLIC HEARING

6. Municipal Service Review and Sphere of Influence Update Prepared for the Fresno Metropolitan Flood Control District

Executive Officer Fey presented staff's report.

A motion was made by Commissioner Lopez to take actions recommended by staff which included: find the MSR and SOI update to be categorically exempt from CEQA and complete and satisfactory; make determinations and adopt the MSR; make determinations and update the SOI for the Fresno Metropolitan Flood Control District. The motion was seconded by Commissioner Santoyo and Commissioners Poochigian, Perea, and Silva voted in favor of the motion.

OTHER MATTERS

7. Commission Workshop on LAFCo's Role in Fresno County

Executive Officer Fey presented staff's report and PowerPoint presentation. Chairman Silva noted that one of the questions he was frequently asked is if LAFCo can make its own rules and regulations. Chairman Silva said that is response is "absolutely not." LAFCo Counsel Price added that the legislature allows for individual LAFCOs to adopt policies to implement statute. Fey discussed the composition of the Commission and the duties of the Commissioners. Price also clarified that a Commissioner does not have to recuse him or herself, based on the project being in their city or the county. Chairman Silva asked what the requirements were for a Commissioner to recuse themselves. Price responded that having a financial conflict or a personal interest in the project. Fey defined the purposes of LAFCo. Commissioner Poochigian asked if the statute actually said "discourage urban sprawl" and "preserve open space and prime ag lands." Chairman Silva and Commissioner Santoyo both stated that they don't see LAFCo discouraging urban sprawl or preserving ag land. Fey responded that the statute does use the phrases "discourage urban sprawl" and "preserve open space and prime ag lands." Fey clarified that the statute does not say *prevent* growth and sprawl just to discourage it and that it is up to each Commissioner to weigh the benefits and make the decision based on local factors and its policies.

Commissioner Santoyo asked if an MSR was like a report card and what the Commissioners' obligation was to districts that either fail or refuse to participate in the MSR. Fey responded that the report card analogy was accurate and districts that do not participate may not be meeting other public responsibilities. The Commission's objective is to reach out and help them perform more efficiently. Commissioner Poochigian asked if MSRs were revenue neutral. Fey responded that right now most of them are being funded by LAFCo. Price added that the Commission can adopt fees for services, specifically for spheres of influence updates and that since a sphere of influence cannot be updated without an MSR; some LAFCOs adopt fee schedules to charge for MSRs too.

Commissioner Poochigian noted that LAFCo was sued by a city a few years ago and asked if that was the first time LAFCo had been sued. Price answered that it wasn't the first time and added that LAFCos are sued quite frequently, especially for CEQA lawsuits. Chairman Silva asked if LAFCo won or lost most of these cases. Price responded that LAFCo is usually indemnified by the applicant but when LAFCo is sued based on its procedures it usually wins.

Chairman Silva asked why the Commission has to be involved in telling districts how to do their job. Fey responded that LAFCo's presence helped Calwa's board move forward and may help others.

Fey presented a list of local agency issues that were identified in 1986 and a list of special district problems he's seen currently. Commissioner Poochigian asked if each agency has a conflict of interest code. Price answered that in the political reform act it states that each special district has to have one and that the Board of Supervisors is the reviewing agency.

Fey explained that each LAFCo has different policies to implement the statute and which can lead to different results. Fresno LAFCo does not support an annexation that does not include development but other counties do. Commissioner Poochigian noted that Kings LAFCo recently reduced some of their cities' spheres. Fey responded that Kings County did go through and remove the lands designated for agriculture from its cities' spheres and each LAFCo has the right to add to or remove land from an agency's sphere of influence. Commissioner Santoyo asked about the City of Fresno's SEGA area. Fey stated Price could provide a history but that staff had not been given direction to take any action at this time.

Chairman Silva asked about the next workshop. Fey replied that the next workshop would be for cities to learn how to submit applications to LAFCo, the LAFCo process, and interacting with LAFCo and the Commission. Later workshops will be tailored to the various districts and their needs.

Chairman Silva asked about the status of the fire transition agreements. Fey responded that staff will work on that from February to October. There were no comments from the public.

8. Executive Officer Comments/Reports

Executive Officer Fey reported that the CALAFCO has amended the nomination date for board members and staff will provide that information in notes. Fey reported that staff has been reaching out to the department of public health to get an assessment on the Lanare CSD. Fey commented that he has been working with Calwa Recreation and Park District board members and staff to help them work through their issues. Commissioner Perea asked what role LAFCo would play in Lanare's clean water issue. Fey responded that it is an issue that has been posed to public health and the state is working with the receiver and the district to create a source of clean water and funding and the Commission may not have much action if there are no boundary changes associated with those actions.

9. Commission Member Comments/Reports

Chairman Silva thanked staff for the excellent meeting they'd just had.

ADJOURNMENT

A motion was made by Commissioner Lopez to adjourn the meeting. The motion was seconded by Commissioner Santoyo and Commissioners Poochigian, Perea, and Silva voted to approve the motion. The meeting adjourned at 11:14 am.