

FRESNO LOCAL AGENCY FORMATION COMMISSION (LAFCo)

**MEETING MINUTES
AUGUST 14, 2019**

Members Present: Commissioners Mendes, Pacheco, Parra, Silva, Santoyo

Members Absent: None

Staff Present: David Fey, LAFCo Executive Officer
Amanda Graham, Clerk to the Commission
George Uc, Senior LAFCo Analyst
Juan Lara, LAFCo Analyst II
Imelda Marquez, LAFCo Intern
Ken Price, LAFCo Counsel

1. Call to Order and Roll Call

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

2. Pledge of Allegiance

Chair Santoyo asked Commissioner Mendes to lead 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 of interest.

5. Consider Appointment of new Chair Pro Tempore from City or County Commission Members

Chair Santoyo opened the floor up for nominations for the position of Chair Pro Tem.

Commissioner Mendes made a motion to appoint Commissioner Parra to Chair Pro Tem, seconded by Commissioner Silva. The Commission approved Commissioner Parra as Chair Pro Tem by a vote of 5-0.

CONSENT AGENDA

- 6-A. Minutes from the LAFCo Meeting of June 12, 2019.**
- 6-B. City of Kingsburg "Anderson Village (HASH) Reorganization."**
- 6-C. City of Fresno "Shaw-Grantland No. 4 Reorganization."**
- 6-D. City of Fresno "Shields-Polk No. 1 Reorganization."**
- 6-E. Amendment of Fresno LAFCo's Employee Handbook.**
- 6-F. Overview of the six-month progress report memo for Pinedale Public Utility District.**

Commissioner Mendes made a motion to approve consent agenda items 6-A through 6-F seconded by Commissioner Silva. The Commission approved consent agenda items 6-A through 6-F by a vote of 5-0.

REGULAR AGENDA ITEMS

- 7. Adoption of Resolution for the Dissolution of Silver Creek Drainage District and Firebaugh Resource Conservation District in Accordance with SB 448. (Hearing Continued from June 12, 2019.)**

LAFCo Analyst Juan Lara presented staff report: On November 14, 2018, staff presented the State Controller's Office ("SCO") list of inactive special districts pursuant with SB 448. Staff returned with findings and recommendations that those districts listed as inactive met the criteria of an inactive special district under GC sec. 56042. All districts were notified on December 3, 2018 and were asked to provide the appropriate documentation if they wished to object to dissolution proceedings. On January 9, 2019, this Commission adopted Resolution No. 187 initiating the dissolution proceedings for those subject districts listed as inactive. At its June 12, 2019 hearing, the Commission continued this item to provide time for Mr. Jeff Bryant of Firebaugh Canal Water District to act and reactivate the Silver Creek Drainage District and the Firebaugh Resource Conservation District. Staff has kept in communication with Mr. Bryant, County staff and Commissioner Pacheco's staff. Staff wants to acknowledge that Mr. Bryant submitted some documentation, including a list of possible Board Members and supplemental application materials for the two inactive special districts. Some information provided was found to be inconsistent with district type. Additionally, the application submitted did not include written evidence of designation for the legal representative of the holder entitled to land within the district. For the legal representative to be eligible to serve on the board, that needs to be submitted. However, no documentation had been received to provide active status for the two inactive special districts, not meeting the criteria set forth in GC sec. 56042. Therefore, staff recommends the Commission adopt a resolution for dissolution of Silver Creek Drainage District and Firebaugh Resource Conservation District in accordance with SB 448.

Chair Santoyo asked the Commission for any questions or comments, there being none Santoyo asked Jeff Bryant to discuss the matter.

Jeff Bryant began by announcing that he had received a bill from LAFCo for the resubmission of the notices in the paper and the invoice was payed. He took the time to thank County Counsel and Supervisor Pacheco's staff, specifically Mr. Marc Benjamin. He reported that they have the three board members in place for the Resource Conservation District and it is set to go before the Fresno County Board of Supervisors. He stated that he has also worked with state and local representatives from Resource Conservation Districts. Mr. Bryant mentioned that he attended Tranquillity's meeting, considering that they went through the same process. Mr. Bryant read into record: "I'm pretty comfortable that things are proceeding well with the Resource Conservation District, we continue to work with Silver Creek Drainage District with County Counsel and Marc." Mr. Bryant stressed the difficulty he has had with finding someone to sit on the Silver Creek Drainage District board.

Commissioner Pacheco stated that since the last meeting Mr. Bryant has worked closely with his staff but that it is still not completed. Commissioner Pacheco also said that Mr. Bryant has run into a lot of obstacles that may be difficult to overcome because it is difficult to find enough eligible people to serve on the board.

Executive Officer David Fey said that the Commission had the option of continuing the item until the next meeting to give Mr. Bryant and his team enough time.

LAFCo Counsel Ken Price mentioned that the Commission is required to dissolve an inactive special district unless certain facts are present, and it sounded to him that based upon the evidence that has been presented that some of those issues are being addressed and upon being addressed the Commission is not legally compelled to dissolve the district.

Commissioner Mendes continued by clarifying that the correct deal would be to make a motion to continue it to the next meeting.

Commissioner Mendes made a motion to continue this item until the next scheduled meeting, seconded by Commissioner Parra. The Commission approved the continuance by a vote of 5-0.

8. Municipal Service Review and Sphere of Influence Update for County Service Area No. 50 (Auberry Volunteer Fire Department).

George Uc presented staff report: Staff recommended the Commission to affirm the district's current boundaries by entertaining two separate actions. The first action was the CEQA component and the second was to adopt the written determinations and recommendations of the MSR prepared for CSA No. 50.

There were no other comments from the Commission.

There were no comments from the public.

Commissioner Mendes made a motion to approve the first action pertaining to the CEQA component, seconded by Commissioner Parra. The Commission approved agenda item 8 action 1 by a vote of 5-0.

Commissioner Parra made a motion to approve agenda item 8 action 2- Adopt the written determinations and recommendations of the MSR, seconded by Commissioner Mendes. The Commission approved agenda item 8 action 2 by a vote of 5-0.

9. Amendment of Executive Officer Employment Agreement (Compensation).

Fey presented staff's report, to wit: The Commission performed the Executive Officer evaluation and he remains Executive Officer.

Chair Santoyo mentioned that the figure that is in the report is consistent with what was discussed between Commissioner Mendes, Fey and himself.

Commissioner Mendes made a motion to a 5.0% increase in the EO's annual compensation and a \$2,000 increase to his auto allowance, seconded by Commissioner Silva. The Commission approved agenda item 9 by a vote of 5-0.

10. Executive Officer Comments

Fey presented comments: Pose Resource Conservation District and CSA No. 18 are officially dissolved districts.

Fey thanked County Staff and Megan Marks from the Auditor-Controllers office for assisting the Commission with collecting its allocations.

Fey continued with updating the Commission on the CALAFCO Annual Conference dates, from October 30th through November 1st. The Commissions budget for this year consists of 4 members attending. Currently it's the Executive Officer, Commissioner Parra and there is still room for two more.

May and June financials are at the Commission's place at the dais, including an email from CALAFCO on an update of the new proposed fee structure.

11. Commission Comments/Reports

There were no other comments from the Commission.

12. Adjournment

Commissioner Mendes motioned to adjourn the meeting, seconded by Commissioner Parra. The motion passed on a vote of 5-0. The meeting was adjourned at 1:53 p.m.