

FRESNO LOCAL AGENCY FORMATION COMMISSION (LAFCo)

LAFCo MEETING MINUTES

APRIL 1, 2015

Members Present: Commissioners Brian Pacheco, Daniel Parra, and Robert Silva

Members Absent: Commissioners Henry Perea and Mario Santoyo

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

1. Call to Order and Roll Call

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

Chairman Silva welcomed Commissioner Parra as the newly-appointed City Member on the Commission.

2. Pledge of Allegiance

Chairman Silva led the recital of the Pledge of Allegiance.

3. Comments from the Public

Leticia Corona, policy advocate with the Leadership Counsel for Justice and Accountability, spoke regarding “adjustment of the limitation boundaries” of the Lanare CSD to be on the Commission’s May agenda. The Commission took no action based on the request.

4. Potential Conflicts of Interest

There were no conflicts reported.

CONSENT AGENDA

5. Minutes from the regular LAFCo meeting of March 11, 2015

Commissioner Parra made a motion to approve the Consent Agenda and Commissioner Pacheco seconded the motion. Commissioner Silva voted in favor of the motion. The motion to approve the Consent Agenda passed with a vote of 3-0.

PUBLIC HEARING

6. City of Clovis Municipal Service Review (MSR) and Sphere of Influence (SOI) Update

George Uc presented staff's report for the City of Clovis' Municipal Service Review and SOI update request to add approximately 860 acres to the City's existing SOI. Uc said that a portion of the Clovis General Plan's Northwest Urban Village is located outside the Clovis SOI and the SOI expansion would bring the entire Northwest Urban Village into the Clovis' SOI. Uc said the City of Clovis recently adopted its General Plan Update and certified its Final Program Environmental Impact Report (EIR) for its General Plan Update and Development Code Update and determined that the parcels to be included in the SOI expansion would facilitate orderly urban development as planned in the City's General Plan. Uc said that Clovis provides a broad range of municipal services and public facilities that are detailed in the MSR along with data that provides the evidence to support each of the MSR's determinations.

Uc explained that staff recommended that the Commission take two separate actions to approve the MSR: first, prior to adopting the written determinations, find that the MSR and SOI determinations under consideration are Categorical Exempt from the provisions of the CEQA under Section 15306, "Information Collection," and second, to find that the MSR prepared for the City of Clovis is complete and satisfactory, and satisfies State law and adopt the MSR.

Chairman Silva asked if some of the territory included in the SOI update was under Williamson Act contract and Uc in the affirmative and noted that the City had adopted a resolution to manage the contracts per State law if contracted lands were annexed to the City. Commissioner Pacheco asked why the City was requesting the expansion and Executive Officer Fey responded that the City's three growth areas identified in its 1993 General Plan were the Southeast, Northwest, and Northeast and that the MOU with the County prescribed that the Southeast would be developed first and had to be 60% committed to development before any development occurred north of Shepherd Avenue in the Northwest. Fey said the Southeast area is projected to reach the 60% mark in the near future and Clovis has asked that the SOI expansion be approved so the entire Northwest growth area identified in the General Plan is included within the Clovis SOI. Fey noted that when MOU was being negotiated between 1993 and 2000, it was thought that the SOI area being considered today would be left in agricultural production. Fey said times have changed and now the City and County both agree that this would be an appropriate expansion to allow the territory to be planned for urban uses per the General Plan Update.

Dwight Kroll, Planning Director for the City of Clovis said he was in agreement with the MSR and its recommendations. Mr. Kroll said the vision in the General Plan for the Northwest area was to create urban villages around the City of Clovis by structuring sub-communities of Clovis. Mr. Kroll said the expansion area represents a comprehensive plan for squaring off the boundaries to try and match the plan and create the northwest area community for Clovis.

Mike Prandini, representing the Building Industry Association said his organization was in agreement with the MSR and supported the City's request for a SOI expansion.

Ken Price, LAFCo Counsel reported that the Brown Act has some new rules with respect to approval of the environmental documents and recommended that Items A(1) and A(2) be considered separately.

Commissioner Parra made a motion to approve Item 1A and Commissioner Pacheco seconded the motion. Commissioner Silva voted in favor of the motion and the motion passed with a vote of 3-0.

Commissioner Pacheco made a motion to approve Items 1B, 1C and 1D and Commissioner Parra seconded the motion. Commissioner Silva voted in favor of the motion and the motion passed with a vote of 3-0.

Commissioner Parra made a motion to approve Item 2B which was the CEQA action for the SOI update and Commissioner Pacheco seconded the motion. Commissioner Silva voted in favor of the motion and the motion passed with a vote of 3-0.

Commissioner Parra made a motion to approve Item 2C through 2F which was approval of the SOI expansion and Commissioner Pacheco seconded the motion. Commissioner Silva voted in favor of the motion and the motion passed with a vote of 3-0.

OTHER MATTERS

7. Fresno Local Agency Formation Commission's Proposed Budget and Work Plan for Fiscal Year 2015-2016.

Executive Officer Fey reported that the Proposed Fiscal Year 2015-2016 Budget was similar to the preliminary Fiscal Year 2015-2016 Budget that was presented to the Commission in March and that the Commission would be considering the final Fiscal Year 2015-2016 Budget in May. Fey said staff is looking at continued savings and the proposed budget is estimated to be approximately \$445,000 which is a decrease of \$47,000 from the current approved budget. Fey said there will be a savings at the end of the fiscal year which staff plans to incorporate into next year's budget. Fey said the cities and County apportionments are is expected to be approximately \$176,000, respectively.

Fey noted that Pursuant to GC §56381, staff recommends approval of the proposed budget and recommends that a finding be made with the Final Budget that the reduced staffing and program costs will nevertheless allow the Commission to fulfill the purposes and programs as described in the CKH and that the finding is based on the fact that the proposed budget's continued work plan, including the MSR program, continues outreach and technical assistance to local agencies, and maintains fiscal resilience in the form of reserve funds.

Chairman Silva said that he felt the information presented with the proposed budget was sufficient and ready for adoption. Commissioner Parra said that since there were no changes from the preliminary budget that was presented to the full Commission in March, he was comfortable with approving the proposed budget. Fey said that the final budget will be presented in May for the Commission's approval and doesn't see any significant changes by then.

Commissioner Parra made a motion to approve the Commission's Fiscal Year 2015-2016 Budget and Work Plan and Commissioner Pacheco seconded the motion. Commissioner Silva voted in favor of the motion and the motion passed 3-0.

8. Executive Officer Comments/Reports

Fey reported that at the February meeting the Commission approved an amendment to Sections 502 and 503 of the Commission's Policies, Standards, and Procedures regarding the selection of chairman and chairman pro tem and directed staff to draft a policy for the Commission's approval when a question arose between LAFCo Counsel and staff related to whether or not the chairman pro tem was presumed to become the chair when the chair termed out or if there would be a separate election for a new chair pro tem. Fey reported that based on the commission's action he drafted language reading "upon completion of a term as chairman pro tem, that member shall be appointed to serve as chair of the Commission" but Counsel Price observed that the Commission did not establish that precedent and that it would be an open election. Fey asked the Commission for clarification whether the Commission intended that the chair pro tem would automatically become chair or if the Commission intended that there would be an election for the chair.

Commissioner Parra said that Commissioner Perea made a reference to the chair rotation and staff needed to listen to the recording of the hearing. Counsel Price said he listened to the recording and it wasn't something that was adopted as part of the motion and wasn't certain whether or not the motion was intended to reflect that. Commissioner Pacheco said it was really clear that the chair would be rotated and be an automatic rotation. Counsel Price said it was clear that it would be an automatic rotation between the cities and county but asked Commissioner Pacheco if he was suggesting that the chair pro tem position automatically rotates into the chair position during the next cycle. Commissioner Pacheco said he understood Counsel's point and didn't think that's what was intended. Commissioner Pacheco said the issue should be discussed when the full commission was present.

Fey noted that a letter from Seth Brown had been placed on the dais for the Commission's information. Fey explained that Mr. Brown was a constituent of the Kingsburg Hospital District and was disputing the Board's action regarding an agreement the Board made with Crestwood who plans to use the hospital facility as a mental health facility. Fey said that Mr. Brown had asked LAFCo to accelerate its plans to prepare a MSR for the District but staff was not recommending any action at this time.

Referring to Leticia Corona's comments during the Public Comment portion of the agenda, Fey reported that he had been approached by the Leadership Council to accelerate an SOI expansion for the Lanare Community Services District. Fey said the District is in receivership and will probably be for at least a year before the issue is resolved. Fey said the District does not currently have a quorum and didn't feel at an SOI expansion is advised at this point. Fey said the Leadership Counsel was asking for a SOI amendment to expand the District's sphere to include residents who are receiving unauthorized service by the District to their properties. Fey said that if those residents were included in the District's SOI they would be eligible to run for the Board but it is not known whether any of those residents would be interested in serving on the Board. Fey said that staff is not recommending any Commission action on the speaker's request at this time.

Counsel Price said that since the District is in receivership it is very difficult for the agency to take action at this point and that it would be unusual for LAFCo to place the item on the agenda without going through the normal procedures that LAFCo has to go through.

Commissioner Parra was concerned that the speaker left thinking that LAFCo would be placing

the request on the next agenda. Fey replied that it was his impression that the Commission acknowledged the speaker's comments but made no commitment in response. Commissioner Pacheco said he didn't think the Commission gave the speaker any indication and just heard the request; he agreed that the request would be premature based on the receivership for staff to devote time on an issue where the Judge will make the ultimate decision for the District. Commissioner Pacheco asked if staff could contact the speaker to clarify what the Commission's response and Fey said he would reach out to the speaker with this information.

9. Commission Member Comments/Reports

There were no comments from the Commission.

ADJOURNMENT

Commissioner Parra made a motion to adjourn the meeting and Commissioner Pacheco seconded the motion. Commissioner Silva voted in favor of adjourning the meeting and the meeting adjourned at 10:37 am.