

AGENDA

FRESNO LOCAL AGENCY FORMATION COMMISSION (LAFCo)

September 14, 2016 – 1:30 P.M.

Board of Supervisors' Chamber - Hall of Records, Room 301, Fresno

COMMISSION MEMBERS

Brian Pacheco, Chairman
Robert Silva, Vice Chairman
Daniel Parra
Henry Perea
Mario Santoyo

ALTERNATE MEMBERS

Michael Lopez
Scott Robertson
Buddy Mendes

LAFCO STAFF

David E. Fey, AICP, Executive Officer
George Uc, Senior LAFCo Analyst
Juan Lara, LAFCo Analyst
Kenneth Price, LAFCo Counsel

LAFCo Office: 2607 Fresno Street, Suite B, Fresno, CA – 93721 - (559) 600-0604 - FAX (559) 495-0655

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 Conflicts of Interest:** Any Commission Member who has a potential conflict of interest may now identify the item and recuse themselves from discussing and voting on the matter.

CONSENT AGENDA:

All Consent Agenda items are considered to be routine in nature and will be enacted by one motion, there will be no individual discussion of these items unless requested (pulled) 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 A through G by taking the following actions:
 - A. **Consider Approval:** Minutes from the regular LAFCo Meeting of August 10, 2016.
 - B. **Consider Approval:** Biennial Conflict of Interest Code Review. Review and Adopt Amendments to Conflict of Interest Code, Section 525 of LAFCo's Policies, Standards and Procedures.
 - C. **Consider Approval:** Request for a One-Year Extension to Complete Proceedings for the City of Parlier "Reorganization 15-01 (Avila-South)." A reorganization submitted by the City of Parlier to annex 48.87 acres to the City of Parlier and detach from the Kings River Conservation District and the Consolidated Irrigation District for territory located at the south side of South Avenue and west of the Avila Street

Alignment (LAFCo File No. RO-15-9).

- D. Consider Approval: City of Fresno “Copper-Friant No. 3 Reorganization.”** A proposed reorganization to annex 33.37 acres to the City of Fresno and detach from the Fresno County Fire Protection District and the Kings River Conservation District for territory located north of Copper Avenue on the northwest side of Friant Road (LAFCo File No. RO-15-7).

1. Approve a finding of categorical exemption from the provisions of the CEQA under Section 15061(b) (3), “General Rule”, for Copper-Friant No. 3 reorganization.
2. Find that the proposed reorganization is consistent with LAFCo Policies, Standards and Procedures of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH).
3. Assign the distinctive short form designation “Copper-Friant No. 3 Reorganization” and approve the annexation and detachments subject to the following condition of approval:

Pursuant to Fresno LAFCo policy 103-05, the Executive Officer shall record the approved application if all conditions have been satisfied and once he or she has determined that the facts pertaining to the application during the time of recording are materially similar to those facts considered by the Commission when the application was approved.

4. Find pursuant to CKH that:
 - A. The territory is uninhabited; and
 - B. All landowners and affected agencies have consented to the reorganization.
5. Waive further Conducting Authority Proceedings and order the reorganization subject to the requirements of CKH and the 30-day reconsideration period.

- E. Consider Approval: City of Fresno “Olive-Polk No.1 Reorganization.”** A proposed reorganization consisting of the annexation of 4.81 acres to the City of Fresno and detachment from the North Central Fire Protection District and the Kings River Conservation District for territory located on the Northeast corner of Olive and Polk Avenues (LAFCo File No. RO-16-6).

1. Acting as Responsible Agency pursuant to California Environmental Quality Act (CEQA) Guidelines, find that prior to approving the proposed annexation, the environmental effects of the Proposal as shown in the CEQA documents prepared, adopted, and submitted by the Lead Agency, were reviewed and considered, and determine these documents to be adequate pursuant to CEQA Guidelines Section 15096.

2. Find that the proposed reorganization is consistent with LAFCo Policies, Standards and Procedures of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH).
3. Assign the distinctive short form designation "Copper-Friant No. 3 Reorganization" and approve the annexation and detachments subject to the following condition of approval:

Pursuant to Fresno LAFCo policy 103-05, the Executive Officer shall record the approved application if all conditions have been satisfied and once he or she has determined that the facts pertaining to the application during the time of recording are materially similar to those facts considered by the Commission when the application was approved.

4. Find pursuant to CKH that:
 - a. The territory is uninhabited; and
 - b. All landowners and affected agencies have consented to the reorganization.
5. Waive further Conducting Authority Proceedings and order the reorganization subject to the requirements of CKH and the 30-day reconsideration period.

- F. **Consider Approval:** Authorize the Executive Officer to serve as Chair the Fresno Council of Governments' Monthly 2018 Regional Transportation Plan Roundtable's Meetings.

REGULAR AGENDA ITEMS

6. **Consider Adoption: Municipal Service Review and Sphere of Influence Revision for County Service Area No. 49 (O'Neill Farms).**

Recommendation: Adopt the Municipal Service Review updates prepared for County Service Area No. 49 and revise the District's sphere of influence by taking the following actions:

- A. Acting as Lead Agency pursuant to California Environmental Quality Act (CEQA) Guidelines find that the MSR prepared for County Service Area No. 49 is Categorically Exempt from the provisions of CEQA under Section 15306, "Information Collection."
- B. Acting as Lead Agency pursuant to California Environmental Quality Act (CEQA) Guidelines, find that it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment and that approval of the suggested sphere of influence revision for County Service Area No. 49 is exempt from the California Environmental Quality Act pursuant to CEQA Guidelines section 15061(b)(3).
- C. Find that the Municipal Service Reviews prepared for County Service Area No. 49 is complete and satisfactory.
- D. Find that the written determinations within the Municipal Service Review and Sphere of

Influence Revision for County Service Area No. 49 satisfy State Law.

- E. Pursuant to Government Code Sections 56425 and 56430 make the required determinations for the Municipal Service Review District Sphere of Influence revision, adopt the Municipal Service Review prepared for the District, and Update the Sphere of Influence for said District by revising its boundaries.

7. **Consider Approval:** City of Fresno's Request for Reconsideration. A request by the City of Fresno for the Commission to reconsider its Fresno sphere of influence resolution removing the condition related to specific or community planning north of McKinley Avenue.

OTHER MATTERS

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

CLOSED SESSION

10. **Public Employee Performance Evaluation**
Title: Executive Officer
11. **Conference with Legal Counsel – anticipated litigation, Government Code Section 54956.9, subdivision (d)(4)**

ADJOURNMENT

THE NEXT LAFCO MEETING will be held on October 12, 2016, 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 to a Commissioner or Alternate Commissioner within three (3) months **after** the Commission's 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. Candie Fleming, 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.

(3) Staff reports prepared for each item listed in this agenda may be viewed at the Fresno LAFCo Website: www.fresnolafco.org.