

RESOLUTION NO. MSR-07-23B-A / USOI-199

A RESOLUTION OF THE FRESNO LOCAL AGENCY FORMATION COMMISSION MAKING DETERMINATIONS AND ADOPTING AN ADDENDUM TO AN EXISTING MUNICIPAL SERVICE REVIEW; MAKING SPHERE OF INFLUENCE DETERMINATIONS FOR THE CITY OF KERMAN EASTSIDE COMMUNITY PARK

WHEREAS, pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 ("CKH"), the Fresno Local Agency Formation Commission is required to review and update, as necessary, spheres of influence ("SOI") of local agencies not less than once every five years; and,

WHEREAS, the City of Kerman submitted an application (File No. USOI-199 Kerman ECP SOI Update) and supporting materials to this Commission pursuant to Government Code section 56428 requesting LAFCo to amend the Kerman SOI by 17.17 to facilitate the annexation of territory planned for Kerman's Eastside Community Park ("ECP"); and,

WHEREAS, the Kerman ECP SOI amendment represents a less than one percent change to the existing Kerman SOI, as depicted on Attachment A; and,

WHEREAS, the City of Kerman submitted a concurrent annexation application (File No. RO-20-8) to LAFCo for the ECP project site; and,

WHEREAS, CKH directs the Commission to conduct a Municipal Service Review ("MSR") no later than the time it considers an action to either determine, amend, or update a SOI for a local agency; and,

WHEREAS, on August 22, 2007, the Commission adopted Resolution No. MSR-07-23B, and made the required written determinations and recommendations for the Kerman MSR and SOI update pursuant to Government Code sections 56430 and 56425; and,

WHEREAS, the Executive Officer reviewed the 2007 Kerman MSR and SOI written determinations and found that no subsequent service conditions will result from the Kerman ECP SOI update; and,

WHEREAS, the Executive Officer prepared an addendum to the 2007 Kerman MSR in response to the Kerman ECP SOI Update application because it warrants a minor technical change to the 2007 Kerman MSR and SOI determinations; and,

WHEREAS, the addendum to the 2007 adopted Kerman MSR was prepared to focus on the requested Kerman SOI amendment and the City's parks and recreational services by presenting data and analysis related to the Kerman ECP SOI amendment; and,

WHEREAS, the Executive Officer published the addendum to the 2007 Kerman MSR on the Commission's website and provided a mailed 21-day public notice to all affected local agencies and landowners within the affected territory; and,

WHEREAS, notice of the Commission hearing for the Kerman ECP SOI update was duly given in a publication of general circulation as required by CKH, at the time, in the form, and manner provided by law; and,

WHEREAS, the Executive Officer reviewed said application and prepared a staff report to the Commission, including a recommendation for approval, said report having been mailed to each affected local agency within the affected territory and interested individuals pursuant to Government Code section 56428(c); and

WHEREAS, at the duly noticed public meeting, held on October 14, 2020, the Commission heard, discussed, and considered all relevant evidence, including but not limited to the addendum to the MSR determinations and recommendations, environmental review documentation, and all testimony, correspondence, and attachments received during the public hearing process.

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

- A. Acting as Lead Agency pursuant to California Environmental Quality Act ("CEQA") Guidelines find that the MSR addendum prepared for the City is Categorically Exempt from the provisions of CEQA under section 15306, "Information Collection."

ADOPTED THIS 14th DAY OF OCTOBER 2020, BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS YEP, MENDES, PACHECO, SANTOYO, PARRA,

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

- B. Acting as Responsible Agency pursuant to CEQA Guidelines, LAFCo considered the Initial Study and certified Negative Declaration for the Eastside Community Park (SCH No. 2019080200) as prepared by the City of Kerman, Lead Agency, for its review of the Kerman SOI, and determined these documents to be legally adequate pursuant to CEQA Guidelines.

ADOPTED THIS 14th DAY OF OCTOBER 2020, BY THE FOLLOWING VOTE:

AYES: COMMISSIONER YEP, MENDES, PACHECO, SANTOYO, PARRA

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

- C. Receive this report and any public testimony regarding the proposed Municipal Service Review addendum and proposed sphere of influence update.
- D. Approve the recommended Municipal Service Review determination addendum, together with any changes deemed appropriate.
- E. Approve the recommended sphere of influence update determination addendum, together with any changes deemed appropriate.

- F. Determine that the Kerman ECP SOI update is consistent with the Kerman General Plan.
- G. Amend the City of Kerman sphere of influence to include 17.17-acre site planned to accommodate the Eastside Community Park as depicted in **Attachment A**.
- H. Recommend that the City of Kerman consider a comprehensive SOI update application to LAFCo based on the updated Kerman General Plan.

ADOPTED THIS 14th DAY OF OCTOBER 2020, BY THE FOLLOWING VOTE:

AYES: COMMISSIONER YEP, MENDES, PACHECO, SANTOYO, PARRA

NOES: NONE

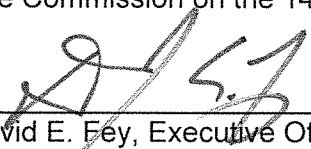
ABSENT: NONE

ABSTAIN: NONE

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

CERTIFICATION

I, David E. Fey, Executive Officer, Fresno Local Agency Formation Commission, hereby certify that the foregoing resolution was adopted by the Commission on the 14th day of October 2020.



David E. Fey, Executive Officer
Fresno Local Agency Formation Commission

ATTACHMENT A

