

AGENDA

FRESNO LOCAL AGENCY FORMATION COMMISSION (LAFCo)

August 14, 2024 – 1:30 P.M.

Hall of Records, Room 301, 2281 Tulare Street, Fresno, California

COMMISSION MEMBERS

Buddy Mendes, Chair
Mario Santoyo, Chair Pro Tem
Nathan Magsig
Daniel Parra
Gary Yep

ALTERNATE MEMBERS

Tom Chaney
Scott Robertson
Vacant

LAFCO STAFF

Brian Spaunhurst, Executive Officer
Amanda Olivas, Clerk to the Commission
Jessica Gibson, LAFCo Analyst
Joel Matias, LAFCo Analyst
Monica Leon, LAFCo Analyst
Jessica Johnson, LAFCo Counsel

LAFCo Office: 1401 Fulton Street, Suite 800, Fresno, CA - 93721 - (559) 600-0604
Staff reports prepared for each item listed in this agenda may be viewed at www.fresnolafco.org.

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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 Conflict of Interest:** Any Commission member who has a potential conflict of interest shall now identify the item and recuse themselves from discussing and voting on the matter pursuant to Govt. Code sec 84308.

CONSENT AGENDA

All consent agenda items are considered routine in nature and will be enacted by one motion; there will be no individual discussion of these items unless requested 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 5A by taking the following actions:
 - A. **Consider Approval:** Minutes from the LAFCo meeting of July 10, 2024.

REGULAR AGENDA ITEMS

- 6. Consider Approval:** Impartial Analysis for the City of Fresno “Ashlan-Hayes Nos. 2, 3, and 4 Reorganization.”

Recommendation: Approve.

- 7. Executive Officer Comments**
- 8. Commission Comments/ Reports**
- 9. Adjournment**

THE NEXT LAFCO MEETING will be held on September 11, 2024, 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 totaling more than \$250.00 to a Commissioner or alternate Commissioner during the time of the proceeding is pending before the Commission and for twelve (12) months **after** the Commission’s final 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. Amanda Olivas, 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.



Fresno Local Agency Formation Commission
1401 Fulton Street, Suite 800, Fresno, CA 93721, (559) 600-0604

CONSENT AGENDA ITEM NO. 5A

FRESNO LOCAL AGENCY FORMATION COMMISSION (LAFCo)

MEETING MINUTES

July 10, 2024

Members Present: Commissioners Magsig, Parra, Santoyo, Yep, Mendes

Members Absent: None

Staff Present: Brian Spaunhurst, LAFCo Executive Officer
Amanda Olivas, Clerk to the Commission
Jessica Gibson, LAFCo Analyst
Joel Matias, LAFCo Analyst
Jace Williams, LAFCo Intern
Aidan Crick, LAFCo Intern
Eva Paramo, LAFCo Intern
Jessi Johnson, LAFCo Counsel

1. Call to Order and Roll Call

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

2. Pledge of Allegiance

Commissioner Yep 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 of Interest.

CONSENT AGENDA

Commissioner Parra asked for Agenda Item 10, Executive Officer Compensation Committee Report to be moved and presented after Agenda Item 6, Appointment of the Public and Alternate Public Member.

LAFCo Counsel Jessica Johnson makes note to add the Workplace Violence Prevention Program into the Employee Handbook, the Commission decided not to pull the item.

5. A. Minutes from the LAFCo Meeting of June 12, 2024.

Motion: Approve Item 5A

Moved: Commissioner Magsig

Second: Commissioner Yep
Ayes: Commissioners Magsig, Yep, Parra, Santoyo, Mendes
Noes: 0
Absent: 0
Abstain: 0
Passed: 5-0

B. Update of the Fresno LAFCo's Employee Handbook.

Motion: Approve Item 5B
Moved: Commissioner Magsig
Second: Commissioner Yep
Ayes: Commissioners Magsig, Yep, Parra, Santoyo, Mendes
Noes: 0
Absent: 0
Abstain: 0
Passed: 5-0

C. Resolutions and Joint Powers Agreement for the Workers Compensation and Special Liability Insurance Coverage between LAFCo and the SDRMA.

Motion: Approve Item 5C
Moved: Commissioner Magsig
Second: Commissioner Yep
Ayes: Commissioners Magsig, Yep, Parra, Santoyo, Mendes
Noes: 0
Absent: 0
Abstain: 0
Passed: 5-0

REGULAR AGENDA ITEMS

6. Appointment of the Public and Alternate Public Commission Members.

Current Commissioner Santoyo left his place at the dais and took his seat in the audience.

Commissioner Santoyo approached the podium and addressed the Commission, Commissioner Magsig nominated Commissioner Santoyo to keep his seat on the Commission as Public Member.

Motion: Appoint Public Member
Moved: Commissioner Magsig
Second: Commissioner Parra
Ayes: Commissioners Magsig, Parra, Yep, Mendes
Noes: 0
Absent: 0
Abstain: Commissioner Santoyo
Passed: 4-0

Commissioner Parra nominated Tom Chaney as Alternate Public Member.

Motion: Appoint Alternate Public Member

Moved: Commissioner Parra

Second: Commissioner Yep

Ayes: Commissioners Parra, Yep, Magsig, Mendes

Noes: 0

Absent: 0

Abstain: Commissioner Santoyo

Passed: 4-0

10. Report by the Executive Officer Compensation Committee Recommending an Amendment of the Executive Officer's Employment Agreement (Compensation).

Chair Mendes gave a brief description of the meetings between himself and Commissioner Santoyo, with LAFCo Counsel Ken Price, and LAFCo EO Brian Spaunhurst. Commissioner Santoyo thanked EO Spaunhurst, and showed his appreciation for all the work and leadership he has shown. Compensation Committee recommended a three percent cost of living salary increase.

Motion: Approve

Moved: Commissioner Magsig

Second: Commissioner Parra

Ayes: Commissioners Magsig, Parra, Santoyo, Yep, Mendes

Noes: 0

Absent: 0

Abstain: 0

Passed: 5-0

At this time Commissioner Parra left the meeting at 1:42 p.m.

7. Amendment to the Fresno LAFCo's Policy Manual.

Motion: Approve

Moved: Commissioner Magsig

Second: Commissioner Santoyo

Ayes: Commissioners Magsig, Santoyo, Yep, Mendes

Noes: 0

Absent: Commissioner Parra

Abstain: 0

Passed: 4-0

8. Municipal Service Review and Sphere of Influence Update for the City of Clovis (LAFCo File No. RSOI-210).

Action 1: Municipal Service Review, LAFCo File No. MSR-23-02/ CEQA Categorical Exemption.

Motion: Adopt

Moved: Commissioner Magsig

Second: Commissioner Santoyo

Ayes: Commissioners Magsig, Santoyo, Yep, Mendes

Noes: 0

Absent: Commissioner Parra

Abstain: 0

Passed: 4-0

Action 2: Clovis Shepherd North SOI Update, LAFCo File No. RSOI-210/ EIR Findings Adequate Pursuant to CEQA Guidelines.

Motion: Approve

Moved: Commissioner Magsig

Second: Commissioner Yep

Ayes: Commissioners Magsig, Yep, Santoyo, Mendes

Noes: 0

Absent: Commissioner Parra

Abstain: 0

Passed: 4-0

Action 3: Written Determinations and Recommendations A-F.

Motion: Approve

Moved: Commissioner Santoyo

Second: Commissioner Mendes

Ayes: Commissioners Santoyo, Mendes, Magsig, Yep

Noes: 0

Absent: Commissioner Parra

Abstain: 0

Passed: 4-0

9. City of Clovis “Shepherd-Sunnyside Northeast Reorganization. (LAFCo File No. RO-24-05).

Chair Mendes would like to see a revamp of the agenda to minimize confusion.

Action 1: CEQA

Motion: Approve

Moved: Commissioner Magsig

Second: Commissioner Yep

Ayes: Commissioners Magsig, Yep, Santoyo, Mendes

Noes: 0

Absent: Commissioner Parra

Abstain: 0
Passed: 4-0

Action 2: CKH Requirements, Assign Shepherd-Sunnyside Northeast Reorganization; Approval of Conditions, and Waiver of Conducting Authority Proceedings.

Motion: Approve

Moved: Commissioner Magsig

Second: Commissioner Santoyo

Ayes: Commissioners Magsig, Santoyo, Yep, Mendes

Noes: 0

Absent: Commissioner Parra

Abstain: 0

Passed: 4-0

Chair Mendes provided a request for staff to clearly note each item's action recommendation so that motions can easily be stated for the record should the Commission have no alterations.

11. Executive Officer Comments.

LAFCo Executive Officer Brian Spaunhurst provided comments on upcoming hearing items, current financials including an update on allocations received, the announcement that the Analyst I recruitment has been closed and a new Analyst has been selected, an update on Civil Grand Jury Reports, the kick off of the FCOG RTP, a request for Commissioners to RSVP for the annual CALAFCO Conference, and wrapped up with the introduction of LAFCo's newest interns. Additional comments were made to reflect the acknowledgment of Chair Mendes' request regarding item recommendation identification methods.

12. Commission Comments/Reports.

There were no comments from the Commission.

13. Adjournment.

Moved: Commissioner Yep

Second: Commissioner Santoyo

The meeting adjourned at 2:01 p.m.

Amanda Olivas
Clerk to the Commission

**FRESNO LOCAL AGENCY FORMATION COMMISSION (LAFCo)
EXECUTIVE OFFICER'S REPORT**

AGENDA ITEM NO. 6

DATE: August 14, 2024

TO: Fresno Local Agency Formation Commission

FROM: Brian Spaunhurst, Executive Officer

SUBJECT: Consider Approval or Modification of Impartial Analysis for City of Fresno
“Ashlan-Hayes Nos. 2, 3, and 4 Reorganization.”

RECOMMENDATION: Approve and direct Executive Officer to submit the impartial analysis to the Fresno County Elections Official and to take any additional action for the impartial analysis as required to satisfy CKH and Fresno County Elections policies.

Summary

The Executive Officer has a five-day window from when an election is called to submit an impartial analysis to the Commission for approval or modification. On August 9, 2024, Fresno County Elections initiated this window by calling the election through publication in a local newspaper. LAFCo’s Legal Counsel has prepared the attached Impartial Analysis language for your review/approval. Any request for modification should be discussed in detail with clear direction provided so that the analysis can be updated and submitted prior to the statutory deadline (the last day for submission of rebuttal arguments).

Discussion

Section 57144 of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (“CKH”) states that “Within five days after a special election is called pursuant to this part, the executive officer shall submit to the commission, for its approval or modification, an impartial analysis of the proposed incorporation or change of organization.” The five-day window to meet this requirement expires on August 14, 2024.

The impartial analysis must not exceed 500 words and must also include a general description of the boundaries of the territory affected. While the Commission has until August 14, 2024, to review and approve/approve with modifications, the final Impartial Analysis must be submitted to Fresno County Elections no later than August 16, 2024.

Background

At the April 2024 LAFCo Hearing, the Commission conditionally approved RO-24-01. On May 14, 2024, the Executive Officer held the Conducting Authority Proceeding (Protest Hearing) as conditioned. The results of the Protest Hearing were presented to the Commission on June 12, 2024, which confirmed the project is to be determined by election. The Commission previously approved the official ballot language, however CKH required the Impartial Analysis to be submitted to the Commission within five days after the election is officially called (when this specific item is noticed). While submittal of the impartial analysis satisfies all of Fresno LAFCo’s

requirements per CKH. Staff is requesting approval to take any additional action needed in case County or State policies identify unforeseen requirements that might not otherwise be possible without calling a special hearing for Commission approval.

Attachment A: RO-24-01 Impartial Analysis

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**FRESNO LOCAL AGENCY FORMATION COMMISSION
IMPARTIAL ANALYSIS OF THE PROPOSED ASHLAN-HAYES NO. 2, 3, AND 4
REORGANIZATION.**

A “yes” vote on this measure will confirm the decision of the Fresno Local Agency Formation Commission (“Fresno LAFCo”) to approve the reorganization proposed by the City of Fresno to detach approximately 140 acres consisting of properties generally located west of North Polk Avenue, east of North Bryan Avenue, and on the north and south side of West Ashlan Avenue from the North Central Fire Protection District and the Kings River Conservation District and annex said land into the City of Fresno. A “no” vote on the measure indicates opposition to the reorganization proposal and the affected territory will not be annexed to the City of Fresno. The affected territory is within the City of Fresno’s sphere of influence and is contiguous to the Fresno city limits.

On May 15, 2023, the City of Fresno adopted Resolution No. 2023-335 requesting the Commission to begin proceedings for the “Ashlan-Hayes No. 2, 3, and 4 Reorganization” to detach approximately 140 acres from the North Central Fire Protection District Fire Protection District and the Kings River Conservation District and annex it to the City of Fresno. The City of Fresno and the North Central Fire Protection District have a transition agreement in place to provide fire protection services to the affected territory. The County of Fresno and the Fresno City Council approved a standalone tax sharing agreement between the City of Fresno and the County of Fresno regarding the Ashlan-Hayes No. 2, 3, and 4 Reorganization. The stated purpose of the annexation is to consolidate the City’s jurisdictional boundaries and encourage the efficient delivery of urban services including, but not limited to, water, sewer, and fire protection. A successful annexation will also allow affected residents to serve on and elect members of the City Council and other boards and commissions. The proposal is consistent with the Fresno General Plan Land Use Diagram. If annexed, landowners in the affected territory will be subject to City of Fresno taxes and assessments and would be required to connect to City sewer and wastewater services.

On April 10, 2024, the Fresno LAFCo conditionally approved the annexation proposal subject to a noticed Conducting Authority Proceeding. At the Conducting Authority Proceeding on May 15, 2024, the Executive Officer confirmed that the number of written protests to the proposal received but not withdrawn met the thresholds defined by law to require the proposal to be confirmed by election.

The above statement is an impartial analysis of Proposition X. If you desire a copy of the proposition, please call the elections official's office at (insert telephone number) and a copy will be mailed at no cost to you.