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

CONSENT AGENDA ITEM No. 9

DATE: **October 9, 2013**

TO: **Local Agency Formation Commission**

FROM: **David E. Fey, AICP, Executive Officer**

SUBJECT: **INFORMATION ONLY: Progress on Implementation of Fire Transition Policy**

Recommendation: **Receive Report, Provide Direction If Needed.**

Staff Analysis

Recently your Executive Officer met with a developer about a proposed annexation. The developer has interpreted the recently-amended transition policy to permit him to approach the Fire District directly and arrive at an agreement independent of the affected city. He would then bring this to the Commission and have the project approved conditioned on fulfillment of the agreement. Though this may be outside of the Commission's intent in amending the policy, it isn't necessarily prohibited by the policy language.

On one hand, the developer-to-district approach relieves a city (as well as the Commission) from negotiating an agreement with the District. This by-passes the city-district process described in the policy (negotiation/mediation/EO evaluation and Commission conditions), and if successful, satisfies the District's interest in transition funding. It is largely a project-by-project approach to comply with the policy and it directs any potential financial burden directly to the developer who benefits from the annexation rather than being a general fund expense on the part of the affected city.

The potential shortcoming to the developer-to-district approach is that the city isn't in the transition discussion. As a service delivery principle, there is a significant public benefit from the communication and coordination between service-providing agencies. If the transition agreement process is reduced to builders writing checks to the district, a critical link between emergency service providers could be missing.

Dennis Gaab, representing Union Community Partners, developer of territory within the Shields-Locan No. 3 Reorganization, approved but not yet recorded, has asked that the City of Fresno and the Fresno County Fire Protection District to immediately enter into discussions consistent with the Commission's Transition Policy. Mr. Gaab has written that his company intends to request a one-year extension of the Shields-Locan No. 3 Reorganization and comply with the Transition Policy. A meeting with Mr. Gaab and the city of Fresno is scheduled for October 14.

Your executive officer will continue to reach out to the District, cities, and the development community about implementing this policy, and will continue to bring developments to the Commission's attention.