

RESOLUTION NO. MSR-19-01 / SOI-190

**A RESOLUTION OF THE FRESNO LOCAL AGENCY FORMATION COMMISSION
MAKING DETERMINATIONS AND ADOPTING A MUNICIPAL SERVICE REVIEW;
MAKING DETERMINATIONS AND REVISING THE SPHERE OF INFLUENCE FOR
PINEDALE PUBLIC UTILITY DISTRICT**

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, CKH directs the Commission to conduct a review of municipal services not later than the time it considers an action to establish, update a SOI; and

WHEREAS, the Executive Officer prepared a Municipal Service Review (MSR) for the Pinedale Public Utility District (Pinedale PUD) with the recommendation to revise the Pinedale PUD SOI by adding 327 acres to the existing SOI so that the revised SOI encompasses all territory served by the District; and

WHEREAS, notice of the Commission's hearing on the subject MSR and 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, at the duly noticed public meeting, held on February 13, 2019, the Commission heard, discussed, and considered all relevant evidence, including but not limited to the draft MSR, environmental documentation, and all testimony, correspondence, and attachments received during the public hearing process, all of which are incorporated herein by reference; and

WHEREAS, the Director of Department of Public Utilities for the City of Fresno requested the Commission to consider adding a recommendation to the MSR to direct Pinedale PUD and the City to convene and develop a mutual agreement that memorializes the many unwritten agreements between the City and Pinedale PUD and inventory their respective sewer infrastructure; and

WHEREAS, during the public comment period, representatives of the City of Fresno and Pinedale PUD agreed one year would provide adequate time to develop and memorialize the mutual agreement between the City and Pinedale PUD; and

WHEREAS, during public comments, discussion led to the Commission adding recommendation 8.(c) to page 44 of the final MSR and SOI update to read as follows:

"Recommend that any unwritten service agreements between the City of Fresno and the Pinedale PUD be memorialized in writing, and considered and approved by both governing boards, within one year of the approval of this MSR."

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

Action 1.

- A. Acting as Lead Agency pursuant to California Environmental Quality Act (CEQA) Guidelines find that the Municipal Service Review (MSR) prepared for the Pinedale Public Utility District is Categorically Exempt from the provisions of CEQA under Section 15306, "Information Collection."

ADOPTED THIS 13th DAY OF FEBRUARY 2019, BY THE FOLLOWING VOTE:

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

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

Action 2.

- A. Acting as Lead Agency pursuant to CEQA Guidelines, find that the proposed sphere of influence (SOI) revision is Categorically Exempt from the provisions of CEQA under Section 15061(b)(3), "General Rule," where it can be seen with certainty that an update of the District SOI will not have an effect on the existing environment.

ADOPTED THIS 13th DAY OF FEBRUARY 2019, BY THE FOLLOWING VOTE:

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

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

Action 3.

- A. Receive this report and any public testimony regarding the proposed MSR and proposed SOI update.
- B. Find that the MSR prepared for the Pinedale Public Utility District is complete and satisfactory.
- C. Find that approval of the proposed SOI update is based on sufficient evidence consistent with State law, including, but not limited to, Fresno LAFCo Policies and the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH).
- D. Revise the Pinedale Public Utility District SOI to include all territory served by the District, including properties on private septic systems adjacent to the territory served, as depicted in Attachment A.
- E. Advise the Pinedale Public Utility District to update its January 5, 2007, Sewer System

Management Plan (WDID No. 5SSO11428) filed with the State Water Resources Control Board.

F. Direct the District as follows:

- a. Within one year present to the Commission a plan to annex all territory within the revised Pinedale Public Utility District sphere of influence, such a plan to include—but not be limited to—a description of the District's public outreach and information program, estimated funding for one or more annexations, and a schedule of anticipated milestone dates for annexation application(s).
- b. Authorize the Executive Officer to work with the District to support its satisfaction of this recommendation and to provide three and six-month updates of the District's progress.
- c. Any unwritten service agreements between the City of Fresno and the District be memorialized in writing, considered and approved by both governing boards, within one year of the approval of this MSR.

G. The District is advised that failure to perform these tasks may result in the Commission taking other action to address the service conditions noted in the MSR.

ADOPTED THIS 13th DAY OF FEBRAURY 2019, BY THE FOLLOWING VOTE:

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

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 13th day of February 2019.



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

Pinedale Public Utility District

ATTACHMENT A

Authorized services: sewer conveyance; and, limited street lighting, street median maintenance, and street sweeping.

