

FRESNO LOCAL AGENCY FORMATION COMMISSION (LAFCo)

“MINUTES”

LAFCo MEETING – AUGUST 13, 2014

Call to Order: Chairman Silva called the meeting to order at 10:00 a.m.

Members Present: Commissioners Phil Larson, Mario Santoyo, Armando Lopez, Henry Perea and Robert Silva

Staff Present: David E. Fey, AICP, LAFCo Executive Officer
Ken Price, LAFCo Counsel
Candie Fleming, Commission Clerk
George Uc, LAFCo Analyst

1. Call to Order and Roll Call

Chairman Silva called the meeting to order at 10:00 am.

2. Pledge of Allegiance

Chairman Silva led the Pledge of Allegiance.

3. Comments from the Public

Sandra Celedon, Board Member for the Calwa Recreation and Park District requested that LAFCo prepare an MSR for the District to insure that services are being provided effectively to the public and to determine if there is transparency and accountability as it relates to use of public funds and to see whether there is a need to have a special district.

Executive Officer Fey agreed that the District did have some problems and that he has been working with the District. Fey said he presented a report to the district board that concluded there weren't any structural issues but there was a problem with the level of training and with things such as the technical aspect of adopting a budget and with the Board running a meeting. Fey said that he is continuing his outreach to the Board and does not support a municipal service review update at this time and is working with the Elections Department who has not been paid for past-due election bills. Fey said he will continue to stay connected to the Board to seek remedies.

Commissioner Santoyo asked when the last MSR was prepared for the District and Fey responded that it was in 2012. Fey clarified that an MSR is a report that that is necessary to support a request for a sphere of influence change, but is not the only report that needs to be prepared to make a change to an organization such as to dissolve, consolidate, etc.

Commissioner Perea asked if the request could be placed on the next agenda and have the Board make a presentation to the Commission so the Commission could make a decision on whether an MSR update is necessary. Commissioner Larson asked Ms. Celedon if she was a member of the Board and Ms. Celedon responded that she was and that they felt the MSR was important and they saw the MSR as a performance audit. Ms. Celedon said they would like to know if the District is performing in the way the District was intended to perform, and if not, to identify what the structural barriers are. Ms. Celedon said that the last MSR was not complete or as comprehensive as it should be.

Ashley Warner, attorney for Leadership Council for Justice and Accountability, said she was present to support the Calwa community and Ms. Celedon's request for an MSR.

Commissioner Silva asked Ms. Celedon if the request was coming from the Calwa Board or if she was making the request as an individual on the Board. Ms. Celedon responded that the Board has received a copy of the most recent MSR as well as Mr. Fey's report and that she has asked that the item be placed on Calwa's agenda but has not been done yet.

Commissioner Silva asked if the Commission could get some letters of support from the Board for what Ms. Celedon is seeking.

Ken Price, LAFCo Counsel responded that anyone could request action from the Commission and suggested that for the substance of the issue, it be placed on the agenda. Commissioner Santoyo suggested that if the Commission does put the item on the agenda, the Board should be notified so they can have an opportunity to provide some input.

4. Potential Conflicts of Interest

There were no conflicts reported.

CONSENT AGENDA

- 5A.** Approve Minutes from the regular LAFCo Meeting of July 16, 2014.
- 5B.** Request for a one-year extension to complete proceedings for the "Whitesbridge-Valentine Southwest Reorganization" (LAFCo File No. RO-06-20). (Eighth Request).

A motion was made by Commissioner Santoyo to approve the Consent Agenda and Commissioner Perea seconded the motion. Commissioners Larson, Lopez, and Silva voted in favor of the motion.

PUBLIC HEARING

6. Special District Commission Workshop

Fey gave an overview of his PowerPoint presentation and told how the workshop would complement the Commission's work plan. Fey explained the objectives of the workshop, the relationship of special districts to LAFCo, an overview of special districts statewide, and the focus on municipal service reviews, how they fit into LAFCo's mission and how the

Commission could respond to the special districts' challenges. Fey presented a list of special districts that other LAFCo's have chosen not to prepare MSR for which included districts that do not provide municipal services like cemetery drainage, irrigation, levy, memorial, water resource conservation, flood or pest control districts, or do not seek a sphere change. Fey asked if the Commission would be interested in having staff develop a policy that would require fewer MSRs every five years for those types of districts, only at the request of a district, or other possible options. Fey said that if fewer MSRs were required, staff would have more time and resources to spend on those districts that require more assistance and concluded his presentation.

Commissioner Silva asked if LAFCo would notify those districts that LAFCo would not be performing an MSR for. Fey responded that there would be some outreach to those districts. Commissioner Silva agreed that MSRs for some of the districts could be eliminated. Commissioner Santoyo suggested staff also look at the history of a special district to determine if there have been problems in the past before globally eliminating an MSR for certain types of special districts.

Commissioner Larson expressed some concern over some districts being eliminated and Fey responded that staff was looking for policy direction that would allow staff to assess the number of municipal service reviews that it does on a regular basis. Fey said that there would be some outreach to the special districts and that the Commission could offer whatever means available to help support the district.

Commissioner Santoyo suggested that the Commission consider an MSR policy like the one suggested by staff. Commissioner Perea agreed with Commissioner Santoyo but said that at some point the Commission was going to have to grapple with what to do with the information in the MSRs. Commissioner Perea said LAFCo would need to know what their options were within the law and what the Commission would be politically willing to do. Commissioner Perea felt those issues should be integrated into the Commission's policy.

Betsy Lichti with the State Water Resources Control Board, Division of Drinking Water, said that some of those districts on the list that staff recommended have less frequent MSRs do provide public water supply for drinking water.

Steve Mulligan, Manager of the Consolidated Mosquito Abatement District said he felt it was a good idea to look at the past performance of a district in determining the need for an MSR. Mr. Mulligan said that an MSR can be costly and why do an MSR if the district isn't going to get anything out of it. Mr. Mulligan felt staff should look at a district individually and consider the function of a district and how well the district is functioning.

7. Executive Officer Comments/Reports: Report on LAFCo's FY 2013/2014 Budget

Fey presented his report and introduced the Commission's contract bookkeeper, Michelle DeLaBarre. Fey said the Commission's debits and credits were in balance for last year and presented the new budget format. There were no questions from the Commission or audience.

8. Commission Member Comments/Reports

There were no reports or comments from the Commission.

ADJOURNMENT

A motion was made by Commissioner Perea to adjourn the meeting which was seconded by Commissioner Lopez. Commissioners Larson, Santoyo, and Silva voted in favor of adjourning the meeting. The meeting adjourned at 11:00 am.