

RESOLUTION NO. RO-20-5A

**A RESOLUTION OF THE FRESNO LOCAL AGENCY FORMATION COMMISSION
CONDUCTING AUTHORITY PROCEEDING FOR THE "SHIELDS-TEMPERANCE NO. 2
REORGANIZATION"
(LAFCO FILE NO. RO-20-5)**

WHEREAS, these conducting authority proceedings concerning the approved annexation "Shields-Temperance No. 2 Reorganization" were duly conducted pursuant to Government Code ("GC") commencing with Sec. 56000; and

WHEREAS, reorganization proceedings were initiated by the City of Fresno to annex 72 acres to the City of Fresno and detach same from the Fresno County Fire Protection District and the Kings River Conservation District for territory located east of North Temperance Avenue between East Shields and East Clinton Avenues; and

WHEREAS, at its June 10, 2020, hearing the Commission conditionally approved the "Shields-Temperance No. 2 Reorganization" by adopting Resolution No. RO-20-5, and in consideration of written protest submitted by property owners and registered voters, pursuant to GC Sec. 57002 directed the Executive Officer to set the matter for a conducting authority proceeding, also known as a protest hearing; and

WHEREAS, August 6, 2020, the Executive Officer held a duly noticed protest hearing, as provided for in GC Sec. 57000 *et seq.* for the purpose of hearing objections and protests to the approved reorganization, to receive written protests, and to allow for the withdrawal of any written protests filed with the Commission prior to or at said hearing, if any; and

WHEREAS, all property owners in the affected territory were provided with written notification summarizing the approved reorganization, outlining the protest procedures and rules for protesting an uninhabited annexation, and an official LAFCo protest form; and

WHEREAS, at said protest hearing prior to consider protests and objections, the Executive Officer orally summarized Commission resolution no. RO-20-5 for those in attendance; and

WHEREAS, pursuant to the GC Sec. 57075, Commission actions for uninhabited annexations are limited to the following:

1. Terminate proceedings if the Executive Officer finds that written protests filed and not withdrawn prior to the conclusion of the hearing represent landowners owning 50 percent or more of the assessed value of land within the territory; or
2. Order the reorganization if written protests have been filed and not withdrawn by owners of land who own less than 50 percent of the total assessed value of land within the affected territory.

WHEREAS, following an opportunity for public testimony and an opportunity to file or

withdraw written protests, the Executive Officer reported three written protests were filed by landowners within the affected territory and not withdrawn; and

WHEREAS, the public portion was closed to examine the protest forms received and not withdrawn and to determine the number of landowner protests in accordance with GC sec. 57075(b); and

WHEREAS, it was reported that value of land for landowners who submitted protest was nineteen percent.

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

The Executive Officer acting as agent for the Commission hereby determines that Resolution No. RO-20-5 adopted at the regular LAFCo hearing on the 10th day of June 10, 2020, conditionally ordering the "Shields-Temperance No. 2 Reorganization" stands as ordered.

ADOPTED BY THE FRESNO LOCAL AGENCY FORMATION COMMISSION THIS 6TH DAY OF AUGUST 2020.

**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 6th day of August 2020.



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