

RESOLUTION NO. 246

CONDUCTING AUTHORITY PROCEEDINGS

A RESOLUTION OF THE FRESNO LOCAL AGENCY FORMATION COMMISSION
APPROVING THE VALUE OF PROTESTS RECEIVED AND NOT WITHDRAWN RELATED
TO THE “ASHLAN-HAYES NO. 2,3 AND 4 REORGANIZATIONS”
(LAFCO FILE NO. RO-24-01)

WHEREAS, on April 10, 2024, the Fresno Local Agency Formation Commission (Commission) conditionally approved City of Fresno’s proposal designated “Ashlan-Hayes No. 2, 3, and 4 Reorganization” (Proposal); and

WHEREAS, the Proposal consisted of the annexation of approximately 140 acres to the City of Fresno, and concurrent detachment from the North Central Fire Protection District and the Kings River Conservation District; and

WHEREAS, the affected boundaries of the annexation are described in Exhibit A, attached hereto and incorporated herein (Affected Area); and

WHEREAS, the Commission set forth the reasons for approval of the Proposal, made determinations, including those required by the California Environmental Quality Act (CEQA), and approved terms and conditions for the Proposal described in LAFCo Resolution No. RO-24-1, attached hereto and by this reference incorporated herein; and

WHEREAS, the Affected Area is inhabited and did not have 100% owner-consent; and

WHEREAS, the Commission directed the Executive Officer, pursuant to Government Code Section 56881(d), to initiate protest proceedings pursuant to Part 4 of Government Code commencing with Section 57000; and

WHEREAS, by Resolution No. 88 dated July 11, 2012, the Commission delegated authority to the Executive Officer to perform conducting authority proceedings pursuant to Government Code section 57000(c); and

WHEREAS, the Executive Officer set the Proposal for a Conducting Authority Proceeding Hearing on May 15, 2024, at the hour of 1:30 p.m., at 1401 Fulton, Suite 900, Fresno; and

WHEREAS, the Executive Officer duly gave notice of the protest hearing in accordance with California Government Code Section 57025, and all other applicable sections of the California Government Code, said noticing being published in the local newspaper and mailed to all property owners in the Affected Area; and

WHEREAS, on May 15, 2024, the Executive Officer held a duly noticed Conducting Authority Proceeding Hearing, as provided for in Section 57000 *et seq.* of the California Government Code for the purpose of hearing objections and protests to the approved

reorganization, to receive written "official" 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, Government Code section 57091 requires the Commission to order the change of organization subject to the confirmation of the registered voters within the affected territory if written protests are filed and not withdrawn by either at least 25% but less than 50% of the registered voters in the affected territory, or at least 25% of the number of landowners who also own at least 25% of the assessed valuation; and

WHEREAS, written protests not withdrawn were received from 34% of the registered voters residing within the Affected Area and 37% of the landowners in the Affected Area who also own 36% of the land value within the Affected Area; and

WHEREAS, a resolution ordering the change of organization subject to confirmation by registered voters is required pursuant to Part 4 of the Cortese Knox Hertzberg Local Government Reorganization Act of 2000 commencing with Section 57000 of the Government Code.

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

Section #1. The subject Proposal is hereby ordered subject to confirmation by the registered voters pursuant to Government Code Section 57091(a)(1)(B)(i) and (ii).

Section #2. The type of change involves a proposed reorganization to annex approximately 140 acres to the City of Fresno and detach from the North Central Fire Protection District and the Kings River Conservation District for properties generally located west of North Polk Avenue, east of North Bryan Avenue, and on the north and south side of West Ashlan Avenue.

Section #3. The established boundaries of the annexation are those set forth in Exhibit A attached hereto.

Section #4. Approval of the annexation is subject to the conditions set forth in Resolution No. RO-24-01.

Section #5. The territory is within the Sphere of Influence of the City of Fresno and is contiguous to the Fresno city limits.

Section #6. The reason for the change of organization is the removal of a boundary peninsula in support of Fresno LAFCo policies.

Section #7. The regular county assessment roll will be utilized.

Section #8. The affected territory will not be taxed for existing general bonded indebtedness for the City of Fresno.

Section #9. Directs the Executive Officer to inform the Fresno County Board of Supervisors that the approval of the Proposal shall be subject to confirmation by the registered voters being ordered by this resolution and request that the Fresno County Board of Supervisors direct the elections official to conduct the necessary election as required by Government Code Section 57000(d) and by mailed ballot pursuant to Government Code Section 57125(b).

Section #10. Directs the City of Fresno as the project applicant to assume the costs of the election pursuant to Government Code Section 57150.

Section #11. Directs that the election be conducted within the territory to be annexed (i.e., the Affected Area) as permitted under Government Code Section 57118(d).

Section #12. Directs the elections official to provide the voters with the following question: "Shall the order adopted on April 10, 2024, by the Fresno Local Agency Formation Commission ordering a reorganization affecting Ashlan-Hayes No. 2, 3, and 4 and providing for the annexation of approximately 140 acres to the City of Fresno and detachment from the North Central Fire Protection District and the Kings River Conservation District for properties generally located west of North Polk Avenue, east of North Bryan Avenue, and on the north and south side of West Ashlan Avenue be confirmed subject to the terms and conditions specified in the order?" In the event that the Fresno County Elections Department or another County department requires a modification to the question described in this Section #12, the Commission delegates authority to modify the question to the Executive Officer so long as the requirements in Government Code section 57133 are satisfied.

Section #13. Confirmation of the proposal is subject to a majority vote.

Section #14. Directs the Executive Officer to conduct any and all actions necessary or required for this process.

ADOPTED THIS 12TH DAY OF JUNE 2024 BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS SANTOYO, YEP, MAGSIG, MENDES

NOES: NONE

ABSENT: COMMISSIONER PARRA

ABSTAIN: NONE

STATE OF CALIFORNIA)
COUNTY OF FRESNO)

CERTIFICATION

I, Brian Spaunhurst, Executive Officer, Fresno Local Agency Formation Commission, hereby certify that the foregoing resolution was adopted by the Commission on the 12th day of June 2024.



**Brian Spaunhurst, Executive Officer
Fresno Local Agency Formation Commission**