

RESOLUTION NOS. USOI-193B and AD 19-2B

**A RESOLUTION OF THE FRESNO LOCAL AGENCY FORMATION COMMISSION
CONTINUING THE SPHERE OF INFLUENCE UPDATE AND ANNEXATION FOR THE
SIERRA RESOURCE CONSERVATION DISTRICT TO NOVEMBER 10, 2021**

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, on July 24, 2019, the Sierra Resource Conservation District (“District”) submitted an application (File No. USOI-193) and supporting materials to this Commission pursuant to Government Code section 56428 requesting LAFCo an expansion of the District SOI to add approximately 235,776 acres of unincorporated and urban land into the updated Sierra RCD SOI; and

WHEREAS, CKH directs the Commission to conduct a Municipal Service Review (“MSR”) no later than the time it considers an action to either determine, amend, or update a SOI for a local agency; and

WHEREAS, the Executive Officer prepared an MSR for the Sierra RCD in response to Sierra RCD’s request for a SOI update, published the MSR on the Commission’s website, and provided a mailed 21-day public notice to all affected local agencies within the affected territory; and

WHEREAS, a notice of the Commission hearing for the proposed District 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, the Executive Officer reviewed said application and prepared a staff report to the Commission, including a recommendation for approval, said report having been mailed to each affected local agency within the affected territory and interested individuals pursuant to Government Code section 56428(c); and

WHEREAS, at the duly noticed public meeting, held on June 9, 2021, the Commission heard, discussed, and considered all relevant evidence, including but not limited to the MSR determinations and recommendations, environmental review documents, and all testimony, correspondence, and attachments received during the public hearing process; and

WHEREAS, the Commission received written and public testimony from the Alta Irrigation District, Consolidated Irrigation District, Fresno Irrigation District, and Kings River Conservation District (“affected special districts”) stating their concerns and opposition to the proposed Sierra RCD SOI update and annexation; and

WHEREAS, at the June 9, 2021 hearing, the Commission unanimously voted to adopt the written determinations provided in the MSR update prepared for the Sierra RCD (MSR-21-07); and

WHEREAS, at the June 9, 2021 hearing, the Commission unanimously voted to continue the Sierra RCD SOI update (File No. USOI No. 193) and Sierra RCD Annexation (LAFCo File No. AD 19-2) to a date certain of August 11, 2021; and

WHEREAS, the Commission directed staff to facilitate a 60-day negotiating period among the affected special districts and Sierra RCD to outline their present and future concerns with the proposed Sierra RCD SOI update and annexation applications and return to the Commission no later than August 11, 2021; and

WHEREAS, on June 21, 2021, the Executive Officer called a meeting with representatives of the affected special districts and Sierra RCD to specify the affected special districts' concerns with applications USOI-193 and AD 19-02 and to explore options available to address their concerns; and

WHEREAS, on August 2, 2021, the affected special districts provided LAFCo with a written letter that asserts their collective opposition to the Sierra RCD's proposals filed with LAFCo; and

WHEREAS, at the August 11, 2021, the Commission reconvened to consider all relevant factors and heard all interested parties wishing to speak on application files USOI-193 and AD 19-2; and

WHEREAS, the Commission was concerned that the Sierra RCD and the affected special districts had not found mutual agreement on matters of interest to the affected special districts; and

WHEREAS, the affected special districts informed the Commission that though they preferred the "status quo," they plan to keep a collaborative working relationship with Sierra RCD, and expressed their willingness to potentially enter into either a Memorandum of Understanding or Joint Powers Agreement with Sierra RCD that memorializes their respective conservation efforts moving forward; and

WHEREAS, the General Manager of Sierra RCD informed the Commission that he is will work with the Sierra RCD board of directors and the affected special districts to memorialize in writing a mutual agreement that finds resolution to the affected special districts' concerns; and,

WHEREAS, during the Commissioners' deliberation, discussion led to the Commission granting an additional 60-day negotiating period that would allow the parties to negotiate in a good faith effort a written mutual agreement that finds resolution to each concern raised by the affected special districts and report to the Commission no later than October 13, 2021; and

WHEREAS, the Commission motioned to continue the proposed Sierra RCD SOI update and annexation to a date certain of October 13, 2021; and

WHEREAS, the Commission motioned to continue the proposed Sierra RCD SOI update and annexation to a date certain of November 10, 2021.

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

Continue Sierra Resource Conservation SOI update (LAFCo File No. USOI-193) and annexation (LAFCo File No. AD 19-2) to November 10, 2021.

ADOPTED THIS 13th DAY OF OCTOBER 2021 BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS BRANDAU, MAGSIG, ROBERTSON, SANTOYO, YEP

NOES: NONE

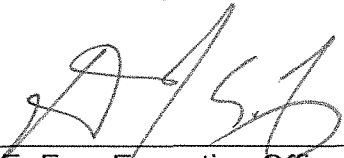
ABSENT: NONE

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 October 2021.



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