

FRESNO LOCAL AGENCY FORMATION COMMISSION (LAFCo)

**MEETING MINUTES
JUNE 12, 2019**

Members Present: Commissioners Mendes, Pacheco, Parra, Silva, Santoyo

Members Absent: None

Staff Present: David Fey, LAFCo Executive Officer
Ken Price, LAFCo Counsel
George Uc, Senior LAFCo Analyst
Juan Lara, LAFCo Analyst II
Amanda Graham, LAFCo Office Assistant II
Imelda Marquez, LAFCo Intern

1. Call to Order and Roll Call

Chair Santoyo called the meeting to order at 1:30 p.m.

2. Pledge of Allegiance

Chair Santoyo asked Commissioner Mendes to lead the Pledge of Allegiance.

3. Comments from the Public

There were no comments from the public.

4. Potential Conflicts of Interest

There were no conflicts of interest.

CONSENT AGENDA

- 5-A. Minutes from the LAFCo Meeting of April 3, 2019.**
- 5-B. Authorization for the Destruction of LAFCo Public Records.**
- 5-C. City of Kingsburg "Kamm-Academy Northwest No. 2 Reorganization."**
- 5-D. City of Selma "V-5 Dinuba Mini-Storage Reorganization."**
- 5-E. City of Reedley "Buttonwillow-Duff Reorganization."**
- 5-F. CALAFCO Legislative Letters in Support of AB 818 and AB 1822; Oppose AB 600.**
- 5-G. Overview of the Three-Month Progress Report memo for the Pinedale Public Utility District sent to the Commission in May 2019.**

Commissioner Mendes made a motion to approve consent agenda items 5-A, 5-B, 5-C, 5-E, 5-F, 5-G seconded by Commissioner Parra. The Commission approved consent agenda items 5-A, 5-B, 5-C, 5-E, 5-F, 5-G by a vote of 5-0.

Item 5-D was pulled for discussion by Commissioner Parra.

LAFCo Analyst Juan Lara presented staff report: item 5-D is City of Selma "V-5 Dinuba Mini-Storage Reorganization." A proposed reorganization consisting of the annexation of approximately 6.2 acres to the City of Selma and Selma-Kingsburg-Fowler County Sanitation District and detachment from Fresno County Fire District, the Kings River Conservation District, and the Consolidated Irrigation District. Staff pointed out that the applicant is the City of Selma, the item is consistent with LAFCo Policy, it is 100% consent, and uninhabited.

Chair Santoyo opens the discussion up for public comments.

George Kosla owns the commercial market across from Dinuba and McCall and is against the project. He claims that the project will result in additional traffic on his property and is concerned for the safety of the mobile home park.

Chair Santoyo asked staff how the additional traffic would be handled.

Lara replied the City of Selma adopted a Mitigated Negative Declaration that included a traffic study and a condition that the City annex and develop the intersection of McCall and Dinuba Avenues, along with road rights-of-way adjacent to the annexation.

Commissioner Mendes added all the Commission is doing is annexing that property to the City of Selma. All the entitlements and conditions have been considered by the Selma City Council.

Larry Raven, 3504 E. Huntington Blvd, owns the property to the east on Dinuba and Duke, believes there are better locations for a mini storage other than this property and he has been told that you cannot annex property without sewer service.

Chair Santoyo asked if there were representatives from the City to address some of the issues that have been brought up.

Selma City Manager Teresa Gallavan addressed the Commission and stated that in May 2017, the Planning Commission reviewed this and moved it forward. A year later the City Council approved the proceedings to annex. The developer addressed the concerns that were expressed during that time frame.

Dick Ellsworth, real estate broker speaking on behalf of a property owner selling property to the mini storage developer. Clarifying on the issue of sewer service which was already addressed as part of the entitlement process through the City of Selma.

The applicant knows that there is sewer capacity for the mini storage facility and SKF has approved the project.

Scott Robertson addressed LAFCo as an individual resident of the City of Selma. He was present at the Council meeting where this was approved by a previous Council and questions whether this project follows the policies of CKH.

Commissioner Silva asked if interested parties participated in the discussion.

Scott Robertson replied yes, the common theme was the traffic issue.

Commissioner Pacheco added that this issue belongs at the City Council level and not here at LAFCo. LAFCo is here to administer the rules and see if it meets the annexation requirements. How the City develops that property is the City's business, not the Commission's.

There were no comments from the Commission.

There were no comments from the public.

Commissioner Mendes made a motion to approve consent agenda item 5-D action 1, seconded by Commissioner Silva. The Commission approved consent agenda item 5-D action 1 by a vote of 5-0.

Commissioner Mendes made a motion to approve consent agenda item 5-D action 2, seconded by Commissioner Parra. The Commission approved consent agenda item 5-D action 2 by a vote of 5-0.

REGULAR AGENDA ITEMS

- 6. Dissolution Proceedings for County Service Area 18, Silver Creek Drainage District, Poso Resource Conservation District, and Firebaugh Resource Conservation District in Accordance with SB 448. (Hearing Continued from April 3, 2019 to June 12, 2019.)**

LAFCo Analyst Juan Lara mentioned the unofficial transcript from the Commission's April 3, 2019 hearing and a letter from Mr. Paul Minasian presented as pink sheets at the Commissioner's place at the dais and presented staff report: on November 14, 2018, staff presented the State Controller's Office ("SCO") list of inactive special districts pursuant with SB 448. Staff returned with findings and recommendations that those districts listed as inactive met the criteria of an inactive special district under GC sec. 56042. All districts were notified on December 3, 2018 and were asked to provide the appropriate documentation if they wished to object to dissolution proceedings. On January 9, 2019, this Commission adopted Resolution No. 187 initiating the dissolution proceedings for those subject districts listed as inactive. At its April 3, 2019 hearing, the Commission continued this item for 60 days to provide time for Mr. Jeff Bryant of

Firebaugh Canal Water District to act and reactivate the Silver Creek Drainage District and the Firebaugh Resource Conservation District. Staff has kept communications with Mr. Bryant and Mr. Minasian and has not received the appropriate documentation verifying these two special districts not meeting the criteria set forth in GC sec. 56042 therefore staff recommends the Commission entertain two separate actions; action 1 is the adoption of the Negative Declaration for this project, action 2 is the adoption of the resolution approving the dissolution of the four inactive special districts in accordance with SB 448 and GC sec. 568799(c).

Lara read into record: "Upon approval staff will amend the resolution to reflect the Commission's continuation and today's action."

Commissioner Mendes asked if anything has changed since the last meeting. Lara confirmed that staff has yet to receive any formal documents; however, Mr. Jeff Bryant is present in the audience for further questions.

Commissioner Silva stated that on page 5 of staff's report, there is a list of cities that were supposed to be contacted and the City of Mendota was not. Executive Officer David Fey responded that after the Commission's April hearing, staff prepared a resource conservation district and drainage district reactivation outline and provided this to Mr. Bryant. The 2007 MSR for the Silver Creek Drainage District, which staff relied on to prepare the outline, incorrectly stated its principal act as Water Code sec. 5600, which is a dependent district. However, Mr. Minassian corrected this error by identifying the District as a water district formed under the Drainage District Act of 1903, which makes it an independent special district. Therefore, further outreach to the cities to become board members of the district was no longer necessary.

Chair Santoyo asked Mr. Bryant to share with the Commission the actions he has been taking to reactivate the Districts. Mr. Bryant stated he is the General Manager for Firebaugh Canal Water District and acting as the representative for Silver Creek Drainage District and Firebaugh Resource Conservation District. Since the last meeting, the Firebaugh Canal board met and assembled a declaration of candidacy and proxies for both Silver Creek Drainage District and Firebaugh Resource Conservation District. The process for the Resource Conservation District has been more difficult than for Silver Creek given the fact that in order to serve on the board one must reside within the district. However, landowners may and did provide waivers to his board members to serve as their representatives. The declarations of candidacy and proxies were delivered to the County Clerk.

Mr. Bryant stated that he is following the advice of legal counsel and apologizes to staff for not also submitting the documents directly to LAFCo. He has put in a request to the Fresno County Board of Supervisor to appointment representatives.

Mr. Bryant stated that the Firebaugh Resource Conservation District has over \$9,000 held in trust by the County of Fresno. It's noted that there is \$500 to \$600 unpaid to the Department of Elections. One of the first actions would be to pay off that debt.

Chair Santoyo asked who is paying for their legal counsel. Mr. Bryant replied that will be handled after the special district board has been assembled and it can look at funding mechanisms. They are awaiting the decision by the Commission on whether they will be dissolved and awaiting the County Board of Supervisors to appoint the board members to move forward.

Commissioner Mendes asked Commissioner Pacheco if he or staff has been working on this. Commissioner Pacheco answered no. Mr. Bryant added he submitted paperwork to the Board of Supervisors, and it was sent to County Elections. Commissioner Pacheco replied that's the process, the County Clerk sets the elections. Commissioner Pacheco recommended that in the future communication with staff needs to be more direct; in addition, if involving the Board of Supervisors, contact his office and get assistance from people who are familiar with this process.

Commissioner Pacheco asked staff and legal counsel if the District has adequately addressed what they had 60 days to do with the new testimony being brought forth today. LAFCo Counsel Ken Price referenced CKH 56879 and stated it's up to the Commission if it feels the District still falls under the category of active or inactive with the testimony given.

Commissioner Pacheco recommended the Commission continue this item to its next regular scheduled meeting.

Fey added the Commission's notice cannot exceed 70 days, from the initial hearing 60 days ago there is now a 10-day window to continue unless noticed again and there would be costs involved with two different newspapers. If the Commission wished to continue this item and notice again, it would accrue additional expenses.

Staff recommended the cost of noticing be paid by the District. Mr. Bryant agreed.

Price added for the District's legal counsel to look up the definition of an inactive special district in statute and acquaint himself with it.

Commissioner Mendes added going forward, the District needs to work with Supervisor Pacheco's staff, through the Clerk, and through the Elections office for help through the process. Mr. Bryant agreed.

Fey reiterated this item will be re-noticed and placed on the next available Commission's agenda pursuant to noticing requirements.

There were no other comments from the Commission.

There were no other comments from the public.

Commissioner Pacheco made a motion to a 60-day continuance with a re-notice for

Silver Creek Drainage District and Firebaugh Resource Conservation District, seconded by Commissioner Mendes. The Commission approved the continuance by a vote of 5-0.

Commissioner Pacheco made a motion to approve the Negative Declaration for the dissolution of CSA 18 and Poso Resource Conservation District, seconded by Commissioner Mendes. The Commission approved the Neg Dec by a vote of 5-0.

Commissioner Silva made a motion to adopt a resolution for the dissolution of CSA 18 and Poso Resource Conservation District in accordance with SB 448, seconded by Commissioner Parra. The Commission adopted the resolution for dissolution by a vote of 5-0.

7. Final Budget, Work Plan, and Salary Resolution for Fiscal Year 2019/20.

Fey presented staff report: staff recommended the Commission adopt the Salary Resolution developed and supported by the sub-committee and approve the Final Budget and Work Plan for FY 19/20. On April 3, 2019 Chair Santoyo appointed Commissioners Pacheco and Parra to the sub-committee to work with the EO and draft job descriptions, salary ranges, and policies on merit increases. The sub-committee met three times to discuss these matters and was assisted by County HR.

Chair Santoyo thanked Commissioners Pacheco and Parra for their work on the sub-committee and asked staff for clarification on the EO's salary range. Price replied the EO's salary is based on a contract through the Commission and not by steps. Commissioner Parra requested that the salary matrix be amended to clarify that EO's salary range.

There were no other comments from the Commission.

There were no comments from the public.

Commissioner Mendes made a motion to approve agenda item 7 action 1-Salary Resolution, seconded by Commissioner Parra. The Commission approved agenda item 7 action 1 by a vote of 5-0.

Commissioner Mendes made a motion to approve agenda item 7 action 2-Final Budget and Work Plan seconded by Commissioner Silva. The Commission approved agenda item 7 action 2 by a vote of 5-0.

At this point the chair authorized a reordering of agenda items.

9. Executive Officer Comments

Fey stated financial statements for March and April are at the Commission's place at the dais as well as a letter from CALAFCO Executive Director, Pamela Miller thanking the

Commission for their support on the staff workshop. There will be no notes for the next couple weeks.

10. Commission Comments/Reports

There were no other comments from the Commission.

**8. Closed Session: Public Employee Performance Evaluation.
Title: Executive Officer**

[Recording cut out after Closed Session due to technical difficulties. Adjournment audio was not recorded.]

11. Adjournment

Commissioner Mendes motioned to adjourn the meeting, seconded by Commissioner Parra. The motion passed on a vote of 5-0. The meeting was adjourned at 3:02 p.m.