

FRESNO LOCAL AGENCY FORMATION COMMISSION (LAFCo)

MEETING MINUTES  
JULY 12, 2017

**Members Present:** Commissioners Silva, Quintero, Magsig, Santoyo

**Members Absent:** Commissioner Parra

**Staff Present:** David E. Fey, LAFCo Executive Officer  
Ken Price, LAFCo Counsel  
George Uc, Senior LAFCo Analyst  
Juan Lara, LAFCo Analyst  
Amanda Graham, LAFCo Office Assistant  
Derek Sylvester, LAFCo Intern

**1. Call to Order and Roll Call**

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

**2. Pledge of Allegiance**

Chair Silva led the Pledge of Allegiance.

**3. Comments from the Public**

There were no comments from the public.

**4. Potential Conflicts of Interest**

Commissioner Magsig disclosed he has a conflict of interest with item 5-B and will recuse himself from participating on that item.

**CONSENT AGENDA**

Chair Silva pulled item 5-B for separate voting.

**5-A. Minutes from the regular LAFCo meeting of June 14, 2017**

**5-C. Revised legal description and map for the City of Fresno "Temperance-Dakota No. 1 Reorganization"**

Commissioner Magsig made a motion to approve consent agenda items 5-A and 5-C, seconded by Commissioner Santoyo.

The Commission approved the consent agenda items 5-A and 5-C by a vote of 4-0-1-0.

Commissioner Magsig excused himself and left the dais.

**5-B. City of Clovis “Shaw-Highland N.W. Reorganization”**

Commissioner Santoyo made a motion to approve consent agenda item 5-B, seconded by Commissioner Quintero.

The Commission approved consent agenda item 5-B by a vote of 3-0-1-1.

Commissioner Magsig returned to the dais.

**REGULAR AGENDA ITEMS**

**6. City of Selma “Mt View-Highway 99 (Selma Crossings) Reorganization”**

LAFCo Analyst Juan Lara presented staff's report: the Mt View-Highway 99 (Selma Crossings) is a proposed reorganization to annex 288 acres to the City of Selma and the Selma-Kingsburg-Fowler (SKF) Sanitation District, and detach from the Fresno County Fire Protection District, Kings River Conservation District, and the Consolidated Irrigation District for the territory located South of Saginaw Avenue and East and West of Dockery Avenue; not all of the landowners have consented, 19 out of the 21 have consented to the annexation. A mailed notice was given to all landowners, registered voters within the affected territory, and within 300 feet of the affected territory pursuant to CKH requirements. As of now, LAFCo has received no protest in relation to the proposal. On April 12, 2017, the LAFCo Commission approved the sphere of influence (SOI) revision for the City of Selma. The southern Selma SOI revision consisted of adding approximately 107 acres southeast of the existing SOI to facilitate the planned commercial project known as “Selma Crossings.” The affected territory will be included in a three-phase development of a Commercial retail, residential, and office uses with a project buildout would occur over a 12- year period. The California Water Service Company (Cal water) is the City of Selma's municipal water supply provider and has provided water service to Selma since 1962. As a regulated public utility, Cal Water does not actively participate with GSAs. The city of Selma and the Consolidated Irrigation District have a groundwater recharge agreement in place.

Commissioner Santoyo asked for clarity in terms of Cal Water extracting water from the ground and how they coordinate with SGMA in terms of complying with the GSP.

Selma City Manager David Elias replied that the City of Selma is part of two other GSA's within the State and they have concluded to us that they will be our representative at the table in going forward with the establishment of the GSP. Cal Water will be alongside and represented in our MOU that we are currently working on.

There were no other comments from the Commission.

There were no comments from the public.

Commissioner Magsig made a motion to approve agenda item 6, seconded by Commissioner Santoyo. The motion passed by a vote of 4-0-1-0.

## **7. Municipal Service Review and Sphere of Influence Update for Reedley Cemetery District**

LAFCo Senior Analyst George Uc presented staff's report: the Reedley Cemetery District was formed in 1941 and governed by a three-member board of trustees, and functions independently from the County; the District service area includes territory in both Fresno and Tulare Counties; the 2010 MSR observed that the District was a multiple-county district, however the map did not depict the portion of the district in Tulare County. With the current MSR, staff worked with the District and Tulare LAFCo to more accurately depict the District's boundaries, including the approximately 7300 acres in Tulare County. The District has a general manager who is assisted by five full-time employees. The District serves a population of about 41,700 people and the largest population concentration occurs in the City of Reedley. The District's infrastructure consists of one 41-acre cemetery facility in which only 30 acres are developed with burial sites leaving 11 acres available for District expansion; the District conducts an average 180 to 200 interment services per year; and this cemetery has adequate capacity for the next 20 to 25 years. The District's primary source of revenue is the annual property tax and plot sales, during fiscal year 2015-2016 the District budget amounted to \$2,116,705. The cemetery obtains its water source from underground water wells however, like many other cemetery districts, well information is limited and they do not track groundwater pumping. The District's facilities and groundwater wells are solely within the Kings River East Groundwater Sustainability Agency (KREGSA) during this MSR update, the District informed LAFCo that it does not actively engage in groundwater recharge programs, nor has it entered into any Participation Agreements with any GSAs. We let them know that within the next 5 years, the GSAs are going to be contacting and working with them to establish recharge programs. Staff recommends the Commission to reaffirm the existing sphere of influence by taking two separate actions.

Commissioner Santoyo asked if the Commission has any jurisdiction in the matters of encouraging the District to entering an agreement with the GSAs.

Executive Officer Fey replied that because a cemetery district does not have land use or resource authority over water this area is going to be represented on the GSA by Fresno County.

There were no other comments from the Commission.

There were no comments from the public.

Commissioner Magsig made a motion to approve agenda item 7-A, seconded by Commissioner Quintero. The motion passed by a vote of 4-0-1-0.

Commissioner Santoyo made a motion to approve agenda item 7-B through 7-D, seconded by Commissioner Magsig. The motion passed by a vote of 4-0-1-0.

## **8. Municipal Service Review and Sphere of Influence Revision for the Dunlap Cemetery District**

Uc presented that a board of three trustees governs the Dunlap Cemetery District. The District encompasses 48,535 acres and its SOI encompasses 92,645 acres. Since adoption

of the District's initial SOI, there have been no annexations to the District. This is attributed to the fact that the District is already serving its population centers in the County's eastern foothills. The District owns a three-acre cemetery site in which less than two acres are developed. The cemetery is not irrigated and does not have a well. The District has approximately one acre for future development, and informed LAFCo that it averages about two to four interments a year, some years it has none and then the next a couple more to catch up. The districts primary source of revenue is the annual property tax, with addition to receiving a small amount of revenue from plot sales and services. During fiscal year 2015-2016, the District's budget totaled \$3,230. During the MSR process, the District informed LAFCo it is planning to raise some of its plot fees due to everything beyond the point has been done on a volunteer basis. The District also does not have policies, rules, or regulations consistent with its principal act, so the MSR recommends that they adopt rules and regulations within a timely manner. The District does not anticipate a need to annex land within its boundaries in the next 20 years. The MSR recommends considering reducing the sphere of influence and making the SOI coterminous with the districts service boundary. Staff recommends the Commission to approve the MSR update and revise the SOI by entertaining four separate motions.

There were no other comments from the Commission.

There were no comments from the public.

Commissioner Magsig made a motion to approve agenda item 8-A, seconded by Commissioner Santoyo. The motion passed by a vote of 4-0-1-0.

Commissioner Magsig made a motion to approve agenda item 8-B through C, seconded by Commissioner Quintero. The motion passed by a vote of 4-0-1-0.

Commissioner Magsig made a motion to approve agenda item 8-D, seconded by Commissioner Santoyo. The motion passed by a vote of 4-0-1-0.

Commissioner Santoyo made a motion to approve agenda item 8-E through F, seconded by Commissioner Magsig. The motion passed by a vote of 4-0-1-0.

## **9. Municipal Service Review and Sphere of Influence Update for Sanger/Del Rey Cemetery District**

Uc presented that the District was formed in 1925; one general manager oversees the District assisted by six full-time employees. The District's service area and sphere of influence (SOI) are coterminous and encompass 147,279 acres. The largest portion of concentration with the District occurs inside the City of Sanger and the District estimated total population is 65,883. The District owns five noncontiguous cemetery facilities located within their boundaries with a combined total of 66 acres. The District uses a ratio of 2.3 burials per 1,000 residents, and each facility has a 20 to 25 year capacity for future interments. Each cemetery has one underground well, however well capacity data and well size specifications are limited at this time. The District tracks its irrigation usage by pumps, on dry years, the District reduces its well pump run time by 25 percent. During fiscal year 2015-2016, its budget amounted to \$1,581,010. The District has a mission statement and adopted policies and procedures, and is a member of the California Association of Public

Cemeteries (CAPC) and California Special District Association (CSDA). As it relates to SGMA, the District's facilities are within the Central Kings Groundwater Sustainability Agency and going to be represented by various agencies as it related to groundwater usage listed in the MSR. One letter was submitted during the public review period, shown in the staff report as (Exhibit C) and updates are reflected in the attached MSR (Exhibit B). Staff recommends the Commission to update the sphere by reaffirming the existing boundaries by taking two separate actions.

Commissioner Magsig expressed concern on the Fresno Irrigation District (FID) not corresponding with the MSR however feels that as long as the Consolidated Irrigation District (CID) and FID are on the same page and were developing recharge basins moving forward, that would help stabilize whatever is being pulled out of the ground.

Fey noted for the record with those areas that are not covered by a city or irrigation district, Fresno County would represent their interests on the GSA.

There were no other comments from the Commission.

There were no comments from the public.

Commissioner Magsig made a motion to approve agenda item 9-A, seconded by Commissioner Quintero. The motion passed by a vote of 4-0-1-0.

Commissioner Quintero made a motion to approve agenda item 9-B through D, seconded by Commissioner Santoyo. The motion passed by a vote of 4-0-1-0.

## **10. Policy and Procedure Discussion**

Fey presented that the Commission's work plan for the current fiscal year authorized staff to begin an update on the policies and procedures manual. As stated in the adopted work plan, the Commission shall hold monthly meetings to discuss the policies and procedures. Fey wants to start this process by soliciting feedback and direction from the Commission. Once direction and comment is given, staff will return with any needed draft policy and procedure amendments later.

Commissioner Magsig expressed as the newest LAFCo Commissioner he does not feel comfortable giving direction to staff about how LAFCo operates.

Commissioner Quintero expressed concern on what impacts we have on the county islands as we move forward.

Commissioner Santoyo added if there are policies in particular that are outdated that we should address, that those should be prioritized and updated.

Fey stated he appreciates the feedback and direction the Commission is giving staff. Staff will reach out to the cities and special districts to get some input on these fundamental issues and bring that feedback to the Commission on a regular basis.

Commissioner Santoyo clarified that over time the Commission has dealt with obsolete

policies that have come back to haunt us and then there are other policies that are outdated. Work on the higher priority policies that make us operate more efficiently.

Commissioner Magsig added he is all for updating outdated policies but wants to make sure we do not assert ourselves in places we should not.

Fey replied that there was a meeting held with about half a dozen GSAs or water districts. The next meeting in the works is to talk to the cities and the superintendent of the schools.

Chair Silva added were working together as a team, the first meeting was excellent. However, we do not want to intrude in certain things we should not be in.

Commissioner Santoyo expanded on the discussion that SGMA is a new thing that is going to cause lots of frustration and challenges to everyone. When we allow a sphere of influence to increase part of the decision-making needs to be in terms of resources and the way we have done that in the past is not going to be comprehensive anymore due to SGMA and what roles SGMA play. The meetings we have had are to figure out how to create a method of coordination so that the increase is not problematic.

There were no other comments from the Commission.

There were no comments from the public.

## **OTHER MATTERS**

### **11. Amendment of Executive Officer Employment Agreement**

Chair Silva responded that he and Commissioner Parra were appointed as the committee to work with the EO on the update of his employment agreement. They have had many discussions with the EO and recommend amendments to the EO's compensation.

Commissioner Santoyo made a motion to approve agenda item 11, seconded by Commissioner Silva.

The motion passed by a vote of 4-0-1-0.

### **12. Executive Officer Comments**

Fey noted that he recently approved an extension of service for CSA 32 (Cantua Creek). There is a recommendation that the sphere of influence be amended to include all territory that will be served to Cantua Creek Water System.

The annual CALAFCO Conference is in October, three Commissioners are signed up to attend.

Derek Sylvester was introduced as LAFCo's intern; he attends Fresno State University and will be assisting staff through summer. As a reminder, there will be no hearing in August.

### **13. Commissioner Comments**

There were no comments from the Commission.

### **ADJOURNMENT**

Commissioner Santoyo motioned to adjourn the meeting, seconded by Commissioner Quintero. The motion passed on a vote of 4-0-1-0. The meeting was adjourned at 2:48 p.m.

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