

FRESNO LOCAL AGENCY FORMATION COMMISSION (LAFCo)

MEETING MINUTES  
AUGUST 10, 2016

**Members Present:** Commissioners Brian Pacheco, Daniel Parra, Henry Perea, Mario Santoyo, and Robert Silva

**Members Absent:** None

**Staff Present:** David E. Fey, AICP, LAFCo Executive Officer  
Ken Price, LAFCo Counsel  
George Uc, LAFCo Analyst  
Juan Lara, LAFCo Analyst  
Candie Fleming, Clerk to the Commission

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

Chairman Pacheco called the meeting to order at 1:30 p.m.

**2. Pledge of Allegiance**

Chairman Pacheco led 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 reported.

Counsel Price said staff was recommending per the Chair's discretion to move Item No. 7 until after Closed Session Items No. 10 and No. 11. Chairman Pacheco accepted the recommendation and moved Item No. 7 until after No. 11.

**CONSENT AGENDA**

**5. Minutes from the July 13, 2016 Meeting**

Commissioner Parra made a motion to approve the consent agenda which was seconded by Commissioner Silva. The Commission approved the consent agenda by a vote of 5-0.

**REGULAR AGENDA ITEMS**

**6. Municipal Service Review and Sphere of Influence Update for County Service Area No. 19 (Hampton Way) and County Service Area No. 23 (Exchequer Heights)**

LAFCo Analyst George Uc presented staff's report and recommendations for CSA No. 19 and 23.

Uc noted that some of the MSRs for CSAs that staff is working on have had Prop 218 elections that have failed which results in not enough revenue being generated to support the district. Uc said that Prop 218 elections are the mainstream of revenue for a lot of the CSAs and is used by the County to cover the overhead costs for district improvements and administration of the district.

Commissioner Silva asked what the difference was between a level II and level III district. Uc responded that a level II provides a municipal service such as water, sewer, and fire protection while a level III provides services that are not growth inducing such as lighting and road maintenance.

Commissioner Santoyo suggested that staff explore what other LAFCOs do if they have districts with failed Prop 218 elections. Chairman Pacheco said that from the current Board's point of view, if a Prop 218 election fails, the Board moves to dissolve the district. Chairman Pacheco reported that El Porvenir's Prop 218 passed with no opposition at all. Chairman Pacheco said that in the past if a Prop 218 failed it would go to the Debt Advisory Committee and from there the Committee would vote to dissolve the CSA. Chairman Pacheco said that a CSA is fine as long as it is running smoothly, but the County would like to see the CSAs become CSDs as the CSDs have their own governing board because the Supervisors don't want to have to oversee the district.

Commissioner Silva made a motion to approve the CEQA and was seconded by Commissioner Santoyo. The motion passed by a vote of 5-0. Commissioner Perea made a motion to approved Items B through D. The motion was seconded by Commissioner Parra and the motion passed by a vote of 5-0.

## **OTHER MATTERS**

(Item No. 7 was moved to after the Closed Session)

### **8. Executive Officer Comments/Reports**

Fey reported that he authorized a request for extension of service outside its sphere of influence for water service to the Double L Mobile Ranch Park which was the subject of a compliance order by the State to provide an alternative water source to the mobile home park.

Fey also reported that the conducting authority proceedings were conducted in the office on August 4<sup>th</sup> and an insufficient number of protests were received to overturn the Commission's approval.

Fey reported that staff was preparing to hold a workshop for mosquito abatement districts and there was a California Special District Association workshop planned for September 26<sup>th</sup> at the Clovis Memorial District and staff will be leading a session to provide support for special districts.

Fey reported that there was a letter from City Manager Bruce Rudd on the dais that was being interpreted by LAFCo Counsel as a request to reconsider the Commission's July 13<sup>th</sup> action on

the portion of SEGA that is north of McKinley. Fey said this request will be noticed and brought back to the Commission in September to reconsider the motion for SEGA that contained a condition on the portion north of McKinley. Commissioner Perea said the Commission should also be prepared to take out the portion north of McKinley. Fey said the item would be noticed to give the Commission the latitude to take a variety of actions. Commissioner Perea suggested resending the letter that staff was directed to send to the City Council regarding the Commission's action since some Council members said they never saw the letter. Chairman Pacheco said he would agree that a letter should be hand delivered to each of the Council members and push the item to October. Counsel Price under LAFCo law the Commission is required to place the item on the agenda at the next regularly scheduled hearing but could be continued to the October hearing.

## **9. Commission Member Comments/Reports**

There were no reports from the Commission.

## **CLOSED SESSION**

### **10. PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

Title: Executive Officer

### **11. CONFERENCE WITH LEGAL COUNSEL**

Title: City of Selma v. Fresno Local Agency Formation Commission  
(Case No. 13CECG0261)

Counsel Price reported that there was no action to report on either Item 10 or Item 11.

## **7. Consider Approval: Amendment to Employment Agreement between LAFCo and Executive Officer (Continued from July 13, 2016).**

Chairman Pacheco reported that the only amendment to the agreement was a 4.8% increase to the EO's annual salary which is consistent with other agencies and keeps Fresno LAFCo's salary at a competitive level with other LAFCos.

Commissioner Santoyo made a motion to accept the amendment and was seconded by Commissioner Parra. The motion was passed by a vote of 5-0.

Executive Officer Fey reported that the Clerk was planning to retire at the end of the month. Ms. Fleming thanked the Commission.

## **ADJOURNMENT**

Commissioner Perea made a motion to adjourn the meeting which was seconded by Commissioner Parra and passed on a vote of 5-0. The meeting was adjourned at 2:15 p.m.