

FRESNO LOCAL AGENCY FORMATION COMMISSION (LAFCo)

**LAFCo MEETING MINUTES
OCTOBER 14TH, 2015**

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
Candie Fleming, Clerk to the Commission

1. Call to Order and Roll Call

Chairman Silva called the meeting to order at 1:30 p.m. (Commissioner Parra was absent at the time the roll was called but arrived at the beginning of the Consent Agenda).

2. Pledge of Allegiance

Chairman Silva led the recital of 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.

CONSENT AGENDA

5. Consider Approval of Items A through C

A. Minutes from the September 9, 2015 LAFCo meeting

B. City of Parlier "Reorganization 15-01 (Avila-South)"

C. City of Fresno "California-Armstrong No. 2 Reorganization"

Commissioner Perea made a motion to approve the Consent Agenda and Commissioner Parra seconded the motion. The motion passed by a 5-0 vote.

At this time, in consideration of the members of the audience that were present for items 7 and 8, staff recommended that the Commission move item 6 until after items 7 and 8 were complete. The Commission unanimously agreed to this change.

PUBLIC HEARING

7. Municipal Service Review and Sphere of Influence Update prepared for the Raisin City Water District

LAFCo Analyst Uc presented staff's report. Uc observed that the RCWD MSR was originally presented to the Commission on June 3rd with a recommendation to consider a "zero SOI" determination and begin dissolution proceedings. The District requested more time to address the concerns raised in the initial draft MSR and those raised during public testimony and the Commission then continued the hearing until October 14th to address the concerns that were raised. Uc reported that the District addressed the issues and made the improvements recommended by the Commission; therefore staff was recommending that the Commission conditionally adopt the MSR and consider a SOI update with no modifications to the SOI. Uc reported that the District may request future annexations to include territory north and west of the existing service area. The MSR update includes recommendation for the District to prepare a master plan that could assist the District plan for future annexations.

Commissioner Perea posed questions about when the district was formed and how much revenue the District had received since its formation in 1962. District manager Steve Heintz responded to these questions.

Commissioner Parra asked about what functions the District performs and the process by which it collects property assessments. Mr. Heintz responded that the District participates in the implementation of the state's Sustainable Groundwater Management Act.

Commissioner Santoyo made further inquiries of Mr. Heintz about the District and to clarify the District's future surface water source and funding. RCWD Board member Don Cameron joined Mr. Heintz at the lectern to respond to commission questions. Mr. Heintz observed that the District has set goals to achieve, is preparing for an October 27 election, and other actions that demonstrate its accountability and transparency.

Commissioner Parra asked about the process by which it collects property assessments. Mr. Heintz responded that the District intends to address this matter and will prepare an evaluation report looking into the District's property assessment practices.

Commissioner Pacheco inquired about the District's intent to annex properties in it SOI north of the McMullin Grade and wanted to ensure that if the District did intend to annex additional territories or request a SOI revision that the landowners in the affected area be notified of the proposed change. District counsel John Kinsey responded to this question.

Commissioner Perea observed that any discussion of District growth would be premature until the MSR/SOI question was resolved. The District will need to comply with the MSR update recommendations prior submitting application to LAFCo.

Area resident Ted Miller reiterated concerns that he presented to the Commission at the June 3rd hearing which primarily were that even though the District did not provide any services to the property owners in the District, the property owners were assessed for those services. Mr. Miller disputed information in the MSR noting that the District did not have an agreement for storm water but that this agreement was with a landowner in the District.

James Irrigation District Manager Steve Stadler spoke in support of staff's recommendations in the MSR except for the recommendation that the District's SOI remain the same. Mr. Stadler suggested that the RCWD's SOI be modified to match its current service boundaries because the RCWD did not presently have the facilities or the means to provide water service to the SOI area north and east of State Highway 145. Mr. Stadler said that other adjacent irrigation and water districts, including James Irrigation District, held water rights and maintained facilities in the RCWD's current SOI area. Mr. Stadler reported that his board objected to language in the MSR that implied LAFCo support of future annexations by RCWD.

Commissioner Perea made a motion to adopt the MSR and to reaffirm the District's current SOI boundaries and included staff's recommendation that the District take some fundamental actions within the next six months, and one year benchmarks. Commissioner Santoyo seconded the motion that passed with a vote of 5-0.

8. Municipal Service Review and Sphere of Influence Update prepared for the Orange Cove Irrigation District

Uc presented staff's report and reported that the District effectively partnered with staff in gathering the necessary data to reflect the District's service provisions. Uc also reported that the mapping data held by the District, LAFCo, County Assessor, and County Elections were not consistent with each other and recommended the Commission direct staff to convene a meeting with those agencies to develop a mutually-agreeable protocol to ensure prompt communication and validation of boundary information.

Commissioner Parra made a motion to adopt the Orange Cove Irrigation District's MSR and reaffirm the District's current SOI. Commissioner Santoyo seconded the motion. The motion passed on a 4-0 vote with Commissioner Perea being absent.

6. Proposed Legislative Policies

Executive Officer Fey gave his report and recommended that the Commission develop a policy to either adopt in whole or in part the CALAFCO Legislative Policies that were developed to support legislation that enhance LAFCo authority. The Commission appointed Commissioner Santoyo to work with the Executive Officer to develop a legislative policy for the Commission's consideration.

9. Commission Hearing Schedule for Calendar Year 2016

Commissioner Perea made a motion to adopt the hearing schedule as presented and Commissioner Parra seconded the motion. The motion passed on a vote of 5-0.

10. Renewal of Professional Service Agreement by and between the County of Fresno and the Fresno LAFCo

Fey reported that LAFCo has had a contract with the County for staff and professional services since June, 2004, and recommended that the Commission authorize the Chair to execute the agreement in order for LAFCo to continue receiving services identified by the contract with the County.

Commissioner Perea made a motion to approve the renewal of the professional services agreement with the County and Commissioner Parra seconded the motion. The motion passed by a vote of 5-0.

11. Executive Officer Comments/Reports

Fey reported that Pamela Miller, Executive Director of CALAFCO and David Church, San Luis Obispo LAFCo Executive Officer will be making presentations at the November 4th hearing. Fey also reported that there would be a workshop on Fresno's MSR at the November hearing.

12. Commission Member Comments/Reports

There were no comments or reports from the Commission.

ADJOURNMENT

Commissioner Perea made a motion to adjourn the meeting and Commissioner Parra seconded the motion. The motion passed 5-0 and the meeting was adjourned at 3:19 p.m.