

FRESNO LOCAL AGENCY FORMATION COMMISSION (LAFCo)

MEETING MINUTES
MARCH 9, 2022

Members Present: Commissioners Magsig, Parra, Santoyo, Yep, Brandau

Members Absent: None

Staff Present: David E. Fey, LAFCo Executive Officer
Amanda Olivas, Clerk to the Commission
Amanda Castro, LAFCo Analyst
Kaylie Griffin, LAFCo Intern
Kenneth Price, LAFCo Counsel

1. Call to Order and Roll Call

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

2. Pledge of Allegiance

Commissioner Santoyo lead the Pledge of Allegiance.

3. Comments from the public

There were no comments from the public.

4. Potential conflicts of interest

Commissioner Yep informed the Commission that Attorney David Fike has represented the City of Kerman. LAFCo Legal Counsel Ken Price confirmed there was no conflict with a prior representation by Fike & Boranian.

Executive Officer David Fey noted that there are two LLCs involved with agenda item 6 and informed the Commission on the principles to ensure full disclosure. Austin Ewell stated he represents the landowners and project proponents for Minnewawa LLC. LAFCo Counsel Kenneth Price also presented information on G4 Properties LLC.

CONSENT AGENDA

5-A. Consider Approval: Minutes from the LAFCo meeting of March 9, 2022.

5-B. Receive and File: Response to Commission Question about "Custodial Credit Risk."

5-C. Receive and File: Letter from the Pinedale Public Utility District.

Commissioner Parra made motion to approve items on the consent agenda, seconded by Commissioner Yep. The Commission approved the motion by a vote of 5-0.

REGULAR AGENDA ITEMS

6. Consider Approval: City of Sanger “North Academy Corridor Annexation.”

Commissioner Magsig recused himself at 1:39 p.m. due to a potential conflict of interest due to campaign contributions from William Smittcamp and Parnagian Family.

Chair Brandau recused himself at 1:40 p.m. due to a potential conflict due to campaign contributions from the Parnagian Family.

Chair Pro Tem Santoyo took over the meeting as Chair.

Staff presented its report, noted letters of opposition that had just been received, and recommended approval of reorganization by taking two separate actions as depicted in staff's report.

LAFCo Counsel Price commented on the information in the correspondence; one being the Minnewawa LLC represented by Austin Ewell and Brady McGuinness who requested that LAFCo condition its approval on acceptance by the city of certain entitlements and permits for their property. Price expressed concern with that proposition as it was unenforceable. The second letter received was from the attorney Meggin Boranian on behalf of her client, the Smiths, objecting on the basis of land use issues and requesting a 90-day extension.

Chair Pro Tem Santoyo asked for clarification on the points of opposition and protest forms received. Staff stated that only five of the nine protests received resided within affected territory.

Chair Pro Tem Santoyo opened the floor to public comment.

Sanger City Manager Tim Chapa expressed support of the annexation. Also noted the City will honor any prior approved entitlements.

Meggin Boranian, representing Chris and Terisa Smith, summarized her client's opposition and ended with request for 90-day extension to allow resolution of issues with the City of Sanger.

Austin Ewell in representation of Minnewawa LLC, stated they wanted to ensure their entitlements are not affected by the annexation. Also requested 90-day extension to provide further resolution with the City of Sanger on future land use.

Price stated that LAFCo cannot impose a condition in relation to land use, and that LAFCo cannot impose a condition that cannot be enforced after the annexation is recorded.

Chair Pro Tem Santoyo suggested that it would be best for affected parties and the City of Sanger to work out difficulties before approving annexation and suggested 90-day extension.

Tim Chapa said he would not oppose an extension but noted that the proponents contacted the city before the annexation proposal and were informed that their projects did not coincide with the current general plan.

City of Sanger Planning Director David Brletic informed the Commission about previous project details from the objecting proponents stating they have already received their answers.

Dirk Poeschel said he is in support of a 90-day extension to specifically identify city position and would like in writing that the city will honor prior verbal agreements.

Price explained the requirements for extension and recommended a shorter extension period.

Commissioners Parra, Santoyo, and Yep agreed there needs to be some resolution prior to approval.

Christopher Smith, landowner of affected territory added additional comments of opposition.

Chair Pro Tem Santoyo closed the public comments portion.

Executive Officer Fey recommended a 30-day extension to a date certain to encourage a prompt resolution.

Commissioner Parra made the motion to approve 30-day extension, seconded by Chair Pro Tem Santoyo. The Commission approved the motion by a vote of 3-0-0-2.

Commissioner Magsig and Chair Brandau returned to the Chambers.

7. CLOSED SESSION

Public Employment Appointment Title: Executive Officer Candidate Interviews

Counsel Price reported out of closed session with no action to report. Commissioners Magsig and Santoyo have left the meeting.

8. Consider Adoption: Municipal Service Review and Sphere of Influence Update for County Service Area 32. (LAFCo File No. USOI-206)

Commissioner Yep made motion to continue this item to the next meeting, seconded by Commissioner Parra. The Commission approved the motion by a vote of 3-0-2-0.

9. Consider Approval: County Service Area 32 “CSA 32 Annexation No. 1.” (LAFCo File No. AD-21-01)

Commissioner Parra made motion to continue this item to the next meeting, seconded by Commissioner Yep. The Commission approved the motion by a vote of 3-0-2-0.

10. Workshop: Preliminary Budget and Work Plan for Fiscal Year 2022-23.

To be continued at next hearing.

11. Workshop: Policy Manual Update.

To be continued at next hearing.

12. Executive Officer Comments

No comments to report.

13. Commission Comments/Reports

No comments to report.

14. Adjournment

Commissioner Parra made motion to adjourn, seconded by Commissioner Yep. The Commission approved the motion by a vote of 3-0-2-0.