

FRESNO LOCAL AGENCY FORMATION COMMISSION (LAFCo)

LAFCo MEETING MINUTES  
DECEMBER 9, 2015

**Members Present:** Commissioners Daniel Parra, Mario Santoyo, Robert Silva, and Buddy Mendes

**Members Absent:** Commissioner Brian Pacheco

**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.

**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 D.**

**A. Minutes from the November 4, 2015 LAFCo Meeting**

**B. City of Fresno “North-Cherry No. 2 Reorganization”**

**C. City of Fresno “North-Cherry No. 3 Reorganization”**

**D. City of Reedley “Dinuba-Fisher-Hemlock Annexation No. 2015-01”**

Commissioner Parra made a motion to approve A through D on the Consent Agenda and Commissioner Santoyo seconded the motion. The motion passed by a 4-0 vote.

## REGULAR AGENDA ITEMS

6. Consider appointing an ad hoc committee to examine options related to Commission action on the Fresno sphere of influence.

Executive Officer Fey reported that at November 9, 2015, hearing the Commission considered the municipal service review (MSR) for the City of Fresno and there was discussion about creating a committee to further examine the issues raised by Commissioner Perea related to the sphere of influence (SOI) in the City's the southeast development area (SEDA). Fey said that because the appointment of a committee was not ajenized, it was placed on December's agenda.

Fey gave some background as to the interest in forming a committee, explained the purpose of a MSR and the determinations that the Commission must make. Fey also provided background on the 2005-06 SEDA SOI determinations.

Fey said staff was recommending the appointment of an ad hoc committee that could develop a recommendation and return to the Commission for action.

Chair Silva felt that in addition to Commissioners, other interested agencies should be involved with the ad hoc committee. Commissioner Santoyo agreed and said there have been many changes since the City's sphere was revised to include the SEDA a number of years ago and that there are issues related to agriculture and its ability to operate within a City's SOI on a long-term basis. Commissioner Santoyo said that he and Commissioner Pacheco were on a committee to develop LAFCo ag policies that may have a role in the Commission's decision making and that an ad hoc committee would definitely want to have ag groups provide some input. Commissioner Santoyo said the different water agencies and developers should also be involved. Commissioner Santoyo said the Commission should ask staff to schedule meetings with key stakeholders to get their input. Commissioner Santoyo said that he would also be interested in serving on the committee.

Commissioner Parra said that he too would like to be considered for the committee and that as a Councilman for the last seven years, has experience with his City's growth plan and has an MPA with an emphasis on urban development.

Commissioner Santoyo read a statement on behalf of Commissioner Perea regarding the SEDA. Commissioner Santoyo felt that Commissioner Perea should be part of the committee and again expressed his interest in being part of the committee.

Commissioner Santoyo made a motion to appoint Commissioner Perea to the committee and Commissioner Parra seconded the motion. The motion passed 4-0. Chair Silva said that although both Commissioners are very qualified for the committee, he said he wanted to nominate Commissioner Santoyo because he thought Commissioner Santoyo was more familiar with water and ag issues. Commissioner Mendes seconded the motion. The motion passed 4-0.

Chair Silva recommended that staff be involved with the committee. The Commission then discussed who should be part of the committee and how input from different agencies should be solicited and strategized a plan for how the process should work.

Chair Silva opened the hearing for public comments. Mary Savala with the League of Women Voters asked that the public be notified of ad hoc committee meetings as a courtesy even though notice wasn't required.

Commissioner Santoyo suggested the committee first meet and make a plan and then hold a workshop and invite other interested agencies.

Ms. Savala made a formal request that the League of Women Voters be notified or be part of the process. Ms. Savala said she wasn't asking that they be on the committee but be kept apprised of what was happening.

Commissioner Mendes suggested starting the committee off by holding a noticed workshop.

Ashley Werner with the Leadership Council for Justice and Accountability urged the Commission to provide at least minimal public notice through the LAFCo website and agenda for all of the meetings.

Fresno City Manager Bruce Rudd said that he looked forward to working with the committee and that since a lot of things have changed, it would be a great opportunity to talk about the impacts of growth whether it's in SEDA or any other requests before the Commission. Mr. Rudd said that the potential stakeholders would also be an interesting dynamic because there would be developers and school districts that are looking at this as an opportunity to leverage their investments and then the ag interests because of their dependency on groundwater and the uncertainty of what crop could be planted in the next 10 to 15 years. Mr. Rudd recommended that the Fresno County Council of Governments also be involved in the process. Mr. Rudd said that in addition to the Sustainable Groundwater Act, there is also SB 375 (Sustainable Community Strategy) and AB 32 that need to be considered.

Manual Cuhna, representing the Nisei Farmers League, submitted a letter from a group of farmers and asked that the advisory group include farmers and developers. Commissioner Santoyo asked Mr. Cuhna if he could provide Executive Officer Fey with some names of people in the ag community to staff that he felt should be part of the discussions on the SEDA.

Will Scott, a small farmer, asked if the advisory group would be composed of any small farmers as they would be affected by the Commission's decisions. Chairman Silva responded that the Commission is putting together a list of who is interested to notify and that Mr. Scott should let staff know if he would like to be included on the list.

Fey clarified the Commission's direction, membership, and scope of the committee's work by stating that the committee would be comprised of Commissioners Perea and Santoyo and LAFCo staff and that the first committee meeting would be an administrative meeting to make a list of stakeholders to provide comment to the committee. Fey said the committee would then hold a workshop inviting the stakeholders they identified to provide comment to assist with developing a draft recommendation that would then be presented to the Commission at a later public hearing for review. Fey said the public hearing would also allow for additional public comment. Fey said the committee would not be taking action on the SEDA at that time but the committee would develop recommendation and present this to the Commission for action.

Chair Silva asked staff what the time frame would be for the committee. Fey said it would be optimal to have the committee's work completed in a timely manner so he anticipated anticipate

having the workshop sometime in January. Fey felt that it would be in everybody's interest to have a timely conclusion to the SOI issue.

**7. Executive Officer Comments/Reports**

**A. Informational report regarding payment to Fresno County for Retiree Benefits.**

Fey said that it has been the practice for LAFCo to pay the unfunded liability for annual leave of County employees contracted to LAFCo when that employee retired. Fey said LAFCo funded the prior EO's leave when he retired and that he got the same information from the CAO's office when Candie retired. Fey said that at the time she retired from the County, the unfunded liability appeared to be around \$15,000. Fey said he never received an invoice from the County and erroneously believed the issue had been resolved so staff later removed the \$15,000 from LAFCo's budget. Fey said staff has since been told the amount was closer to \$30,000 but that would not necessarily be a problem since LAFCo has a reserve of \$100,000. Fey said that LAFCo's bookkeeper has asked for additional information from the Auditor's Office before LAFCo makes payment to the County. Fey said he hopes the issue will be resolved in January at which time staff would be presenting a mid-year budget review.

**B. Informational report regarding Authorization to the City of Kerman to extend water and sewer service to properties on the east side of Goldenrod Avenue.**

Fey said that reported under the authority granted to the Executive Officer by the Commission, he authorized in November water and wastewater service from the City of Kerman to four properties and a cemetery that are located outside the City of Kerman's SOI. Fey said the CKH allows outside service extensions if there is an existing or pending health threat to residents. Fey said staff was provided a letter from the Health Department that supported staff's authorization.

**8. Commission Member Comments/Reports**

Commissioner Parra wished everyone a happy holiday. Commissioner Mendes told the Commission that even though he doesn't serve on the Commission very often, he reads the staff reports and keeps current on the issues.

**ADJOURNMENT**

Commissioner Santoyo made a motion to adjourn the meeting and Commissioner Parra seconded the motion. The motion passed 4-0 and the meeting was adjourned at 3:15 p.m.