

FRESNO LOCAL AGENCY FORMATION COMMISSION (LAFCo)

MEETING MINUTES

February 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

Chair Brandau asked Commissioner Yep to lead the Pledge of Allegiance.

3. Comments from the public

There were no comments from the public.

4. Potential conflicts of interest

Commissioner Parra disclosed that he lives in Fowler and expressed that this fact did not constitute a conflict of interest for consent item 5-B.

CONSENT AGENDA

5-A. Minutes from the LAFCo Meeting of January 12, 2021.

5-B. Consider Approval: City of Fowler “Marshall Elementary School Annexation.”

5-C. Consider Approval: City of Kingsburg “Kamm-Bethel Northwest Reorganization.”

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

REGULAR AGENDA ITEMS

6. Workshop: LAFCo Policies Manual Overview.

LAFCo Executive Officer Fey stated that the current manual needed an update to reflect current policy and practices of the Commission. He constructed a statutory foundation to define the intended role of LAFCo and proposed an updated review process. LAFCo Legal Counsel Price was invited to comment. Fey finished presentation with a recommendation to consider and provide direction to staff about the policy manual update.

Commissioner Santoyo complimented the presentation for its efficiency and necessity, and further encouraged his fellow Commissioners to proceed with the update.

Chair Brandau stated he is comfortable moving forward and noted this item was a "receive and file."

There were no comments from the public.

Fey stated that some progress would be made and will return the following month.

Chair Brandau asked for clarification as to the order of updates. Fey responded that he'd like to go in order, but there could be further updates as need arise or if direction to staff changed. The goal is to finish the update by the end of the current fiscal year.

Commissioner Parra asked if the policy update would be completed before or during the transition to the new Executive Officer. Fey affirmed that he will still move forward with the update and give a summary briefing during Executive Officer comments to the Commission.

Chair Brandau asked for further comments. Commissioner Magsig reiterated current policy manuals should reflect current laws and present clear boundaries to scope and authority. Price supplied additional information from current LAFCo policy and urged that issues be addressed before item approval.

Commissioner Magsig requested a point of clarity as to what is acceptable regarding the terms and conditions of approval of an annexation. An example would be the possibility of altering site plans and restricting working hours, to make a project more appealing to opposing residents. Counsel Price confirmed such actions are completely outside the Commission's authority. Commissioner Magsig agreed and wanted to ensure similar situations do not happen and that it is clear as to the limits of LAFCo's authority.

Chair Brandau listed conditions that are acceptable, such as making sure conditions are a part of annexations and done before the project is approved. Price agreed and listed appropriate conditional changes. Price also noted a letter from the attorney to Firebaugh Water District that had asked LAFCo to condition approval only upon the conditions between the applicant and the district. Price further stated that LAFCo cannot act outside of its enabling statutory.

Commissioner Parra and Fey discussed other examples of appropriate annexation processes.

Fey conveyed the importance of early preparation to certify that the process moves forward smoothly.

7. Executive Officer Comments

Fey presented the financials for November and December and mentioned that the audit had begun.

He had also been in contact with Sierra HR for the new executive officer interviews and they had held two phone interviews and those had been forwarded to the subcommittee composed of Commissioners Yep and Parra. Fey also planned subsequent interviews with candidates, and succeeding those interviews, he plans a closed session to interview with the Commission March 9.

Commissioner Magsig pointed out that the financial detail from November to December 2021 had unsettled transactions with checks. He suggested clearing up and maintaining control of transactions. Commissioner Santoyo proposed reminders for Commissioners if a check goes uncashed. Fey stated that he will bring up the subject to their bookkeeper and look into updated payment methods.

Discussion between Commissioners proceeded over the interview process for the new executive officer and the difficulties finding applicants. Commissioner Magsig also gave examples on how to expand workforce. Commissioner Santoyo voiced his concern that it will continue to be difficult to find future staff if pay and benefits are not comparable.

8. Commission Comments/Reports

Commissioner Magsig raised his concern about the Commission's bank accounts exceeding amounts insured by the FDIC. Fey noted that this matter has been raised in the past and he will provide a report to the Commission on this question.

9. Adjournment

Commissioner Santoyo made a motion to adjourn the hearing, seconded by Commissioner Magsig. The Commission approved the motion by a vote of 5-0. The hearing was adjourned at 2:34 p.m.