

FRESNO LOCAL AGENCY FORMATION COMMISSION (LAFCo)

MEETING MINUTES

August 11, 2021

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
George Uc, Senior LAFCo Analyst
Juan Lara, LAFCo Analyst
Kenneth Price, LAFCo Counsel

1. Call to Order and Roll Call

Chair Brandau called the meeting to order at 1:30 p.m. Commissioner Parra arrived at 1:39 p.m.

2. Pledge of Allegiance

Chair Brandau asked Commissioner Santoyo to lead 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 of interest.

CONSENT AGENDA

5-A. Minutes from the LAFCo Meeting July 14, 2021.

5-B. Appointment of Fresno LAFCo's Voting Delegate and Alternate Voting Delegate at the CALAFCO Board of Directors Elections.

Commissioner Santoyo made motion to approve items on the consent agenda, seconded by Commissioner Magsig. The Commission approved the motion by a vote of 4-0-1-0.

REGULAR AGENDA ITEMS

6. Sphere of Influence update for Sierra Resource Conservation District (USOI-193, continued hearing from June 9, 2021).

Senior LAFCo Analyst George Uc presented staff report and informed the Commission that the special districts opposing the project have not agreed with the applicant on terms or conditions that would resolve their concerns. Staff recommended that the Commission approve the item taking one action to affirm the current boundary and another to deny the SOI expansion or take two separate actions to approve the CEQA component and the SOI update.

There was discussion between Executive Officer Fey and Chair Brandau over effectiveness of the meetings between the Irrigation and Resource Conservation Districts. Fey felt that the meetings had been valuable but ultimately not productive because no consensus was reached. Commissioner Magsig asked if any Disadvantaged Unincorporated Communities in the proposed annexation area had requested the services of the SRCD or provided any letters of support. Fey mentioned that the Cities of Sanger and Reedley had inquired about the proposal but expressed no opposition.

Commissioner Magsig asked for reassurance that if the sphere was approved there would be a guarantee that issues regarding water would never be dealt with by the SRCD and no actions would be taken through to Govt. Code sec. 218 to establish a tax base. Fey answered that while there is no guarantee, the agencies have the ability to resolve potential issues if they agree on mutually acceptable conditions.

Commissioner Santoyo asked if there was any opposition from constituents in the affected territory. With no input from constituents, Commissioner Santoyo asked for clarification on the water management conflict asserted by the irrigation districts. The Commissioner expressed his disappointment at the lack of cooperation and resolution between the SRCD and IDs.

SRCD General Manager Steve Haze presented his impressions of the meetings between the agencies. GM Haze understood the sensitivity of the issue due to critical nature of water policy and the current drought and assured the Commission that the agencies can work together and complement one another.

Conversations regarding concerns of potential future issues and changes in policy ensued between GM Haze and the Commission. Commissioner Magsig suggested the agencies develop a Memorandum of Understanding or Joint Powers Agreement to achieve a fair resolution of the potential conflict. GM Haze mentioned the SRCD has no legal counsel, and any agreements would have to include County Counsel.

Commissioner Santoyo asked Fresno Irrigation District General Manager Bill Stretch to elaborate on his district's concerns about the SRCD's future water management. GM Stretch expressed concerns about the SRCD's goals regarding water enumerated in the Municipal Service Review. GM Stretch reiterated his opposition to the SRCD SOI expansion and noted that this position reflected his board members who also represented the interests of the growers

in the district. In order to achieve a resolution, GM Stretch asked the SRCD to remove the water goals if it wants to expand its SOI.

Commissioner Santoyo asked GM Stretch if the FID would be willing to come to an agreement if the condition was met. GM Stretch expressed the district preferences of either no expansion or have agreements in writing between the agencies.

Commissioner Yep recommend the FID and SRCD continue negotiations and come back to the Commission for approval. The Commission encouraged the agencies to pursue an MOU.

There were no other comments from the Commission.

There were no other comments from the public.

Commissioner Yep made a motion to continue the item to October 13, 2021, seconded by Commissioner Parra. The Commission approved the motion by a vote of 5-0.

7. “Sierra Resource Conservation District Annexation.” A proposed annexation of approximately 235,776 acres to the Sierra Resource Conservation District for territory westward of the current district service area to align with State Route 99 (LAFCo File No. AD-19-3)

This item will be continued to the October hearing.

There were no other comments from the Commission.

There were no other comments from the public.

Commissioner Magsig made a motion to continue, seconded by Commissioner Yep. The Commission approved the motion by a vote of 5-0.

8. Request by the County of Fresno Application to waive the application fees for the proposed County Service Area 32 sphere of influence amendment and associated change of organization applications.

Fey presented the report to the Commission with the recommendation to deny the motion as the state can reimburse the County’s application fees for the project. Commissioner Magsig acknowledged the need for this project while bringing awareness to staying accountable to the current Fresno LAFCo budgets. Commissioner Yep suggested the fees be deferred and provided an example from the City of Kerman.

A public comment was made on behalf of Leadership Council for Justice and Accountability in support of waiving the fees. Commissioner Magsig suggested to deny the fee waiver with the assumption that the state will reimburse the costs. If the fees are not reimbursed by the state, then they could be covered by the County.

Discussion on whether the project would be delayed if the fee were denied ensued with the conclusion that it would not delay the project. Chris Bump, Special Districts Administration expressed his opinion that the fees would be reimbursed, and it was not necessary to waive the fees.

There were no other comments from the Commission.

There were no other comments from the public.

Commissioner Magsig made a motion, seconded by Commissioner Santoyo. The Commission approved the motion by a vote of 5-0.

9. Issue a Request for Proposals (“RFP”) for Contract Human Resource Services.

Fey reported the need for on-call human resource support and asked to make a Request for Proposal (“RFP”). Commissioner Santoyo asked for verification that with this approval, all RFPs will be returned to the Commission for review. Fey confirmed.

There were no other comments from the Commission.

There were no other comments from the public.

Commissioner Santoyo made a motion to approve, seconded by Commissioner Magsig to support staff’s recommendation. The Commission approved the motion by a vote of 5-0.

10. Report by the Executive Officer Compensation Committee recommending an Amendment of the Executive Officer’s Employment Agreement (Compensation).

The compensation committee presented a report. General discussion occurred. The committee recommended a 5% compensation raise to the Executive Officer’s salary and benefits.

There were no other comments from the Commission.

There were no other comments from the public.

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

11. Approval and Authorization related to the Recruitment of a new Executive Officer.

Fey recommended that the Chair form an ad hoc committee to assist in the recruitment of a new EO. Chair Brandau appointed Commissioners Parra and Yep to serve on the committee.

There were no other comments from the Commission.

There were no other comments from the public.

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

12. Executive Officer Comments

No comments.

13. Commission Comments/Reports

Commissioner Magsig informed the Commission and staff of a recent fire in Courtright and thanked EO Fey for his volunteer work in post fire cleanup efforts.

14. 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 3:02 p.m.

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