



## LOCAL AGENCY FORMATION COMMISSION

Dave Herb, Executive Officer

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### MINUTES

MINUTES OF THE REGULAR  
LAFCO MEETING  
Tuesday, August 25, 2009

RESOURCE MANAGEMENT AGENCY  
2037 W. CLEVELAND AVENUE MS-G  
MADERA, CA 93637

Commissioners Present:

Frank Bigelow, Chair  
Vern Moss, Commissioner  
Justin White, Commissioner  
Robert Poythress, Commissioner  
Charles Leavitt, Alt. Commissioner

Others Present:

Dave Herb, Executive Officer  
Jim Gerecke, Legal Counsel  
Jerome Keene, Asst. Executive Officer

Convened: 6:00 p.m.

Pledge of Allegiance

Commissioner Bigelow noted the addition Commissioner Roy Price to the LAFCo Commission

1. Minutes:

Review and approve the minutes of the July 21, 2009 meeting.

On a motion by Commissioner White, seconded by Commissioner Moss, and unanimously carried 5-0, it was ordered to approve the minutes of the July 21, 2009 as prepared.

2. Public Comments:

No comments were received at this time.

### PUBLIC HEARINGS:

3. COUNTY SERVICE AREA #2 DETACHMENT – JONES AND SNYDER

Dave Herb presented this item. He explained that this proposal is required as result of Proposition 218 tax rates and local ordinances and is needed to finalize a lot-line adjustment application.

No public comment was received for this item.

On a motion by Commissioner Poythress, seconded by Commissioner Moss, and unanimously carried 5-0, it was ordered to approve the item as presented.

4. RIO MESA AREA MUNICIPAL SERVICE REVIEW: INTRODUCTORY WORKSHOP

Mr. Herb presented this item and gave an overview for the municipal service review. He noted that a letter was received from Jeff Reid, attorney representing the Gunner Ranch West project, that they were in support of LAFCO's actions and requested to be informed of upcoming meetings and reports.

Mr. Steve Brandt, consultant from Quad Knopf, introduced himself and provided an analysis of the information contained within the staff report. He discussed that the purpose of the workshops was to garner public participation and input through the municipal service review process.

Commissioner White asked if County Service Area 22 was currently serving the smaller neighborhoods.

Mr. Brandt clarified that CSA 22 was separate and apart from CSA 19 and CSA 16.

Commission Bigelow asked if the population projections within the report came from the local Area Plan.

Mr. Brandt confirmed that the population projections came from the adopted Rio Mesa Area Plan.

Commissioner Bigelow asked for clarification regarding the claims by Staff that CSA 22 was distinguished as the primary service provider for the area.

Mr. Herb recalled previous Board of Supervisors actions as well as LAFCo Commission actions in July 2008 which reactivated latent powers for CSA 22. At the time, the Resource Management Agency Director had stated that all development projects would be directed to receive services from CSA 22.

Mr. Herb and Mr. Brandt stated that the municipal service review would provide guidance towards future policy and governance issues for development within the area.

Mr. Herb added that this meeting was a public workshop and not a public hearing. He also noted that all the staff reports would be available on the website.

Maryann Myers, Rolling Hills resident, asked what LAFCo does and whether or not its authority overlapped with the Madera County Board of Supervisors' authority.

Mr. Herb explained the history and jurisdiction of LAFCo and how LAFCo is a state agency, completely separate agency from the Board of Supervisors.

Mr. Brandt added that LAFCo does not regulate land use whereas the Board of Supervisors does.

Commissioner White clarified that each special district is technically separate from the County. He also asked Mr. Herb why Staff was conducted the municipal service review.

Mr. Herb explained that LAFCo is mandated by State Law to conduct these reviews every five years. In this area, he stated that this type of review was overdue and needed to clarify the governance issue for the Rio Mesa area.

Eric Fogderude, resident of Sumner Hill, addressed the Commission and submitted a letter from the homeowners' association for the subdivision. He noted that the district does not overlap with any other district as well as perceived factual errors within the staff report.

Mr. Herb noted the corrections and noted that all information discussed within the report was obtained from the County Engineering Department. He also added that Staff would double check the data for any errors which were presented at the workshop.

Commissioner Bigelow requested copies of the documents containing the noted information from the County Engineering Department.

Ralph Tonseth, resident of Rolling Hills, noted the homeowners association's lack of knowledge of the municipal service review process. He noted the area's willingness to work with Staff in order to obtain essential services for the area. He also noted the subdivision's working relationships with the surrounding developments of Gateway Village and Gunner Ranch West.

Leonard Garupa, consultant for Children's Hospital of Central California, noted errors in the staff report pertaining to CSA #22 and the services currently being provided.

Mr. Herb noted the changes and that Staff would make the needed corrections to clarify services being provided in CSA 22.

Jim Cobb, Madera resident, expressed support for CSA 22. He asserted that his property had an abundance of water which he could make available to development or the CSA if needed.

Cathy Cleaver, resident of Bonadelle Ranchos #9, noted the inadequacy of MD 14's current services. She also noted the need to monitor the impacts of the proposed Vulcan quarry being proposed in close proximity of the subdivision. She stated that MD 14 being included in the municipal service review could be beneficial to the residents of the area.

Mr. Herb responded that land use decisions are not within LAFCO's jurisdiction. He did also note that MD 14 was included within the municipal service review in order to give the residents a chance to be included and express their desire for additional services.

Ron Cleaver, resident of Bonadelle Ranchos #9, also noted the lack of essential services, mainly parks, in the area. He asked if LAFCo could force consolidation of MD 14 with another district.

Mr. Herb stated that LAFCo could initiate consolidation of districts but ultimately a majority vote of the district would be required.

Jim Gerecke, LAFCo Council, stated that if MD 14 were included within a larger district, a zone of benefit could be included in order to provide individuality to the subdivision while only providing the desired services to the residents.

Paul Fredricks, General Manager of the Sierra Foothills Public Utility District, stated that the district currently is in the process of being sold. In addition, he added that the district distributed a request for proposal in order to obtain a bundled utility provider. He stated that this provider would be able to offer all the services the district was originally formed to be provide.

Mr. Herb noted the desire of Staff to have the district participate in the municipal service review process. In addition, he wanted to clarify statements made by Mr. Fredricks that the district was planning to provide services beyond parks and recreational services related to the golf course. He added that all the services available to the district were considered latent due to lack of use and that the district would need to bring a proposal before the LAFCo Commission in order to reactivate those additional services.

Mr. Fredricks stated he understood this matter and would be participating throughout the municipal service review process.

Commissioner Bigelow closed the public hearing.

Commissioner Bigelow noted that Staff has direction and information from the public and to act accordingly.

Mr. Herb noted that the next workshop would be October 27, 2009 and not September 22, 2009 as stated in the public notice. He added that additional notice would be going out notifying the public of the change of date for the workshop. He also added Staff had exceeded the legally required notice for the workshop and that all noticing fees would be coming from the reserve fund as directed previously by the Commission.

## 5. POLICY AMENDMENT – CANCELLATION OF MEETINGS

Mr. Herb presented this item. Commissioner White support the changes made by Staff. Commissioner Bigelow noted the need for the addition of the word "days" for policy 1.65.2 and that the additional of cancellation due to lack of a quorum should also be added.

It was ordered to have staff re-write the policies and bring it back to the Commission at the next meeting for adoption.

**Executive Officer's report:**

Mr. Herb discussed the upcoming CALAFCO Conference at Tenaya Lodge on October 28 to 30, 2009.

Mr. Herb added the need for a voting delegate at the conference. The Commission selected Commissioner Price as the voting delegate.

Mr. Herb updated the Commission on the status of Parkwood and Parksdale areas.

**Commissioner's Reports:**

Commissioner Bigelow noted the Board of Supervisors' stance changed for Senate Bill 215 (Wiggins) from opposition to neutral.

Commissioner Bigelow also noted that MD 95 could be requesting assistance from Staff regarding establishing a new services district.

Adjournment: 8:15 p.m.

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Frank Bigelow, Chairman  
Madera Local Agency Formation  
Commission

ATTEST:

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DAVE HERB, Executive Officer  
Madera Local Agency Formation  
Commission