



LOCAL AGENCY FORMATION COMMISSION

Dave Braun, Executive Officer

200 W. 4th Street, Suite 3100, Madera, CA 93637
www.maderacounty.com/government/madera-lafco
(559) 675-7821

* SPECIAL NOTICE REGARDING PUBLIC PARTICIPATION DUE TO COVID-19*

Given the current Shelter-in-Place Order covering the State of California and the Social Distance Guidelines issued by Federal, State, and Local Authorities, there will be limited seating in the Meeting Chambers.

The LAFCO meeting will be accessible via live-streaming online to all members of the public at:

<http://maderacountyca.ig2.com/Citizens/Default.aspx>

EMAIL COMMENTS

If you wish to address any item on the agenda, please submit comments to Dave Braun, LAFCO Executive Officer by email at David.braun@maderacounty.com. Written comments will be accepted up until the conclusion of the public hearing.

AGENDA

Madera County Government Center
Supervisors' Chambers
200 W. 4th Street, 1st Floor
Madera, CA 93637

LAFCo Meeting
Wednesday, August 26, 2020
11:00 A.M.

Commissioner Andrew Medellin, Chair (City)
Commissioner Max Rodriguez, Chair Pro Tem (County)

Commissioner Waseem Ahmed (City)
Commissioner Tom Wheeler (County)
Commissioner J. Carol Graham (Public)

Commissioner Steve Montes (City Alternate)
Commissioner Laura Young (Public Alternate)
Commissioner Brett Frazier (County Alternate)

Dave Braun, Executive Officer

Doug Nelson, Legal Counsel

1. Call to Order and Roll Call
2. Pledge of Allegiance

3. Public Comments

Any person wishing to address the Commission on a subject within the jurisdiction of Madera LAFCo, but not appearing on the agenda may do so by email at David.braun@maderacounty.com (please keep your comments to three minutes).

CONSENT AGENDA

All consent agenda items are considered routine in nature and will be enacted by one motion; there will be no individual discussion of these items unless requested (pulled) by a member of the Commission or the public. Any item pulled from the consent agenda for discussion will be set aside until after approval of the consent agenda. Prior to taking any action the public will be given the opportunity to comment on any consent item.

4. Minutes of the June 11, 2020 meeting

RECOMMENDATION: Approve Minutes

PUBLIC HEARING

5. Clayton Water District- Clayton Water District Annexation (2018-001)-Extension of Time

The Commission will consider a request for an extension of time of the Commission's approval of the Clayton Water District Annexation on August 28, 2019.

RECOMMENDATION: Approve Extension of Time

DISCUSSION ITEMS

- 6. Commissioners Reports
- 7. Executive Officer Reports
- 8. Adjournment

(The next meeting will be on September 23, 2020)

The Political Reform Act prohibits a person appointed to the Local Agency Formation Commission from accepting gifts of more than \$390.00 within the preceding 12 months from parties, participants, or their agents while a proceeding is pending before LAFCO and for three months following the decision. LAFCO commissioners who receive such contributions are required to disqualify themselves from participating in the proceedings. Both commissioners and contributors who are parties to the proceeding are required to disclose the contributions received or made. Persons with disabilities may receive aid, modifications, or accommodations for participating in the proceeding of the Madera Local Agency Formation Commission by contacting the Madera LAFCO Clerk or the Executive Officer at (559) 675-7821. Please provide advance notification so that specific arrangements can be made.



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DRAFT MINUTES

AGENDA ITEM #4

Madera County Government Center
Board of Supervisors' Chambers
205 West 4th Street
Madera, CA 93637

Special LAFCO Meeting
Wednesday, June 11, 2020
11:00 A.M.

Commissioners Present: Andrew Medellin, Chair, City Member
Max Rodriguez, Chair Pro Tem, County Member
Waseem Ahmed, City Member
Tom Wheeler, County Member
J. Carol Graham, Public Member
Laura Young, Alternate Public Member

Commissioners Absent: None

Others Present: Dave Braun, Executive Officer
Doug Nelson, Legal Counsel
Candie Fleming, Clerk to the Commission

1. Call to Order and Roll Call
2. Pledge of Allegiance
3. Public Comments

There were no comments from the public.

CONSENT AGENDA

4. Minutes of the January 22, 2020 and May 13, 2020 Meetings

The minutes were approved as presented by a motion from Commissioner Wheeler and was seconded by Commissioner Ahmad. The motion passed with a vote of 5 to 0.

PUBLIC HEARING

5. 2020-21 Fiscal Year Final Budget/Schedule of Fees and Charges

Executive Officer Braun presented staff's report. Braun said the overall budget is \$5,000 less than last year's budget and was the same as the proposed budget that was approved in May. Braun said that at the May meeting he told the Commission that they may want to consider transferring some money from the reserve account to help fund LAFCo's expenses. Braun reported that if the Commission approved LAFCo's budget, the Commission could revisit the budget, if necessary, after the County and Cities approved their budgets. Braun said as in the past, staff adjusted the fee schedule to keep pace with inflation. Braun recommended approving the final budget and fee schedule as presented.

Commissioner Wheeler made a motion to approve the proposed budget as presented and Commissioner Ahmed seconded the motion. The motion was approved on a 5-0 vote.

Commissioner Wheeler asked what the timeline was for holding a workshop on the North Fork/Bass Lake Area MSR.

Braun said the Commission could have a remote meeting similar to today's and invite the public to comment by e-mail or over the phone rather than meeting up at the Pines in Bass Lake. If so, Braun said maybe the meeting could be held in the next month or two.

Commissioner Wheeler said he thought if the workshop was noticed well enough, the Commission could hold the workshop like other Board meetings.

Commissioner Medellin agreed that if the meeting could be streamed like today's meeting, the sooner it is held the better. Commissioner Wheeler agreed and Braun said he would work on a time and date that would work well for everybody. Commissioner Ahmed asked if the public would still have the option to attend the meeting and Braun said they would.

Commissioner Graham said she thought they should wait on the workshop so that people could actually attend. Commissioner Wheeler said people could still attend but they would have to stay apart and have their temperature tested first. Commissioner Ahmed said he didn't see any reason to delay the workshop. Braun said they could open up the Board chambers for those who wanted to attend.

Commissioner Graham asked why they couldn't hold the workshop in Bass Lake.

6. Commissioner Reports

Commissioners Ahmed, Graham, and Rodriguez had nothing to report.

Commissioner Wheeler said the Commission should give a thumbs-up on having a zoom workshop for the North Fork/Bass Lake Area MSR.

Commissioner Medellin agreed but felt it would be very important for the public to be aware of the meeting and how it is going to be conducted as far as maintaining social distance, phoning in to the workshop, or showing up in person, as well as having the ability to email their comments or concerns ahead of time.

Commissioner Wheeler said the workshop should also be advertised well and suggested ways to do that.

7. Executive Officer Reports

Braun said staff will be sending out postcards and will work with the Clerk to the Board of Supervisors to get the correct wording for the notice. Braun told Commissioner Graham that the reason why it may not be a good idea to hold the workshop in Bass Lake was because of concerns over having a large group of people in one room and creating a social distancing issue. Braun said by having a zoom meeting, they could access it on line or attend in the Board Chambers if they wanted.

8. Adjournment

Commissioner Rodriguez made a motion to adjourn the meeting and Commissioner Ahmed seconded the motion. The motion was approved on a 5-0 vote and the meeting was adjourned at 11:19 a.m.



- 200 W. 4th Street, Suite 3100
- Madera, CA 93637
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- mc_planning@madera-county.com

LOCAL AGENCY FORMATION COMMISSION

Dave Braun, Executive Officer

DATE: August 26, 2020 **ITEM #5**

TO: LAFCO Commissioners

FROM: Dave Braun, LAFCO Executive Officer

SUBJECT: Clayton Water District Annexation-Time Extension

RECOMMENDATION:

Approve a six month time extension for the Clayton Water District to complete the proceedings for the Clayton Water District Annexation.

PROPOSAL:

In accordance with Section 57001 (CKH) the Clayton Water District is requesting a six month extension of time to complete the Clayton Water District Annexation for 47 properties totaling 9,457 acres within both Madera and Merced Counties (See attached Exhibit B).

BACKGROUND

On August 28, 2019, the Commission approved the above noted Clayton Water District Annexation. The applicant had one year to meet the conditions of approval and record the annexation. Clayton Water District is requesting this extension in order to allow additional time to complete the required non- tax sharing agreement with Merced County. The approval of this agreement has been delayed due largely to Covid-19. Staff has been in contact with the Merced County CEO's Office and has been told that it will be presented to the Merced County Board of Supervisor's by no later than September 2020.

EXHIBIT A Vicinity Map
EXHIBIT B Correspondence from Clayton Water District dated August 17, 2020
EXHIBIT C LAFCO Resolution 2019-010
EXHIBIT D Proposed Resolution

EXHIBIT A

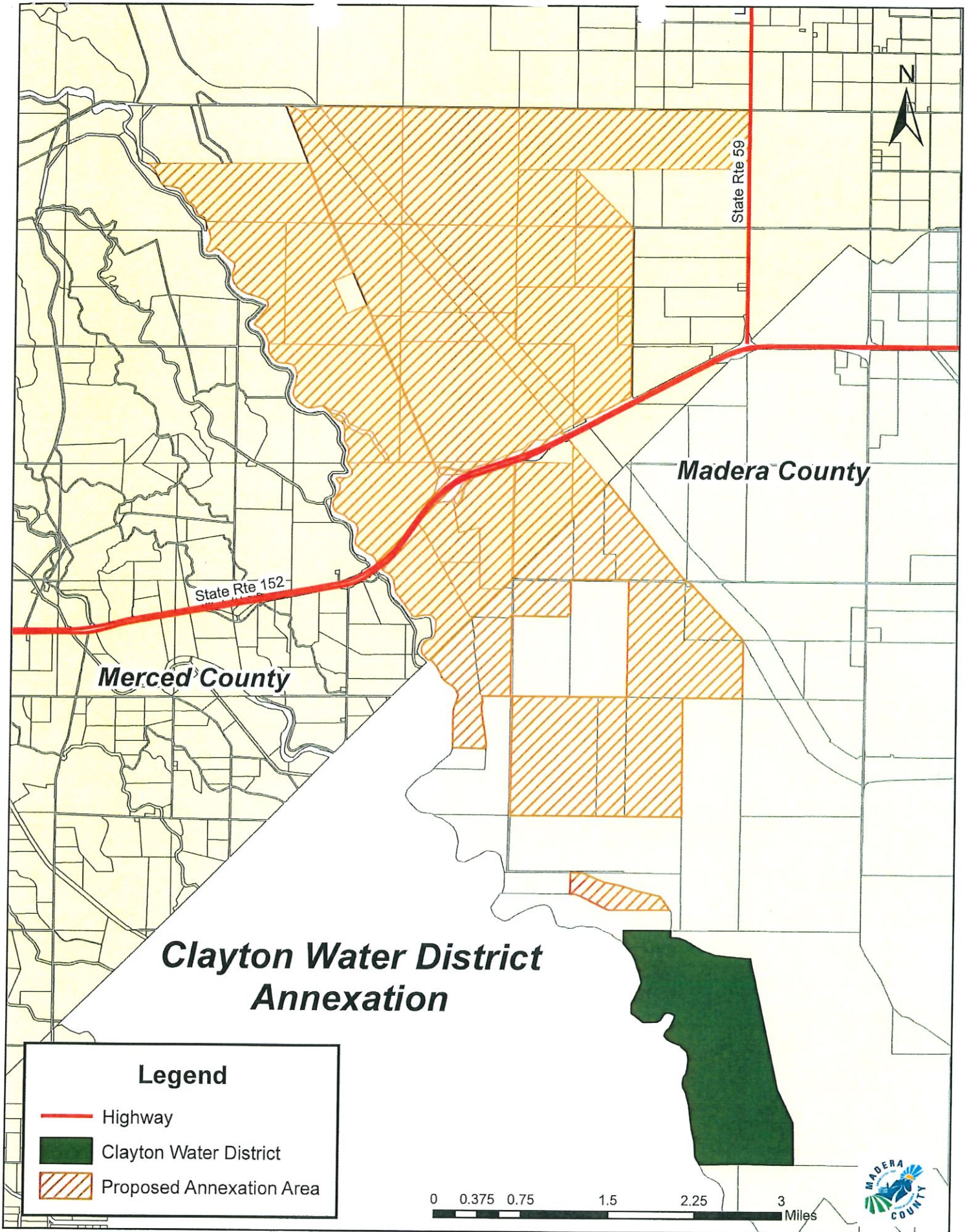


EXHIBIT B

Clayton Water District

**P.O. Box 35
El Nido, CA 95317**

August 17, 2020

Dear Mr. Braun:

Please accept this request for an extension of approval of the Clayton Water District (“the District”) annexation. Madera LAFCo approved an annexation application for the District on August 28, 2019 and the District is requesting additional time to complete one of the conditions of approval.

In the past year, the District has requested multiple times that the Merced County Board of Supervisors take action on a non-tax sharing agreement, but unfortunately the Merced County Board of Supervisors has yet to agendaize the item. As you know, the District's staff has spent ample time to educate personnel regarding the obligation of the District to obtain a non-tax sharing agreement with Merced County and to promote the prioritization of the agreement by Merced County.

As you have seen via email and through verbal reports to you by District staff, we have made a consistent effort since 2019 to complete this requirement. The District is thankful to you as well, Mr. Braun, for making an effort to explain this requirement and for communicating the necessity of the agreement to the appropriate parties. The COVID-19 crisis has derailed any efforts to move this item along. We understand from recent communications with the Merced County Administrator's office that the item will be reviewed and considered by the Merced County Board of Supervisors either this month or next month. We request a 6- month extension at this time.

Again, thank you for considering this request. We look forward to attending the Madera LAFCo hearing on August 26, 2020. Please do not hesitate to contact me if you have any additional questions.

Sincerely,



JULIA D. BERRY
Clayton Water District
(559) 970-8778 mobile
juliaberry@sbcglobal.net

BEFORE
THE MADERA LOCAL AGENCY FORMATION COMMISSION
STATE OF CALIFORNIA

In the Matter of)	Resolution No.: <u>2019 - 010</u>
)	
CLAYTON WATER DISTRICT)	A RESOLUTION MAKING
ANNEXATION)	DETERMINATIONS AND APPROVING
)	THE APPLICATION OF THE CLAYTON
)	WATER DISTRICT – CLAYTON WATER
)	DISTRICT ANNEXATION (2018-001)
)	

WHEREAS, Clayton Water District, applicant, has filed a Reorganization (the "Proposal") for annexation of property into the Clayton Water District with the Executive Officer, pursuant to the Cortese-Knox-Hertzberg (CKH) Local Government Reorganization Act of 2000, as amended, Government Code Sections 56000 et seq. (the "Act"); and

WHEREAS, the Proposal includes the annexation of 14 parcels on approximately 2,451 acres in Madera County into the Clayton Water District; and

WHEREAS, the Proposal also includes the annexation of 33 parcels on approximately 7,006 acres in Merced County into the Clayton Water District; and

WHEREAS, proceedings with regard to the Proposal have been conducted in accordance with the CKH Act; and

WHEREAS, this Commission called for and held a public hearing on the Proposal as required by law on August 28, 2019; and

WHEREAS, at the hearing this Commission heard and received all oral and written protests, objections and evidence which were made, presented or filed, and all persons present were given an opportunity to hear and be heard with respect to this Proposal and the report of the Executive Officer; and

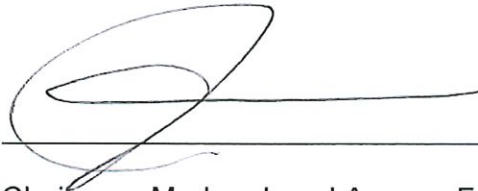
WHEREAS, the Commission certifies that the Executive Officer recommended that the annexation is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15307, 15308 (actions for the protection, restoration or enhancement of a natural resource/environment) and 15320 (Geographical area not changed where previous powers existed) .

**NOW, THEREFORE, THE MADERA LOCAL AGENCY FORMATION
COMMISSION DOES HEREBY RESOLVE, DETERMINE AND ORDER AS
FOLLOWS:**

1. The annexation to the Clayton Water District shall consist of 47 parcels covering approximately 9,457 acres as shown on Exhibit A.
2. The applicant shall cause to be prepared, to the satisfaction of the Madera LAFCO Executive Officer, such documents and legal descriptions as are deemed necessary for filing a statement of boundary change with the State Board of Equalization. Any necessary fees or costs for processing and documentation shall be paid by the applicant.
3. Prior to the annexation being recorded, the Clayton Water District shall enter into a Tax Sharing Agreement with both Madera and Merced Counties pursuant to Tax and Revenue Code Section 99.
4. The Clayton Water District Board of Director's shall be expanded from a three member to a five member Board. Within a year of the recordation of this annexation, an election shall occur to appoint all five Board members.
5. If a Proposition 218 Proceeding is not conducted and/or a mechanism to otherwise fund the District is not in place within two years of the recordation of the annexation or LAFCO otherwise extends such deadline, LAFCO will initiate proceedings for dissolution.
6. The short-term designation shall be "Clayton Water District Annexation" – (2018-001).
7. The annexation is uninhabited as defined by Government Code Section 56046.
8. The Commission hereby waives subsequent protest and election proceedings.

The foregoing Resolution was adopted this 28th day of August 2019, by the following vote:

Chairman Graham Voted: YES
Commissioner Medellin Voted: YES
Commissioner Wheeler Voted: ABSENT
Commissioner Ahmed Voted: YES
Commissioner Rodriguez Voted: YES



Chairman, Madera Local Agency Formation Commission

ATTEST:


Executive Officer, LAFCO

Approved as to Legal Form:


LAFCo Counsel

BEFORE THE
MADERA LOCAL AGENCY FORMATION COMMISSION
STATE OF CALIFORNIA

In the Matter of

Resolution No. 2020-

APPLICATION FOR TIME EXTENSION
FOR ANNEXATION OF TERRITORY
TO THE CLAYTON WATER DISTRICT-
Clayton Water District Annexation (2018-001)

)
)
)

A RESOLUTION MAKING
DETERMINATIONS AND APPROVING
A TIME EXTENSION FOR THE
Clayton Water District Annexation (2018-
001)

WHEREAS, the Clayton Water District as applicant filed a proposal for the annexation of territory to the Clayton Water District (the "Proposal") with the Executive Officer, pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, as amended, Government Code Sections 56000 *et seq.* (the "Act"); and

WHEREAS, this Commission called for and held a public hearing on the Proposal as required by law on August 28, 2019 and at the hearing this Commission heard and received all oral and written protests, objections and evidence which were made, presented or filed, and all persons present were given an opportunity to hear and be heard with respect to this Proposal and the report of the Executive Officer; and

WHEREAS, after a full hearing, the Commission (by a 4-0 vote) approved the Proposal, subject to conditions; and

WHEREAS, the Commission may grant an extension of time that is deemed reasonable for completion of necessary prerequisite actions pursuant to Government Code Section 57001.

**NOW, THEREFORE, THE MADERA LOCAL AGENCY FORMATION COMMISSION
DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:**

1. A six month extension has been granted for the completion of the Clayton Water District Annexation (2018-001) to February 28, 2021.

The foregoing Resolution was adopted this 26th day of August 2020, by the following vote:

Chairman Medellin Voted: _____

Commissioner Rodriguez Voted: _____

Commissioner Ahmed Voted: _____

Commissioner Wheeler Voted: _____

Commissioner Graham Voted: _____

Chairman, Local Agency Formation Commission

ATTEST:

Executive Officer, LAFCO

Approved as to legal Form:

LAFCO Counsel