



LOCAL AGENCY FORMATION COMMISSION

Dave Braun, Executive Officer

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MEETING MINUTES

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

LAFCO Meeting
Wednesday, December 9, 2020
11:00 A.M.

1. CALL TO ORDER AND ROLL CALL

Commission Chair Max Rodriguez called the meeting to order at 11:00 a.m. Joann Zuniga, LAFCO Clerk to the Commission, gave the meeting roll call.

Commissioners Present: Max Rodriguez, Chair, County Member
Tom Wheeler, County Member
Waseem Ahmed, City Member
Laura Young, Alternate Public Member At-Large

Commissioners Absent: None

Others Present: Dave Braun, Executive Officer
Doug Nelson, Legal Counsel
Joann Zuniga, Clerk

2. PLEDGE OF ALLEGIANCE

Wally Nishimoto, Business Systems Analyst with the Community and Economic Development Department/Planning Division, led recitation of the Pledge of Allegiance.

3. PROCLAMATION OF APPRECIATION

Dave Braun, LAFCO Executive Director, recognized Commissioners Andrew Medellin, Max Rodriguez, and J. Carol Graham for their valuable contributions and many years of dedicated service to the Madera County Local Agency Formation Commission. Commission members praised their work and thanked them for their contributions to Madera City and County. Max Rodriguez stated it had been a privilege to serve on the Commission.

4. PUBLIC COMMENTS

Chair Rodriguez called for public comment. There were no comments from the public. Chair Rodriguez closed the Public Comments period.

5. CONSENT CALENDAR

A. Minutes of the August 26, 2020, Meeting

Commissioner Wheeler moved to approve the August 26, 2020, meeting minutes, seconded by Commissioner Ahmed; motion passed by a vote of 4 to 0.

Vote: Yes - Wheeler, Ahmed, Rodriguez, Young
No - None
Absent - None
Abstain - None

B. Minutes of the September 23, 2020, Meeting

Commissioner Young moved to approve the September 23, 2020, meeting minutes, seconded by Commissioner Wheeler; motion passed by a vote of 4 to 0.

Vote: Yes - Young, Wheeler, Ahmed, Rodriguez
No - None
Absent - None
Abstain - None

The Consent Agenda was approved. The Meeting Minutes of August 26, 2020, and September 3, 2020, were approved and filed as presented.

6. PUBLIC HEARING

- A. Establish jurisdiction to process Sphere of Influence Amendments and related Reorganizations for two Mosquito and Vector Control Districts in Fresno and Madera Counties**

Recommendation: Delegate Principal County Authority to Fresno LAFCO for Madera Mosquito and Vector Control District and Authorize Executive Officer to proceed as outlined in the staff report

Staff Presentation

Staff presentation given by Executive Officer Dave Braun. Braun stated Madera County LAFCO received a request from the Fresno County LAFCO involving Fresno County and Madera County Mosquito and Vector Control Districts. Braun stated Fresno Mosquito and Vector Control District filed an application with Fresno LAFCO to annex property to the Fresno County Mosquito and Vector Control District and detach property that was in Madera County Mosquito and Vector Control District.

Dave Braun stated Madera County LAFCO needed to delegate principal county authority to Fresno County LAFCO in order to process the reorganization application, which involved two parcels of land on approximately 322 acres. Braun stated the property was located north of the San Joaquin River, just west of State Route 41.

Dave Braun stated Madera County Mosquito and Vector Control District also would be filing a similar application to reorganize approximately 93 acres of property south of the San Joaquin River between Howard Avenue and Goldenrod Avenue north of Barstow Avenue in Fresno County into its district. Braun stated it would require the same type of application in which Madera County Mosquito and Vector Control District would propose to annex property into its district and detach the affected property from the Fresno County Mosquito and Vector Control District. Braun stated funding would be from Educational Revenue Augmentation Funds (ERAF).

Dave Braun reiterated that Madera County LAFCO had a request to delegate principal county authority to Fresno County LAFCO to process the Fresno County Mosquito and Vector Control District project. Braun stated that in the Fresno County LAFCO letter it stated that when Madera County Mosquito and Vector Control District files its application, Fresno County LAFCO would delegate principal county authority to Madera County LAFCO to process the Madera County Mosquito and Vector Control District application.

Dave Braun stated it was appropriate for the Commission to consider delegating authority to the Fresno County LAFCO for the Fresno County Mosquito and Vector Control District application. Braun stated in the staff report there was a resolution from Madera County Mosquito and Vector Control District endorsing the Fresno County Mosquito and Vector Control District project. Braun stated it was appropriate to authorize the Executive Officer of Madera County LAFCO to request of Fresno County LAFCO that they delegate principal county authority to Madera County LAFCO when the Madera County Mosquito and Vector Control District's project is filed, which the District indicated would be in Spring 2021.

Dave Braun recommended the Commission approve delegating principal county authority to Fresno County LAFCO and authorize the Executive Officer to request of Fresno County LAFCO that it delegate principal county authority to Madera County LAFCO with the Madera County Mosquito and Vector Control District project.

Commission Comments

Commissioner Tom Wheeler asked if a representative from the Madera County Mosquito and Vector Control District was at the meeting. Chair Max Rodriguez responded no.

Applicant Presentation

Ryan McNeil, representing Fresno County Mosquito and Vector Control District, stated both Fresno County and Madera County Mosquito and Vector Control Districts and the respective Boards of Trustees were fully aware of the request. Ryan McNeil stated Alex Scalzo of Madera County Mosquito and Vector Control District was in the process of filing the Madera County Mosquito and Vector Control District request. McNeil stated both Fresno County LAFCO and Madera County LAFCO were aware, and both Counties were on board with this process; stated there were resolutions on file with the clerks from both Fresno and Madera Counties.

Ryan McNeil stated Fresno County Mosquito and Vector Control District initiated this request. McNeil stated much of the mosquito problem was in the northern part of Fresno and centered in that part of the San Joaquin River where water was stagnant. McNeil stated both he and Alex Scalzo began work on how to treat the affected area. McNeil stated he did not think it was prudent to rely on Madera County to treat this area at the request and discretion of Fresno County, rather Fresno County Mosquito and Vector Control District should treat the area.

Commissioner Tom Wheeler asked if there was a financial benefit. Ryan McNeil stated California's Educational Revenue Augmentation Funds (ERAF) came from cities, counties, and special districts such as mosquito districts to the State to help fund K through 12 school budget gaps. McNeil stated there was an ERAF exemption for multi-county special districts allowing funds to remain local and not transferred to the State. McNeil stated the two mosquito districts would be able to hold on to the funds to benefit Fresno and Madera County residents.

Public Comments

Chair Rodriguez called for public comment. There were no comments from the public. Chair Rodriguez closed the Public Comments period.

Commission Action

Commissioner Wheeler moved for approval; Commissioner Ahmed seconded the motion. The motion passed by a vote of 4 to 0.

Vote: Yes - Wheeler, Ahmed, Rodriguez, Young
 No - None
 Absent - None
 Abstain - None

By Resolution No. 2020-008, the Commission approved the delegation of principal county authority to Fresno County LAFCO to process the Fresno County Mosquito and Vector Control District project. Further, the Commission approved authorizing the Executive Officer of Madera County LAFCO to request Fresno County LAFCO delegate principal county authority to Madera County LAFCO to process the Madera County Mosquito and Vector Control District project.

B. Request for Service Connection to the City of Madera – North Fork Casino

Recommendation: Approve connection to the City of Madera water and sewer systems

Staff Presentation

Staff presentation given by Executive Officer Dave Braun. Braun stated the City of Madera submitted an extra-territorial service extension to provide city water and sewer services to the future North Fork Casino. Braun stated it was important for the Commission to review the extension request for extra-territorial service because this was a large-scale project.

Dave Braun stated the government code allowed a city to provide service outside its jurisdiction provided LAFCO gave its approval to do so. Braun stated this project was adjacent to the Madera City boundary, but there was not a proposal to annex the property into the City of Madera at this time. Braun stated if this extension was allowed, there would be a condition that the property owners enter into a covenant waiving their right to protest annexation of the property in the future.

Dave Braun stated typically for new development adjacent to a city, the property would be annexed at time of development, which would be beneficial to the developer who would receive city services and beneficial to the city that would receive tax revenue from the property. Braun stated because the property was owned by the Department of the Interior, Bureau of Indian Affairs, the City of Madera would not be receiving tax benefit from this property. Braun stated it was not critical to annex the casino and surrounding properties at this time, but future annexation in that area would be important for orderly expansion of the city boundary.

Dave Braun recommended the Commission allow the extra-territorial service request from the City of Madera to provide city water and sewer services to the North Fork Casino with the condition that the property owners enter into a covenant waiving their right to protest annexation of the property in the future.

Commission Comments

Commissioner Tom Wheeler asked Keith Helmuth, Madera City engineer, if there had been any objections. Keith Helmuth responded that the City of Madera had not received any objections. Keith Helmuth stated it would be possible to expand city water and sewer services to adjacent

Property. Keith Helmuth stated the City of Madera was anticipating an increased potential for development with construction of the casino and was considering annexation of that area. Commissioner Wheeler stated it was good for property owners to have city sewer service rather than septic systems.

Chair Rodriguez stated the project included 305± acres and future development in the area around the casino would need to be orderly. Commissioner Ahmed asked about future growth projections and annexation of property around the casino. Dave Braun stated the casino property was unique because it was owned by the Federal government; stated if private property around the casino was proposed for development, it would be required to be annexed.

Applicant Presentation

Keith Helmuth, engineer with City of Madera, stated representatives from the North Fork Casino were present to answer any questions of the Commission. There was none.

Public Comments

Chair Rodriguez called for public comment. There were no comments from the public. Chair Rodriguez closed the Public Comments period.

Commission Action

Commissioner Wheeler moved for approval; Commissioner Ahmed seconded the motion. The motion passed by a vote of 4 to 0.

Vote: Yes - Wheeler, Ahmed, Rodriguez, Young
 No - None
 Absent - None
 Abstain - None

By Resolution No. 2020-009 the Commission approved the extra-territorial service request by the City of Madera to provide city water and sewer services to the North Fork Casino subject to the property owners entering into a covenant with the City of Madera waiving their right to protest future annexation of their property to the City of Madera.

7. ACTION ITEMS

A. 2021 Commission Meeting Schedule

Recommendation: Adopt

Dave Braun presented the 2021 Commission meeting schedule; stated meetings would be on the fourth Wednesday of the month. Braun stated for the duration of the COVID-19 pandemic the Commission would continue to meet at 11 a.m. in the Board of Supervisors' Chamber. Braun stated the one exception was that no meeting would be held in November and in December the meeting would be held on the second Wednesday of the month on December 8, 2021; recommended the 2021 meeting schedule be approved.

Commissioner Wheeler moved for approval; Commissioner Young seconded the motion. The motion passed by a vote of 4 to 0.

Vote: Yes - Wheeler, Young, Ahmed, Rodriguez
 No - None
 Absent - None
 Abstain - None

The Commission approved the 2021 meeting schedule.

B. LAFCO Work Program – MSR Updates

Recommendation: Adopt

Dave Braun stated all but a few Municipal Service Reviews (MSR) for special districts had been completed; stated the exception was a few small county service areas and completion of the Bass Lake/North Fork MSR review. Braun stated the Bass Lake/North Fork MSR was on hold due to COVID-19 limitations regarding in-person public meetings. Braun stated in reviewing upcoming MSRs that could be done for the 2021 year, the Commission adopted a policy in December 2018 that future MSRs would be determined based on the length of time since an MSR had been done and also if issues had arisen within a given district to warrant a review of the MSR.

Dave Braun recommended the Commission do two MSRs in 2021; stated one of the MSRs would be on the two cemetery districts, Madera and Chowchilla, which had issues recently arise regarding the service boundaries of these districts; stated the second MSR would be the Madera County Mosquito and Vector Control District and the Chowchilla Memorial Healthcare District. Braun stated 2008 was the last time an MSR had been done on any of these districts; stated working with these districts did not involve as much public contact, therefore COVID-19 would not be such an issue. Braun stated LAFCO budgeted \$40,000 in the FY 2020-2021 budget year for consultant services to prepare the Municipal Service Reviews.

Commissioner Tom Wheeler asked about other Municipal Service Reviews such as New Stone Water District, Madera Water District, Chowchilla Water District, and Aliso Water District. Dave Braun stated those MSRs could be scheduled for review in the 2021-2022 budget year.

Commissioner Wheeler moved for approval of the recommended LAFCO work program MSR updates for 2021; Commissioner Young seconded the motion. The motion passed by a vote of 4 to 0.

Vote: Yes - Wheeler, Young, Ahmed, Rodriguez
 No - None
 Absent - None
 Abstain - None

The Commission directed staff to conduct two Municipal Service Reviews, one for Madera Cemetery District and Chowchilla Cemetery District, and the second for the Madera County Mosquito and Vector Control District and Chowchilla Memorial Healthcare District.

8. COMMISSIONER REPORTS

There were no reports by Commissioners.

9. EXECUTIVE OFFICER REPORTS

Executive Officer Braun thanked Commissioners Rodriguez, Medellin, and Graham for their years of dedicated service on the Local Agency Formation Commission. Dave Braun mentioned that Joann Zuniga is the new LAFCO Clerk; thanked staff members Wally Nishimoto, Business Systems Analyst, and Maria Rocha, Administrative Assistant, with the Community and Economic Development Department/Planning Division, for their assistance with the remote connection to the meeting.

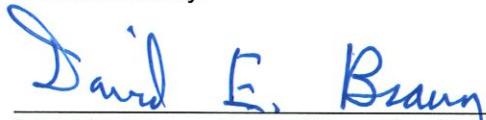
Andrew Medellin thanked Max Rodriguez for chairing the meeting; thanked Dave Braun for his kind words; thanked the Commissioners for their dedication and service. Mr. Medellin stated it had been a pleasure serving as Mayor of Madera City and a wonderful six years serving on the Local Agency Formation Commission representing the City of Madera.

Commissioner Tom Wheeler thanked Mr. Medellin for his professionalism and service, especially his work on the tax sharing agreement. Commissioner Rodriguez thanked Mr. Medellin for his guidance and inspiration as a leader. Commissioner Ahmed thanked Mr. Medellin for his time and service to the community of Madera.

10. ADJOURNMENT

Chair Rodriguez adjourned the meeting to the next regularly scheduled meeting of January 27, 2021. The meeting adjourned at 11:41 a.m.

Submitted by:



LAFCO Executive Officer David E. Braun

Approval Date: February 24, 2021