



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

AGENDA

Madera County Government Center
200 West 4th Street, Suite 3100
Madera, CA 93637

LAFCO Meeting
Wednesday, January 23, 2019
6:00 p.m.

Commissioner Tom Wheeler, Chair (County)
Commissioner J. Carol Graham, Chair Pro Tem (Public)

Commissioner Waseem Ahmed (City)
Commissioner (vacant) (City)
Commissioner Max Rodriguez County)

Commissioner Andrew Medellin (City Alternate)
Commissioner Brett Frazier (County Alternate)
Commissioner Laura Young (Public Alternate)

Dave Braun, Executive Officer
Candie Fleming, Clerk

Doug Nelson, Legal Counsel

1. Call to Order and Roll Call
2. Pledge of Allegiance
3. Selection of Chair and Vice Chair
4. Public Comments

Request for Comments from the Audience on any item not on the agenda – The first 15 minutes of each regular meeting is set aside for members of the public to comment on any item within the jurisdiction of the Madera LAFCO, but not appearing on the agenda. Items presented under public comment may not be discussed or acted upon by the Commission at this time. For items appearing on the agenda, the public is invited to comment at the time the item is called for consideration by the Commission. Any person addressing the Commission under public comment will be limited to a 3-minute presentation to insure that all interested parties have an opportunity to speak. In addition, all persons addressing the Commission must state their name and address for the record.

CONSENT AGENDA

5. Review and approve minutes of the December 12, 2018 meeting.

Recommendation: Approve

PUBLIC HEARINGS

- 6. City of Madera – Almond Avenue-Stadium Road Island Annexation (2018-04)
(Continued from December 12, 2018 meeting)

Annexation of approximately 20 acres at the southwest corner of Almond Avenue and Stadium road.

Recommendation: Approve with Findings and Conditions

- 7. Dissolution of Clayton Water District – SB 448

Commission to make determination as to whether the Clayton Water District is an inactive district.

Recommendation: Adopt Resolution to determine that Clayton Water District is not Inactive

- 8. Delegation of Principal County Authority to Merced LAFCo - Chowchilla Water District

Designate exclusive jurisdiction to Merced LAFCo to conduct proceedings to process an application within the Chowchilla Water District's sphere of influence.

Recommendation: Adopt Resolution designating Merced LAFCO with exclusive jurisdiction to process application

- 9. Commissioners Reports
- 10. Executive Officer Reports
- 11. Adjournment

(The next meeting is proposed to be held February 27, 2019)

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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(559) 675-7821

Date: January 23, 2019 **ITEM #3**

To: LAFCO Commission

From: Dave Braun, Executive Officer

Subject: Selection of Chairman and Chairman Pro Tem for 2019

SUMMARY

Section 1.23.1 of the Commission Policies, Guidelines and Procedures Manual states that the Commission shall select the Chairman and Chairman Pro Tem in January or the first meeting of the year on a rotating basis (i.e. County, City, At Large, County, City). Based on this rotation, the Chairman should be the public member and the Chairman Pro Tem should be a city representative.

RECEMMENDATION

It is recommended that the Commission select the Chairman and Chairman Pro Tem in accordance with the Policies, Guidelines and Procedures Manual.



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DRAFT MINUTES

ITEM #5

Madera County Government Center
205 West 4th Street
Madera, CA 93637

Regular LAFCO Meeting
Wednesday, December 12, 2018
6:00 p.m.

Commissioners Present: Tom Wheeler, Chairman, County Member
J. Carol Graham, Chair Pro Tem, Public Member
Max Rodriguez, County Member
Waseem Ahmed, City 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

Chairman Tom Wheeler called the meeting to order at 6:00 p.m. Chairman Wheeler asked Jack Fry to lead the audience in singing God Bless America.

1. Call to Order
2. Pledge of Allegiance

The Commission recited the Pledge of Allegiance.

3. Public Comments

There were no comments from the public.

CONSENT AGENDA

4. Minutes – Review and Approval of the October 24, 2018 Meeting

Commissioner Rodriguez moved to approve the October 24, 2018, Minutes as presented and Commissioner Ahmed seconded the motion. The motion was approved with a 4-0 vote.

Chairman Wheeler announced that Charles Rigby was no longer a Commissioner since the November election and that the Madera City Council will be appointing a new Commissioner.

PUBLIC HEARING

5. Proposed City of Madera "Almond Avenue-Stadium Road Island Annexation (2018-04)"

Executive Officer Braun presented staff's report and said the proposal was for an approximately 18.66-acre parcel proposed for an 87-lot single-family residential development. Braun reported that territory must be rezoned before it can be approved for annexation. Braun said the territory was scheduled for consideration by the city Council at its December 5th meeting; however, the City Council continued the meeting and therefore the territory has not been rezoned. Braun recommended continuing the hearing on the proposal until the territory is rezoned by the City.

There were no comments from the public. Commissioner Rodriguez made a motion to continue the item until the territory has been rezoned. Commissioner Ahmed seconded the motion which passed by a vote of 4-0.

6. Proposed "Madera-Chowchilla Resource Conservation District (RCD) Consolidation (2018-03)"

Executive Officer Braun presented staff's report and said the proposal was to consolidate the Madera Resource Conservation District and the Chowchilla-Red Top Conservation District. Braun said both Districts have similar goals, programs, and services that they provide to farmers and have small budgets that are being funded by grants from the Department of Conservation. Braun said those grants will expire in 2019 and the new District will need to look for a new source of funding. Braun said both Districts have passed resolutions in support of the consolidation.

Braun said the consolidation is consistent with LAFCO's goals to enhance efficiencies and eliminate overlapping Districts and would create one board to oversee the entire area. Braun said the Municipal Service Review completed in 2016 recommended consolidation of the two Districts. Braun recommended the Commission approve the consolidation subject to confirmation at a protest hearing and the conditions in the staff report. Chairman Wheeler agreed that consolidating the two Districts is a good idea.

Jeanne Habben, Environmental Consultant and spokesperson for the consolidation spoke in favor of the Consolidation and said it is consistent with what is going on in the State and that the California Association of Resource Conservation Districts is currently trying to consolidate more of the resource conservation districts in California. Ms. Habben said of the 101 districts, only about a third are active.

Commissioner Ahmed made a motion to approve the proposal as presented and Commissioner Graham seconded the motion. The motion was approved by a vote of 4-0.

7. 2019 Commission Meeting Schedule

Executive Officer Braun presented the proposed 2019 meeting schedule. Mr. Braun said that because of the Thanksgiving and Christmas holidays, he was proposing to have one meeting in early December in lieu of a meeting in both November and December.

Commissioner Ahmed made a motion to adopt the meeting schedule and Commissioner Rodriguez seconded the motion. The meeting schedule was adopted on a vote of 4-0.

8. LAFCo Work Program – MSR Updates

Executive Officer Braun reported that there were only seven CSAs that have not had a municipal service review yet. Braun said that there were only a couple CSAs in the North Fork and Bass Lake areas that were big enough to warrant an MSR and recommended that the next MSR could be a regional MSR covering the CSAs and maintenance districts in both areas. Braun said that the Commission had \$35,000 in the budget for an MSR to cover that area and the MSR would be for the last remaining districts that have not yet had an MSR.

Braun also discussed a policy on how to approach future MSRs once the Bass Lake/North Fork area MSR is complete. Braun said State law says LAFCos must do an MSR on districts every five years as necessary. Braun said that there was a big discussion on MSRs at the CALAFCO Conference and said some counties did an MSR for their districts every five years while most counties did MSRs as necessary and that some counties did not do MSRs at all unless an issue arose. Braun said he thought staff could prioritize MSRs based on which were the oldest or which districts had issues and try to do at least two per year. This approach would continually update the MSRs and would be less of an impact on LAFCo's budget.

Commissioner Rodriguez asked about MSRs for the hospital and cemetery districts. Braun responded that there was a grand jury investigation on the Chowchilla Cemetery District which might make it a candidate for an MSR in the near future. Braun said he would start the RFP process for the North Fork/Bass Lake area, and in a couple of months, would bring a proposal back to the Commission for the next MSR.

Commissioner Graham asked if notifications for the meetings on the MSRs were mailed to the property owners. Braun said staff sent notices to everybody on the Coarsegold MSR. Commissioner Graham said staff should consider sending out notices using "Every Door Direct" which would deliver a notice to every mail box and is very inexpensive. Braun said that State law usually has specific provisions for notices, but doesn't have specifics for noticing MSRs and that the Commission has flexibility in noticing MSR-related meetings.

Commissioner Wheeler suggested that the cemetery districts and mosquito abatement districts should be looked at soon. Braun said that after the Bass Lake/North Fork MSR, staff could look at the cemetery, hospital, and mosquito abatement districts.

Commissioner Rodriguez made a motion to begin the process for the Bass Lake/North Fork area MSR and to adopt a policy to complete two smaller or one larger MSR per year. Commissioner Graham seconded the motion. The motion passed on a 4-0 vote.

9. Commission Reports

There were no reports from the Commission.

10. Executive Officer's Report

Braun reported that staff received a proposal to annex the Parksdale area to the City of Madera last year and conducted a neighborhood meeting. Staff decided to wait until the new water and

sewer rates went into effect, which the County raised significantly, before pursuing annexation. Braun said with the recent City of Madera sphere of influence amendment, the whole Parksdale area is now within the City's sphere, which will make it easier to annex.

Chairman Wheeler said he felt LAFCo should pursue annexation since the sphere revision was part of the City/County tax sharing agreement to include the area in the City's sphere and was supposed to be annexed within two years. Commissioner Wheeler said the County had some agreement to help with the cost of some of the services.

Commissioner Rodriguez said he remembered that a lot of the citizens were opposed to annexation and asked staff if the City has had any meetings with the citizens lately.

Braun said staff held a meeting with the Parksdale community but not a lot of people attended; however, there was some opposition. Braun said he doubted that the City has held any meetings with Parksdale lately. Braun said that State law requires a City to file an annexation application for a Disadvantaged Unincorporated Community (DUC), when a city annexes territory that is adjacent to a DUC. Braun said that even though the City may be opposed to annexation because of the expense to improve the infrastructure in the area, they have already filed the application. Braun asked the Commission how they wanted staff to proceed.

Chairman Wheeler suggested asking Eric Fleming and Matt Treber to talk to the new Madera City Manager regarding the Parksdale annexation. Commissioner Rodriguez asked staff if the Commission should let the City take the initiative to pursue the annexation. Braun responded that since the City has already filed the application, LAFCo was obligated to process it. Braun said it made sense to annex Parksdale because it is adjacent to the City and could provide the area with city services.

Braun asked the Commission if they wanted staff to hold another meeting with the community and Chairman Wheeler suggested talking to the City and County to see what they wanted to do. Braun said that since there wasn't a big turnout at the first meeting it seems the majority didn't care. Braun said staff could go ahead and schedule a hearing on the annexation and notify them of the hearing.

Braun said he would talk to Matt Treber and Eric Fleming to come up with a game plan and report back to the Commission at the January meeting. Chairman Wheeler said the Commission needs to keep the annexation moving since it was part of the City/County tax sharing agreement. Braun said that if staff went ahead and scheduled a hearing and a lot of people were opposed, the Commission could continue the hearing.

11. Adjournment

The meeting adjourned at 6:40 p.m.



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Dave Braun, Executive Officer

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(559) 675-7821

DATE: January 23, 2019 **ITEM #6**

TO: LAFCO Commission

FROM: Dave Braun, Executive Officer

RE: City of Madera – Almond Avenue/Stadium Road
Island Annexation (2018-004)

CONTINUED HEARING

This matter was originally scheduled for consideration by the Commission on December 12, 2018. However, at that time the required rezoning of the property by the City of Madera, had not yet been approved. As a result, the Commission continued the item to a date subsequent to the approval of the rezoning.

It is noted that the rezoning of the property was approved by the Madera City Council on December 19, 2018 (Exhibit H).

I. PROPOSAL

Joseph Crown has submitted an application for annexation of one parcel consisting of approximately 18.66 acres to the City of Madera. The proposed annexation is located on the southwest corner of West Almond Avenue and Stadium Road. The site is currently in agricultural uses and the applicant is proposing to develop the property with an 87-lot single family residential development.

II. BACKGROUND

Parcel Information (Additional road right-of-way for Almond Avenue will need to be included in the annexation)

APN	Owner	Acreage	Assessed Value	Registered Voters
034-070-011	Fred W. Gleason, Trustee	18.66	\$112,770	0

Land Uses

APN	County GP	County Zoning	City GP	City Zoning	Land Use
034-070-011	LDR	AR-5	LD	PD 6000	Ag

LDR = Low Density Residential
 AR-5 = Ag Rural-5 Acre
 AG = Agriculture

PD = Planned Development
 LD = Low Density

Contiguity

The area proposed for annexation is part of a County Island within the City of Madera. It is noted that staff attempted to include the other two parcels within the County Island in this annexation, thereby eliminating the Island. However, the owner of the other two parcels objected to being annexed (see attached letter - Exhibit E) and as a result those parcels were not included.

Infrastructure

The project would receive water and sewer services from the City of Madera which currently has existing infrastructure adjacent to the property.

Environmental Review

The City of Madera determined the project to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15319 (Annexations).

III. ANALYSIS

The purpose of the proposed annexation is to allow for the development of the site with a single-family residential subdivision utilizing City services. It is appropriate to centralize the governance of all the urban services and land use control for this area under the City, as the City is the most efficient provider of these services. In addition, the annexation would reduce an existing County Island.

Pursuant to Section 99 of the California Revenue and Taxation Code, the City and County have entered into an agreement for property tax exchange.

Government Code Section 65580, et al. requires that the redistribution of regional housing needs allocation (RHNA) must be discussed and agreed upon as part of the housing element process or by agreement. The RHNA numbers listed below for this project are based on the formula agreed to by the City of Madera and the County of Madera in collaboration with HCD.

RHNA Classifications	Annexation
Very Low Income	10
Low Income	5
Moderate Income	15
Above Moderate Income	20
Total RHNA allocations	50

The City of Madera approved the rezoning of the property on December 19, 2018, as required by Section 56375 of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

Pursuant to Government Code Section 56668, staff has reviewed the specific factors and has prepared an analysis of those points (See Exhibit F). Other than issues previously addressed in this report, no issues of significance were identified for the annexation of this area.

IV. RECOMMENDATION

Staff recommends that the Commission approve the proposed annexation, subject to the following conditions and findings:

V. CONDITIONS AND FINDINGS

1. The annexation shall consist of one parcel and public street right-of-way consisting of approximately 20.30 acres as shown on Exhibit B.
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. Pursuant to Section 99 of the California Revenue and Taxation Code, the City and County have entered into an agreement for property tax exchange and redistribution of regional housing needs allocation "RHNA". The "RHNA" numbers listed below are in agreement with the formula agreed to by the City and the County.

RHNA Classifications	Annexation
Very Low Income	10
Low Income	5
Moderate Income	15
Above Moderate Income	20
Total RHNA allocations	50

4. Comply with the attached memorandum (Exhibit G) from the San Joaquin Valley Air Pollution Control District dated November 20, 2018.
5. The short-term designation shall be "City of Madera – Almond Avenue/Stadium Road Island Annexation (#2018-004).
6. The annexation is uninhabited as defined by Government Code Section 56046.

7. The City of Madera's determination that the annexation is categorically exempt (Section 15319) from the California Environmental Quality Act (CEQA) has been reviewed and found to be in compliance with CEQA, and considered adequate for the annexation.
8. It is the intent of the Commission to waive subsequent protest hearings and election proceedings pursuant to Government Code Section 56663.
9. Direct the Executive Officer to prepare and execute a Certificate of Completion upon receipt of required processing fees required by Section 57200 (made payable to the State Board of Equalization).

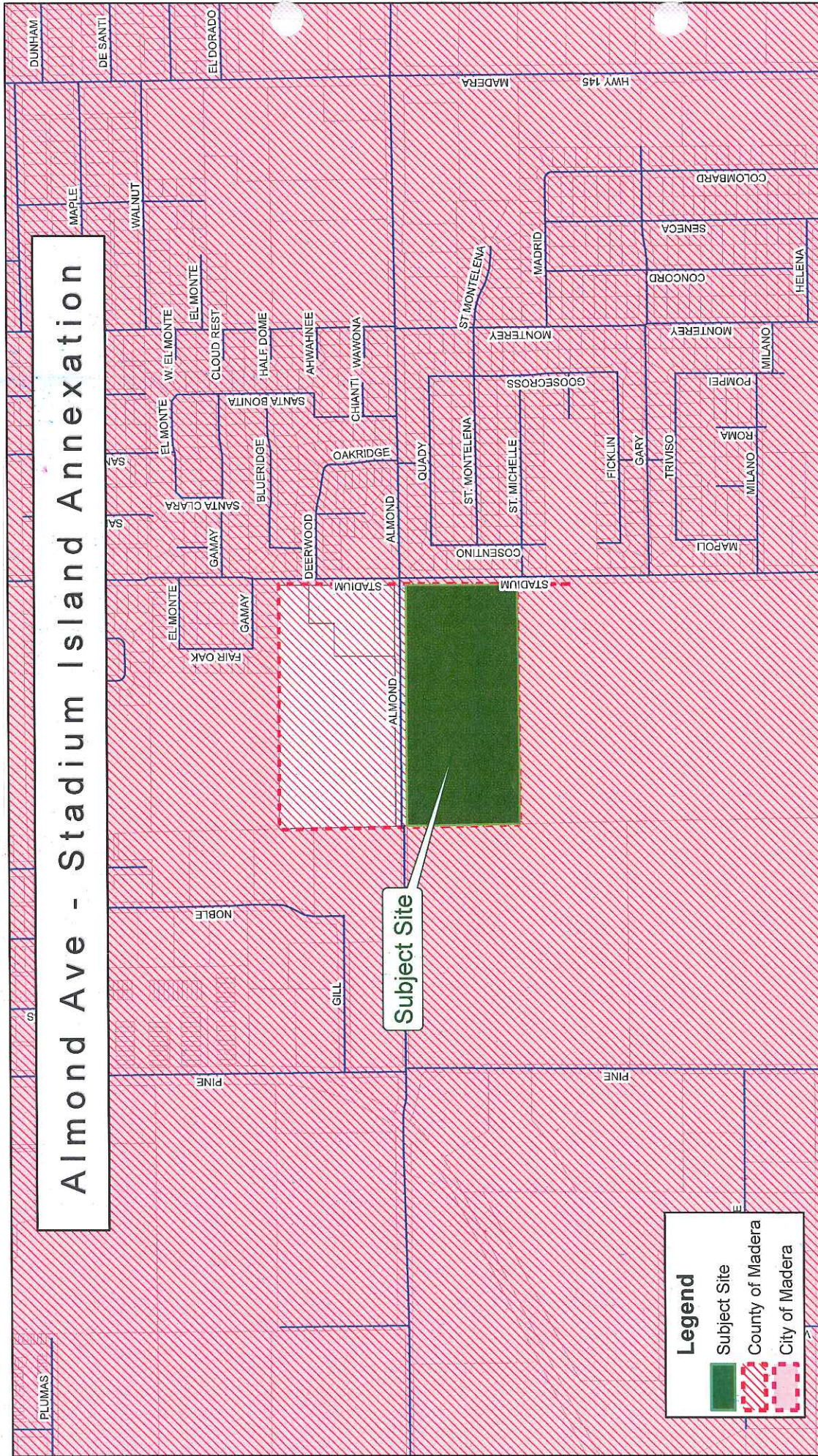
ATTACHMENTS

Exhibit A	Location Map
Exhibit B	Annexation Map and Legal Description
Exhibit C	Subdivision Map
Exhibit D	Aerial Photo
Exhibit E	Correspondence from Sam Pistorresi dated November 5, 2018
Exhibit F	Analysis of Section 56668 Factors
Exhibit G	Memorandum from the San Joaquin Valley Air Pollution Control District dated November 20, 2018
Exhibit H	Madera City Council Ordinance Bill No. 958
Exhibit I	Resolution

cc: Joseph Crown
Fred Gleason
County Administrative Officer
City of Madera, City Manager

EXHIBIT A

Almond Ave - Stadium Island Annexation



Subject Site

Legend

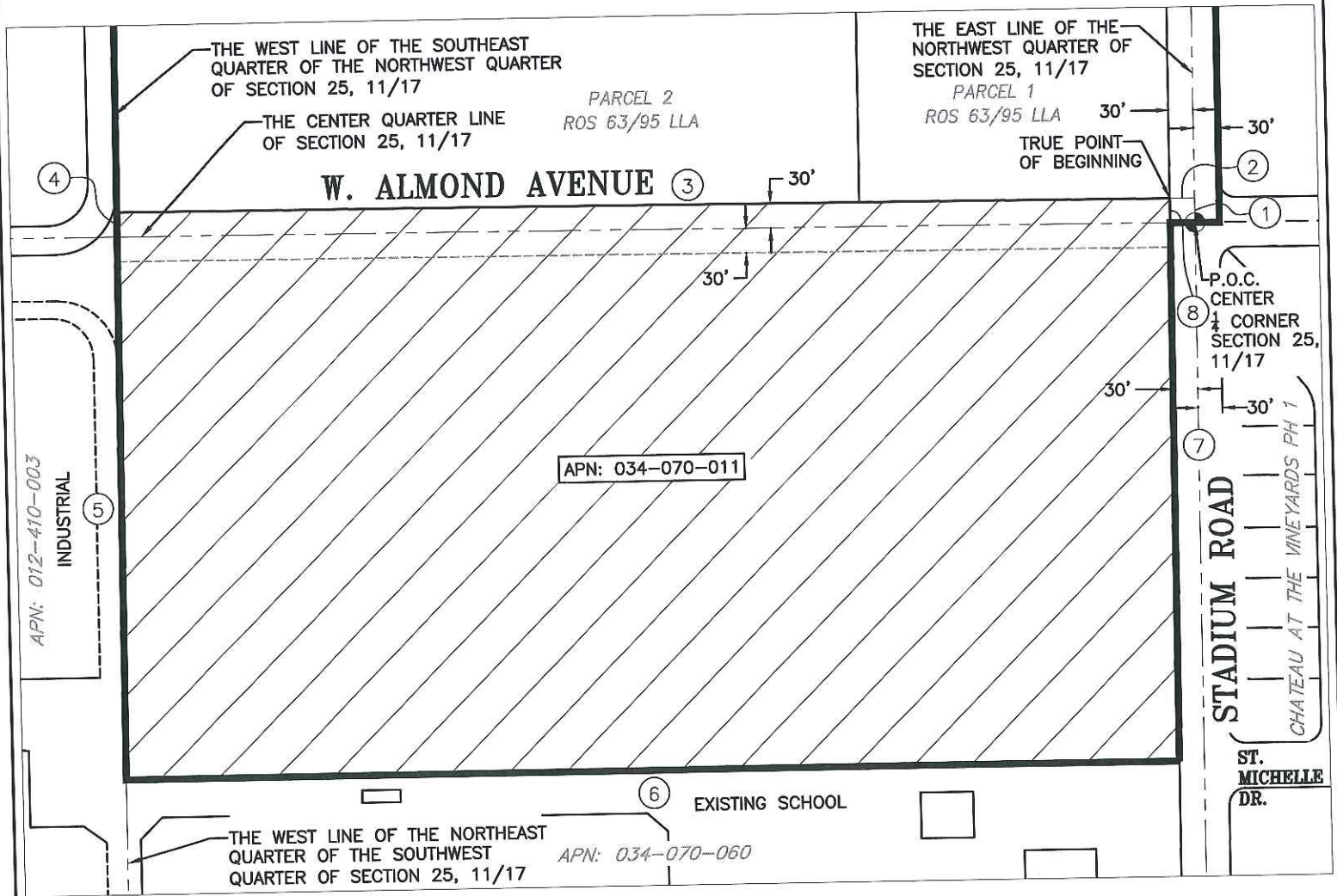
- Subject Site
- County of Madera
- City of Madera



MADERA COUNTY PLANNING DEPARTMENT



CITY COUNCIL RESOLUTION NO. _____
EXHIBIT "B"



COURSES:

1. N00°13'08"E - 30.00'
2. N89°46'13"W - 30.00'
3. N89°46'13"W - 1286.69'
4. S00°15'58"W - 30.00'
5. S00°16'32"W - 659.97'
6. N89°58'54"E - 1287.22'
7. N00°14'00"E - 654.40'
8. N00°13'08"E - 30.00'

LEGEND:

- P.O.C. POINT OF COMMENCEMENT
- EXISTING LIMIT LINE OF THE CITY OF MADERA
- AREA TO BE ANNEXED TO THE CITY OF MADERA

SCALE: 1" = 200'
0' 100' 200'



4950 E. Yale Ave.,
Fresno, CA 93727
559.538.3402

ALMOND AVE.—STADIUM RD. ANNEXATION
TO THE CITY OF MADERA

A PORTION OF SECTION 25, TOWNSHIP 11 SOUTH, RANGE 17 EAST,
MOUNT DIABLO BASE AND MERIDIAN

DR. BY R.C.
CH. BY J.L.
DATE 9/05/18
SCALE AS SHOWN

SHEET No. 1
OF 1 SHEETS

CITY COUNCIL RESOLUTION NO. _____

**ALMOND AVE.-STADIUM RD. ANNEXATION
TO THE CITY OF MADERA**

GEOGRAPHIC DESCRIPTION

That portion of the Southwest Quarter and Northwest Quarter of Section 25, Township 11 South, Range 17 East, Mount Diablo Base and Meridian, described as follows:

COMMENCING at the center quarter corner of said Section 25; thence (1) North $00^{\circ}13'08''$ East, along the East line of said Northwest Quarter, a distance of 30.00 feet;

Thence (2) North $89^{\circ}46'13''$ West, along a line parallel with and 30.00 feet North of the North line of said Southwest Quarter, a distance of 30.00 feet to the **TRUE POINT OF BEGINNING**;

thence (3) North $89^{\circ}46'13''$ West, along a line parallel with and 30.00 feet North of the North line of said Southwest Quarter, a distance of 1286.69 feet to the intersection of the West line of the Southeast Quarter of the Northwest Quarter of said Section 25, also being the intersection with the existing limit line of the City of Madera;

thence (4) South $00^{\circ}15'58''$ West, being also the existing limit line of the City of Madera, a distance of 30.00 feet to the intersection with the Northwest corner of the Southwest Quarter of said Section 25;

thence (5) South $00^{\circ}16'32''$ West, being also the existing limit line of the City of Madera, a distance of 659.97 feet to the intersection with the North half of the Northeast Quarter of the Southwest Quarter of said Section 25;

thence (6) North $89^{\circ}58'54''$ East, being also the existing limit line of the City of Madera, a distance of 1287.22 feet to the intersection with the existing Right of Way of Stadium Road, also being the existing limit line of the City of Madera;

thence (7) North $00^{\circ}14'00''$ East, being also the existing limit line of the City of Madera, a distance of 654.40 feet to the intersection with the North line of the Northeast Quarter of the Southwest Quarter of said Section 25;

thence leaving the existing limit line of the City of Madera (8) North $00^{\circ}13'08''$ East, along a line parallel with and 30.00 feet West of the East line of the Northwest Quarter of said Section 25, a distance of 30.00 feet to the **TRUE POINT OF BEGINNING**.

Contains an area of **20.30** acres more or less

Dated: September 5, 2018

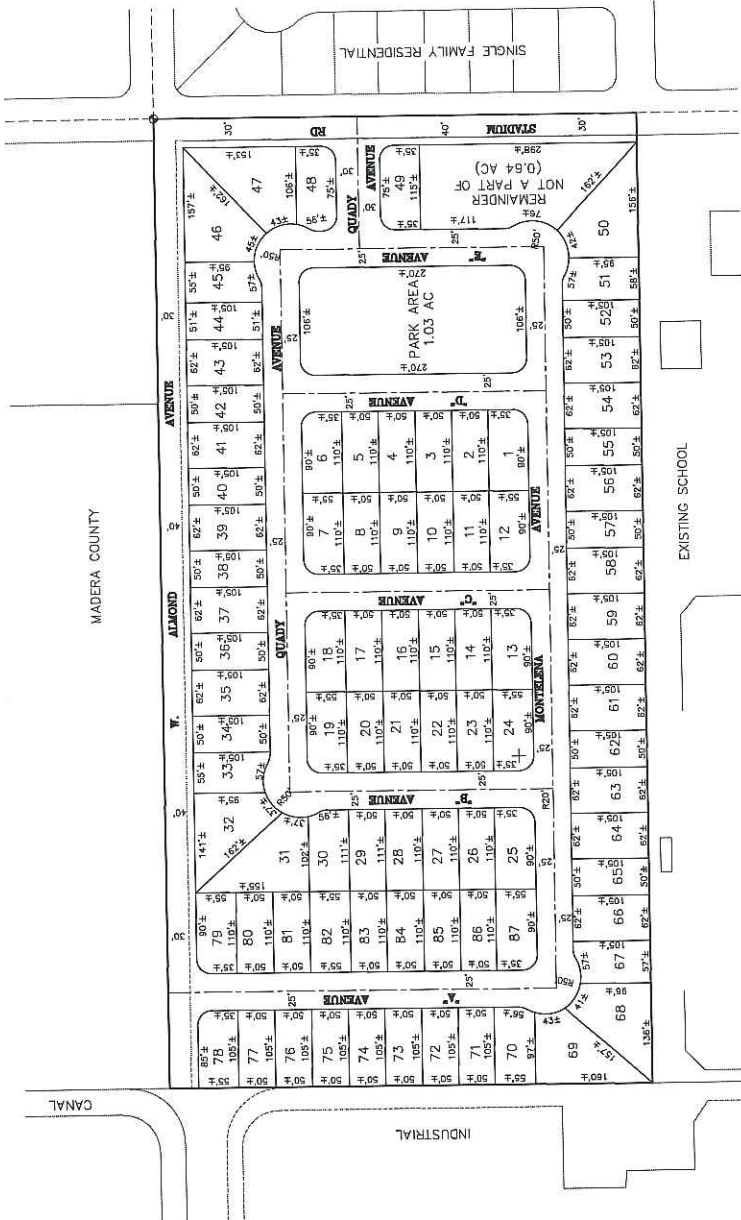
For assessment purposes only. This description of land is not a legal property description as defined in the Subdivision Map Act and may not be used as the basis for an offer for sale of the land described.

TENTATIVE SUBDIVISION MAP TRACT NO.

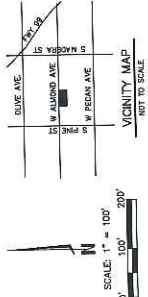
EXHIBIT C

A VESTING MAP
APN: 034-070-011
GROSS AREA = 18.95 acres
NET AREA = 18.19 acres

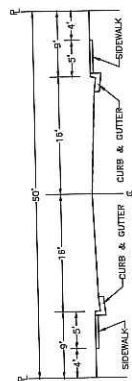
MADERA COUNTY



LOT #	AREA (sqft)	LOT #	AREA (sqft)	LOT #	AREA (sqft)
1	5,964	31	10,039	61	6,510
2	5,500	32	9,383	62	5,250
3	5,500	33	5,427	63	6,510
4	5,519	34	5,250	64	6,510
5	5,500	35	6,510	65	5,250
6	5,964	36	5,250	66	6,510
7	5,964	37	6,510	67	5,739
8	5,500	38	5,250	68	9,492
9	5,517	39	6,510	69	10,119
10	5,500	40	5,250	70	5,706
11	5,500	41	6,510	71	5,250
12	5,964	42	5,250	72	5,250
13	5,968	43	6,510	73	5,250
14	5,511	44	5,311	74	5,250
15	5,502	45	5,271	75	5,250
16	5,501	46	10,430	76	5,250
17	5,501	47	10,982	77	5,247
18	5,964	48	6,031	78	5,689
19	5,964	49	6,105	79	5,981
20	5,501	50	10,307	80	5,515
21	5,501	51	5,835	81	5,516
22	5,502	52	5,250	82	6,068
23	5,509	53	6,510	83	5,518
24	5,968	54	6,510	84	5,519
25	5,988	55	5,250	85	5,520
26	5,523	56	6,510	86	5,521
27	5,524	57	5,250	87	5,988
28	5,525	58	6,510		
29	5,526	59	6,510		
30	5,969	60	6,510		



SCALE: 1" = 100'
0 100 200



50' LOCAL STREET SECTION



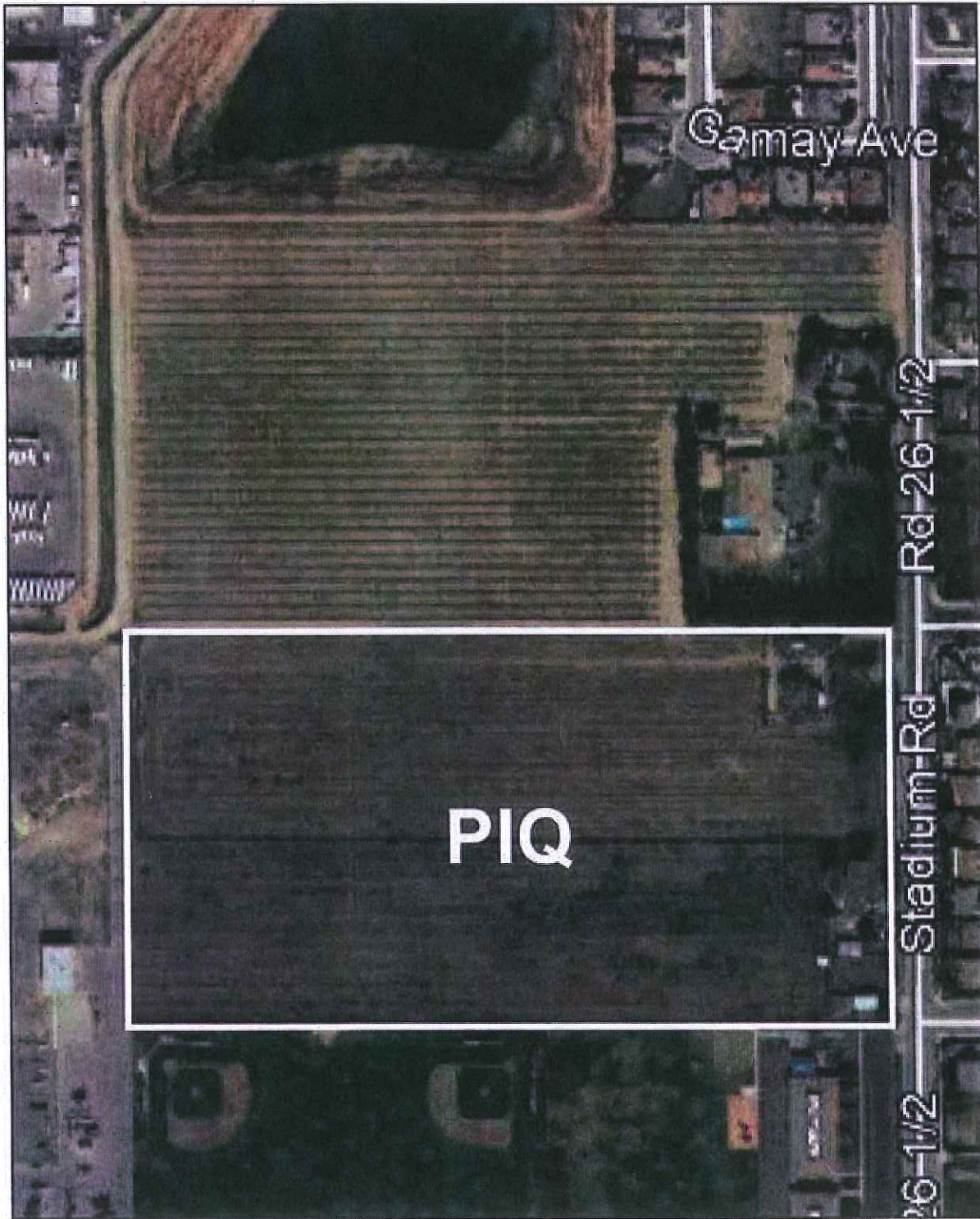
4950 E YALE AVENUE
FRESNO, CA 93727
(559) 538-3402

SUBDIVIDER
JOSEPH CROWN
CONSTRUCTION AND DEVELOPMENT INC.
5320 E. PINE AVE
FRESNO, CA 93727

SITE ADDRESS
13436 ROAD 26 1/2
MADERA, CA

EXHIBIT D

Aerial Photo



SAM PISTORESI

13544 Road 26 1/2 Madera, CA 93637

Phone (559) 674-5350

November 05, 2018

Mayor Andrew Medellin
City of Madera
205 W. 4th Street
Madera, CA 93637

RE: Opposition by property owner to pre-zoning of APN: 034-070-067 and -068

I am the property owner of the two parcels that are the subject of item C-6 being considered for pre-zoning, pursuant to the following description, "*Public hearing and consideration of introduction of an ordinance pre-zoning two parcels encompassing approximately 18.61 acres located on the west side of Stadium Road north of its intersection with Almond Avenue into the PD 6000 (Planned Development) Zone District.*"

The property is currently being farmed with almonds and I do not wish to be pre-zoned as it is a precursor to annexation, which I intend to protest. I do not desire to allow urban development of my property and intend to continue active agriculture operations.

Because the annexation of my property, along with the neighboring property being proposed for development will be an uninhabited annexation, a protest will be based on assessed value. This will result in an evaluation of assessed values and could cause the entire proceeding to be terminated. However, if my property is excluded from this pre-zoning, I will have no standing to protest the annexation and it cannot be terminated.

I am aware of other provisions that may be utilized to force the annexation of my property against my wishes. Though, I would advise against such measures as they would inhibit the right of the property owner to consent to changes that will affect property rights, which is at the core of Cortese-Knox-Hertzberg. In any event, I intend to continue farming and will insist that any new development record a right-to-farm covenant to prevent an undue trespass on my property rights.

I thank you for your consideration and I request my property not be pre-zoned.

Sincerely,



Sam Pistorresi

Reorganization Required Analysis

Listed below is an outline analysis of the minimum factors that are required to be considered by LAFCO in a reorganization. The analysis of these factors below pertains to the City of Madera – Almond Avenue-Stadium Road Island Annexation (2018-004). Factors that indicate “Some Concern” or “Significant Issue” are discussed at this end of this analysis or are referenced to sections of the corresponding Executive Officer’s Report.

56668. Factors to be considered in the review of a proposal shall include, but not be limited all of the following:

- (a) Population and population density;
land area and land use;
per capita assessed valuation;
topography, natural boundaries, and drainage basins;
proximity to other populated areas;
the likelihood of significant growth in the area, and in adjacent incorporated and unincorporated areas, during the next 10 years.
- (b) Need for organized community services;
the present cost and adequacy of governmental services and controls in the area;
probable future needs for those services and controls;
probable effect of the proposed incorporation, formation, annexation, or exclusion and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas. "Services," as used in this subdivision, refers to governmental services whether or not the services are services which would be provided by local agencies subject to this division, and includes the public facilities necessary to provide those services.
- (c) The effect of the proposed action and of alternative actions, on adjacent areas, on mutual social and economic interests, and on the local governmental structure of the county.
- (d) The conformity of both the proposal and its anticipated effects with both the adopted commission policies on providing planned, orderly, efficient patterns of urban development, and the policies and priorities set forth in Section 56377.
- (e) The effect of the proposal on maintaining the physical and economic integrity of agricultural lands, as defined by Section 56016.

- (f) The definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory, and other similar matters affecting the proposed boundaries.
- (g) Consistency with city or county general and specific plans.
- (h) The sphere of influence of any local agency which may be applicable to the proposal being reviewed.
- (i) The comments of any affected local agency.
- (j) The ability of the newly formed or receiving entity to provide the services which are the subject of the application to the area, including the sufficiency of revenues for those services following the proposed boundary change.
- (k) Timely availability of water supplies adequate for projected needs as specified in Section 65352.5.
- (l) The extent to which the proposal will affect a city or cities and the county in achieving their respective fair shares of the regional housing needs as determined by the appropriate council of governments consistent with Article 10.6 (commencing with Section 65580) of Chapter 3 of Division 1 of Title 7.
- (m) Any information or comments from the landowner or owners.
- (n) Any information relating to existing land use designations.
- (o) The extent to which the proposal will promote environmental justice. As used in this subdivision, "environmental justice" means the fair treatment of people of all races, cultures, and incomes with respect to the location of public facilities and the provision of public services.

Comments or Concerns and Significant Issues:



San Joaquin Valley
AIR POLLUTION CONTROL DISTRICT



November 20, 2018

Dave Braun
Madera County LAFCo
Planning Department
200 West 4th Street, Suite 3100
Madera, CA 93637

Project: City of Madera – Almond Ave-Stadium Road Island Annexation (2018-04)

District CEQA Reference No: 20181174

Dear Mr. Braun:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the above referenced project consisting of an annexation of approximately 40 acres at the southwest and northwest corners of Almond Avenue and Stadium Road (Project). The proposed use for the 20 acre parcel (APN: 34-070-011) located at the southwest corner of Almond Avenue and Stadium Road (13436 Road 26 ½ [Stadium Road]) in Madera, CA. is for 87 single family residential lots and a park. The annexation application was filed for the 20 acres at the southwest corner and LAFCo expanded the proposal to include the 20 acres at the northwest corner. The proposed annexation will not have an impact on air quality. However, if approved, future development will contribute to the overall decline in air quality due to construction activities, increased traffic, and ongoing operational emissions. The District offers the following comments:

1. Future development may require further environmental review and mitigation. Referral documents for those projects should include a project summary detailing, at a minimum, the land use designation, project size, and proximity to sensitive receptors and existing emission sources.
2. Individual development projects would be subject to District Rule 9510 (Indirect Source Review) if upon full build-out the project would include or exceed any one of the following, for example, or any of the applicability thresholds in section 2.2 of District Rule 9510.
 - 50 dwelling units
 - 2,000 square feet of commercial space;
 - 25,000 square feet of light industrial space;
 - 100,000 square feet of heavy industrial space;

Samir Sheikh
Executive Director/Air Pollution Control Officer

Northern Region
4800 Enterprise Way
Modesto, CA 95356-8718
Tel: (209) 557-6400 FAX: (209) 557-6475

Central Region (Main Office)
1990 E. Gettysburg Avenue
Fresno, CA 93726-0244
Tel: (559) 230-6000 FAX: (559) 230-6061

Southern Region
34946 Flyover Court
Bakersfield, CA 93308-9725
Tel: (661) 392-5500 FAX: (661) 392-5585

- 20,000 square feet of medical office space;
 - 39,000 square feet of general office space; or
 - 9,000 square feet of educational space; or
 - 10,000 square feet of government space; or
 - 20,000 square feet of recreational space; or
 - 9,000 square feet of other land uses.
3. District Rule 9510 is intended to mitigate a project's impact on air quality through project design elements or by payment of applicable off-site mitigation fees. Any applicant subject to District Rule 9510 is required to submit an Air Impact Assessment (AIA) application to the District no later than applying for final discretionary approval, and to pay any applicable off-site mitigation fees before issuance of the first building permit. If approval of the subject project constitutes the last discretionary approval by your agency, the District recommends that demonstration of compliance with District Rule 9510, including payment of all applicable fees before issuance of the first building permit, be made a condition of project approval. Information about how to comply with District Rule 9510 can be found online at <http://www.valleyair.org/ISR/ISRHome.htm>.
 4. Individual development projects may also be subject to the following District rules: Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). In the event an existing building will be renovated, partially demolished or removed, the project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants).
 5. The above list of rules is neither exhaustive nor exclusive. To identify other District rules or regulations that apply to this project or to obtain information about District permit requirements, the applicant is strongly encouraged to contact the District's Small Business Assistance Office at (559) 230-5888. Current District rules can be found online at: www.valleyair.org/rules/1ruleslist.htm.
 6. The District recommends that a copy of the District's comments be provided to the project proponent.

If you have any questions or require further information, please call Georgia Stewart at (559) 230- 5937 or e-mail Georgia.Stewart@valleyair.org. When calling or emailing the District, please reference District CEQA number 20181174.

Sincerely,

Arnaud Marjollet
Director of Permit Services



Brian Clements
Program Manager

AM: gs

EXHIBIT H

ORDINANCE NO. 958 C.S.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MADERA AMENDING THE OFFICIAL CITY OF MADERA ZONING MAP TO PREZONE APPROXIMATELY 19.95 ACRES OF PROPERTY (APN: 034-070-011), LOCATED ON THE WEST SIDE OF STADIUM ROAD (ROAD 26 ½), SOUTH OF ITS INTERSECTION WITH ALMOND AVENUE, TO THE PD 6000 (PLANNED DEVELOPMENT) ZONE DISTRICT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MADERA AS FOLLOWS:

SECTION 1. The Planning Commission of the City of Madera and this Council have held public hearings upon the rezoning of this property and have determined that the proposed rezoning is consistent with the General Plan as amended and subsequent development will be in conformance with all standards and regulations of the Municipal Code.

SECTION 2. The City of Madera Zoning Map as provided for in Chapter 3 of Title X of the Madera Municipal Code is hereby amended as illustrated in the hereto attached Exhibit "A" which indicates the segment of the City of Madera Zoning Map to be amended. Unless the adoption of this amendment to the Zoning Map is lawfully stayed, thirty-one (31) days after adoption of this amendment, the Planning Director and City Clerk shall cause these revisions to be made to the City of Madera Zoning Map which shall also indicate the date of adoption of this revision and be signed by the Planning Director and City Clerk.

SECTION 3. Based upon the testimony and information presented at the hearing, the adoption of the proposed rezoning is in the best interest of the City of Madera, and the Council hereby approves the rezoning based on the following findings:

FINDINGS:

1. THE PROPOSED PREZONE WILL PROVIDE THE REQUIRED CONSISTENCY BETWEEN THE GENERAL PLAN AND ZONING.
2. THE PREZONE IS NOT EXPECTED TO BE DETRIMENTAL TO THE HEALTH, SAFETY, PEACE, COMFORT OR GENERAL WELFARE OF THE NEIGHBORHOOD OR THE CITY.
3. CITY SERVICES AND UTILITIES ARE AVAILABLE OR CAN BE EXTENDED TO SERVE THE AREA.

SECTION 4. This Ordinance shall be effective and of full force and effect at 12:01 a.m. on the thirty-first day after its passage.

* * * * *

The foregoing Ordinance No. 958 C.S. was introduced and given its first reading at a regular meeting of the City Council of the City of Madera held on the 7th day of November, 2018 and adopted after a second reading at a regular meeting of the City Council held on the 19th day of December, 2018 by the following vote:

AYES: Mayor Medellin, Council Members Montes, Gallegos, Rodriguez, Robinson, Garcia.

NOES: None.


ABSTENTIONS: None.

ABSENT: Council Member Holley.


APPROVED:


ANDREW J. MEDELLIN, Mayor

ATTEST:


SONIA ALVAREZ, City Clerk

APPROVED AS TO LEGAL FORM:


BRENT RICHARDSON, City Attorney

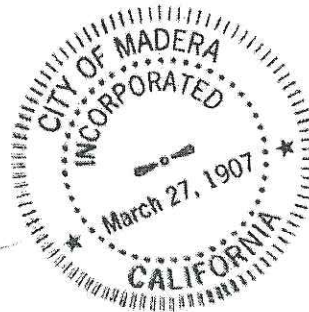
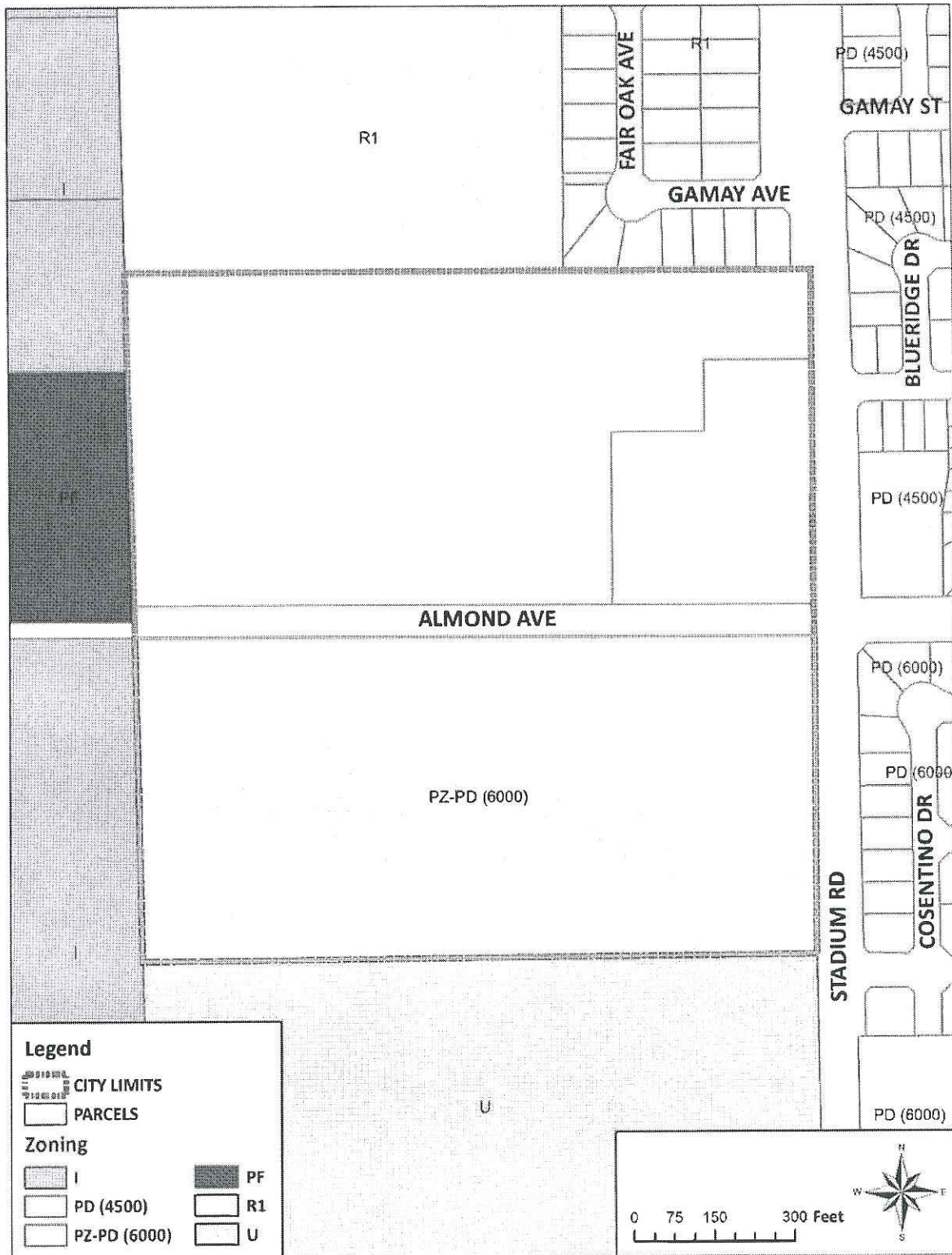


EXHIBIT A



BEFORE
THE MADERA LOCAL AGENCY FORMATION COMMISSION
STATE OF CALIFORNIA

EXHIBIT I

In the Matter of)	Resolution No.: <u>2019 - _____</u>
)	
CITY OF MADERA)	A RESOLUTION MAKING
)	DETERMINATIONS AND APPROVING
)	THE APPLICATION OF THE CITY OF
)	MADERA – ALMOND AVENUE/STADIUM
)	ROAD ISLAND ANNEXATION (2018-004)
_____)	

WHEREAS, Joseph Crown, applicant, has filed a proposal for annexation (the “Proposal”) 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 one parcel and public street right of way consisting of approximately 20.30 acres into the City of Madera; 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 on December 12, 2018; and

WHEREAS, at the December 12, 2018 hearing, the Commission took action to continue this matter until the subject property had been rezoned by the City of Madera; and

WHEREAS, the City of Madera rezoned the subject property on December 19, 2018; and

WHEREAS, the Commission called for and held a public hearing on the proposal on January 23, 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 Categorical Exemption Finding (Section 15319) by the lead agency (City of Madera) be found to be in compliance with the California Environmental Quality Act (CEQA) and its implementing regulations and is adequate concerning this annexation.

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

1. The annexation shall consist of one parcel and public street right of way consisting of approximately 20.30 acres as shown on Exhibit "B", hereto.
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. Pursuant to Section 99 of the California Revenue and Taxation Code, the City and County have entered into an agreement for property tax exchange and redistribution of regional housing needs allocation "RHNA". The "RHNA" numbers listed below for this project are in agreement with the formula agreed to by the City and the County.

RHNA Classifications	Annexation
Very Low Income	10
Low Income	5
Moderate Income	15
Above Moderate Income	20
Total RHNA allocations	50

4. Comply with the attached memorandum from the San Joaquin Valley Air Pollution Control District dated November 20, 2018.
5. The short term designation shall be "City of Madera – Almond Avenue/Stadium Road Island Annexation (2018-004).
6. The annexation is uninhabited as defined by Government Code Section 56046.
7. The City of Madera's determination that the annexation is categorically exempt (Section 15319) from the California Environmental Quality Act (CEQA) has been reviewed and found to be in compliance with CEQA, and considered adequate for the annexation.
8. It is the intent of the Commission to waive subsequent protest hearings and election proceedings pursuant to Government Code Section 56663.
9. Direct the Executive Officer to prepare and execute a Certificate of Completion upon receipt of required processing fees required by Section 57200 (made payable to the State Board of Equalization).

* * * * *

The foregoing Resolution was adopted this 23rd day of January 2019, by the following vote:

Chairman Wheeler Voted: _____

Commissioner Rodriguez Voted: _____

Commissioner Graham Voted: _____

Commissioner Ahmed Voted: _____

Commissioner _____ Voted: _____

Chairman,
Madera Local Agency Formation Commission

ATTEST:

Executive Officer, LAFCO

Approved as to Legal Form:

LAFCo Counsel



LOCAL AGENCY FORMATION COMMISSION

Dave Braun, Executive Officer

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

DATE: January 23, 2019 ITEM #7

TO: LAFCO Commissioners

FROM: Dave Braun, Executive Officer

SUBJECT: Consideration of Clayton Water District Dissolution Pursuant to Senate Bill No. 448

I. BACKGROUND

State Senate Bill 448 was passed in 2017, in part with the purpose of providing LAFCO with a mechanism to dissolve long time inactive districts. The Bill required the State Controller to issue a list of inactive special districts (Exhibit C) on or before November 1, 2018, based on the financial reports received by the Controller. The Bill further indicates that the LAFCO Commission shall initiate dissolution of these inactive districts within 90 days of receiving notification from the Controller's office that an inactive district was identified in their County, unless the Commission determines that the district does not meet the criteria set forth in Section 56042 (CKH).

Section 56042 defines an inactive district as a special district that meets all of the following:

- (a) The special district is as defined in Section 56036.
- (b) The special district has had no financial transactions in the previous fiscal year
- (c) The special district has no assets and liabilities
- (d) The special district has no outstanding debts, judgments, litigation, contracts, liens or claims.

II. ISSUE

The list of inactive districts as issued by the State Controller's Office in November 2018, included the Clayton Water District in Madera County (Exhibit A). As a result, the LAFCO Commission is required to either initiate dissolution of the Clayton Water District or determine that the Clayton Water District does not meet the criteria of an inactive district as defined by Section 56042 above.

III. ANALYSIS

The Clayton Water District was formed pursuant to Division 13 of the California Water Code in the early 1980s. The District was formed to serve irrigation water to an area consisting of approximately 1,200 acres of territory located immediately adjacent to the Madera/Fresno County boundary (San Joaquin River), east of Newcomb Avenue (Township 11 South /Range 13 East) in western Madera County.

The District is a landowner-voter district that was formed to:

- Provide water to the landowner(s) in the District.
- Facilitate contracting with the United States Bureau of Reclamation for delivery of water from the San Joaquin River.
- Obtain surplus waters, if any, from the San Joaquin River and the Fresno River, for use on District lands.

The Municipal Service Review (MSR) that was completed for the Clayton Water District in 2007, and updated in 2016, indicated that the District was originally formed for the purpose of contracting with the US Bureau of Reclamation for a surface water entitlement. Sometime in the mid-1980s the District attempted to secure surface water rights to serve the landowners in the territory. When this request was denied the District became inactive. It appears that the District had been inactive for over 30 years, thereby causing their original powers to become latent.

IV. RECENT ACTIVITY

The property owners within the Clayton Water District have recently taken steps to activate the District:

1. On June 21, 2016, at the request of the District, the Madera County Board of Supervisors appointed three members to the Clayton Water District's Board of Directors. Previous to that action, the District had only one Board member and his term had expired.
2. On December 20, 2016, the District Board took action to file a request with LAFCO to activate the District's Latent Powers. The LAFCO approved the activation of Latent Powers on February 22, 2017.
3. On June 29, 2018, the District filed an application with LAFCO to annex over 9,000 acres of property into the District. LAFCO is currently processing the annexation and associated municipal service review.
4. The attached correspondence from Julia Berry, consultant for the Clayton Water District, dated December 12, 2018, includes a list of expenditures made by the District in the Fiscal Year 2017-2018. The correspondence also indicates that the District is in the process of drafting a water rights application for submittal to the State Water Resources Board.

V. CONCLUSION

The Clayton Water District appears to have been inactive for many years since its formation in the mid-1980s. The list of inactive districts as issued by the State Controller's Office, was based on financial reports for the 2016-2017 Fiscal Year. It was during that time that the District was taking steps to activate.

It is staff's opinion that the above actions of appointing members to the District Board, activating the District's latent powers and filing a large annexation are clear indications that the District intends to become active.

In addition, pursuant to the attached correspondence, the District has had financial transactions within the previous fiscal year and therefore does not meet the definition of an inactive district as defined in Section 56042.

It is noted that the State Controller is now required to issue a list of inactive districts each year. As a result, if the Clayton Water District does not continue to take steps to activate their district, this issue could be revisited again in the future.

VI. RECOMMENDATION

Staff recommends that the Commission make the determination that the Clayton Water District does not meet the definition of an inactive district as defined in Section 56042 (CKH).

ATTACHMENTS

- EXHIBIT A Vicinity Map
- EXHIBIT B Proposed Annexation Map
- EXHIBIT C List of Inactive Districts
- EXHIBIT D Correspondence from Julia Berry dated December 12, 2018
- EXHIBIT E Senate Bill 448 (Inactive Districts)
- EXHIBIT F Resolution

S:\Shared\Planning's share drive\Main LAFCo Shared File\Policies, Procedures and Guidelines\Inactive Districts\Clayton Water District Dissolution.docx

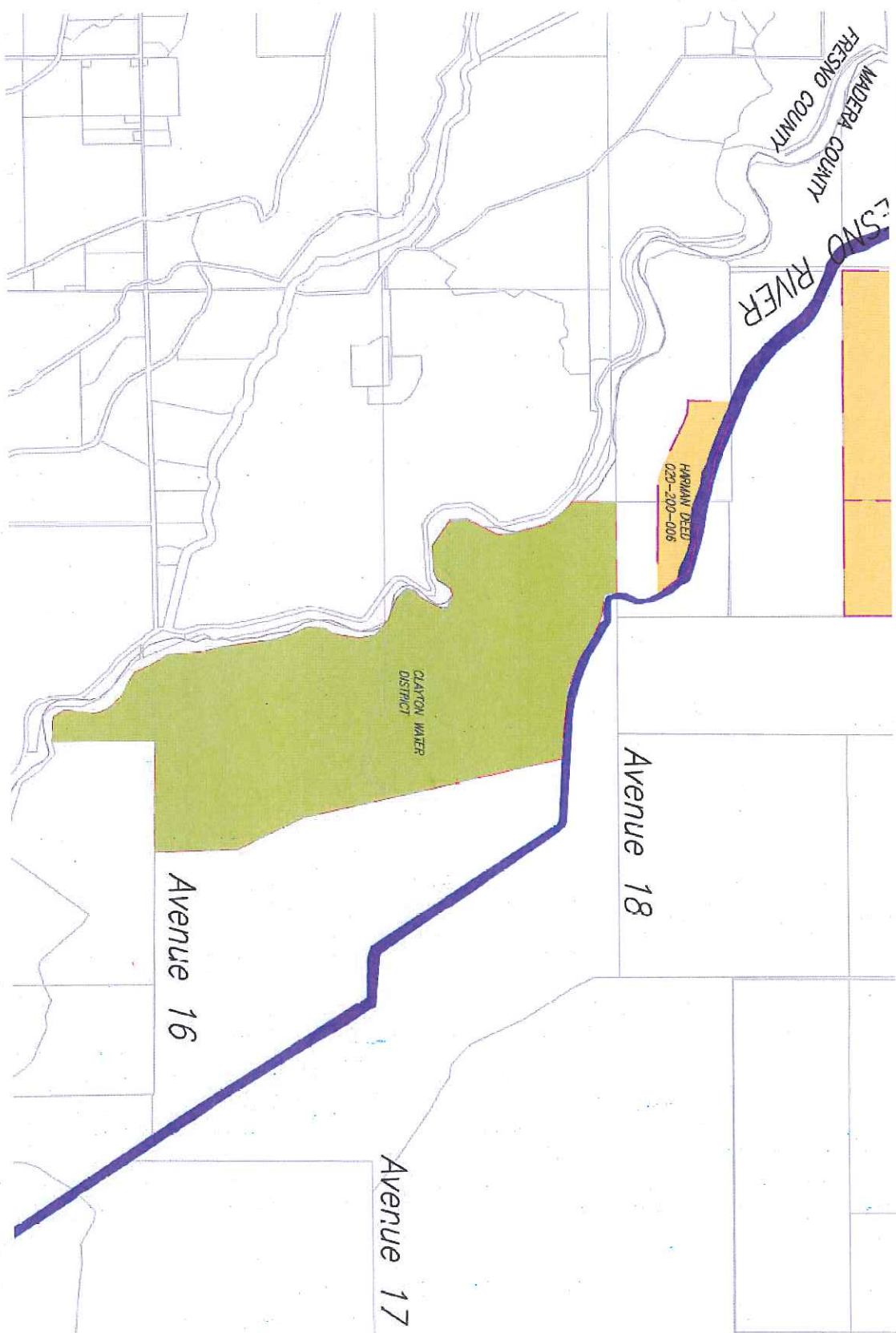
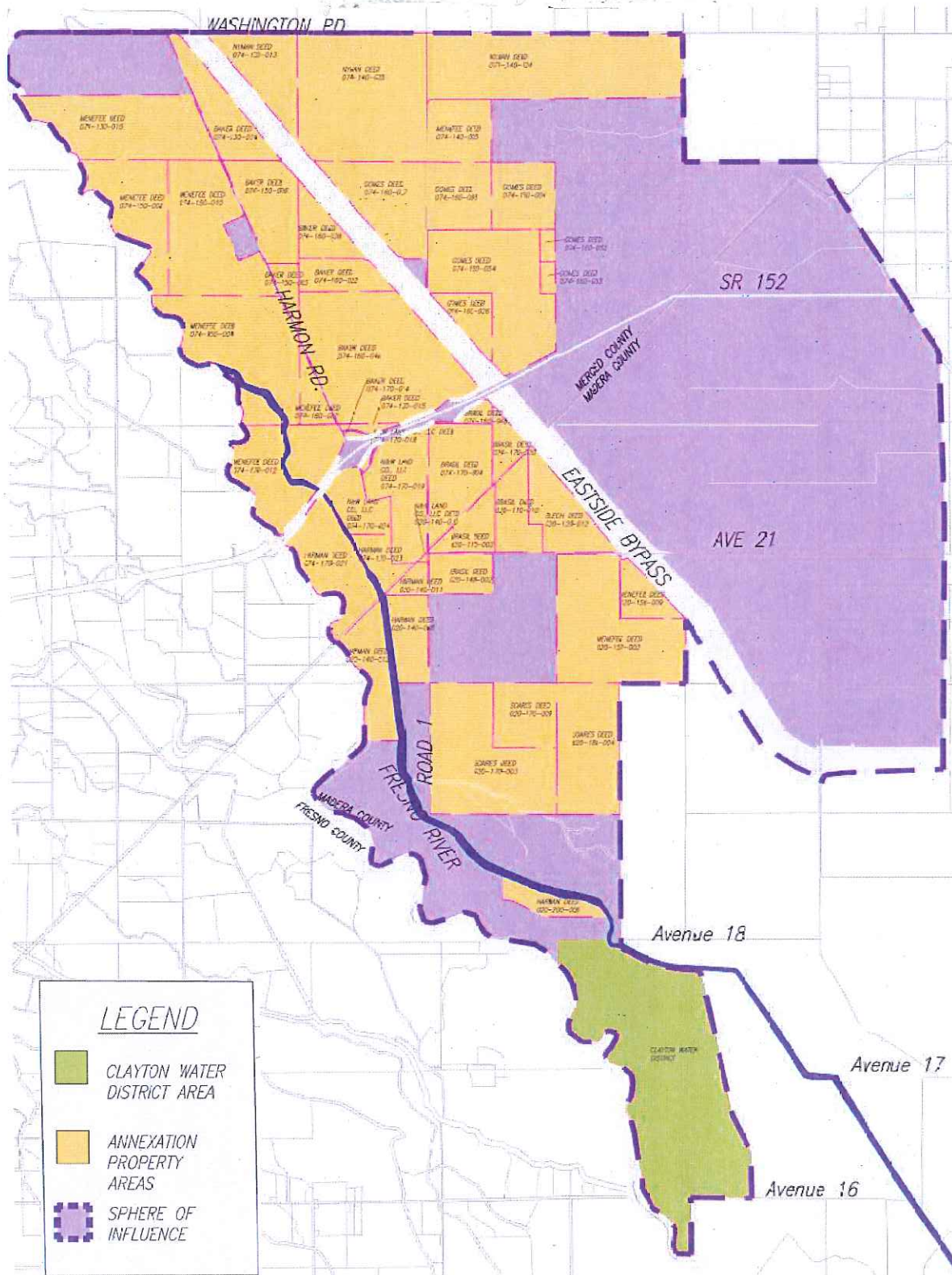


EXHIBIT A



LEGEND

- CLAYTON WATER DISTRICT AREA
- ANNEXATION PROPERTY AREAS
- SPHERE OF INFLUENCE

EXHIBIT C

California State Controller's Office

List of Inactive Districts per Chapter 334, Statutes of 2017 (SB-448)

Source: Special Districts Financial Transactions Reports, Fiscal Year 2016-17

District Name	District Type	City	County(s)
County Service Area No. 5 (Calaveras)	Dependent	San Andreas	Calaveras
County Service Area No. 7 (Calaveras)	Dependent	San Andreas	Calaveras
Colusa County Flood Control and Water Conservation District	Dependent	Colusa	Colusa
Reclamation District No. 2121	Dependent	Brentwood	Contra Costa
Silver Creek Drainage District (Fresno)	Dependent	Mendota	Fresno
Firebaugh Resource Conservation District	Dependent	Mendota	Fresno
Poso Resource Conservation District	Dependent	Los Banos	Fresno/Merced
County Service Area No. 18 (Fresno)	Dependent	Fresno	Fresno
Keene Water District	Dependent	Bakersfield	Kern
McAllister Ranch Irrigation District	Independent	Buttonwillow	Kern
Clayton Water District	Dependent	El Nido	Madera
Family Farms Water District	Dependent	Sacramento	Merced
Laguna Water District	Dependent	Dos Palos	Merced/Fresno
Santa Rita Water District	Dependent	Dos Palos	Merced/Fresno
Canby Community Services District	Dependent	Canby	Modoc
Dos Reis Storm Water District (San Joaquin)	Dependent	Lathrop	San Joaquin
Nyjo Water District	Dependent	Stockton	San Joaquin
Reclamation District No. 2094	Dependent	Manteca	San Joaquin
County Service Area No. 32 (Santa Barbara)	Dependent	Santa Barbara	Santa Barbara
Reclamation District No. 2101	Dependent	Stockton	Stanislaus/San Joaquin
Rancho Saucos Water District	Dependent	Tehama	Tehama
Skyview County Water District	Independent	Paynes Creek	Tehama
Tulare County Olive Pest Control District	Dependent	Woodlake	Tulare
County Service Area No. 33 (Tuolumne)	Dependent	Sonora	Tuolumne
County Service Area No. 9 (Tuolumne)	Dependent	Sonora	Tuolumne
County Service Area No. 21 (Tuolumne)	Dependent	Sonora	Tuolumne
County Service Area No. 22 (Tuolumne)	Dependent	Sonora	Tuolumne
County Service Area No. 23 (Tuolumne)	Dependent	Sonora	Tuolumne
County Service Area No. 25 (Tuolumne)	Dependent	Sonora	Tuolumne
County Service Area No. 27 (Tuolumne)	Dependent	Sonora	Tuolumne
County Service Area No. 14 (Tuolumne)	Dependent	Sonora	Tuolumne
County Service Area No. 15 (Tuolumne)	Dependent	Sonora	Tuolumne
County Service Area No. 16 (Tuolumne)	Dependent	Sonora	Tuolumne
County Service Area No. 17 (Tuolumne)	Dependent	Sonora	Tuolumne
County Service Area No. 33 (Ventura)	Dependent	Ventura	Ventura
River Highlands Community Service District	Dependent	Marysville	Yuba

EXHIBIT D

**CLAYTON WATER DISTRICT
P.O. Box 35
EL NIDO, CA 95317**

December 12, 2018

Mr. David Braun
Madera County LAFCO
200 W. Fourth Street
3rd Floor
Madera, CA 93637

Dear Mr. Braun:

Clayton Water District (the "District") recently learned the State Controller's Office listed the District as an inactive special district per Government Code Section 56042. The purpose of this letter is to inform you that the District does not meet the definitional requirements of an inactive district per Government Code Section 56042 and is an active district.

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 grants local agency formation commissions ("LAFCOs") authority over local agencies.¹ Senate Bill 448 (Wieckowski), chaptered in 2017, requires the State Controller to publish a list of inactive special districts and establishes a process for LAFCOs to dissolve inactive special districts. Government Code Section 56879(a) requires the State Controller to create a list of inactive special districts based upon received financial reports. Government Code Section 56042 provides an inactive district is a district that meets all of the following:

- (a) The special district is as defined in Section 56036.²
- (b) The special district has had no financial transactions in the previous fiscal year.
- (c) The special district has no assets or liabilities.
- (d) The special district has no outstanding debts, judgements, litigation, contracts, liens, or claims.

The District is a California water district, formed pursuant to the California Water Code, and is therefore a special district as defined in Government Code Section 56036. The District has had financial transactions over the past year, currently has assets and liabilities, and has recently activated latent powers to execute an annexation. It is likely the State Controller listed the

¹ See Government Code, § 56000 et seq.

² Government Code, § 56036(a) (District or special district means "an agency of the state, formed pursuant to general law or special act, for the local performance of governmental or proprietary functions within limited boundaries and in areas outside district boundaries when authorized by the commission pursuant to Section 56133.")

District as “inactive” because the district has not been activated long enough to comply with the annual financial statement filing requirement or with the biannual audit requirement. I have attached a statement of expenditures on behalf of Clayton Water District from the previous fiscal year July 2017- June 2018.

The District is currently involved in an active annexation process, which will result in a district boundary encompassing a total of 10,600 acres, covering a geographic area in both Madera and Merced counties. In April 2018, the District hired a consultant to perform general management. Additionally, the District is in the process of drafting a water rights application for submittal to the State Water Resources Control Board. This application is near completion and will allow for diversion of flood waters from the Eastside Bypass at multiple points throughout the District. In order to prepare for future infrastructure and water supply projects, the District will hear an agenda item to engage the services of a District Engineer in the next month.

Government Code Section 56879(b) requires the appropriate LAFCO to initiate dissolution of inactive districts by a resolution within 90 days of receiving notification by the Controller. However, because the District is not “inactive,” we request that Madera County LAFCO notify the Controller per Government Code Section 56879(b)³ that the District is active. If you have any further questions regarding this matter, please do not hesitate to contact me.

Sincerely,



JULIA D. BERRY

³ Government Code, § 56879(b) (“The commission shall initiate dissolution of inactive districts by resolution within 90 days of receiving notification from the Controller pursuant to subdivision (a), unless the commission determines that the district does not meet the criteria set forth in Section 56042. The commission shall notify the Controller if the commission determines that a district does not meet the criteria set forth in Section 56042.”)

**Clayton Water District Expenses
FY July 2017- June 2018**

Account	Date	Num	Memo	TOTAL AMOUNT
For legal fees for CWD	07/14/2017	Inv# 421085	inv# 421085-- minutes and Municipal Service Review--	\$ 850.79
Application Fee	08/14/2017	Inv# 422048	inv# 422048 minutes and Municipal Service Review-- (total bill \$830.22)	\$ 830.22
Application Fee	10/05/2017	Inv# 423692	inv# 423692 (total bill \$187.86)	\$ 187.86
Application Fee	10/09/2017	Inv# 422952	inv# 422952 (total bill \$798.30)	\$ 798.30
Engineering fees	11/16/2017	Inv# 424644	inv# 424644 (total bill \$1230.15)	\$ 1,230.14
Engineering fees	12/08/2017	Inv# 425376	inv# 425376 (total bill \$252.16)	\$ 252.16
Engineering fees	12/11/2017	PCE- inv# 17-038	Precision Civil Engineering PCE-- invoice for MSR-- inv# 17-038 (total bill \$2458.75)	\$ 2,458.74
Engineering fees	01/17/2018	inv-- PCE # 21280	PCE inv# 21280--Precision Civil Engineering PCE-- (total bill \$2941.25)	\$ 2,941.24
Engineering fees	01/30/2018	PCE inv# 21329	PCE inv# 21329- Precision Civil Engineering PCE--(total bill \$600)	\$ 600.00
Engineering fees	02/16/2018	PCE inv# 21412	PCE inv# 21412 Precision Civil Engineering PCE-- (total bill \$1200)	\$ 1,200.00
For legal fees for CWD	02/16/2018	BMJ inv# 426978	BMJ invoice# 426978 (total bill \$2973.80)	\$ 2,973.80
For legal fees for CWD	03/09/2018	PCE inv# 21474	PCE invoice # 21474 (total bill \$1095)	\$ 1,095.00
For legal fees for CWD	03/13/2018	BMJ inv# 427604	BMJ invoice # 427604 (total bill \$2033.17)	\$ 2,033.16
For legal fees for CWD	03/13/2018	BMJ inv# 427735	BMJ invoice # 427735 (total bill \$117.46)	\$ 117.40
For legal fees for CWD	03/29/2018	02262018	Poster for Clayton WD	\$ 26.29
For legal fees for CWD	04/11/2018	BMJ inv# 428108	BMJ invoice # 428108 (total bill \$1705.69)	\$ 3,411.38
For legal fees for CWD	05/04/2018	PCE inv# 21542	PCE inv# 21542--- Project #17-038 Municipal Services Review Report	\$ 1,305.00
For legal fees for CWD	05/07/2018	BMJ inv# 428966	BMJ inv# 428966---Clayton WD annexation and MSR	\$ 4,123.22
For legal fees for CWD	05/15/2018	Clayton WD- MSR fee	Municipal Service Review-- \$1182	\$ 1,182.00
For legal fees for CWD	05/17/2018	PCE inv# 21693	PCE invoice # 21693	\$ 2,400.00
General Management	05/17/2018	inv# April 2018	Water consulting services for April 2018	\$ 1,740.50
For legal fees for CWD	06/28/2018	Annex App. fee	Annexation application fee for Clayton WD	\$ 2,410.00
Total CLWD Expenses FY 2017-2018				\$ 34,166.90

the Revenue and Taxation Code, the commission shall determine the property tax revenue to be exchanged by the affected local agencies pursuant to Section 56810.

(p) To authorize a city or district to provide new or extended services outside its jurisdictional boundaries pursuant to Section 56133.

(q) To enter into an agreement with the commission for an adjoining county for the purpose of determining procedures for the consideration of proposals that may affect the adjoining county or where the jurisdiction of an affected agency crosses the boundary of the adjoining county.

(r) To approve with or without amendment, wholly, partially, or conditionally, or disapprove pursuant to this section the annexation of territory served by a mutual water company formed pursuant to Part 7 (commencing with Section 14300) of Division 3 of Title 1 of the Corporations Code that operates a public water system to a city or special district. Any annexation approved in accordance with this subdivision shall be subject to the state and federal constitutional prohibitions against the taking of private property without the payment of just compensation. This subdivision shall not impair the authority of a public agency or public utility to exercise eminent domain authority.

SEC. 7. Article 6 (commencing with Section 56879) is added to Chapter 5 of Part 3 of Division 3 of Title 5 of the Government Code, to read:

Article 6. Inactive Special Districts

56879. (a) On or before November 1, 2018, and every year thereafter, the Controller shall create a list of special districts that are inactive, as defined in Section 56042, based upon the financial reports received by the Controller pursuant to Section 53891. The Controller shall publish the list of inactive districts on the Controller's Internet Web site. The Controller shall also notify the commission in the county or counties in which the district is located if the Controller has included the district in this list.

(b) The commission shall initiate dissolution of inactive districts by resolution within 90 days of receiving notification from the Controller pursuant to subdivision (a), unless the commission determines that the district does not meet the criteria set forth in Section 56042. The commission shall notify the Controller if the commission determines that a district does not meet the criteria set forth in Section 56042.

(c) The commission shall dissolve inactive districts. The commission shall hold one public hearing on the dissolution of an inactive district pursuant to this section no more than 90 days following the adoption of the resolution initiating dissolution. The dissolution of an inactive district shall not be subject to any of the following:

(1) Chapter 1 (commencing with Section 57000) to Chapter 7 (commencing with Section 57176), inclusive, of Part 4.

(2) Determinations pursuant to subdivision (b) of Section 56881.

(3) Requirements for commission-initiated changes of organization described in paragraph (3) of subdivision (a) of Section 56375.

56880. This article shall not apply to a special district formed by special legislation that is required by its enabling statute to obtain funding within a specified period of time or be dissolved. That district shall not be subject to this article during that specified period of time.

SEC. 8. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

EXHIBIT F

BEFORE THE
MADERA LOCAL AGENCY FORMATION COMMISSION
STATE OF CALIFORNIA

In the Matter of

Resolution No. 2019-

SENATE BILL 448-DETERMINATION)
Of INACTIVE DISTRICT (CLAYTON)
WATER DISTRICT))
)
)

A RESOLUTION MAKING DETERMINATION
THAT THE CLAYTON WATER DISTRICT
DOES NOT MEET THE DEFINITION OF AN
INACTIVE DISTRICT AS DEFINED IN
SECTION 56042 (CKH)

WHEREAS, Senate Bill (SB) 448 (2017) requires the State Controller on or before November 1, 2018, to create a list of special districts that are inactive as defined in Section 56042 of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH).

WHEREAS, the list of inactive districts as released by the State Controller included the Clayton Water District; and

WHEREAS, SB 448 requires the Commission to either initiate dissolution of the Clayton Water District or determine that the District does not meet the definition of an inactive district pursuant to Section 56042 (CKH); and

WHEREAS, the Clayton Water District has recently appointed members to their District Board, activated their latent powers and filed an annexation application with LAFCO; and

WHEREAS, the Clayton Water District has made financial transactions within the previous fiscal year; and

WHEREAS, this Commission considered all relevant facts and evidence and heard all interested parties wishing to speak on this matter.

NOW, THEREFORE, THE MADERA LOCAL AGENCY FORMATION

COMMISSION DOES HEREBY RESOLVE:

That the Clayton Water District is not an inactive district, as defined in Section 56042 (CKH), at this time.

The foregoing Resolution was adopted this 23rd day of January, 2019, by the following vote:

Chairman Wheeler Voted: _____

Commissioner Graham Voted: _____

Commissioner Ahmed Voted: _____

Commissioner Rodriguez Voted: _____

Commissioner Voted: _____

Chairman, Local Agency Formation Commission

ATTEST:

Executive Officer, LAFCO

Approved as to Legal Form:

LAFCO Counsel



LOCAL AGENCY FORMATION COMMISSION

Dave Braun, Executive Officer

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

DATE: January 23, 2019 ITEM #8
TO: LAFCO Commission
FROM: Dave Braun, Executive Officer
SUBJECT: Delegation of Principal County Authority - Chowchilla Water District

I. REQUEST

Madera LAFCO has received a request from Merced LAFCO to permit Merced LAFCO to process a Sphere of Influence (SOI) Amendment and Annexation Application involving property within the Sphere of Influence (SOI) of the Chowchilla Water District. The application proposes to remove property from within the SOI of the Chowchilla Water District.

II. BACKGROUND

The Chowchilla Water District contains properties in both Madera and Merced Counties. The District has a greater portion of its entire assessed property value in Madera County and as a result, Madera County is the Principal County for the District. The Principal County has exclusive jurisdiction for any proposal involving a district, for which it is the Principal County.

Section 56388 (CKH) permits jurisdiction of a proposal to be vested in a Commission of a County other than the Principal County if all of the following occur:

- (a) The Commission of the principal county agree to have the exclusive jurisdiction vested in the Commission of another county.
- (b) The Commission of the principal county designate the Commission of another county which shall assume exclusive jurisdiction.
- (c) The Commission of the county so designated agrees to assume exclusive jurisdiction.

III. ISSUE

The Le Grand-Athlone Water District has filed a SOI Amendment and Annexation Application with Merced LAFCO which proposes to annex approximately 5,860 acres

into their District. Approximately 5,000 acres of this proposal is within the current SOI of the Chowchilla Water District. The proposal would place this property within the Le Grand-Athlone Water District SOI and remove it from within the SOI of the Chowchilla Water District. It is important to note that these properties are not currently in the Chowchilla Water District, just within its SOI.

The Le Grand-Athlone Water District is entirely within Merced County and therefore it is appropriate for Merced LAFCO to process an application involving that District. The property owners of the subject properties which are within the SOI of the Chowchilla Water District apparently prefer to become part of the Le Grand-Athlone Water District. The General Manager of the Chowchilla Water District has indicated no opposition to having these properties removed from within the Chowchilla Water District's SOI.

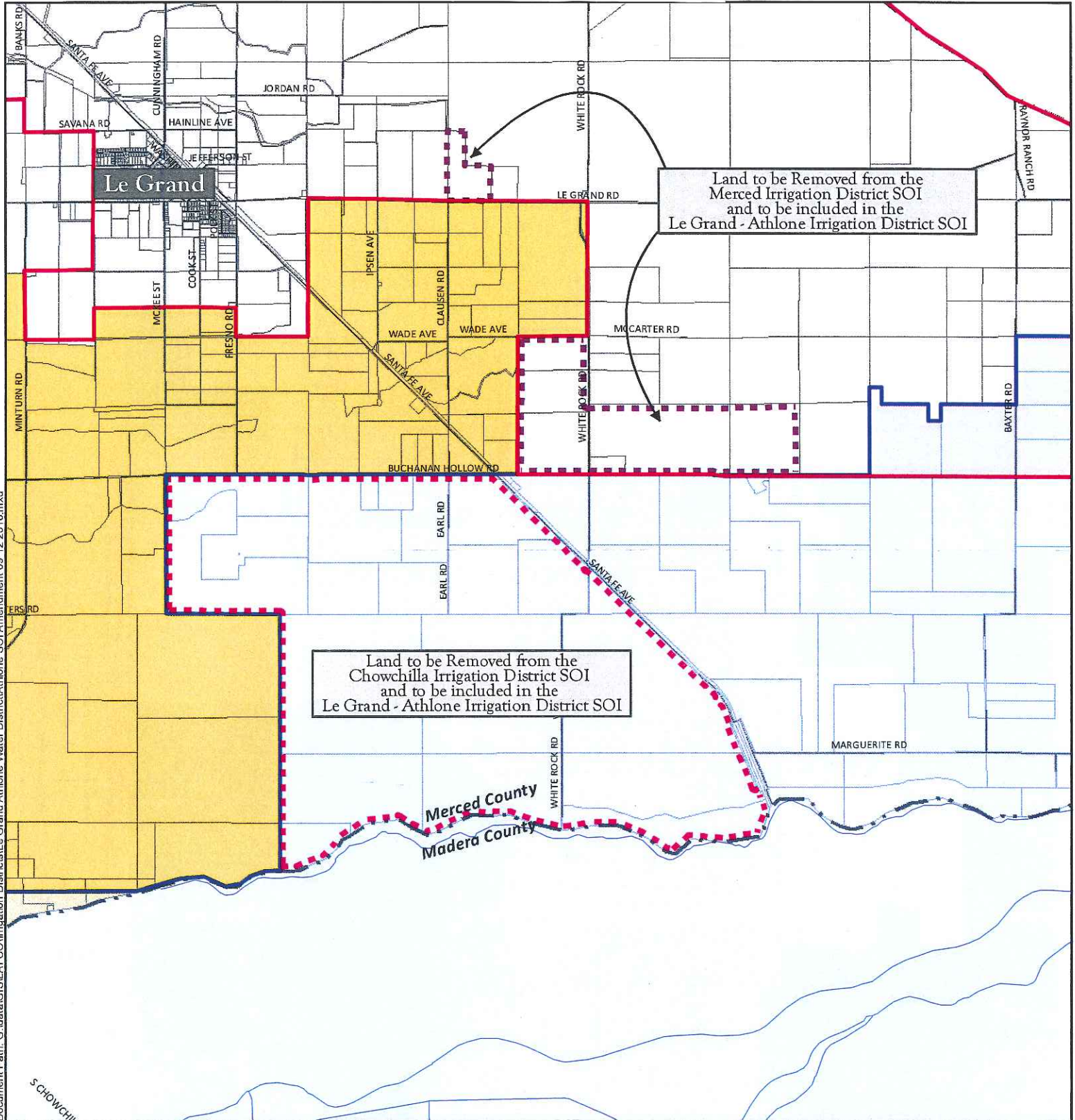
IV. RECOMMENDATION

Staff recommends that the Commission designate Merced County LAFCO with exclusive jurisdiction to process the Le Grand-Athlone Water District SOI Amendment and Annexation Application, including all matters as related to the Chowchilla Water District SOI.

ATTACHMENTS

- Exhibit A - Project Map
- Exhibit B - Chowchilla Water District Map
- Exhibit C - Aerial Map
- Exhibit D - Property Map
- Exhibit E - Request from Merced LAFCO dated December 28, 2018
- Exhibit F - Resolution

EXHIBIT A



SPHERE OF INFLUENCE MAP
AFFECTING THE
LE GRAND - ATHLONE WATER DISTRICT
MERCED IRRIGATION DISTRICT
AND THE
CHOWCHILLA IRRIGATION DISTRICT
IN
MERCED AND MADERA COUNTIES

Land to be Removed from the Chowchilla Irrigation District SOI and to be included in the Le Grand - Athlone Irrigation District SOI

Land to be Removed from the Merced Irrigation District SOI and to be included in the Le Grand - Athlone Irrigation District SOI

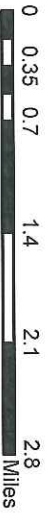


Merced County GIS

0 0.25 0.5 1 Miles

Date: 9/13/2018

EXHIBIT B



- Legend**
- Chowchilla_WD
 - Land to be Removed from the Chowchilla Water District SOI
 - Chowchilla_WD_SOI

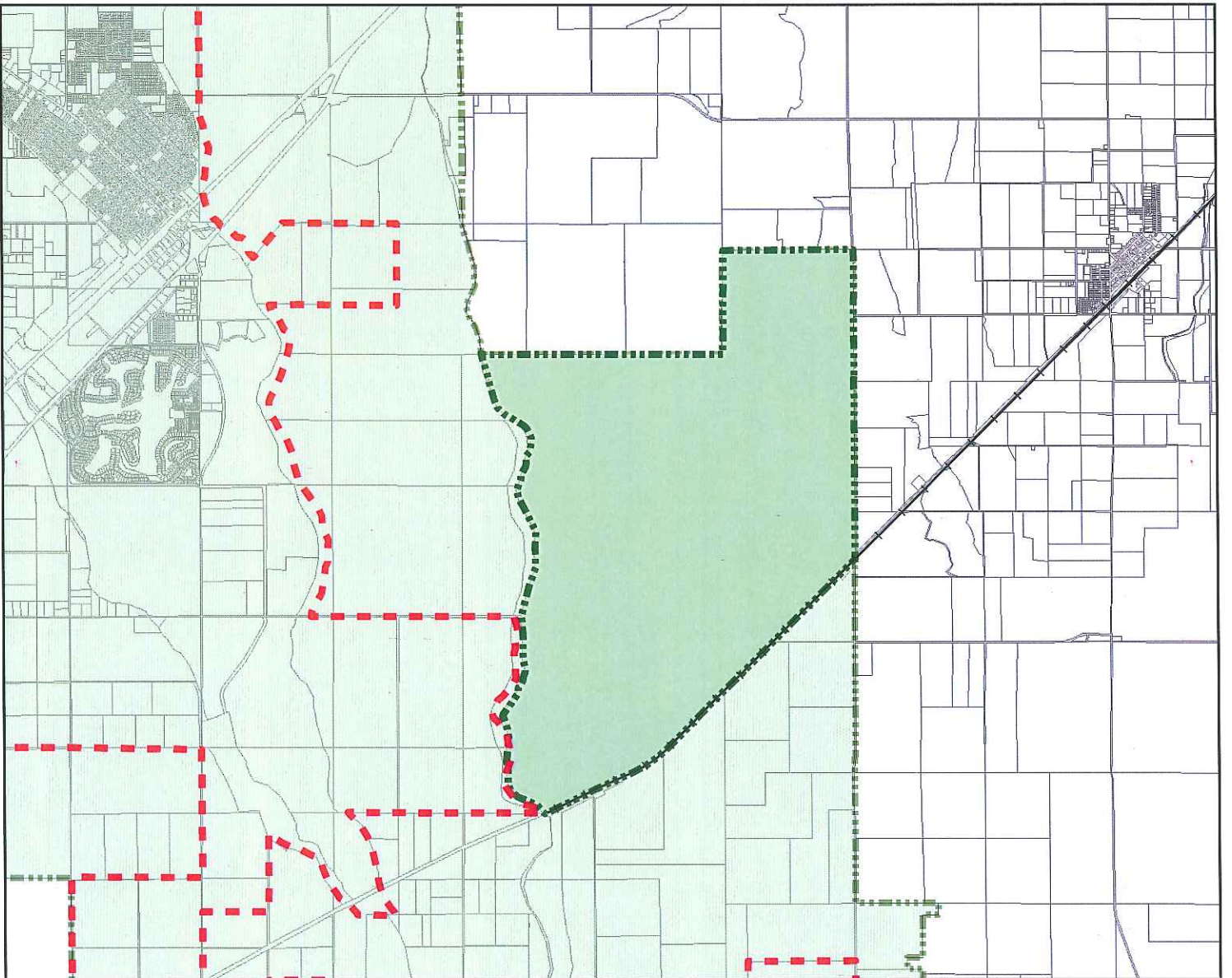
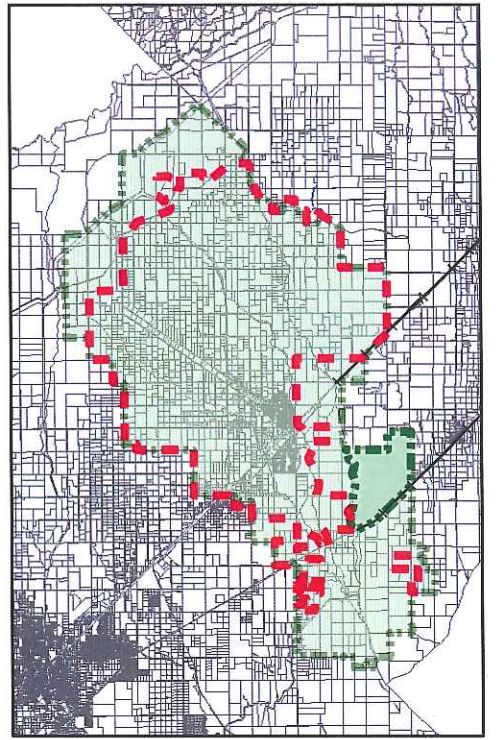


EXHIBIT C

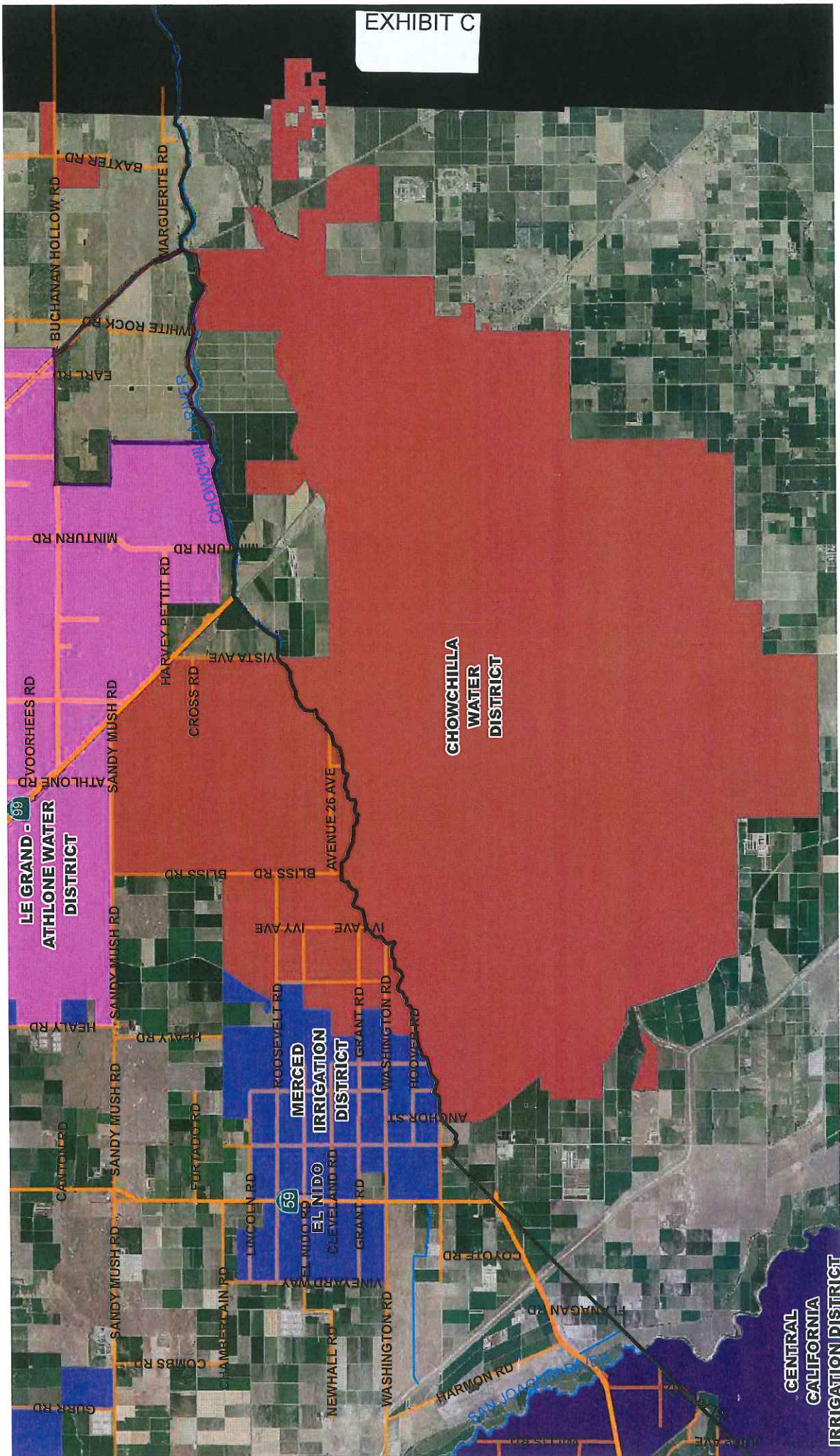


Figure 2 Potential Annexation and District Service Area (Improvement District) Map

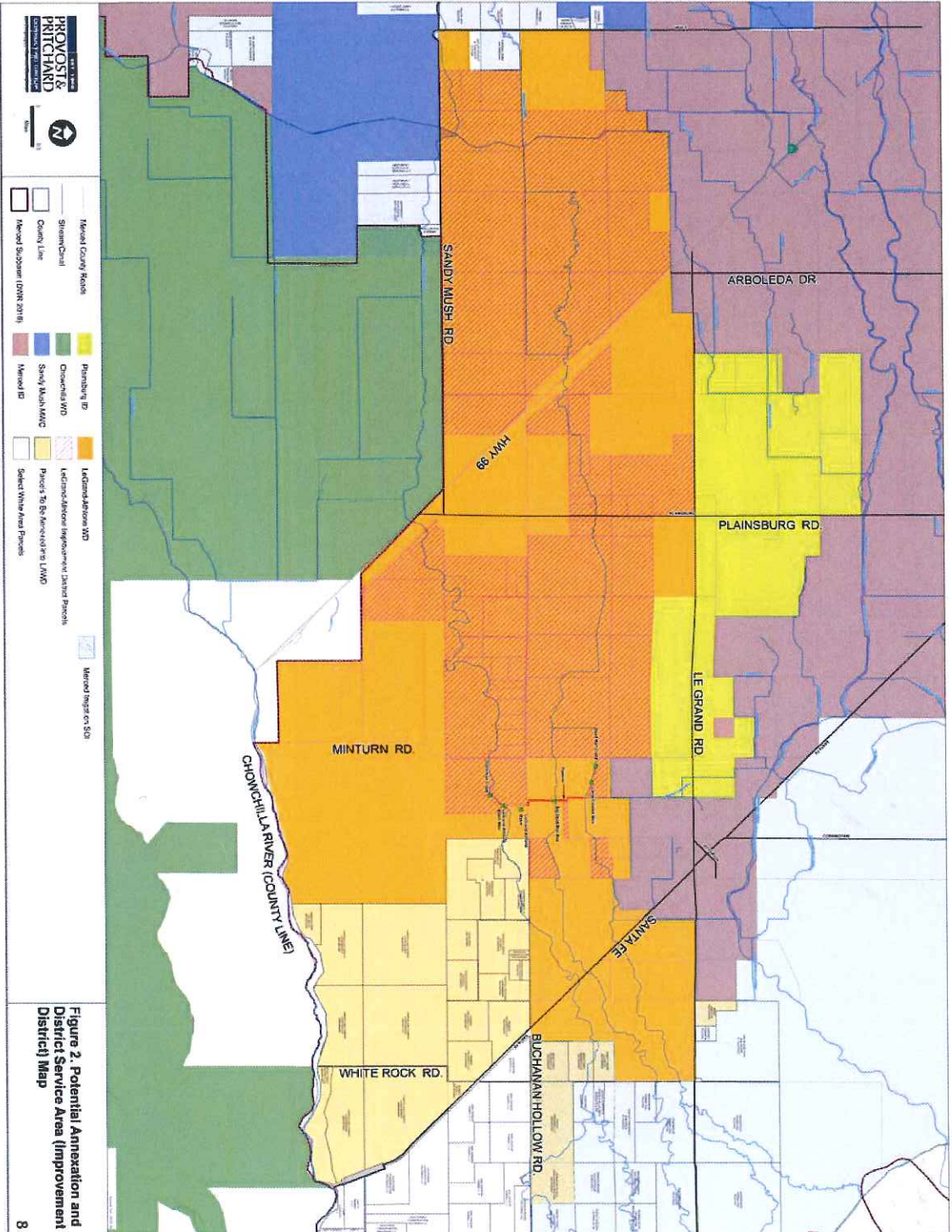


EXHIBIT D



Local Agency Formation Commission
2222 M Street
Merced, CA 95340
Phone (209) 385-7671 / Fax (209) 726-1710
www.lafcomerced.org

December 28, 2018

David Braun, Executive Officer
Madera LAFCO
200 W Fourth Street
Madera, CA 93637

RE: Request for Jurisdiction to Process Amendment of the Chowchilla Water District
Sphere of Influence Within Merced County

Dear Mr. Braun:

As we have discussed, Merced LAFCO has received proposals to expand the Le Grand-Athlone Water District Sphere of Influence (SOI) and a parallel annexation of land in three locations east of the current district boundaries. The largest of these expansion areas includes approximately 5,000 acres located west of Santa Fe Drive and north of the Chowchilla River which is presently within the SOI of the Chowchilla Water District (see enclosed maps). However, since Madera LAFCO is the "principal county" for processing LAFCO proposals involving the Chowchilla Water District (Chowchilla WD) Merced LAFCO cannot act on removing this area from the Chowchilla WD sphere unless, as authorized under Government Code section 56388(b): "The commission of the principal county designates the commission of another county which shall assume exclusive jurisdiction."

I have spoken with Doug Welch, General Resources Manager of the Chowchilla Water District and he indicated the District has no objection to removing this area from their sphere boundary. In addition, this boundary change was contemplated in the recent Municipal Service Review Update for the Le Grand-Athlone Water District approved by Merced LAFCO on September 20, 2018. We will also be processing a similar request for removal of approximately 860 acres from the Sphere of Influence of the Merced Irrigation District. The stated purpose of the Le Grand-Athlone Water District expansion is to better represent the landowners in the Sustainable Groundwater Management Act (SGMA) planning efforts within the Merced Groundwater Subbasin. Another objective is to help improve groundwater recharge by obtaining surface water supplies, when available, from the Merced Irrigation District which is only made available to lands within a district boundary.

As we have discussed, it would be more efficient for Merced LAFCO to process all aspects of this proposal: removal of territory from the Chowchilla Water District and the Merced Irrigation District spheres of influence, and annexation of approximately 5,860 acres into the Le Grand-Athlone Water District. However, based on GC section 56388(a) it appears the commission of the principal county must agree to vest exclusive power for this sphere of influence amendment in the commission of another county. Therefore, unless the Commission has delegated this authority to the Executive Officer, please schedule this request for consideration by your Commission at the next available opportunity.

David Braun, Executive Officer
Madera LAFCO
Chowchilla Water District SOI Amendment
December 28, 2018
Page 2

Thank you for considering this request, and if you have any other questions or need additional maps or information to identify the territory involved, please let me know.

Sincerely,

A handwritten signature in cursive script that reads "Bill Nicholson".

Bill Nicholson
Executive Officer

Enclosure







EXHIBIT "A"

LeGRAND-ATHLONE WATER DISTRICT ANNEXATION, NO. XXXX

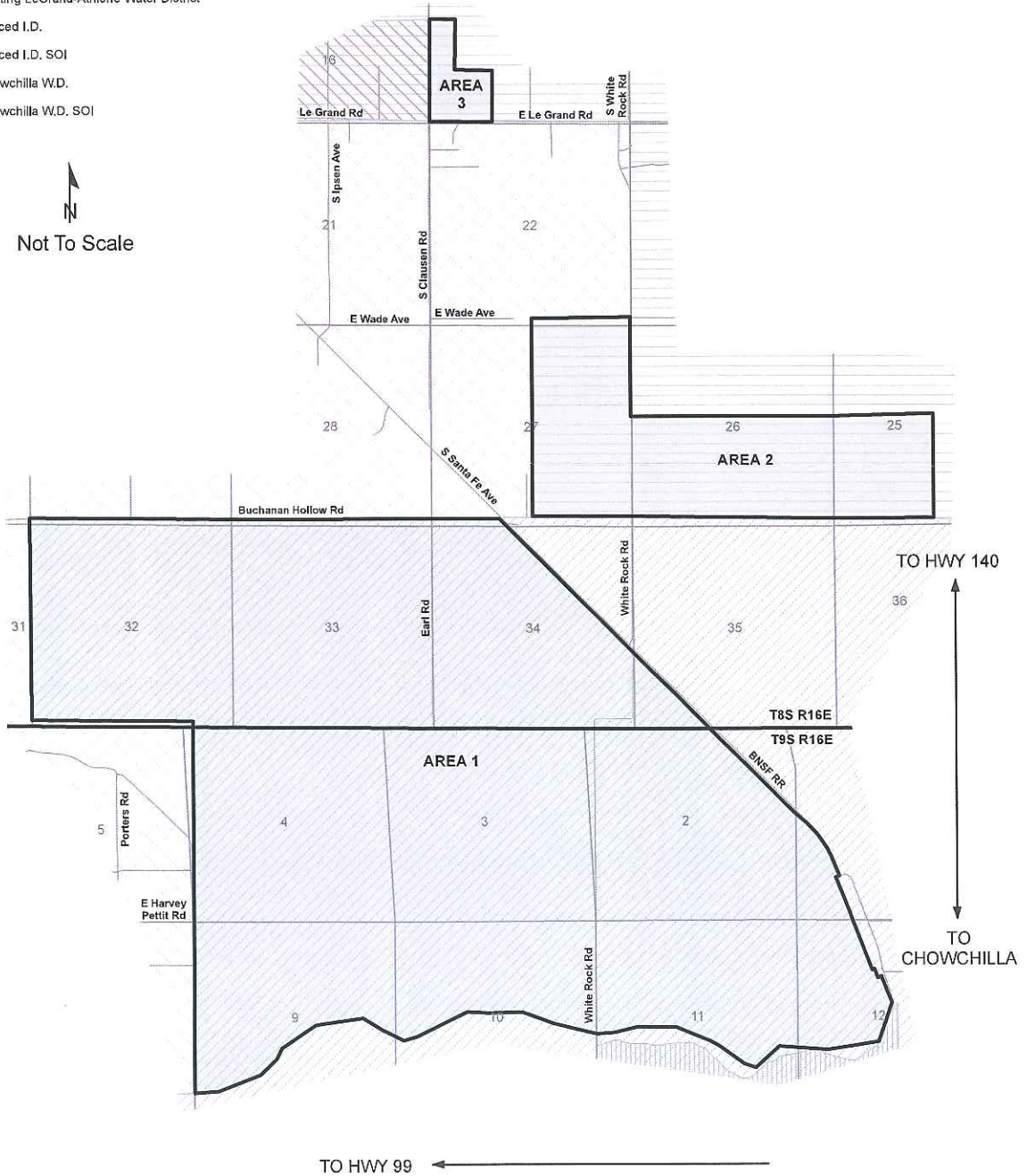
COUNTY OF MERCED
STATE OF CALIFORNIA
(TOTAL ANNEXATION AREA = 5,846.5 ACRES, MORE OR LESS)

FULL SIZE MAP RECORDED IN VOLUME _____ OF MAPS OF ASSESSMENT
AND COMMUNITY FACILITIES DISTRICT AT PAGES _____
IN THE OFFICE OF THE COUNTY RECORDER IN THE COUNTY OF MERCED,
STATE OF CALIFORNIA.

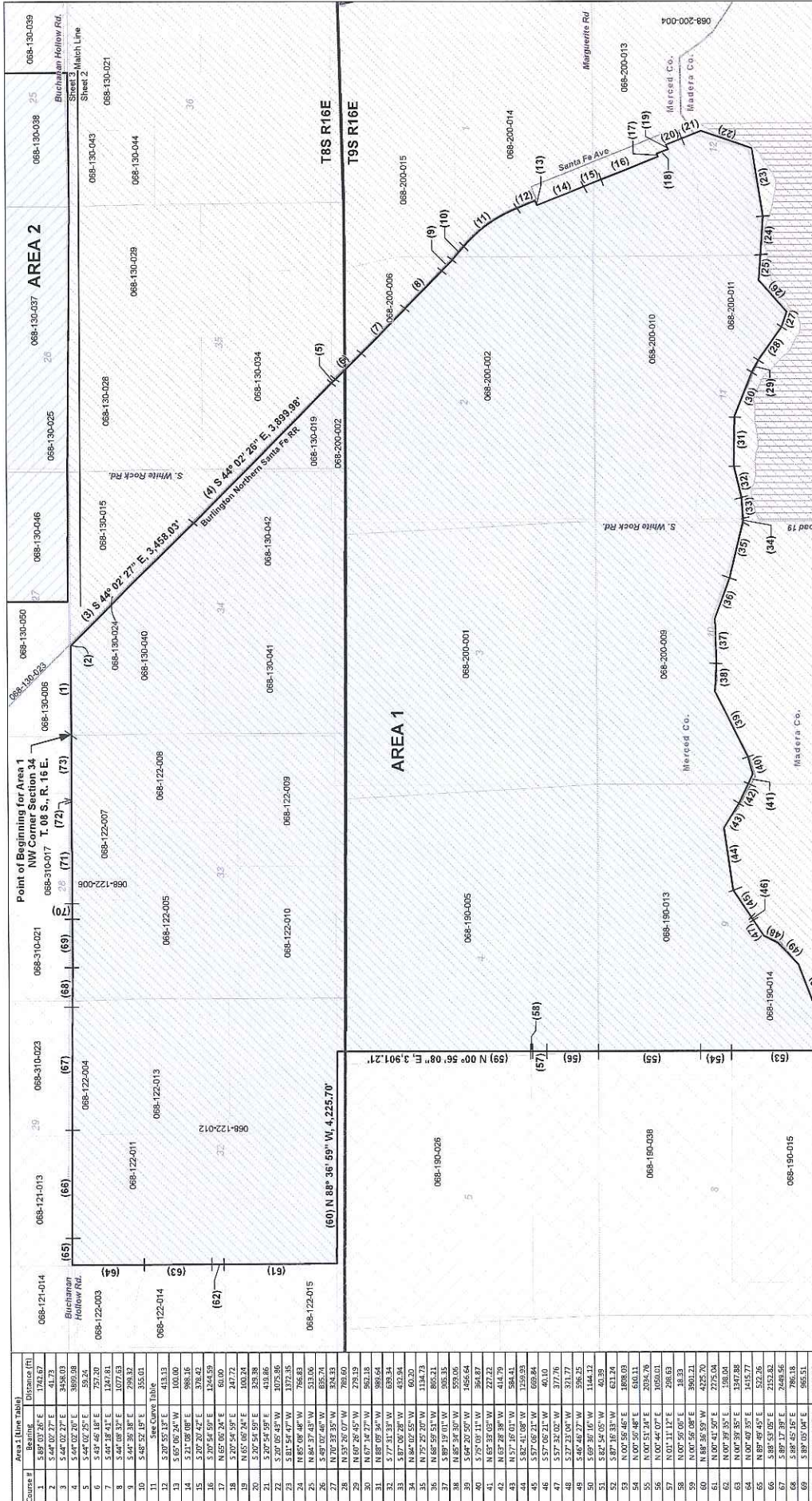
Legend

-  Parcels to be Annexed into LeGrand-Athlone Water District
-  Existing LeGrand-Athlone Water District
-  Merced I.D.
-  Merced I.D. SOI
-  Chowchilla W.D.
-  Chowchilla W.D. SOI


 Not To Scale



Disclaimer: For assessment purposes only. This description of land is not a legal property description as defined in the Subdivision Map Act and may not be used as the basis for an offer for sale of the land described.



Course #	Bearing	Distance (ft)
1	S 89° 02' 26" E	1742.67
2	S 44° 02' 27" E	41.73
3	S 44° 02' 27" E	3438.03
4	S 44° 02' 27" E	592.08
5	S 44° 02' 27" E	752.30
6	S 44° 02' 27" E	1247.81
7	S 44° 02' 27" E	1077.63
8	S 44° 02' 27" E	779.32
9	S 44° 02' 27" E	355.01
10	S 44° 02' 27" E	413.13
11	S 44° 02' 27" E	885.10
12	S 44° 02' 27" E	378.42
13	S 44° 02' 27" E	1244.59
14	S 44° 02' 27" E	60.00
15	S 44° 02' 27" E	247.72
16	S 44° 02' 27" E	100.74
17	S 44° 02' 27" E	325.38
18	S 44° 02' 27" E	433.86
19	S 44° 02' 27" E	505.15
20	S 44° 02' 27" E	505.15
21	S 44° 02' 27" E	1455.64
22	S 44° 02' 27" E	364.87
23	S 44° 02' 27" E	414.79
24	S 44° 02' 27" E	584.41
25	S 44° 02' 27" E	1159.35
26	S 44° 02' 27" E	621.74
27	S 44° 02' 27" E	621.74
28	S 44° 02' 27" E	208.63
29	S 44° 02' 27" E	3891.21
30	S 44° 02' 27" E	4225.70
31	S 44° 02' 27" E	1308.04
32	S 44° 02' 27" E	1308.04
33	S 44° 02' 27" E	1415.77
34	S 44° 02' 27" E	532.26
35	S 44° 02' 27" E	7249.45
36	S 44° 02' 27" E	985.51
37	S 44° 02' 27" E	505.15
38	S 44° 02' 27" E	101.65
39	S 44° 02' 27" E	1315.39
40	S 44° 02' 27" E	334.53
41	S 44° 02' 27" E	785.18
42	S 44° 02' 27" E	985.51
43	S 44° 02' 27" E	505.15
44	S 44° 02' 27" E	101.65
45	S 44° 02' 27" E	334.53
46	S 44° 02' 27" E	785.18
47	S 44° 02' 27" E	985.51
48	S 44° 02' 27" E	505.15
49	S 44° 02' 27" E	101.65
50	S 44° 02' 27" E	334.53
51	S 44° 02' 27" E	785.18
52	S 44° 02' 27" E	985.51
53	S 44° 02' 27" E	505.15
54	S 44° 02' 27" E	101.65
55	S 44° 02' 27" E	334.53
56	S 44° 02' 27" E	785.18
57	S 44° 02' 27" E	985.51
58	S 44° 02' 27" E	505.15
59	S 44° 02' 27" E	101.65
60	S 44° 02' 27" E	334.53
61	S 44° 02' 27" E	785.18
62	S 44° 02' 27" E	985.51
63	S 44° 02' 27" E	505.15
64	S 44° 02' 27" E	101.65
65	S 44° 02' 27" E	334.53
66	S 44° 02' 27" E	785.18
67	S 44° 02' 27" E	985.51
68	S 44° 02' 27" E	505.15
69	S 44° 02' 27" E	101.65
70	S 44° 02' 27" E	334.53
71	S 44° 02' 27" E	785.18
72	S 44° 02' 27" E	985.51
73	S 44° 02' 27" E	505.15

Point of Beginning for Area 1
NW Corner Section 34
I. 08 S., R. 16 E.

Point of Beginning for Area 2
Street 2 Match Line

Area 1
T8S R16E
T9S R16E

Area 2

Course # | **Bearing** | **Distance (ft)**

11. 2755.24 | 277.22 597 | 1543.50

Area 1 (Course Table) | **Length (ft)**

Course # | Bearing | Distance (ft)

11. 2755.24 | 277.22 597 | 1543.50

Legend:

- (X) Course Number
- Parcels to be Annexed into LeGrand-Athlone Water District
- Proposed New Boundary
- Existing LeGrand-Athlone Water District
- Chowchilla W.D.
- Chowchilla SOI
- Merced I.D SOI
- Sections
- Township/Range
- County Line

Scale: 0 to 0.5 Miles

North Arrow

PROVOST & PRITCHARD CONSULTING GROUP
An Employee Owned Company
3841 M. Street
Merced, CA 95348

LeGrand-Athlone Water District
Area 1

Professional Engineer Seal:
DWAYNE MCGOSSON
No. 6168
STATE OF CALIFORNIA
Professional Engineer
Soils

Draft
Signed: 12/4/18

Disclaimer: For assessment purposes only. This description of land is not a legal property description as defined in the Subdivision Map Act and may not be used as the basis for an offer for sale of the land described.

BEFORE THE
MADERA LOCAL AGENCY FORMATION COMMISSION
STATE OF CALIFORNIA

EXHIBIT F

In the Matter of

Resolution No. 2019-

DELEGATION OF PRINCIPAL)
COUNTY AUTHORITY (CHOWCHILLA)
WATER DISTRICT))
)

A RESOLUTION DESIGNATING PRINCIPAL
COUNTY AUTHORITY TO MERCED
COUNTY IN REGARD TO THE LE GRAND-
ATHLONE WATER DISTRICT PROPOSAL

WHEREAS, the Chowchilla Water District contains property in both Madera and Merced Counties; and

WHEREAS, since the greater portion of its entire assessed property value is in Madera County, pursuant to Section 56066 (CKH), Madera County is the principal county for the Chowchilla Water District; and

WHEREAS, the principal county has exclusive jurisdiction over all matters involving a district, for which it is the principal county; and

WHEREAS, Merced County has received the Le Grand-Athlone Water District Sphere of Influence (SOI) Amendment and Annexation Application which involves property within the Chowchilla Water District's SOI; and

WHEREAS, pursuant to Section 56388 (CKH), Merced LAFCO has submitted a request to Madera LAFCO to permit Merced LAFCO to process the Le Grand-Athlone Water District SOI Amendment and Annexation Application including all matters as related to the Chowchilla Water District SOI; and

WHEREAS, this Commission considered all relevant facts and evidence and heard all interested parties wishing to speak on this matter.

NOW, THEREFORE, THE MADERA LOCAL AGENCY FORMATION

COMMISSION DOES HEREBY RESOLVE:

To designate Merced LAFCO with exclusive jurisdiction to process the Le Grand-Athlone Water District SOI Amendment and Annexation Application including all matters involving the Chowchilla Water District's sphere of influence as shown on Attached Exhibit "A".

The foregoing Resolution was adopted this 23rd day of January, 2019, by the following

vote:

Chairman Wheeler Voted: _____
Commissioner Graham Voted: _____
Commissioner Ahmed Voted: _____
Commissioner Rodriguez Voted: _____
Commissioner Voted: _____

Chairman, Local Agency Formation Commission

ATTEST:

Executive Officer, LAFCO

Approved as to Legal Form:

LAFCO Counsel