



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

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

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

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

Commissioners Absent: None

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

1. Call to Order
2. Pledge of Allegiance
3. Selection of Chair and Vice Chair

Executive Officer Braun explained the Commission's policy for selecting the Chair and Vice Chair on a rotating basis. Braun said that in accordance with the Policy, the Public Member would be the Chair and a City Member should be the Vice Chair. Commissioner Medellin nominated J. Carol Graham to be the Chair and Commissioner Rodriguez seconded the motion. The motion passed with a vote of 5-0. Commissioner Ahmed nominated Commissioner Medellin to be Vice Chair and Commissioner Graham seconded the motion. The motion passed with a 5-0 vote.

4. Public Comments

There were no comments from the public. Commissioner Wheeler reported that the CALAFCO Quarterly included an article on the 2018 Annual CALAFCO Conference that gave a "Special Thank You to Madera County Supervisor Tom Wheeler and Chief of Staff, Brittany Dyer for

planning and delivering such an outstanding mobile workshop and for being a keynote speaker at Thursday's luncheon on tree mortality." The article said the mobile workshop's rating was a perfect 6.0.

CONSENT AGENDA

5. Minutes – Review and Approval of the December 12, 2018 Meeting

Commissioner Wheeler moved to approve the December 12, 2018, Minutes as presented and Commissioner Rodriguez seconded the motion. Commissioner Medellin abstained from voting because he was not present at the meeting. The motion was approved with a 4-0 vote.

PUBLIC HEARING

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

Braun reported this item was continued from the December 12th meeting because the subject property had not yet been rezoned. Braun said the City rezoned the property on December 19th. Braun said the subject parcel is part of a small County Island and the developer proposed to develop the 20-acre parcel with an 87-lot single-family subdivision. Braun said that in an attempt to eliminate the County Island, he expanded the proposal to include two parcels that are owned by Sam Pistoresi. Braun said he removed Mr. Pistoresi's land from the proposal after receiving a copy of a letter sent to the City saying that he did not want his property rezoned and that he intended to protest any annexation attempt of his property. Braun explained that since Mr. Pistoresi's land had a higher assessed value than the property proposed for development, his protest would kill the annexation.

Commissioner Wheeler asked why Mr. Pistoresi did not want his land annexed and Braun responded that he was still farming and didn't want his farming operation to be compromised. Braun said that Mr. Pistoresi wanted a right-to-farm covenant.

Commissioner Medellin said the City also felt the same way about not including Mr. Pistoresi's property because the last thing the City wanted to do was kill the project. Commissioner Medellin said the City is very pleased with Crown Homes and what they've been doing in the City of Madera.

Commissioner Ahmed asked if the City had talked to the developer about placing a condition for a right-to-farm covenant on the subdivision map. Chris Boyle, Acting Planning Manager for the City of Madera, responded that the City has not yet considered the map but it will go before the Planning Commission next month. Mr. Boyle said the City would normally take the subdivision map along with the rezoning to the Planning Commission at the same time. Mr. Boyle said the subdivision map is still in analysis and that any condition on the map regarding a right-to-farm is scheduled to go to the Planning Commission on February 12th.

Mr. Boyle said the applicant submitted an application to annex the southern 20 acres and Executive Officer Braun contacted the City about including the northern 20 acres owned by Mr. Pistoresi in the annexation. Mr. Boyle said the City then submitted an application for all 40 acres and notified Mr. Pistoresi that his property was being included in the Annexation. Mr.

Pistoresi then notified the City that he was opposed to any annexation of his property to the City. Mr. Boyle said all parties then conversed and decided to remove Mr. Pistoresi's 20 acres. Mr. Boyle said that the City concurred with staff's recommendation for approval of the annexation.

Commissioner Wheeler made a motion to approve the annexation and Commissioner Medellin seconded the motion. The motion passed with a vote of 5-0.

7. Dissolution of Clayton Water District – SB 448

Executive Officer Braun explained that SB 448 was passed in 2017, to give LAFCOs a mechanism to dissolve long-time inactive districts. Braun said the State Controller's Office listed Clayton Water District as an inactive district based on the financial reports they received. Braun said the Bill requires LAFCOs to either initiate dissolution of the district or make a finding that the district doesn't meet the definition of an inactive district.

Braun gave some background on the Clayton Water District saying the District was formed in 1980 to provide water to a small group of landowners and to allow for contracting with the Bureau of Reclamation for San Joaquin river water. Braun said sometime in the mid-1980s, the District had attempted to acquire water through the Bureau of Reclamation but the attempt failed and the District became inactive. Braun said the District was inactive for about 30 years but recently the District has taken steps to try to activate. Braun said that in 2016, the Board of Supervisors appointed three members to the District Board and the District activated their latent powers. Braun said the District recently filed an application with LAFCo to annex approximately 9,000 acres of property. Braun indicated that the State Controller's information was based on fiscal year 2016/2017, and that the District is just now becoming active. Braun said the consultant for the District sent a letter to LAFCo stating the reasons why the District did not meet the definition of an inactive district along with a list of expenses the District has recently incurred. Braun recommended finding that the District does not meet the definition of an inactive district.

Julia Berry, Consulting General Manager for the Clayton Water District, explained the District's plans to provide water to an additional 3,595 acres in Madera County and 7,006 acres in Merced County, which the District is currently in the process of annexing. Ms. Berry said the annexation would also benefit Madera County and is also a good thing for the SIGMA process which would allow the District to obtain water in a way that can't be done if you are not in a district. Ms. Berry said she is completing the budget process so the District won't be on the State Controller's list next year.

Commissioner Ahmed asked which county would be the principal county for the Clayton Water District if Merced County annexes more territory to the District than Madera. Braun said that currently the Clayton Water District only has territory in Madera County; however, if the annexation being proposed were approved, there would be more territory located in Merced County than Madera County and Merced County would become the Principal County.

Commissioner Medellin agreed with Ms. Berry and Mr. Braun that the District is certainly active and does not meet the criteria of an inactive district. Commissioner Medellin asked what if the annexation is not approved. Ms. Berry said that it would be a big loss for Madera County if the

annexation was not approved because there has been a lot of money spent on water rights applications. Ms. Berry said LAFCo would be the body approving the annexation.

Commissioner Medellin asked if the water rights could potentially belong to Merced County if Merced County became the principal county for the District. Ms. Berry responded that the District currently has 1,200 acres located in Madera County and the proposed annexation would annex 7,006 acres to Merced County along with 3,595 to Madera County.

Commissioner Wheeler made a motion to determine that the Clayton Water District is an active district and was seconded by Commissioner Medellin. The motion passed with a 5-0 vote.

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

Braun reported that staff received a request from Merced LAFCo to permit them to process an annexation and SOI amendment that would affect the Chowchilla WD's SOI. Braun said the Chowchilla WD has territory in both Madera and Merced Counties but because the higher assessed property value is in Madera County, Madera is the Principal County for the Chowchilla WD. Braun said the Principal County has exclusive authority to process any applications. Braun said Merced LAFCo received an application from the Le Grand-Athlone District to annex about 6,000 acres into their district, for which approximately 5,000 of those acres are in the SOI of the Chowchilla WD. Braun said the proposal that Merced LAFCo received would take the property out of the Chowchilla WD SOI and put it into the Le Grand-Athlone District's SOI. Braun said there is a provision in the CKH that allows the principal county LAFCo to delegate authority to another LAFCo to allow them to process an application.

Braun said the applicant apparently preferred to annex their 5,000 acres to the Le Grand-Athlone District which was contemplated in the Le Grand-Athlone District's recent MSR. The District also plans to remove approximately 860 acres from the Merced Irrigation District's SOI. Braun said that he talked to the Chowchilla Water District and that they did not oppose the annexation and that he also talked to Stephanie Agnonson, Director of Water and Natural Resources for the County who said that the Chowchilla WD is not interested in annexing any territory at the present time.

Commissioner Wheeler said he didn't understand why the Chowchilla WD would not oppose the detachment and said he wanted to hear from Doug Welch, General Resources Manager of the District first before approving Merced LAFCo's request. Braun said he would not have recommended giving authority to Merced LAFCo if the Chowchilla WD did not want to detach any land. Braun said probably what is now occurring with SIGMA is that property owners that are not in any district now want to get in a district. Braun said that since Chowchilla WD is not interested in annexing any land and the Le Grand-Athlone District is, the property owners are probably anxious to get into a district because of SIGMA.

Commissioner Wheeler said he would like to postpone a decision until he heard from the Chowchilla WD in writing that they are not opposed to having territory detached from their district. Commissioner Wheeler made a motion to postpone the item until staff receives a letter from the Chowchilla WD Board to clarify that they are not opposed to Merced LAFCo

processing the applications. Commissioner Medellin seconded the motion and the motion carried on a 5-0 vote.

9. Commissioners Reports

There were no reports from the Commission.

10. Executive Officer Reports

Executive Officer Braun said he had nothing to report and LAFCo Counsel Doug Nelson said he didn't have anything to report either.

11. Adjournment

The meeting adjourned at 6:48 p.m.