



# LOCAL AGENCY FORMATION COMMISSION

Dave Braun, Executive Officer

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## MEETING MINUTES

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

LAFCO Meeting  
Wednesday, December 15, 2021  
11:00 A.M.

### 1. CALL TO ORDER AND ROLL CALL

#### A. Roll Call

Chair Pro Tem Waseem Ahmed called the meeting to order at 11:08 a.m. and roll call was given.

Commissioners Present: Tom Wheeler, County Member (arrived at 11:15 a.m.)  
Waseem Ahmed, City Member (Chowchilla)  
Robert Poythress, County Member  
Laura Young, Public Member At-Large  
Jose Rodriguez, City Member (Madera)  
Mark Stamas, Alternate Public Member At-Large

Commissioners Absent: None

Others Present: Dave Braun, LAFCO Executive Officer  
Joann Zuniga, LAFCO Clerk  
Regina A. Garza, Attorney at Law, LAFCO Legal Counsel  
Wally Nishimoto, Business Systems Analyst, Tech Assistance

#### B. Pledge of Allegiance

Chair Pro Tem Waseem Ahmed led recitation of the Pledge of Allegiance.

### 2. PUBLIC COMMENT PERIOD

Chair Pro Tem Waseem Ahmed called for public comment. There were no comments from the public. Dave Braun stated he had not received any correspondence or emails regarding matters on the agenda. Chair Pro Tem Ahmed closed the Public Comment period.

3. **CONSENT CALENDAR**

A. **Review and Approve Meeting Minutes of October 27, 2021.**

Commissioner Poythress moved for approval of the meeting minutes, seconded by Commissioner Rodriguez. Motion passed by a vote of 5 to 0.

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

The Consent Calendar was approved. The October 27, 2021, meeting minutes were approved and filed as presented.

4. **NEW MATTERS**

A. **Request for Out-of-Area Service Connection to County Service Area 22 (Madera County)**

**Recommendation: Authorize the provision of essential services to the remainder of the Riverstone Development not currently within County Service Area 22.**

Staff Presentation

Dave Braun stated pursuant to Madera County Board of Supervisors' action on December 7, 2021, LAFCO received a request for an out-of-area service extension for County Service Area 22 (CSA-22); stated this request was in order to provide services to the remainder of Riverstone Development not currently within CSA-22. Braun stated the Board request was pursuant to Government Code Section 56133, which allowed a district to provide services outside its jurisdictional boundaries only if approved by LAFCO. Braun stated the Commission would need to determine whether or not the request was appropriate and if the area should be annexed now or in the future.

Dave Braun stated the out-of-area service extension was for Riverstone Development, a project in southeasterly Madera County west of Highway 41 and north of the San Joaquin River that was developed in phases called villages; stated the Root Creek Water District provided water, sewer, and stormwater service and County Service Area 22 (CSA-22) provided services such as street maintenance, street sweeping, and landscape maintenance.

Dave Braun stated Village A was the first to be developed in Riverstone and was annexed into County Service Area 22 in 2015; stated as housing demands in the Riverstone

Development increased, development extended into Village B and that the County approved zones of benefit to provide services to Village B, however it was never annexed into CSA-22 and the zones of benefit needed to be within CSA-22; stated since CSA-22 was the only service provider to Village B, it would need to be annexed into the County CSA-22 or be provided services through an out-of-area service extension.

Dave Braun stated it was LAFCO's preference that the area in Village B be annexed into CSA-22, however in the short term it may be necessary to allow an out-of-area service extension for Village B since the area was currently being developed and the services were needed immediately.

Dave Braun recommended approval of an out-of-area service extension be for a limited time and be subject to the filing of an application with LAFCO to annex the area into County Service Area 22; and further, that an annexation application be filed with LAFCO to annex the rest of the Riverstone Development into County Service Area 22.

Dave Braun stated the Madera County Board's action on December 7 (2021) authorized the County staff to submit an annexation application. Braun stated it was important to condition the project that the out-of-area service extension was for the short term and that the long-term solution was for annexation to occur.

Commissioner Rodriguez asked was there a reason why Village B had not been annexed, was there reluctance. Dave Braun stated because development was not occurring on the undeveloped property, the property owner did not want to be annexed and assessed higher property taxes; stated annexation should have occurred; stated once Village A had developed in Riverstone there was increased momentum for expansion into Village B; stated annexation of Village B into County Service Area 22 was inadvertently overlooked.

Tom Wheeler stated that at the Board of Supervisors' meeting on December 7, 2021, the developer explained they were not aware at the onset of development of Village B that annexation into CSA-22 had not yet occurred.

Nick Bruno, representing Riverstone Development, stated not having the property annexed was an oversight; stated they assumed Village B had been annexed; stated they were asking for the out-of-area area service extension for CSA-22 as an interim solution; stated the property owners were already paying their assessments and receiving services; stated they looked forward to annexation of the area in the future.

#### Public Comments

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

### Commission Action

Commissioner Robert Poythress moved to approve the out-of-area service extension request subject to the filing of an annexation application with LAFCO for the annexation of the remainder of the Riverstone Development into Community Service Area 22 (CSA-22). Commissioner Poythress further moved to add condition that if the annexation application was not filed within a year of the date of the approval of the out-of-area service extension request, the County of Madera would be required to submit a request to LAFCO for an extension of the out-of-area service extension for CSA-22. Commissioner Waseem Ahmed seconded the motion.

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

The motion passed by a vote of 5 to 0.

### **B. City of Madera – Links Ranch Annexation No. 2021-002**

**Recommendation: Approve annexation of approximately 41 acres located on the southwest corner of Cleveland Avenue and the Road 24 Alignment with Findings and Conditions.**

### Staff Presentation

Dave Braun stated the Links Ranch annexation application was for 38 acres of undeveloped property and 3 acres of Cleveland Avenue right-of-way; stated the property was located on the southwest corner of Cleveland Avenue and the Road 24 Avenue Alignment and was contiguous to the City of Madera city limits; stated annexation was proposed to allow for development of a 214-lot single-family residential subdivision, which was the first phase of a proposed larger development in the future; stated the City of Madera approved the annexation; stated the City and County have entered into a property tax sharing agreement and redistribution of Regional Housing Needs Allocation (RHNA).

Dave Braun recommended approval of the Links Ranch annexation subject to conditions as outlined in the staff report.

### Public Comments

Norman Allinder, applicant representing property owner Lloyd Fagundez, thanked LAFCO staff for working with him on the annexation process; stated he was available to answer questions.

Commission Action

Commissioner Rodriguez moved to approve the City of Madera–Links Ranch Annexation with Conditions as outlined in the staff report. Commissioner Poythress seconded the motion.

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

The motion passed by a vote of 5 to 0.

**C. Madera County LAFCO Conflict of Interest Code**

**Recommendation: Adopt updated LAFCO Conflict of Interest Code.**

Staff Presentation

Dave Braun stated at the October LAFCO meeting, the Commission along with legal counsel discussed the proposed update of the LAFCO Conflict of Interest Code; stated the updated Conflict of Interest Code presented in the staff report as Exhibits A and B, reflected the administrative changes necessary to be consistent with California Government Code Section 81000, Political Reform Act; stated the updated Code would be sent to the Madera County Board of Supervisors (code reviewing body for local agencies in Madera County) for final approval.

Dave Braun recommended adoption of the updated Conflict of Interest Code; stated the update ensured that the Code was current and accurately reflected any modifications within Madera County LAFCO; stated the updated Code would be incorporated into LAFCO's *Policies, Guidelines, and Procedures Manual*.

Commissioner Poythress pointed out that legal counsel's name was misspelled; stated it should be spelled Avedisian. Chair Wheeler stated it was time the LAFCO Conflict of Interest Code was updated.

LAFCO Legal Counsel Regina Garza stated she reviewed the updated LAFCO Conflict of Interest Code; stated when she reviewed the meeting agenda, she noted there was printed information regarding the Political Reform Act at the end of the agenda, which showed another level of transparency on the part of Madera LAFCO.

Commission Action

Commissioner Poythress moved to adopt the updated Madera LAFCO Conflict of Interest Code. Commissioner Rodriguez seconded the motion.

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

The motion passed by a vote of 5 to 0.

**5.     ACTION ITEMS**

**A.     2022 Commission Meeting Schedule**

**Recommendation:  Adopt the LAFCO Meeting Schedule for 2022.**

Staff Presentation

Dave Braun presented the 2022 LAFCO meeting schedule; stated there was one recommended change, which was to move the January meeting to the third Wednesday in January (January 19, 2022); recommended the meeting schedule be approved with the noted change.

Commission Action

Commissioner Ahmed moved to adopt the LAFCO meeting schedule for 2022 with the noted change in the January meeting date to January 19, 2022. Commissioner Poythress seconded the motion.

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

The motion passed by a vote of 5 to 0.

**6.     COMMISSIONER REPORTS**

**7. EXECUTIVE OFFICER REPORTS**

**A. Status report on the Oath of Office for LAFCO Commissioners**

Dave Braun updated the Commissioners on the Oath of Office; stated at the October meeting it was discussed that the Commission's public members take the Oath of Office; stated after talking with legal counsel, it was determined that the Oath of Office be given to all LAFCO Commission members; stated the Oath of Office would be administered at the January 19, 2022, meeting.

**B. Bass Lake - North Fork Municipal Service Review**

Dave Braun reported that he recently received the updates to the Bass Lake-North Fork Municipal Service Review from consultant QK; stated there would need to be a follow-up public meeting to present and discuss the MSR updates.

Dave Braun asked the Commission what its preference was to where the meeting should be held; mentioned that a meeting would also be necessary for the Cascadel Woods Community Service Area 21 (CSA-21) to discuss the formation of an independent special district.

After discussion, the Commissioners concluded that it would be good to return to Bass Lake in the Spring to conduct the follow-up meeting to discuss both the Bass Lake-North Fork MSR and Cascadel Woods CSA-21 proposal.

**8. ADJOURNMENT**

Chair Tom Wheeler adjourned the meeting at 11:50 a.m.

Submitted by:

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LAFCO Executive Officer David E. Braun

Approval Date: \_\_\_\_\_