



# LOCAL AGENCY FORMATION COMMISSION

Dave Braun, Executive Officer

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

---

## MEETING MINUTES

Madera County Government Center  
Board of Supervisors' Chamber  
200 West 4<sup>th</sup> Street, 1<sup>st</sup> Floor  
Madera, California 93637

LAFCO Meeting  
Wednesday, June 22, 2022  
11:00 A.M.

### 1. CALL TO ORDER

Chair Waseem Ahmed called the meeting to order at 11:00 a.m.

**Roll Call:** Roll call given by LAFCO Clerk Joann Zuniga.

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

Commissioners Absent: None

Others Present: Dave Braun, Executive Officer  
Joann Zuniga, LAFCO Clerk  
Laurie Avedisian-Favini, Attorney at Law, LAFCO Legal Counsel  
Wally Nishimoto, Business Systems Analyst, Tech Assistance

**Pledge of Allegiance:** Chair Waseem Ahmed led recitation of the Pledge of Allegiance.

It was called to the attention of the Commission by Laurie Avedisian-Favini, LAFCO Legal Counsel, that the COVID-19 pandemic social distancing mandate, which had allowed remote meeting participation under the Brown Act during a declared state of emergency (COVID-19), had been lifted and that the Commissioners would need to attend meetings in person (pursuant to the Brown Act); stated Commission members remotely attending the June meeting by teleconference could participate in meeting discussions but would be unable to vote on matters.

It was further stated that State Assembly Bill 361 allowed the modified teleconferencing rules to continue subject to the existence of certain requirements of Government Code Section 54953(e) of the Brown Act; stated a resolution would need to be drafted and adopted by the Commission to continue to allow remote participation; stated it would only be valid for a 30-day period and would need to be renewed monthly.

**2. PUBLIC COMMENT PERIOD**

Chair Waseem Ahmed called for public comment. There was none. The Chair closed the public comment period.

**3. CONSENT CALENDAR**

**Review and Approval of Meeting Minutes of May 25, 2022.**

Commissioner Poythress moved to approve the May 25, 2022, meeting minutes, seconded by Commissioner Rodriguez; motion passed by a vote of 3 to 0, with 2 members unable to vote due to their remote meeting participation (Wheeler, Young).

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

The Consent Agenda was approved. The May 25, 2022, meeting minutes were approved and filed as presented.

**4. PUBLIC HEARING**

**City of Madera – Villages at Almond Grove Annexation No. 2022-001**

**Annexation of 12 parcels consisting of approximately 1,851 acres located in the northwest area of the City of Madera’s Sphere of Influence bounded by Avenue 17 on the north, Road 22 on the west, the Fresno River on the south, and Road 23 and the Road 24 Alignment on the east.**

**Recommendation: Approve with Findings and Conditions**

**Staff Presentation**

Executive Officer Dave Braun stated the Villages at Almond Grove Annexation No. 2022-001 was filed by the City of Madera for 12 parcels of land contiguous to the City of Madera on the

east side; stated the property was considered uninhabited because there were less than 12 registered voters; stated all affected property owners had consented to the annexation.

Dave Braun stated the annexation would allow for development of a large-scale, mixed-use project consisting of approximately 10,800 residential units, 2 million square feet of office and commercial uses, 164 acres of parks and open space areas, and 55 acres of schools; stated the City of Madera had certified the Environmental Impact Report, adopted a Specific Plan, rezoned the property, and approved two subdivision maps on the property to facilitate the development; stated it was appropriate that the governance of this area be with the City of Madera as it was best able to provide the services.

Dave Braun stated the California Revenue and Taxation Code required a City-County Tax Sharing Agreement be in place before LAFCO could issue a Certificate of Filing, which acknowledged the application was acceptable for processing; stated the annexation application was filed on May 9, 2022, and on May 18, 2022, a Certificate of Filing was issued pursuant to the existing City-County Tax Sharing Agreement.

Dave Braun stated on June 6, 2022, the existing City-County Tax Sharing Agreement expired; stated it became necessary for the City and County to enter into a new Tax Sharing Agreement before LAFCO considered the annexation; stated a specific City-County Tax Sharing Agreement for this annexation was signed on June 21, 2022 [Madera County Contract No. 12236-22, Tax Sharing Agreement under Revenue and Taxation Code Section 99, Villages at Almond Grove Annexation]. Braun stated with the agreement in place, LAFCO was able to move forward with processing the annexation.

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

Jose Rodriguez asked Dave Braun if legal counsel had advised if a valid Tax Sharing Agreement was required or necessary after the issuance of a Certificate of Filing; stated he believed the law was vague and wanted to ensure the language was clear and interpretation of the law understood.

Dave Braun stated yes, legal counsel was consulted; stated there had been a Tax Sharing Agreement in place when the Certificate of Filing was issued for this annexation; however, the Tax Sharing Agreement expired; stated before the matter could be considered by the Commission, another valid Tax Sharing Agreement needed to be in place; stated on June 21, 2022, a specific City-County Tax Sharing Agreement was signed for this annexation and was in place prior to LAFCO consideration of the annexation.

Public Comments

Norman Allinder, applicant representing the property owner, thanked LAFCO staff; stated it was a good project and recommended Commission's approval of the staff recommendation.

Madera City Manager Arnold Rodriguez stated he was in support of the staff recommendation, thanked LAFCO staff for assistance in this process.

There were no other public comments. Chair Ahmed closed the public hearing.

Commission Action

Commissioner Poythress moved to approve the City of Madera-Villages at Almond Grove Annexation No. 2202-001 and the findings and conditions as outlined in the staff report, seconded by Commissioner Rodriguez.

There was discussion of the motion. Commissioner Rodriguez commented that he wanted to ensure the language was clear. Dave Braun stated legal counsel researched the best approach, which was to not hear the matter until there was a Tax Sharing Agreement in place. Laurie Avedisian stated according to the California Taxation and Revenue Code, the best approach was to have the Tax Sharing Agreement in place before the matter was considered by the Commission. Commissioner Rodriguez stated this would be used for future consideration of annexations, so it needed to be interpreted correctly. Commissioner Wheeler stated the City and County needed to have a global Tax Sharing Agreement in place. Dave Braun reiterated that the recently approved City-County Tax Sharing Agreement was specific to this annexation; stated there was not a global City-County Tax Sharing agreement in place at this time.

The Chair called for the vote. The motion passed by a vote of 3 to 0, with 2 members unable to vote due to their remote meeting participation (Wheeler, Young).

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

The Villages at Almond Grove Annexation No. 2022-001 was approved by LAFCO Resolution 2022-007.

**5. COMMISSIONER REPORTS**

Commissioner Rodriguez thanked staff for another successful annexation; stated the annexation would be beneficial to the City of Madera when the property developed.

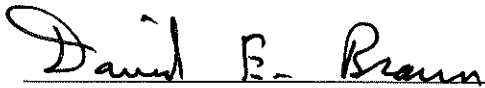
6. EXECUTIVE OFFICER REPORTS

Executive Officer Braun had no comments.

7. ADJOURNMENT

Chair Ahmed adjourned the meeting at 11:30 a.m.

Submitted by:



\_\_\_\_\_  
LAFCO Executive Officer David E. Braun

Approval Date: 9/28/22