



Agenda Item 15

DATE: June 12, 2007

TO: Board of Supervisors

FROM: Alan Weaver, Director *Alan Weaver*
 Department of Public Works and Planning

SUBJECT: Ordinance Approving Minor County Boundary Change with Merced County

RECOMMENDED ACTION:

Conduct the first hearing to consider an Ordinance approving a minor boundary change with Merced County in the Northwest area of Fresno County south of the Merced County City of Dos Palos, waive the reading of the Ordinance in its entirety, and set the second hearing for June 26, 2007 at 9 a.m.

Your Board's approval of this ordinance will be the first step in the final approval of a minor boundary change between Fresno County and Merced County in accordance with California Government Code, Title 4, Article 3, Sections 23200 et seq. The area proposed for transfer from Fresno County to Merced County is shown on attached Exhibit A. Your Board adopted a resolution initiating the minor boundary change on April 17, 2007. The resolution designated the County of Merced Board of Supervisors as the conducting agency. The County of Merced Board of Supervisors held the required noticed public protest hearing for the proposal on June 5, 2007 and will be considering the first hearing on a substantially similar ordinance to your Board's ordinance during its June 12, 2007 Board meeting, and will conduct the second hearing for their ordinance on June 26, 2007. The similar ordinances must be adopted by both counties no later than 30 days after the June 5, 2007 public protest hearing. The intent of the proposed boundary change is to provide more efficient emergency response and other county services to a more densely populated unincorporated area in Fresno County adjacent to the Merced County City of Dos Palos.

FISCAL IMPACT:

The proposed minor boundary change may have some impact on the County General Fund. There will be a loss of property taxes collected for the area. The assessed value of the area

ADMINISTRATIVE OFFICE REVIEW *Brandi Orth* Page 1 of 4
 BOARD ACTION: DATE JUN 12 2007 APPROVED AS RECOMMENDED OTHER



Official Action of
 Board of Supervisors
 Deputy

UNANIMOUS ANDERSON _____ CASE _____ LARSON _____ PEREA _____ WATERSTON _____

proposed for transfer to Merced County is approximately \$21,943,000. Any loss in sales tax revenue will be minor as there is few if any commercial retail or service businesses.

There may also be some minor loss in other program's revenues such as the Road Fund or Health/Social Services due to a slight reduction of maintained road mileage and population. However, the revenue reductions would be offset by not having to provide County of Fresno services to the area and population proposed for transfer to Merced County.

The Fresno County Fire Protection District (FCFPD) did provide comment to Merced County concerning the impact to their funding should the proposed area be placed in Merced County. Merced County staff in their response to FCFPD, as a requirement of the CEQA Initial Study, noted that the proposed area represented only 0.0025% of the total taxable area of FCFPD and that FCFPD would no longer have to serve the area. Merced County staff also noted in their response that the primary reason for the proposed boundary change is to provide a higher level of emergency fire and medical first responder services to the area since Merced County emergency services are much closer to the area being located in the adjacent Merced County City of Dos Palos, approximately one or two miles distance. The nearest FCFPD station is in the City of Mendota, approximately 16 miles south of the area.

The proposed boundary shift may also have an impact on Fresno County's Exclusive Service Area Waste Collection program by impacting the customer base of the designated waste hauler, Firebaugh Disposal, for the area. Staff from the two counties is reviewing and working together on this issue to determine any impacts and possible solutions that would diminish impacts to Firebaugh Disposal.

IMPACTS ON JOBS CREATION:

This item will not have an impact on the creation of jobs.

DISCUSSION:

The area proposed for transfer to Merced County covers approximately 6.52 square miles (4,175 acres), 256 parcels, 181 residences, and has an approximate population of 450 persons. The north portion of the area adjacent to the City of Dos Palos contains the majority of the homes (some of which are bisected by the current county boundary) and Bryant Elementary School. The remaining area is farm land with associated farm homes and an agricultural related private airport. There is one County of Fresno special district within the area, County Service Area 38 (CSA 38). CSA 38 provides water service to 141 residences. This CSA would be transferred to Merced County if the proposed minor boundary change is approved.

The proposed minor boundary change is the result of concerns expressed by residents of the area for emergency response times related to County of Fresno emergency services and to a lesser extent other services provided by the County of Fresno. Due to the remoteness and distance of the area from other Fresno County communities, and the proximity of the City of Dos Palos in Merced County, there has been some confusion as to what agency should respond to emergencies in the area and the timeliness of emergency response. The most recent incidence involved an injury to a student at or near the Bryant Elementary School. Emergency response was delayed due to the noted confusion and travel distance.

The Merced County Planning and Community Development Department prepared an Initial Study for the proposed boundary change in accordance with the California Environmental

Quality Act (CEQA). The Initial Study was circulated to various local and state agencies for comment, including the County of Fresno and the County of Fresno Local Agency Formation Commission, and several comments were received; however, Merced County staff determined that the comments did not present any significant issues. On March 20, 2007 the County of Merced Board of Supervisors conducted a public hearing to consider the CEQA document and adopted a Negative Declaration in accordance with CEQA. There were no comments received at the public hearing.

The initiating county, Fresno County, may place conditions on the proposed boundary change, including but not limited to the division of any county indebtedness or property. Staff has not identified any County of Fresno owned property in the area nor is there indebtedness that would impact the proposed area. There are no other conditions identified by staff that should be addressed.

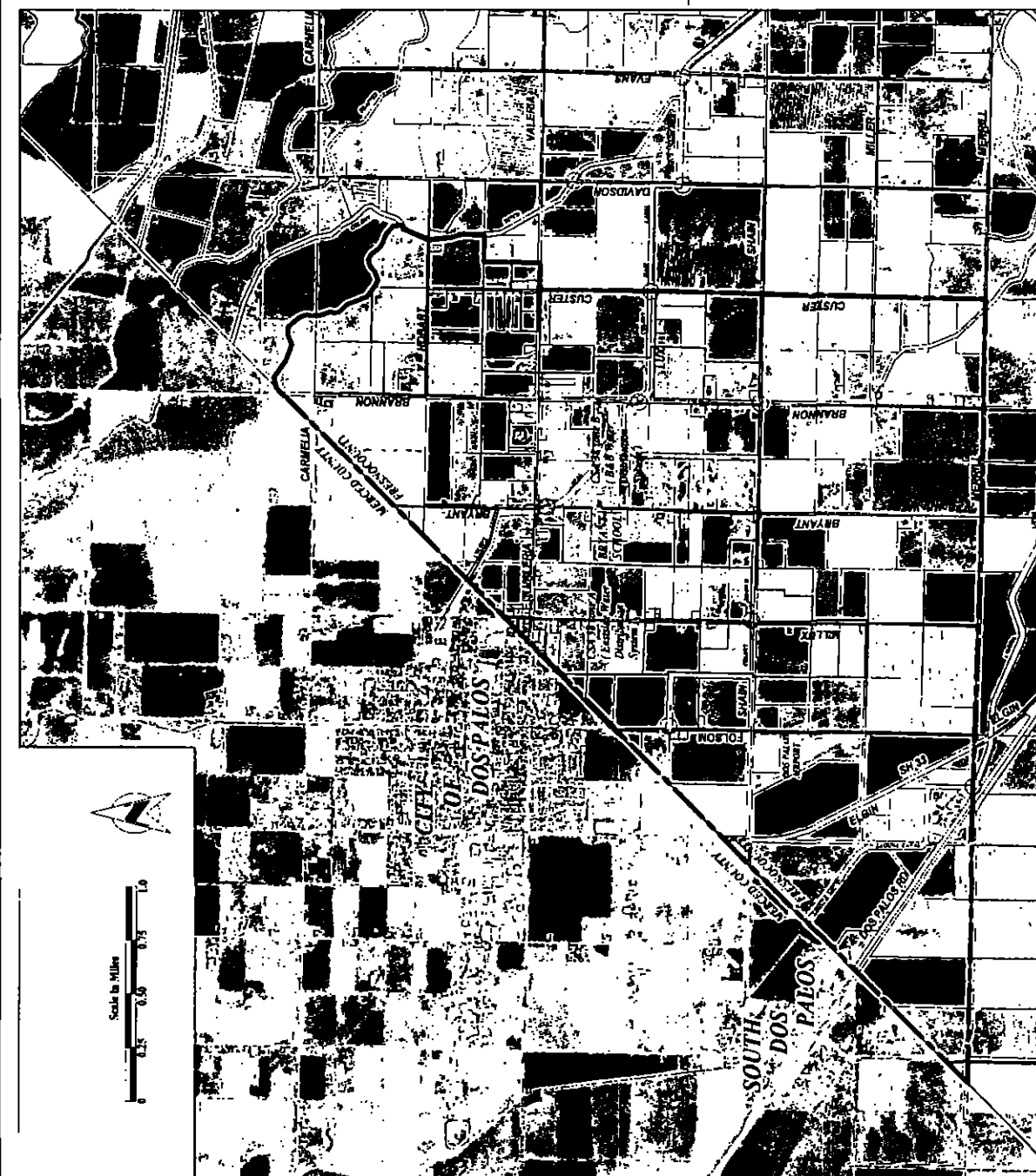
If the proposal is approved, the Government Code provides detailed requirements and procedures to be followed concerning continuation of services, filing of the boundary change with the State, effects on school and special districts, and distribution of taxes and Road Funds.

Two current County of Fresno maintained roads, Merrill and Custer Avenues, will become ½ and ½ roads maintained by both counties if the boundary change is approved. Staff from the Merced County Department of Public Works and the Fresno County Department of Public Works and Planning have discussed this issue and have agreed to present a cooperative road maintenance agreement to each Board of Supervisors designating one of the two roads to be maintained by Fresno County and the other to be maintained by Merced County. The County of Fresno has had the same type of agreement in place for many years with the County of Tulare for the maintenance of boundary roads in southeast Fresno County.


Two noticed public meetings, the second being on May 29, 2007, have been held with the property owners/residents of the area. The majority attending the meetings favor the proposed boundary change.

OTHER REVIEWING AGENCIES:

As noted, the County of Merced Board of Supervisors has taken several actions concerning this proposal. Staff from both Counties' County Administrative Offices, Auditors, County Counsel Offices, Boards of Supervisors, Fresno County Department of Public Works and Planning, and Merced County Department of Public Works has worked on the proposed boundaries, and process and requirements for the proposal.



- LEGEND**
- CSA Boundary
 - Fresno County Maintained Streets
 - Fresno County Maintained Bridges
 - Parcel Boundary
 - Waterlines
 - - - Proposed County Boundary

DRAWN BY: C. H. BROWN CHECKED BY: _____ DATE: 12/05	PROJECT: PROPOSED ANNEXATION PLAN Exhibit A		DEPARTMENT OF PUBLIC WORKS AND PLANNING DOS PALOS ANNEXATION PROPOSED PLAN Drawing No. 12-05-01 Sheet No. 01 of Total 03
---	---	---	--