



Crows Landing Industrial Business Park
Enhanced Infrastructure Financing District
Public Financing Authority
www.crowsbizpark.biz

1010 10th Street, Suite 6800
Modesto, CA 95354
Phone: 209-525-6333

MEETING MINUTES (Accepted as Draft)

Tuesday, September 15, 4:30 PM
Third Floor, Conference Room 3001
1010 10th Street
Modesto, CA

Regular Meeting

Members Present: Supervisor Vito Chiesa (county member), Supervisor Jim DeMartini (county member), Supervisor Kristin Olsen (county member), Wayne Zipser (public member)

Members Absent: David White (public member)

Staff Present: Thomas Boze (County Counsel), Patrick Cavanah (Chief Executive Office/Secretary), Rob Taro (Assistant County Counsel), Keith Boggs (Crows Landing Industrial Business Park Project Manager by phone)

Others Present: Richard Geiser (public by phone), Jamie Gomes (consultant by phone), Russ Powell (consultant by phone), Constantine Baranoff (consultant by phone)

This meeting was held in person and any interested party was able to appear. However, social distancing and face coverings were required for in-person attendance at the meeting and audience seating capacity was limited. Members of the public could observe the meeting via telephone and also provide comments or protests to the Public Financing Authority via email in the manner described below:

1. Listen to the meeting by calling +1 (888) 370-6086 or +1 (559) 512-3189. When prompted enter Conference ID 552 613 314# and follow the instructions.
2. To provide written comment or written protest, submit your comments or protest via email by 4:00 p.m. on Tuesday, September 15, 2020. Email the Secretary at cavanahp@stancounty.com and include "Infrastructure Financing Plan" in the subject line of the email. Comments or protests received by this time will be read aloud by the Secretary at the hearing.

Call to Order: The meeting was called to order at 4:33 p.m. by Vice Chair Chiesa

1. Welcome and Roll Call

Members Chiesa, DeMartini, Olsen, and Zipser were present.

2. Public Comment*

Individuals interested in providing written public comment were instructed to contact the PFA Secretary by 4:00 PM on September 15, 2020 via email. Written comments received were regarding the Public Hearing. No additional public comment was received.

3. Approval of August 25, 2020 Minutes

Approved the minutes as submitted (Zipser/DeMartini unanimous)

4. Consent Items:

There were no consent items.

5. Public Hearing:

Conducted the continuation of the third public hearing on the proposed Infrastructure Financing Plan. Two written comments were received and read into the record. These comments include:

- Richard Gaiser – email dated September 15, 2020
- William D. Ross, West Stanislaus County Fire Protection District Counsel – letter dated September 14, 2020

In addition, Mr. Gaiser spoke as part of public comment and stated that the fire protection district has worked with the County before and hopes to work with the County in the future to supplement the income needed to provide the needed level of fire service to the CLIBP.

Further discussion between Vice Chair Chiesa and Mr. Gaiser occurred regarding impact and development fees. Vice Chair Chiesa clarified that the EIFD doesn't pertain to fire fees and shouldn't preclude the County from having the conversation about implementing impact/development fees for the West Stanislaus Fire Protection District in the future.

No written or oral protests to the Infrastructure Financing Plan were received from landowners or residents living in the area.

No action was taken as part of the public hearing.

6. Non-Consent (Action) Items:

Approved a Resolution Proposing the Adoption of the Infrastructure Financing Plan and Formation of the Crows Landing Industrial Business Park Enhanced Infrastructure Financing District.

Approved an Ordinance Creating the Crows Landing Industrial Business Park Enhanced Infrastructure Financing District and Approving the Infrastructure Financing Plan.

(Olsen/Zipser unanimous)

7. Correspondence

None

8. Additional Matters

None

9. Adjournment

Meeting Adjourned at 4:52 p.m.

Respectfully Submitted,



Patrick Cavanah, Secretary

Public Comment Received
September 15, 2020 Public Hearing

From: Richard Gaiser
To: Patrick Cavanah; Dick Gaiser
Subject: Infrastructure Financing Plan
Date: Tuesday, September 15, 2020 2:47:49 PM

Regarding Crows Landing Business Center/Park

My Name is Richard Gaiser. I was the Fire Chief of the West Stanislaus County Fire Protection District from 1978 until I retired in 2001. From time to time I still do consulting for the Fire District on financial and growth issues.

In reviewing this project I cannot see any plans for funding fire protection. The District's fire station in the Community of Crows Landing was constructed in the 1950' s and is in need of replacement. The last type 1 fire engine that was put into that station had to be special ordered to fit in it due to the small size of the apparatus area.

Funding for the operation of the District has been difficult over the years. SB 90 placed limits on taxes that the District could collect. In the mid 1970's the District was able to get voter approval to increase the tax rate, but 1978 brought property tax reform and the District lost approximately 50% of it's income. The District participated in the Stanislaus County Fire District Consolidation study in the 1990's, but was rejected as a participant due to the fact that "they could not afford us due to our income shortage. In 1997, a fire suppression assessment was finally approved by the District's constituents and progress is slowly being made in replacing inadequate apparatus and facilities.

However, a project as this one is, will require much more than the District is capable of providing. In the past, as the community of Diablo Grande for example, the District and Stanislaus County worked together to assure adequate fire protection for that community by providing building fees and an annual fire suppression assessment. This also needs to be done for this development. Fire protection for this project must be included in a financial plan.

Hopefully, this goal can still be met in the near future.

Respectfully,

Richard G. Gaiser



William D. Ross
David Schwarz
Kypros G. Hostetter

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File No: 147/5.7

September 14, 2020

VIA ELECTRONIC TRANSMISSION

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Jody L. Hayes, Chief Executive Officer
Patrick Cavanah, Senior Management Consultant
Stanislaus County Chief Executive Office
1010 10th Street, Suite 6800
Modesto, CA 95354

Re: West Stanislaus County Fire Protection District; Comments on Draft Crows
Landing Industrial Business Park Public Financing Plan

Gentlemen and Ladies:

This office serves as District Counsel for the West Stanislaus County Fire Protection District (the "District").

This communication confirms the issues raised on behalf of the District and responds to questions advanced during the Third Public Hearing of the Crows Landing Industrial Business Park Public Financing Authority Financing ("Authority") on August 25, 2020 at the Stanislaus County Administration Building and responds to issues raised in a September 4, 2020 communication to Jeff Gregory, District Chief.

First, the District clarifies that it does not own property within the area described in Exhibit "A," attached to the Notice of the Third Hearing of the Crows Landing Industrial Business Park Public Financing Authority. The District does, however, confirm that the area within Exhibit "A" is within the District and is served by the District, consistent with Health and Safety Code Section 13862.

The District again represents that it did *not receive* written notice of the prior hearings of the Financing Authority conducted prior to the August 25, 2020 Third Public Hearing.¹

1 The District did receive written notice of the continued Public Financing Authority hearing scheduled for September 15, 2020 on September 8, 2020 with attachments.

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The District confirms that although it did receive notice of the Third Public Hearing of the Crows Landing Industrial Business Park Public Financing Authority, it *did not receive any report* required by the California Environmental Quality Act concerning the Financing Plan, as required by Government Code Section 53398.64. Please forward the applicable CEQA documents as soon as possible, referencing any applicable State Clearinghouse Numbers, as that document or documents still have not been provided to the District as required by Section 53398.64.

At the hearing, consistent with the California Public Records Act (Government Code Section 6250 *et seq.*, the “CPRA”), it was requested that the District be furnished with *any* analysis accomplished by Authority Staff or Consultants demonstrating the consistency of the Financing Plan with the County General Plan, consistent with Government Code Section 53398.63. Under the CPRA, more than ten (10) days has elapsed as required by the CPRA for an initial response. Please forward as soon as possible any consistency analysis of the Financing Plan with the County General Plan and the Crows Landing Specific Plan.

Also requested is any environmental analysis that was accomplished by Authority Staff or Consultants as to any notices under CEQA, as to the evaluation of the Financing Plan presently. For example, if Authority Staff or Consultants believe that the action is exempt under CEQA, those documents and communications are also requested under the CPRA.

It was also advanced at the meeting that the Authority should consider financing capital improvements, such as the renovation of the District Fire Station and acquisition of new apparatus within the Financing Plan area, as that would be consistent with Government Code Section 53398.52(d)(16), indicating that plans could be used to finance projects “...that enable communities to adapt to the impacts of climate change” including, but not limited to, “...extreme weather events and wildfires...” We respectfully noted at the hearing that the Financing Authority Plan’s boundary was then approximately ten (10) miles to the southwest of the easterly border of the SCU complex fire, a legally classified wildfire by CalFire.

We also noted that fire protection districts *do not* have authority to impose conditions on new development, as it is prohibited under the District’s enabling legislation, the Fire Protection District Law of 1987 (Health and Safety Code Section 13800 *et seq.*), specifically Health and Safety Code Section 13916(a)². We also respectfully suggested the inclusion of Fire District capital obligations within the Financing Plan, which would assure the Financing Plan’s consistency with the County General Plan’s Safety Element and General Plan Goals, indicating that new development should assure that its impacts are mitigated for purposes of fire hazards³.

2 The actual language provides “...A district board shall *not* charge a fee on new construction or development for the construction of public improvements on facilities or the acquisition of equipment.” (Emphasis added).

3 Specific policies of the current Stanislaus General Plan, Safety Element, include those set forth at pages V-2—V-3, and “Policy One”, page V-14 Implementation Measure 5., Policy 7, page V-17, Implementation Measures 1-5 and 7, page V-18. These specific fire mitigation measures cannot be assured unless there are adequate

A discussion ensued wherein it was suggested that the District could, like Hughson Fire Protection District, enact an assessment to pay for any increased cost of development on the District.

In response, it was indicated that unlike the other special districts included in the Financing Plans, neither the property owners *nor* the taxpayers of the Fire District should have to bear the specific impacts of the development contemplated by the Financing Plan. Rather, those costs should be borne by the authorized development itself or the Financing Plan of the Authority. It was stated that the District would benefit from increased property taxes from the development, which was not contested, but it was also noted that those increased property taxes are not sufficient because of the share, which the District has, of the 1% property tax that is levied. Likewise, all local agencies would benefit from the increase in property tax, but the purpose of a Financing Plan is to specifically address the impacts of the new development to be authorized.

At the hearing, it was suggested by one Authority Member that the District share of the one (1%) percent would be adequate to compensate it for any impacts on the District as well as the fact that the District could impose an assessment on the new development.

The same thing is advanced in the September 4th communication to District Chief Gregory. *See*, pgs. 3-4.

References were made at the August 25th hearing to the LAFCO MSR for Fire Protection District within the County, where it is observed with respect to development fees:

Fire Protection Districts have the ability to study and approve fire facility impact fees, yet before they are imposed, they must be ratified by the County Board of Supervisors. These fees are one-time charges applied to new development to raise revenue for construction or expansion of capital facilities that benefit the contributing development. These fees are one-time charges applied to new construction to raise revenue for construction or expansion of capital facilities that benefit the contributing development.

(*See*, 2016 LAFCO MSR; Fire Protection Districts in Stanislaus County, p. 26).

The County has never agreed to impose development fees on behalf of the District. As also raised in the hearing, the capability of fire suppression is analyzed periodically by the Insurance Services Organization to come up with a rating for fire insurance for commercial and industrial development. Would it not enhance the attractability of the Financing Plan to have a Fire District with adequate capital facilities?

capital facilities such as current seismically sound fire stations and sufficient apparatus to be available to perform both prevention and mitigation functions.

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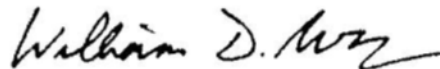
It goes without saying that the impact of the total square footage of the development to be financed (13,514,490 square feet) is a development impact demanding multiple increases in fire apparatus and even station placement for the District.

Consistent the express authority provided by Government Code Section 53398.52(b)(16), the District respectfully requests that the Authority considers appropriate allocations addressing either new station site acquisition, station site construction, or rehabilitation of existing station sites proximate to the plan area, as well as acquisition of additional apparatus to address the critical impacts on fire service caused by the development contemplated by the plan.

The District understands that the Authority Board's August 25, 2020 Hearing is continued until September 15, 2020 at 4:30 p.m. at a location to be designated in the County Administration Building. If there is a change, the District and this Office request timely notice of the change.

Thank you for your review of the matters set forth in this communication.

Very Truly yours,



William D. Ross
District Counsel

WDR:as

cc: The Honorable Diana Haile,
Chairperson and Members of the District Board
a.best@ci.patterson.ca.us

Jeffrey Gregory, District Fire Chief
jgregory@ci.patterson.ca.us

Keith Bowen, Fire Chief,
City of Newman
kbowen@cityofnewman.com