

**FIRST AMENDMENT TO
2017 AMENDED AND RESTATED
MEMORANDUM OF UNDERSTANDING
COUNTY OF FRESNO AND CITY OF CLOVIS**

This First Amendment to the 2017 Amended and Restated Memorandum of Understanding ("First Amendment") is made and executed this 10th day of July, 2018 ("Effective Date"), by and between the County of Fresno, a political subdivision of the State of California ("County") and the City of Clovis, a municipal corporation of the State of California ("City"), with respect to the following Recitals, which are a substantive part of this First Amendment. County and City are each a "party" to this First Amendment and are sometimes collectively referred to as "the parties" to this First Amendment.

RECITALS

A. On June 6, 2017, the parties entered into an Amended and Restated Memorandum of Understanding ("MOU"), a comprehensive agreement covering development, annexations, sales taxes, property taxes, and other matters, which is on file with County and City.

B. City and County desire to amend the MOU provisions relating to City annexations to address the City's Regional Housing Needs Assessment ("RHNA") requirements, the Dry Creek Preserve Master Plan approved by the City Council on June 4, 2018, and other minor clarifying changes.

NOW, THEREFORE, City and County agree as follows:

1. Amendment to Exhibit 1, Standards for Annexation. Exhibit 1, Standards for Annexation, of the MOU shall be amended to read as shown in the attachment to this First Amendment.

2. Addition of Section 2.4.2, to Article II, Annexations by City. Section 2.4.2 is hereby added to Article II, Annexations by City, of the MOU to read as follows:

2.4.2 The proposed annexation under this Section 2.4 shall not create an island and shall minimize creation of peninsulas and corridors, or other distortion of boundaries.

3. Other Terms of MOU Unaffected. Except as expressly modified by the terms of this First Amendment, all other terms of the MOU shall remain in full force and effect.

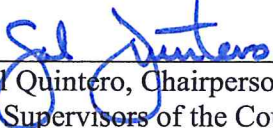
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1 IN WITNESS WHEREOF, the parties hereto have executed this First Amendment in the County
2 of Fresno, State of California, effective on the dates set forth above.

3 **COUNTY OF FRESNO**, a Political
4 Subdivision of the State of California ("County")

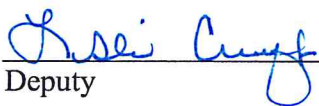
CITY OF CLOVIS, a Municipal Corporation of
the State of California ("City")

5 By: 
6 Sal Quintero, Chairperson of the Board
of Supervisors of the County of Fresno

By: 
Bob Whalen, Mayor
City of Clovis

7 **ATTEST:**
8 BERNICE E. SEIDEL
9 Clerk of the Board of Supervisors

ATTEST:
JOHN HOLT
City Clerk, City of Clovis

10 By: 
11 Deputy

By: 
John Holt, City Clerk

EXHIBIT 1

STANDARDS FOR ANNEXATION
(2018 REVISED)

- The proposal must be consistent with adopted sphere of influence of the city and not conflict with the goals and policies of the Cortese-Knox-Hertzberg Act.
- The proposal must be consistent with city general and specific plans, including adopted goals and policies.
- Pursuant to CEQA, the proposal must mitigate any significant adverse effect on continuing agricultural operations on adjacent properties, to the extent reasonable and consistent with the applicable general and specific plan.
- A proposal for annexation is acceptable if one of the following conditions exist:
 1. There is existing substantial development provided the City confines its area requested to that area needed to include the substantial development and create logical boundaries.
 2. Development exists that requires urban services which can be provided by the City.
 3. If no development exists, at least 25% of the area proposed for annexation has:
 - i. Approved tentative subdivision map(s) (S.F. residential)
 - ii. Approved site plan (for other uses including multi-family)
 4. The annexation is to fulfill the city's Regional Housing Needs Allocation (RHNA) obligation which otherwise cannot be accommodated on lands currently within the city's incorporated boundary.
- The proposal would not create islands. Boundaries must ultimately minimize creation of peninsulas and corridors, or other distortion of boundaries.

For any of the following circumstances listed below a proposal for annexation is presumed to comply with all standards for annexation:

- The request for annexation is by a city for annexation of its own publicly-owned property for public use.
- The request for annexation is by a city in order to facilitate construction of public improvements or public facilities which otherwise could not be constructed.

- 1 ▪ The request for annexation is to remove an unincorporated island, substantially surrounded area, or
- 2 otherwise address existing peninsulas and/or irregular boundaries.
- 3 ▪ The request for annexation is within and consistent with the Dry Creek Preserve Master Plan
- 4 Annexation Program as adopted by the City.
- 5 ▪ The annexation is intended to mitigate or otherwise comply with standards/conditions required by
- 6 another agency with respect to another development/annexation