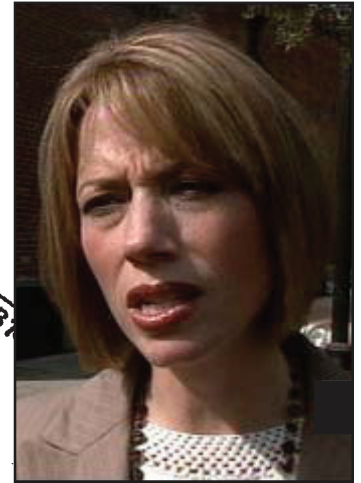


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Do not be fooled by political rhetoric and inaccurate news reports - Mayor Ashley Swearengin is trying to annex County pockets within Fresno City limits and she is going to court using taxpayer dollars to strip you of your right to vote on whether you want to pay higher City taxes before you are annexed.



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FILED

OCT 09 2009

FRESNO COUNTY SUPERIOR COURT
By _____
NAG DEPUTY

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EXEMPT FROM FILING FEES
GOVT CODE § 6103

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF FRESNO

14 CITY OF FRESNO, a municipal corporation,
15 Petitioner and Plaintiff,
16 v.
17 FRESNO LOCAL AGENCY FORMATION
18 COMMISSION, a governmental entity; and
DOES 1-20, Inclusive,
19 Respondents and Defendants.

Case No. 09 CE CG 02832

FIRST AMENDED PETITION FOR WRIT
OF MANDATE AND COMPLAINT FOR
DECLARATORY RELIEF

(Code Civ. Proc. §§ 1060, 1085; Gov. Code, §
56375.3)

BY FAX



Read parts of the City's lawsuit to strip pocket residents of their right to vote about paying the City's higher taxes before they are annexed.

1 **GENERAL ALLEGATIONS**

2 Petitioner and Plaintiff City of Fresno alleges as follows:

3 1. In and by this Petition and Complaint, the City of Fresno seeks an order (a)

4 compelling Respondent the Fresno Local Agency Formation Commission ("Fresno LAFCO" or

5 "LAFCO") to perform its mandatory statutory duty under Government Code Section 56375.3 to

6 approve an "unincorporated island" reorganization in the form it was proposed by the City; and/or

7 (b) declaring that under Government Code Section 56375.3 Respondent Fresno LAFCO has a

8 clear, present and ministerial duty to approve an "unincorporated island" reorganization in the

9 form it was proposed by the City. Under Section 56375.3, Respondent Fresno LAFCO *must*

10 approve the reorganization/island annexation at issue in the form proposed by the City.

22 23. At its June 10, 2009 meeting, Fresno LAFCO heard the reconsideration request and

23 adopted Resolution RO-08-14D ("the June 10 LAFCO Resolution"), which purported to reaffirm

24 its findings in the March 11, 2009 LAFCO Resolution and added an additional condition. The

25 additional condition was not based on the City Condition but was instead a condition proposed by

26 LAFCO staff ("the LAFCO Condition"). The LAFCO Condition stated:

27 The annexation shall not be recorded until verification has been provided to the

28 satisfaction of the Executive Officer acknowledging that the City has provided

evidence that it has complied with the applicable procedures contained in Article

1 XIII(C) of the California Constitution (Proposition 218 and its implementing

2 statutes and regulations) and may impose, extend or increase taxes, fees or

3 assessments in the subject territory.

4 24. The LAFCO Condition, if imposed on this and future proposals, would in all

5 likelihood prevent completion of the annexation and reorganization of the unincorporated island

6 territory at issue, by requiring voter approval of the Taxes and Fees prior to completion of the

annexation and reorganization, despite state policies that strongly encourage the annexation of

Tell Mayor Swearingin to focus on fixing Fresno's problems and leave the County pockets alone!



Contact the Fresno Deputy Sheriffs' Association to help stop the grab by the City of Fresno and end their attempt to annex county pockets within Metropolitan Fresno.
Email: info@stopthegrab.org • www.stopthegrab.org