

**2.**  
**01/25/01**

**MINUTES**  
**December 14, 2000**

Present Commissioners: Robert E. Hird, Acting Chair  
Bob Buster  
Don Galleano  
Terry Henderson  
Robin Lowe

Absent: McFadden, Ashley and Tavaglione

Present Staff: George J. Spiliotis  
Executive officer  
Wayne Fowler, Illustrator/Analyst  
Elena G. Medina, Staff Assistant  
Joe S. Rank, Legal Counsel

**1. CALL TO ORDER AND SALUTE TO THE FLAG.**

The meeting was called to order at 9:03 a.m.

**a. APPROVAL OF MINUTES OF OCTOBER 26, 2000.**

Minutes were approved as presented.

**b. APPROVAL OF MINUTES OF NOVEMBERS 16, 2000.**

A correction was made to the minutes to state that Commissioner Henderson was absent.

**1c. SELECTION OF OFFICERS**

Moved (Buster) seconded (Lowe) to continue Item 1c. to January 25, 2001. 5/0 (Ashley, McFadden and Tavaglione absent)

3. HEARINGS:Consent:

- a. LAFCO 2000-21-3-Annexation to Beaumont-Cherry Valley Water District-Hovchild

Moved (Lowe) seconded (Henderson) to approve LAFCO 2000-21-3-Annexation to Beaumont-Cherry Valley Water District-Hovchild.

5/0 (Ashley, McFadden and Tavaglione absent)

The Commission recessed for Executive Session at 9:06 a.m.

4. EXECUTIVE SESSION:

## LITIGATION:

With respect to every item of business to be discussed in closed session pursuant to Government Code Section 54956.9:

## CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION:

Subdivision (a) of Section 54956.9

- a. City of Lake Elsinore v. LAFCO et al (Cleveland Ridge UC/SOI Amendment/Riverside Superior Court Case No. RIC-311942)
- b. City of Lake Elsinore v. LAFCO et al (Meadowbrook UC) (Riverside Superior Court Case No. 317305)

The Commission reconvened at 9:16 a.m.

Mr. Rank stated that there was nothing to report at this time.

5. **SETTING ASIDE DESIGNATION OF CLEVELAND RIDGE UNINCORPORATED COMMUNITY AND SPHERE OF INFLUENCE AMENDMENT TO THE CITY OF LAKE ELSINORE (LAFCO 95-16-1-RESOLUTION NO. 36-00)**

Mr. Spiliotis stated that this action was at the direction of the court. He said that this was a resolution to set aside previous actions by the Commission related to the Cleveland Ridge Unincorporated Community and the removal of that territory from the Lake Elsinore Sphere of Influence. He said that they were simply complying with the court order.

Moved (Lowe) seconded (Henderson) to approve Item 5. Setting Aside Designation of Cleveland Ridge Unincorporated Community and Sphere of Influence Amendment to the City of Lake Elsinore (LAFCO 95-16-1-Resolution No. 36-00)

5/0 (Ashley, McFadden and Tavaglione absent)

**6. REVIEW OF AND POSSIBLE AMENDMENT TO BOUNDARY DESCRIPTION PROCEDURES (ORAL REPORT)**

Mr. Spiliotis stated that approximately two years ago all legal descriptions and boundary changes by LAFCO went to the Riverside County Surveyor's Office for review and approval. He said that the Commission, at that time, approved a group of consultant engineers to prepare the map and legal descriptions without any further review by the County Surveyor due to the backlog occurring at the County Surveyor's Office. He said that so far it had been a very successful program. He said that none of the approved map and legal descriptions had been returned by the State Board of Equalization. He said that the backlog at the Surveyor's Office was still continuing and due to the amount of work currently experiencing, LAFCO was a low priority. Mr. Spiliotis stated that he would like to expand the program and would like to hold periodic workshops to go over the State Board of Equalization guidelines for the legal descriptions. He said that basically, any qualified engineering firm attending the workshop will be qualified to prepare the map and legal descriptions without further review by the County Surveyor's Office. He said that if the Commission approved the item, they would like to commence the process immediately.

Moved (Henderson) seconded (Lowe) to approve Item 6. Amendment to Boundary Description Procedures as recommended by staff.

5/0 (Ashley, McFadden and Tavaglione absent)

**7. CEQA DOCUMENTATION FOR UC/SOI REQUESTS.**

Mr. Spiliotis stated that this was a policy issue. He said that regarding the court determination in the action that was just taken by the Commission, an EIR was needed in the Cleveland Ridge Unincorporated community case. He said that the general feeling was that most of the actions in regards to unincorporated communities, when they involve sphere of influence amendments, an EIR will be required. He said that this led to a discussion among the unincorporated communities

on how the communities were suppose to address the requirement of preparing an Environmental Impact Report. He said that there had been several things floating around regarding the Judge's opinion. He mentioned the preparation of a master environmental document focused on environmental analysis for each proposal. He said that the big issue was how this was going to be paid for or who was going to do it. He said that he would like the Commission to discuss this issue. He said that ultimately, this will come up when the Commission discusses AB 2838 and the budget for the following year. He said that this matter will be discussed after the first of the year. He suggested hiring a CEQA consultant as San Diego and San Bernardino LAFCO did. He mentioned that two different cities were proposing to file negative declarations for large development oriented annexations. He said that he planned to notify affected cities that the Commission might have a concern regarding their environmental documentation.

He said that the Commission had directed him to hold a workshop regarding the community of interest policies, specifically regarding what the unincorporated community groups were suppose to be doing. He said that this had been a request by Mr. Riddell from Cherry Valley. He said that he was waiting for the outcome of how the Commission was going to address the lawsuit and future CEQA review. He felt that the Commission needed to address this matter before he went out to the community.

The Commission agreed with Mr. Spiliotis' comment.

Moved (Henderson) seconded (Lowe) to continue Item 7. to January 25, 2001.

5/0 (Ashley, McFadden and Tavaglione absent)

Chair Hird opened the public hearing on Items 5, 6 and 7.

Marie Locke, 15025 Monte Court, Cleveland Ridge. She said that she understood the court's decision, but was unclear as to the status of the community. She asked if they were back to a COI status? She also asked if there was some sort of protection from annexations in the future? She commended LAFCO for standing behind the unincorporated communities.

Mr. Spiliotis stated that Item 5 set the clock back a couple of years. He said that they set aside the decision previously made. He said that with respect to Cleveland Ridge, they were now a community of interest that had submitted a final report and had a request pending before the

Commission for the unincorporated community status and removal of the area from the sphere of influence from the City of Lake Elsinore. He said that the Commission cannot take action until an EIR is prepared.

Ace Vallejos, 15231 Covery Street, Cleveland Ridge. Mr. Vallejos thanked the commission and stated that as a community, they had a lot of issues they would like to move forward with. He said he looked forward to continue working with LAFCO and thanked the Commission again for their continued support.

Gary Grant, 27068 Jarvis Street, Perris, CA 92570. Mr. Grant said that one of his concerns was the policy initiated by the Board of Supervisors that LAFCO was now having to deal with. He said that this issue should have been addressed first. He said he was concerned because a negative report was placed on these communities of interest before the roll back of the sphere at that particular time. He felt that this was a very bad law. He said that it needed to be changed so that people could understand it. He said he disagreed with the ruling by the Judge. He said he was concerned with the interpretation of the EIR. He said that since the Commission had decided to go ahead with the EIR, it did not mean that they were going to have to roll back the boundary.

Louise Mazochi, Chairman of the El Cerrito Community of interest. She stated that her COI final report was due in July of the following year. She said that it was her job to give options to the community, but it was going to be hard to explain to the community that the UC designation had not been abandoned by LAFCO, that however, they were going to have to come up with the money to do an EIR. She asked for help on how to explain this to the community. She asked why do they have to do an EIR to stay unincorporated, but if the City of Corona wanted to annex them, why did they not have to do an EIR?

Chair Hird stated that these were legitimate concerns and asked the Commission if they had anything to add. The Commission did not have anything to add at this time.

#### 8. SUMMARY OF AB 2838 STAFF WORKSHOP. (ORAL REPORT)

Mr. Spiliotis stated that the entire LAFCO staff, Commissioner Lowe and Mr. Rank had attended a workshop in Sacramento. He said that the workshop had left more questions than answers. He said that it was clear that the

legislature wanted written policies and procedures that guided the Commission actions. He said that over the next several months staff will be undertaking reviews directly related to the implementation of AB 2838. He said that beginning in January, he will have a full presentation on the provisions of the new bill. He said that they will also be taking action at that time regarding the designation of staff positions that were required. He said that any application that was not completed prior to January 1<sup>st</sup> will be processed under the new law. He said that in March they will be required to hold hearings on the Commission policies regarding disclosures of contributions and expenditures for proposals. He said that in April/May, LAFCO will be undergoing a budget review and also will be adopting a proposed budget. He said that a final budget will be adopted by June 15. He said that all of the above will be work in progress over the next year.

**8.1 AUTHORIZE CHAIR TO EXECUTE INTERIM CONTINUATION OF EXISTING SERVICES.**

Mr. Spiliotis stated that regarding Item 8.1 they were looking for authorization for the Chair to execute an interim continuation of existing services.

Moved (Lowe) seconded (Henderson) to approve Item 8.1, Authorize Chair to Execute Interim Continuation of Existing Services.

5/0 (Ashley, McFadden and Tavaglione absent)

Chair Hird stated that Mr. Rank was going to address items 5, 6 and 7.

Mr. Rank stated that some of the issues that had been raised were certainly legitimate. He said that the issues were being challenged, therefore, being unable to go forward with their UC designation based upon that challenge. He said that if somebody had said that a change by a city or an annexation by a city should not had been done with a negative declaration, it was a fairly easy issue to resolve in terms of the court. He said that it was a standard argument to say that if there was an impact on the environment as a result of jurisdictional changes then they will be required to do an EIR. He said what happened was that the issue was not challenged by other jurisdictions. He said that a negative declaration was not intended to be a half-empty glass. He said it was intended to say that there was nothing that had been demonstrated as a result of an environmental analysis

that would justify going any further in review and doing an environmental impact report. He said that it was not saying that there was anything wrong with the report. He said it was just saying that there was no further justification for doing any additional analysis.

Commissioner Buster suggested that everyone receive a copy of the Judge's decision.

Mr. Rank stated that some folks were probably enlightened as they read the decision. He also stated that the report was quite specific in the issues it raised. He said that it will be difficult to do a master EIR and supplement it every time there was a change. He said that if that was ultimately the final decision, while it will serve as a base, it will still have to be supplemented by a significant amount of work within the report.

**9. APPROPRIATION REQUEST FOR TEMPORARY HELP, ADDITIONAL IT SUPPORT, AND EXPANDED PUBLIC NOTICE. (ORAL REPORT)**

Mr. Spiliotis stated that he had preliminary discussions with Chairman Tavaglione regarding supplemental appropriation for the current fiscal year budget. He said that the primary request was for temporary help. He stated that they needed this supplemental appropriation to gear up for the new requirements of the bill. He said that at this time we were falling behind with the existing requirements and that alone necessitated the need for temporary help. He said that if the supplemental appropriations request was approved here, it was still entirely up to the discretion of the Board of Supervisors. He said that the next fiscal year LAFCO will have independence over its own budget. He said that at this point they were simply making a request to the Board of Supervisors.

Moved (Lowe) seconded (Henderson) to approve Item 9.  
Appropriation Request for Temporary Help, Additional IT Support, and Expanded Public Notice. (Oral Report)  
5/0 (Ashley, McFadden and Tavaglione absent)

**10. MISCELLANEOUS STAFF REPORTS.**

Mr. Spiliotis stated that there was an insert in the Commission folders that replaced Section 4 of the Commissioner Handbooks that were distributed earlier this year. He said that Section 4, was entitled Cortese-Knox Highlights. He said what was in their folders was basically the replacement

sections out of the new act which will take effect January 1<sup>st</sup>.

11. **PUBLIC COMMENTS.**

No public comments.

12. **ADJOURNMENT.**

The Commission adjourned at 9:47 a.m.

Respectfully,

George J. Spiliotis  
Executive Officer