

5/24/2001

MINUTES

April 26, 2001

Present Commissioners: Robert E. Hird, Chair
Bob Buster, Vice Chair
Marion V. Ashley
Terry Henderson
Robin Lowe
Jack McFadden
John 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 9:05 a.m.

2. **APPROVAL OF MINUTES OF March 22, 2001**

The minutes were approved as presented.

3. **HEARINGS:**

Consent:

- a. LAFCO 2000-29-3-Sphere of Influence Amendment (addition) & Annexation to Valley Wide Recreation and Park District. (**Continued from March 22, 2001**)

Moved, (Lowe) seconded (Henderson) to approve LAFCO 2000-29-3-Sphere of Influence Amendment (addition) & Annexation to Valley Wide Recreation and Park District.
6/0 (Ashley absent)

- b. LAFCO 2000-30-3-Reorganization to Include Concurrent Annexations to Valley Wide Recreation and Park District and County Service Area 84. (**Continued from March 22, 2001**)

Moved (Lowe) seconded (Henderson) to approve LAFCO 2000-30-3-Reorganization to Include Concurrent Annexations to Valley Wide Recreation and Park District and county Service Area 84.
6/0 (Ashley absent)

The Commission decided to take Item 6. at this time.

6. **REQUEST FOR DEFERRAL OF PREZONING AND CEQA COMPLIANCE-ANNEXATION OF RORIPAUGH RANCH TO THE CITY OF TEMECULA.**

After Mr. Spiliotis gave a brief report on the above matter, the Commission approved the request.

Moved (Lowe) seconded (Buster) to approve Request for Deferral of Prezoning and CEQA Compliance-Annexation of Roripaugh Ranch to the City of Temecula as recommended by staff.

6/0 (Ashley absent)

Commissioner Ashley returned at 9:10 a.m.

c. LAFCO 2000-28-2-Reorganization to Include Annexation 96 to the City of Corona and Concurrent Detachment from the Riverside County Waste Resources Management District. **(Continued from February 22, 2001)**

Mr. Spiliotis indicated that this item was continued from the February meeting and stated that he did not have any additional information. He also stated that there were representatives from the City in the audience wishing to speak.

Chair Hird opened the Public Hearing.

IN FAVOR:

Darrell Talbert, 815 W. 6th Street, Room 160, Corona, California, City Council Member. He asked for the Commissioners' support and stated that he was present to answer any questions.

Phillip Schwartze, 31682 El Camino Real, San Juan Capistrano, California. He stated that he was the Planner for Mr. Benson and Mr. Howser. He stated that he was in support of the annexation and staff recommendations and was present to answer any questions.

OPPOSITION:

Renee Jacober, 2050 Compton Avenue, Corona, California. Mr. Jacober expressed his dissatisfaction with the City and said that he would like an annexation agreement indicating what the City will provide and a condition that their project, under the existing zoning, will be a part of the annexation.

Mr. Spiliotis commented that the Commission did not have the authority to impose a condition that directly regulated land use.

Mr. Larry Flynn, 19520 Carmelita, Corona, CA 92881. Mr. Flynn requested that the annexation be delayed at this time because there were many concerns from the people in the area. He also requested that a study be done on the Quino Checkerspot butterfly. He presented three butterflies to the Commission.

NEUTRAL:

Mr. Jim Fletcher, 2230 E. Orangethorpe Avenue, Fullerton, CA. Mr. Fletcher stated that he had gone over his options and he was not satisfied. He stated that if he was forced to move, he did not want to be charged the development fees because the City had put him in this predicament. He asked the Commission for any suggestions.

Darryl Talbert, Councilman, City of Corona. Councilman Talbert stated that the City of Corona had worked with everyone that spoke after him. He said that regarding Mr. Fletcher, he could only forego some of the fees, but not all of them because they were public improvements that were going to be required in the area.

Mr. Spiliotis indicated that the Environmental Assessment was prepared by the City regarding biological resources and this site did not contain any sensitive floral or fauna, therefore, no impacts were anticipated.

Mr. Flynn stated that the butterfly specimens were collected from that area within the last week.

Commissioner Tavaglione stated that at the last meeting the Commission had given a two-month continuance to the parties involved to give them the opportunity to meet with the City and hopefully understand the City's motivation for the application and see what potential opportunities can be worked out for the City and the property owners.

Commissioner Tavaglione said that the City of Corona had been very cooperative. He said that Caltrans could not put a signal so close to the other street. He said that there had been some concerns from the property owners of El Cerrito regarding the additional cost of water provided by the City of Corona. He stated that he would like to see more reasonable means of providing water to the unincorporated residents of El Cerrito. He moved for approval of the annexation.

Chair Hird closed the Public Hearing.

Commissioner Henderson commented that she agreed with Commissioner Tavaglione's comments. She said she had a certain amount of confidence that all parties will continue

to work together. She stated that there was a great future for everyone here.

Moved (Tavaglione) seconded (Henderson) to approve LAFCO 2000-28-2-Reorganization to Include Annexation 96 to the City of Corona and Concurrent Detachment from the Riverside County Waste Resources Management District. 7/0

d. LAFCO 2000-24-4-Reorganizaiton to Include Concurrent Annexation 51 to the City of Coachella and Annexation into the Coachella Fire Protection District (subsidiary) and the Coachella Sanitary District (subsidiary) and Concurrent Detachment from the Riverside County Waste Resources Management District. **(The applicant requested a one-month continuance to May 24, 2001)**

Moved (Buster) seconded (Henderson) to approve the continuance to May 24, 2001 for LAFCO 2000-24-4-Reorganizaiton to Include Concurrent Annexation 51 to the City of Coachella and Annexation into the Coachella Fire Protection District (subsidiary) and the Coachella Sanitary District (subsidiary) and Concurrent Detachment from the Riverside County Waste Resources Management District.

7/0

e. LAFCO 2000-26-4-Sphere of Influence Amendment (addition) to the City of Coachella. **(The applicant requested a one-month continuance to May 24, 2001).**

Moved (Buster) seconded (Henderson) to approve the continuance to May 24, 2001 for LAFCO 2000-26-4-Sphere of Influence Amendment (addition) to the City of Coachella.

7/0

f. LAFCO 2000-33-3-Sphere of Influence Amendments to Western Municipal Water District (removal), Elsinore Valley Municipal Water District (addition) & Eastern Municipal Water district (addition) and Reorganization to Include Concurrent Annexations to Elsinore Valley Municipal Water District, Eastern Municipal Water District and Metropolitan Water District of Southern California.

Mr. Fowler presented the proposal and recommended approval.

Chair Hird opened the Public Hearing.

Mark Jennings, Corona Del Mar. Mr. Jennings stated that he was here on behalf of Lennar Greer Ranch Ventures. He said

that they were in full agreement with staff's recommendation and asked for the Commission's approval.

Moved (Ashley) seconded (Lowe) to approve LAFCO 2000-33-3-Sphere of Influence Amendments to Western Municipal Water District (removal), Elsinore Valley Municipal Water District (addition) & Eastern Municipal Water district (addition) and Reorganization to Include Concurrent Annexations to Elsinore Valley Municipal Water District, Eastern Municipal Water District and Metropolitan Water District of Southern California.
7/0

- g. LAFCO 2000-34-3-Sphere of Influence Amendments to Western Municipal Water District (removal) & Eastern Municipal Water District (addition) and Reorganization to Include Concurrent Detachment from Western Municipal Water District and Annexation to Eastern Municipal Water District. **(The applicant requested a two-month continuance to June 28, 2001)**

Moved (Lowe) seconded (McFadden) to continue LAFCO 2000-34-3-Sphere of Influence Amendments to Western Municipal Water District (removal) & Eastern Municipal Water District (addition) and Reorganization to Include Concurrent Detachment from Western Municipal Water District and Annexation to Eastern Municipal Water District to June 28, 2001.
7/0

- h. Proposed Budget for Fiscal Year 2001-2002.

Mr. Spiliotis presented and reviewed the proposed budget for Fiscal Year 2001-2002.

Commissioner Henderson commented that they were dealing with more unknowns than knowns. She said that the biggest known was the increased workload that LAFCO was going to undergo. She said that there was no question that the increase in personnel was required. She requested the Commission to consider agendaizing for the next meeting a closed personnel session to discuss the Executive Director's position and salary range. She also asked Mr. Spiliotis to prepare a salary study that will help the Commission in their decision.

Commissioner McFadden commented that they needed to have a budget review system established so that they can determine if they were in the proper area of funding. He suggested that maybe the budget reviews should take place quarterly.

Chair Hird asked Commissioner McFadden if he wished that the Committee be an Ad Hoc Committee or a Standing Committee?

Commissioner McFadden suggested a Standing Committee if it was going to continue for the rest of the year.

Commissioner Buster asked Mr. Spiliotis if he had allocated funds for SOIs reviews. He also asked Mr. Spiliotis if there were any potential ways of recovering any of these funds.

He stated that they could not begin the sphere of influence reviews until they had conducted the service reviews, which was one of the legal requirements. He said that during the Ad Hoc Budget Committee meetings, they discussed going ahead with conducting service reviews in two areas.

Commissioner Buster commented that there was no allocation for the potential costs of an EIR for the UCs.

Mr. Spiliotis responded that not only the UCs, but once the Commission determined that a City's sphere of influence needed to be updated (either enlarged or reduced), based on a recent court decision, there was a potential that the Commission will become the lead agency for preparing an EIR and this was a huge cost. He said that some of these things will have to be dealt with as they come.

Commissioner Tavaglione asked if service reviews would be similar, but expanded to what they did with the Jurupa area?

Mr. Spiliotis responded, yes.

Commissioner Tavaglione asked Mr. Spiliotis if there were any service guidelines.

Mr. Spiliotis stated that there were seven or eight items that were suppose to be included in the service reviews, infrastructure needs, efficiency, demographic projections, financing constraints and opportunities, costs avoidance opportunities, opportunities for rate restructuring, opportunities for shared facilities, government structure options (consolidation), evaluation of management efficiency, and local accountability in governments.

Commissioner Tavaglione suggested to Mr. Spiliotis that he prioritize what areas make the most sense to proceed with first.

Mr. Spiliotis said that he would probably bring this to the Commission in June or July with his recommendation on how to break up the areas and then the Commission will be able to make the ultimate determination.

Commissioner Tavaglione asked if the employees below Mr. Spiliotis were on the County system in terms of

classification, union representation, or did the Commission also needed to review the other employees as well?

Mr. Spiliotis stated that they were all within the County classification system. He said that whenever the Commission made changes in the past, they asked the County to make the same changes in the County's classification system.

Commissioner Tavaglione asked if when the Board of Supervisors took an action on general County employees, did that affect Mr. Spiliotis as well?

Mr. Spiliotis responded, yes.

Commissioner Ashley stated that when he first came on board, he was assigned to the budget committee. He said that the budget had stayed there for the past six years. He said that he was getting calls from the special districts asking for explanations. He said that they needed to keep the budget as tight as they can because the last thing they wanted was an assessment in mid-year.

Commissioner Lowe commented that the Commission needed to take a look at the reimbursement for services line in the budget prior to its approval. She asked when was the last time the fees had been revised.

Mr. Spiliotis responded that the fees were revised back in approximately 1994.

Commissioner Lowe stated that the fees were not realistic anymore.

Chairman Hird commented that perhaps they would be better off with an Ad Hoc committee regarding the budget.

Commissioner Lowe asked for a legal opinion on this issue.

Mr. Rank stated that if the committee was going to continually report on a particular issue, then it would be considered a standing committee whether it was called Ad Hoc or not.

Mr. Spiliotis commented that regarding the special district allocation of responsibility to the LAFCO budget, the Auditor-Controller's Office was getting very close to producing some numbers. He thought that they will have something by early next week and will be able to distribute those figures to the special districts.

Commissioner Henderson asked if the special districts had met to determine some other method?

Mr. Spiliotis stated that the staff at the Coachella Water District was working on it.

Chair Hird opened the Public Hearing.

Mr. Garry Grant, 27068 Jarvis Street, Perris, CA 92570. He expressed concern regarding the COIs. He stated that their finances were rather low. He did not feel that \$12,000 was a large enough to cover any litigation against them.

Mr. Verlin Baumgarth, 28127 Sun City Blvd., Sun City, CA 92586. He expressed concern with the costs of EIRs regarding the Communities of Interest. He said he would like to see something in the budget to assist with the EIRs.

Commissioner McFadden commented on Mr. Grant's observation. He stated that if legal action was required, it could be a significant cost factor to the Commission. He said that this was discussed in the deliberations and they recognized that this was certainly a possibility.

Chair Hird closed the Public Hearing.

Chairman Hird reappointed Commissioner McFadden and Commissioner Henderson to the Budget Ad Hoc Committee.

Commissioner Henderson stated that they should be able to determine at the first meeting what direction they should continue.

Commissioner McFadden suggested that they meet on a quarterly basis to see how things were going.

Chairman Hird recommended that the first meeting be an Ad Hoc meeting. He recommended that they meet quarterly during this budget year.

Moved (McFadden) seconded (Buster) to approve the Proposed Budget for Fiscal year 2001-2002. The Commission directed the Executive Officer to bring back a revised fee schedule as part of the Final Budget and to agendaize a closed session item regarding Executive Officer's compensation.

7/0

4. INFORMATION ITEMS: Proposal Received (56857, 56751)

The Commission acknowledged six proposals received as information items.

5. APPOINTMENT OF PUBLIC MEMBER AND ALTERNATE PUBLIC MEMBER.

Mr. Hird stated that his term was expiring as was the alternate public member. He asked the commission what was their pleasure.

Commissioner Buster asked Chair Hird if he was willing to go another term.

Chairman Hird responded that he would be happy to serve another term if appointed.

Commissioner Ashley commented on Chairman Hird's reappointment.

The Commission unanimously voted to reappoint of Mr. Hird to serve another term as public member.

Commissioner Henderson expressed disagreement with the reappointment of the Alternate Public Member.

After further discussion, the Commission agreed to advertise for the Alternate Public Member.

7. ALTERNATE LOCATION FOR MAY 24, 2001 MEETING.

Mr. Spiliotis stated that there were three potential locations. He said that one was the Palm Desert City Council Chambers, which was a nice facility. However, they would have to be out by noon. He said that the major items to be discussed were the budget, discussion of fees, the Santa Rosa Community of Interest proposal, and a very large annexation to the City of Coachella. He said that the other location was the City of Indian Wells Council Chambers. He said that the third choice was a polo club, however, they did not have a recording system. He recommended the City of Indian Wells Council Chambers.

The Commission agreed to meet at the City of Indian Wells Council Chambers for the May 24th Meeting.

8. ALTERNATE DATES FOR LAFCO MEETINGS.

Mr. Spiliotis asked for suggestions regarding the dates for the LAFCO meeting in July because the League of Cities date overlapped with the scheduled commission meeting date, which it would had been July 26th. He suggested that they move the August meeting from August 23rd to the August 30th. This way they will have at least four weeks between meetings.

After further discussion, the Commission agreed to meet on August 9th and August 30th and to cancel the meeting for the month of July.

9. MISCELLANEOUS STAFF REPORTS.

Mr. Spiliotis stated that he had entered into an agreement with Janet Matson to develop a procedure manual to be used by staff and also as a document that will be available for public information. He stated that the amount of the agreement was approximately \$4,100.

He also wanted to let the commissioners know that he received a notice of intent to adopt a negative declaration from the Valley Sanitary District. He reminded the Commission that they had the authority to approve agreements for services to be provided outside the agency's boundaries. He said that an agency was not suppose to be providing outside services unless it first received LAFCO approval.

Mr. Spiliotis also stated that he would be attending an Incorporation Workshop next Monday in Oakland.

10. PUBLIC COMMENTS.

Mr. Verlin Baumgarth 28127 Sun City Blvd., Sun City, CA 92586. Mr. Baumgarth discussed that a public member should be attuned to the needs of unincorporated communities.

Mr. Garry Grant, 27068 Jarvis Street, Perris, CA 92570. Mr. Grant expressed concern regarding noticing the Communities of Interest.

11. ADJOURNMENT.

The Commissioned adjourned at 11:00 a.m.

Respectfully,

George J. Spiliotis
Executive Officer