

2.
7/31/2003

**MINUTES
JUNE 26, 2003**

Present Terry Henderson
Commissioners: Bob Buster
 Don Galleano
 Kevin Jeffries
 Robin Lowe
 John Tavaglione
 Phil Williams

Absent: Robert E. Hird
 Jack McFadden

Present Staff: George J. Spiliotis, Executive Officer
 Wayne Fowler, Local Government Analyst III
 Adriana Romo, Local Government Analyst I
 Crystal Craig, Local Government Analyst I
 Elena Medina, LAFCO Assistant
 Joe Rank, Legal Counsel

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

The meeting was called to order at 9:04 a.m.

2. **APPROVAL OF MINUTES OF APRIL 24, 2003.**

Minutes were approved as presented.

MINUTES FROM MAY 29, 2003 WERE NOT YET AVAILABLE.

3. **HEARINGS:**

Consent:

a. LAFCO 2002-39-1-Annexation to Elsinore Valley Municipal Water District. **(Staff recommends continuance to July 31, 2003)**

Moved (Tavaglione) seconded (Lowe) to continue LAFCO 2002-39-1-Annexation to Elsinore Valley Municipal Water District to July 31, 2003 as recommended by staff.

7/0

b. LAFCO 2002-44-5-Annexation 63 to County Service Area 103. **(Continued from May 29, 2003).**

Moved (Tavaglione) seconded (Lowe) to approve LAFCO 2002-44-5-Annexation 63 to County Service Area 103 as recommended by staff.
7/0

- c. LAFCO 2003-05-3-Minor Sphere of Influence Amendments to Murrieta County Water District (removal) and Rancho California Water District (addition) and Reorganization to Include Detachment from Murrieta County Water District.

Moved (Tavaglione) seconded (Lowe) to approve LAFCO 2003-05-3-Minor Sphere of Influence Amendments to Murrieta County Water District (removal) and Rancho California Water District (addition) and Reorganization to Include Detachment from Murrieta County Water District as recommended by staff.
7/0

- d. LAFCO 2003-08-3-Minor Sphere of Influence Amendment to the Rancho California Water District (addition) and Annexation to the Rancho California Water District.

Moved (Tavaglione) seconded (Lowe) to approve LAFCO 2003-08-3-Minor Sphere of Influence Amendment to the Rancho California Water District (addition) and Annexation to the Rancho California Water District as recommended by staff.
7/0

Continued:

- e. LAFCO 2002-07-1-Reorganization to Include Annexation 70 to the City of Lake Elsinore, Concurrent Detachment from Riverside County Waste Resources Management District and Detachment from the City of Lake Elsinore and Concurrent Annexation to Riverside County Waste Resources Management District. **(Continued from March 27, 2003).**

Mr. Fowler presented the report.

Moved (Tavaglione) seconded (Buster) to approve LAFCO 2002-07-1-Reorganization to Include Annexation 70 to the City of Lake Elsinore, Concurrent Detachment from Riverside County Waste Resources Management District and Detachment from the City of Lake Elsinore and Concurrent Annexation to Riverside County Waste Resources Management District.
7/0

- f. LAFCO 2002-27-4-Reorganization to Include Concurrent Annexations No. 36 to the City of Palm Desert and Detachment from the Riverside County Waste Resources Management District. **(Staff recommends continuance to July 31, 2003).**

Moved (Galleano) seconded (Buster) to continue LAFCO 2002-27-4-Reorganization to Include Concurrent Annexations No. 36 to the City of Palm Desert and Detachment from the Riverside County Waste Resources Management District to July 31, 2003 as recommended by staff.
7/0

- g. LAFCO 2002-42-5-Minor Sphere of Influence Amendment (removal) and (addition) to the Yucaipa Valley Water District and Annexation to the Yucaipa Valley Water District. **(Staff recommends continuance to July 31, 2003).**

Moved (Galleano) seconded (Buster) to continue LAFCO 2002-42-4-Minor Sphere of Influence Amendment (removal) and (addition) to the Yucaipa Valley Water District and Annexation to the Yucaipa Valley Water District to July 31, 2003 as recommended by staff.

7/0

- h. LAFCO 1996-03-1-Community of Interest No. 11, Warm Springs - Two Year Study Report and Request for Designation as an Unincorporated Community and Amendment to the Sphere of Influence (removal) of the City of Lake Elsinore. **(Staff recommends continuance to July 31, 2003)**

Moved (Galleano) seconded (Buster) to continue LAFCO 1996-03-1-Community of Interest No. 11, Warm Springs - Two Year Study Report and Request for Designation as an Unincorporated Community and Amendment to the Sphere of Influence (removal) of the City of Lake Elsinore to July 31, 2003 as recommended by staff.

7/0

- i. LAFCO 1994-31-1&5-Community of Interest No. 8, Meadowbrook-Request for Designation as an Unincorporated Community and Amendment to the Sphere of Influence (removal) of the City of Lake Elsinore. **(Staff recommends continuance to July 31, 2003).**

Moved (Galleano) seconded (Buster) to continue LAFCO 1994-31-1&5-Community of Interest No. 8, Meadowbrook-Request for Designation as an Unincorporated Community and Amendment to the Sphere of Influence (removal) of the City of Lake Elsinore to July 31, 2003 as recommended by staff.

7/0

- j. LAFCO 1995-16-1-Community of Interest No. 9, Cleveland Ridge-Request for Designation as an Unincorporated Community and Amendment to the Sphere of Influence (removal) of the City of Lake Elsinore. **(Staff recommends continuance to July 31, 2003)**

Moved (Galleano) seconded (Buster) to continue LAFCO 1995-16-1-Community of Interest No. 9, Cleveland Ridge-Request for Designation as an Unincorporated Community and Amendment to the Sphere of Influence (removal) of the City of Lake Elsinore as recommended by staff.

7/0

- k. LAFCO 2002-24-3-Community of Interest No. 4, Cherry Valley-Unincorporated Community-Five Year Report. **(Staff recommends continuance to July 31, 2003).**

Moved (Galleano) seconded (Buster) to continue LAFCO 2002-24-3-Community of Interest No. 4, Cherry Valley-Unincorporated Community-Five Year Report to July 31, 2003 as recommended by staff.
7/0

New:

1. LAFCO 2003-04-4-Reorganization to Include Concurrent Annexation 15 to the City of La Quinta and the La Quinta Lighting & Landscape District No. 89-01 and Detachments from the Southern Coachella Valley Community Services District, County Service Area 125 and the Riverside County Waste Resources Management District.

Mr. Fowler presented the proposal. Mr. Fowler also stated that the State Department of Conservation had mailed a letter after the staff reports had been mailed out requesting that LAFCO conform to Government Code Section 56856.5(d)(1) pertaining to Agricultural Preserve #76. Accordingly, Item No. 4 and 5.c. from staff's recommendation were added as follows:

4. Determine that a Notice of Non-Renewal has been served pursuant to Government Code Section 51254 on parcels APN 767-200-002 and 767-200-003 which are Coachella Valley Agricultural Preserve #76.
- 5.c. Prior to the recordation of a Certificate of Completion and pursuant to Government Code Section 56856.5(d)(1) the City of La Quinta shall agree by resolution that no services will actually be provided by the City to the area contained within Coachella Valley Agricultural Preserve #76 during the remaining life of the contract for land uses or activities not allowed under the contract.

Chair Henderson opened the public hearing.

Oscar Orza, Planning Manager, City of La Quinta. Mr. Orza stated that they were in concurrence with staff findings and recommendations and he was available to answer any questions.

Chair Henderson closed the public hearing.

Moved (Lowe) seconded (Jeffries) to approve LAFCO 2003-04-4-Reorganization to Include Concurrent Annexation 15 to the City of La Quinta and the La Quinta Lighting & Landscape District No. 89-01 and Detachments from the Southern Coachella Valley Community Services District, County Service Area 125 and the Riverside County Waste Resources Management District per amended staff recommendation.
7/0

4. INFORMATION ITEMS: Proposals Received (56857, 6751)

The Commission acknowledged three new proposals.

5. MONTHLY EXPENDITURE REVIEW.

The Commission received and filed the Monthly Expenditure Review Report.

6. REVIEW OF INCORPORATION GUIDELINES.

Moved (Galleano) seconded (Lowe) to continue the Review of Incorporation Guidelines to July 31, 2003 as recommended by staff.
7/0

7. LAFCO 2001-43-1-COMMUNITY OF INTEREST NO. 17, WOODCREST COMMITTEE-REQUEST FOR A CHANGE OF APPOINTMENT. (Staff recommends continuance to July 31, 2003.)

Moved (Galleano) seconded (Buster) to continue LAFCO 2001-43-1-Community of Interest NO. 17, Woodcrest Committee-Request for a Change of Appointment to July 31, 2003 as recommended by staff.
7/0

8. REQUEST FOR SECOND EXTENSION OF TIME TO COMPLETE PROCEEDINGS FOR LAFCO-2005-05-1-REORGANIZATION TO INCLUDE CONCURRENT ANNEXATION TO EASTERN MUNICIPAL WATER DISTRICT AND THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA.

Moved (Buster) seconded (Tavaglione) to approve the Request for Second Extension of Time to Complete Proceedings for LAFCO 2005-05-1-Reorganization to Include Concurrent Annexation to Eastern Municipal Water District and the Metropolitan Water District of Southern California to no later than July 1, 2004 as recommended by staff.
7/0

9. APPROVAL OF PROFESSIONAL SERVICES AGREEMENT WITH TOM LEVY.

Mr. Spiliotis reviewed minor changes in the agreement since the agreement was sent out to the Commission. He stated that Legal Counsel had reviewed the changes as well.

Commissioner Galleano expressed his opposition to Mr. Levy's agreement. He stated that there were very qualified people within the water districts and perhaps they should look at retaining their services.

Commissioner Buster asked why Dudek or Mr. Levy can complete the task by themselves. He asked why there was a need to oversee the consultant. Mr. Spiliotis stated that a single person could not do a service review. He also stated that they were utilizing district personnel to help with this project.

Chair Henderson commented that it was not unusual in City Government to hire a consultant who had the expertise to oversee and manage the Consultants that were going to do the work. Chair Henderson expressed her support for Mr. Levy's agreement.

Commissioner Williams asked for clarification of Mr. Levy's contract. Mr. Spiliotis proceeded to explain the content of Mr. Levy's contract.

Commissioner Jeffries asked if the City Service Reviews will follow the water district's service reviews. Mr. Spiliotis responded in the affirmative.

Commissioner Buster suggested that a committee be formed to review the service review progress. Accordingly, the Commission appointed Commissioner Lowe and Commissioner Galleano.

Moved (Buster) seconded (Tavaglione) to approve the Professional Services Agreement with Tom Levy.

4/2/1 (Galleano and Lowe No) (Williams abstained)

10. **MISCELLANEOUS STAFF REPORTS.**

There were no miscellaneous staff reports.

11. **PUBLIC COMMENTS.**

There were no public comments.

The Commission recessed to Executive Session at 9:42 a.m.

12. **EXECUTIVE SESSION:**

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. **Regency Outdoor Advertising, Inc. et al. vs. LAFCO et al.**
(Case No. RIC 393 995)

The Commission reconvened at 9:56 a.m.

Mr. Rank stated that there were no reportable actions taken.

The Commission agreed to not hold a LAFCO Meeting in August.

13. **ADJOURNMENT.**

The Commission adjourned at 9:57 a.m. in Memory of Jim Roddy, Executive Officer of the San Bernardino LAFCO who passed away on Tuesday, June 24, 2003.

Respectfully,

George J. Spiliotis
Executive Officer