

MINUTES
April 29, 2004

Present Terry Henderson
Commissioners: Bob Buster
Kevin Jeffries
Robert E. Hird
Robin Lowe
Phil Williams
John Tavaglione

Absent: 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 MARCH 25, 2004.**

Minutes were approved as presented.

3. **HEARINGS:**

Consent:

- a. LAFCO 2003-42-5-Reorganization to Include Concurrent Annexation 56 to County Service Area 84 and Annexation to the Valley-Wide Recreation and Parks District.

Moved (Lowe) seconded (Hird) to approve LAFCO 2003-42-5-Reorganization to Include Concurrent Annexation 56 to County Service Area 84 and Annexation to the Valley-Wide Recreation and Parks District.
5/2 (Tavaglione and Buster absent)

- b. LAFCO 2004-01-3-Annexation 73 to County Service Area 103.

Moved (Lowe) seconded (Hird) to approve LAFCO 2004-01-3-Annexation 73 to County Service Area 103.
5/2 (Tavaglione and Buster absent)

- c. LAFCO 2004-02-3-Annexation 78 to County Service Area 143.

Moved (Lowe) seconded (Hird) to approve LAFCO 2004-02-3-Annexation 78 to County Service Area 143.

5/2 (Tavaglione and Buster absent)

Commissioners Tavaglione and Buster arrived at 9:06 a.m.

Continued:

- d. LAFCO 2002-08-1-Review of Wildomar Unincorporated Community. **(Continued from October 23, 2003)**and

- e. LAFCO 2003-03-1-Sphere of Influence Amendment (addition) to the City of Murrieta (Wildomar area) and Removal of Wildomar UC Designation. **(Continued from October 23, 2003)**

Mr. Spiliotis stated that there was no additional information at this time. He said that the analysis was still being conducted and it was being funded by the County, City of Murrieta and the Commission. He said that everyone was waiting for the results of that analysis before proceeding with these proposals. He said that at this time, the recommendation was to continue these proposals to the July meeting.

Chair Henderson opened the public hearing.

Darrell Ruff, 23021 Sweetbay, Wildomar, CA 92595. Mr. Ruff expressed his agreement with continuing these proposals to the July meeting. However, he expressed disagreement with the possibility of approving the Sphere of Influence amendment to the City of Murrieta.

Jack Van Haaster, 24641 Washington, Murrieta, CA 92562. Mr. Van Haaster expressed his agreement with the request for continuation and stated that he was available for questions.

Sheryl Ade, 35255 Amatista Avenue, Wildomar, CA 92522. Ms. Ade spoke in support of the continuation request.

Kami Sabetzadeh, 21260 Ciela Vista Way, Wildomar, CA 92595. Mr. Sabetzadeh spoke in favor of the continuation request.

Gina Castanon, representative of the Chamber of Commerce. She expressed her disappointment with the information presented by Muni Financial regarding the Wildomar area. She said that the report was missing a lot of important business information.

Mr. Spiliotis stated that MuniFinancial, as part of their study, were trying to determine what the sales tax base was going to be. He said that the information being used to determine that was the State Board of Equalization data. He said that in that data there

was a list of businesses in the area and that information was confidential. A listing of the number of businesses by type was provided to the Chamber of Commerce. He said that the reason this information was provided to the Chamber of Commerce was to ask for their input to insure that information was not omitted from the study.

Commissioner Lowe asked Mr. Spiliotis if he had discussed this information with HdL and Mr. Spiliotis responded that the Chamber feedback will go back to them.

Kathy Gifford, Riverside County Executive Office. Ms. Gifford stated that the source of information was in fact from SBE. She said she was advised that they were not suppose to release the business names.

Commissioner Tavaglione expressed his disagreement with not disclosing the names of the businesses. He stated that he could understand not disclosing the financial part of the business.

Mr. Rank stated that he was not aware of any justification for keeping confidential the names of the businesses.

Ms. Gifford stated that she would discuss further this matter with HdL.

Chair Henderson asked Mr. Spiliotis to look into this matter to clarify this issue. He said that he would work with the Executive Office.

Commissioner Lowe commented that the Cities receive a copy from HdL regarding businesses and how much sales tax they will receive. She said that once the cities received that information, it was no longer confidential. Commissioner Lowe also asked Mr. Spiliotis to look into this matter.

Commissioner Lowe asked Mr. Spiliotis if it would be possible to present the Commission with an overlay of all the residential and commercial projects that had been approved or in the process of being approved within the study area. She said that she would like to have that information when the study comes back to the Commission in July. She said that this information will be needed during the decision making process.

Moved (Hird) seconded (Jeffries) to continue LAFCO 2002-08-1-Review of Wildomar Unincorporated Community to July 22, 2004.

7/0

Moved (Hird) seconded (Jeffries) to continue LAFCO 2003-03-1-Sphere of Influence Amendment (addition) to the City of Murrieta (Wildomar area) and Removal of Wildomar UC Designation to July 22, 2004.

7/0

- f. LAFCO 2003-44-1-Annexation 71 to County Service Area 103.

Mr. Fowler presented the proposal and stated that staff recommended approval.

Chair Henderson opened the public hearing.

Gina Castanon, Ms. Castanon expressed concern regarding the noticing process because three persons in her home were notified but not her.

Bob Braitman, spoke regarding the County's conditions of approval. He said that some of these conditions puts LAFCO in a difficult situation at times. Therefore, he suggested looking into these conditions with the Planning Department.

Chair Henderson closed the public hearing.

Moved (Hird) seconded (Tavaglione) to approve LAFCO 2003-44-1-Annexation 71 to County Service Area 103.

7/0

- g. Proposed Budget for Fiscal Year 2004-2005.

Mr. Spiliotis presented the proposed budget and stated that this year's budget had been reduced by 6% which equal approximately \$72,000.

Commissioner Buster asked Mr. Spiliotis how he was accounting for the possibility of legal expenditures. Mr. Spiliotis responded that there was an appropriation for legal services for areas where there was a conflict. He said that legal expenditures had been handled so far through the liability insurance.

Mr. Rank added that typically defense costs are tendered to the real party in interest.

Commissioner Tavaglione complimented Mr. Spiliotis on a job well done with the budget.

Commissioner Jeffries asked how Mr. Spiliotis came up with the fee revenue estimates. Mr. Spiliotis stated that he based his projection on the number of proposals received last year.

Commissioner Lowe also complimented Mr. Spiliotis on a job well done with the budget.

Chair Henderson opened the public hearing. There being no proponents or opponents wishing to speak, the public hearing was closed.

Moved (Tavaglione) seconded (Lowe) to approve the Proposed Budget for Fiscal Year 2004-2005 as presented by the Executive Officer.
7/0

4. RECEIVE AND FILE:

- a. **INFORMATION ITEMS: Proposals Received (Government Section 56857, 56751)**

The Commission acknowledged receipt of three proposals.

- b. **MONTHLY EXPENDITURE REVIEW.**

The Commission received and filed the Monthly Expenditure Review Report.

5. MEMORANDUM OF UNDERSTANDING WITH PROPONENTS OF THE MENIFEE VALLEY INCORPORATION.

Moved (Tavaglione) seconded (Lowe) to approve the Memorandum of Understanding with Proponents of the Menifee Valley Incorporation.
7/0

6. MISCELLANEOUS STAFF REPORTS.

Mr. Spiliotis stated that this meeting would have been Commissioner's McFadden last meeting but unfortunately, he had a scheduling conflict. He said that at the District's Selection Committee Meeting Mr. Ron Starrs from the Desert Water Agency had been selected to succeed Mr. McFadden.

Mr. Spiliotis stated that the May agenda was a relatively light agenda regarding proposals for change of reorganization. However, a workshop item regarding spheres of influence was scheduled.

He also said that at the request of Commissioner Jeffries there was an item on the May agenda regarding water service issues between the City of Riverside and Western Municipal Water District.

He said that also on the May agenda we would discuss the Commission's summer meeting scheduled.

7. PUBLIC COMMENTS.

There was no public comment.

8. 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)

With respect to every item of business to be discussed in closed session held pursuant to Section 54957:

There was no executive session.

9. ADJOURNED.

The Commission adjourned at 9:54 a.m.

Respectfully,

George J. Spiliotis
Executive Officer