

MINUTES
JANUARY 27, 2005

Present Terry Henderson
Commissioners: Bob Buster
Kevin Jeffries
Robert E. Hird
Robin Lowe
Ron Starrs
Jeff Stone

Absent: John Tavaglione

Present Staff: George J. Spiliotis, Executive Officer
Wayne Fowler, Local Government Analyst III
Adriana Romo, 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 9:03 a.m.

1.2 **ROLL CALL.**

Everyone was present except Commissioner Tavaglione.

2. **APPROVAL OF MINUTES OF December 9, 2004.**

Minutes were approved as presented.

3. **HEARINGS:**

Consent:

- a. LAFCO 2004-28-3-Reorganization to Include Concurrent Annexations to Rancho California Water District, Eastern Municipal Water District and the Metropolitan Water District of Southern California.

Moved (Henderson) seconded (Starrs) to approve LAFCO 2004-28-3-Reorganization to Include Concurrent Annexations to Rancho California Water District, Eastern Municipal Water District and the Metropolitan Water District of Southern California.

b. LAFCO 2004-31-1-Annexation 4 to County Service Area 113.

Moved (Henderson) seconded (Starrs) to approve LAFCO 2004-31-1-Annexation 4 to County Service Area 113.
7/0

c. LAFCO 2004-33-5-Annexation 3 to County Service Area 15.

Moved (Henderson) seconded (Starrs) to approve LAFCO 2004-33-5-Annexation 3 to County Service Area 15.
7/0

d. LAFCO 2004-37-3-Annexation 5 to County Service Area 43.

Moved (Henderson) seconded (Starrs) to approve LAFCO 2004-37-3-Annexation 5 to County Service Area 43.
7/0

e. LAFCO 2004-38-3-Annexation 80 to County Service Area 103.

Moved (Henderson) seconded (Starrs) to approve Annexation 80 to County Service Area 103.
5/2 (Buster and Lowe did not participate)

f. LAFCO 2004-23-3-Annexation 14 to County Service Area 145.

Ms. Romo presented the proposal.

Chair opened the public hearing.

David L. Chambers, 1000 Dove Street, Suite 100, Newport Beach, CA 92660. Mr. Chambers stated that there was a minor error on the staff report regarding the tract numbering. Mr. Chamber stated that he was available for questions.

Staff confirmed the incorrect tract number was not significant.

Chair Jeffries closed the public hearing.

Moved (Lowe) seconded (Henderson) to approve LAFCO 2004-23-3-Annexation 14 to County Service Area 145.
7/0

4. RECEIVE AND FILE:

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

The Commission acknowledged receipt of ten proposals.

b. **MONTHLY EXPENDITURE REVIEW.**

The Commission received and filed the Monthly Expenditure Review Report.

5. WILDOMAR MUNICIPAL SERVICES AND INITIAL FISCAL REVIEW.
6. LAFCO 2003-03-1-Sphere of Influence Amendment (addition) to the City of Murrieta (Wildomar area) and Removal of Wildomar UC Designation.
7. LAFCO 2004-10-1-Reorganization to Include Concurrent Annexations to the City of Murrieta the Murrieta Community Services District (Subsidiary) and the Murrieta Fire Protection District (Subsidiary) and the Detachment from County Service Area 103 and the Riverside County Resources Management District.

Commissioner Buster stated that because of LAFCO's specific rules and policies, this matter was not concluded at the last meeting as previously assumed, therefore, this matter needed to be re-noticed. He expressed concern with splitting the community. He said he was not in agreement with that proposal because of the high assessments they were going to have to pay in the future. He proposed to assist the City of Murrieta financially to re-submit an annexation proposal for all the Wildomar area. He said that the County of Riverside will be saving money by doing this. He said that this will resolve one of the major issues he saw with this matter by allowing the entire area of Wildomar to have a vote on this issue. He said that this will take some time to see how everything was going to work. He said that all the elements were there for a successful outcome.

Commissioner Hird stated that Commissioner Buster had made a good point and he was in full support of his recommendation.

Commissioner Stone expressed support for Commissioner's Buster recommendation. He said that he believed that by all resources coming together, they could have a successful outcome. He also said that he was willing to help financially with this effort as well. He also said that he believed that this was a win-win situation for everyone involved. He suggested continuing this matter to allow them the necessary time to work out all the issues of concern. He said that Commissioner Buster's proposal was a wise one and that his recommendation will ultimately unite the community.

Commissioner Lowe said that they would like to know what was actually the proposal before she agreed to a continuance.

Commissioner Buster asked Mr. Spencer, of Muni Financial if the possibility of being able to help the City of Murrieta financially was viable. Mr. Spencer responded that it was not unusual in annexations for Counties and the annexing City to negotiate transfer of funds because there was not a statutory formula for the transfer of property tax.

Commissioner Stone stated that if the City of Murrieta annexed the entire area of Wildomar, The City was going to be providing levels of service commensurate with the City of Murrieta which had a price tag associated with it. He said that he was agreeable with going that route.

The Commission recessed at 9:30 a.m. and reconvened at 9:40 a.m.

Commissioner Henderson stated that she appreciated the amount of work Commissioner Buster had put into this project. Commissioner Henderson stated that she believed in the process, however, she believed that the issue that was before them should go to a vote and those folks who believe in the future of Wildomar as a City will be able to get out there and get 25% of the signatures needed. She said that the answer lied with the people who were going to be living and working with this issue in that community. She felt that the application that was before them was ready to move forward therefore, she was ready to make a decision at this time.

Commissioner Lowe stated that the only way she would agree to a continuance would be if the continuance had a specific time period.

Commissioner Stone proposed to have a sub-committee composed of the two County Supervisors, Mayor of Murrieta and appropriate staff members from the County and City, representatives from Wildomar and members of LAFCO staff to find out if collectively, they can come up with a package that will make a win-win situation for everyone. He said that he will partner with Commissioner Lowe and the rest of the appointees of the sub-committee to put a program together that will provide enough revenue for the City of Murrieta to give everyone in Wildomar the same level of services.

Commissioner Henderson commented that she still felt that a decision should be made today because enough time had already been spent on this issue.

Chair Jeffries asked Mr. Rank, Legal Counsel to comment on the issue of having members that were not part of the Commission on the sub-committee.

Mr. Rank stated that this Committee would be subject to the Brown Act and should be a noticed meeting.

Commissioner Lowe suggested appointing another member of the Commission along with the two County Supervisors. Commissioner Stone agreed with this suggestion. Commissioner Lowe suggested appointing Mr. Hird to that Ad-Hoc Committee. Commissioner Hird suggested appointing the Chair Jeffries.

After further discussion, Commission Lowe was appointed as the third Commissioner.

Commissioner Stone moved to appoint Commissioner Buster, Commissioner Lowe and himself to the Ad-Hoc Committee, along with the Mayor of Murrieta, City Manager of Murrieta, one representative from the Incorporation group and one representative from the pro-annexation group of Wildomar recommended by Supervisor Buster. Commissioner Buster recommended staff members of the City, County and LAFCO as advisors to the Committee. Commissioner Stone agreed and suggested using his Menifee Office to hold the meeting. Commissioner Stone also moved to continue this matter to March 24, 2005.

Moved (Stone) seconded (Buster) to continue the Wildomar Municipal Services and Initial Fiscal Review, LAFCO 2003-03-1-Sphere of Influence Amendment (addition) to the City of Murrieta (Wildomar area) and Removal of Wildomar UC Designation, LAFCO 2004-10-1-Reorganization to Include Concurrent Annexations to the City of Murrieta, the Murrieta Community Services District

(Subsidiary) and the Murrieta Fire Protection District (Subsidiary) and the Detachment from County Service Areas 103 and 142 and the Riverside County Waste Resources management District to *March 24, 2005* and to form an Ad-Hoc Committee composed of Commissioner Stone, Commissioner, Buster, Commissioner Lowe, the Mayor of Murrieta, one representative each of the WIN Committee and the ATM Committee chosen by Commissioner Buster and that staff representatives of the City of Murrieta, County of Riverside and LAFCO attend the meeting as advisors to the Ad Hoc Committee.

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8. LAFCO 2004-46-4-Extra Territorial Service Request-Valley Sanitary District.

Moved (Lowe) seconded (Stone) to continue LAFCO 2004-46-4-Extra Territorial Service Request-Valley Sanitary District to February 24, 2005.

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9. REPORT ON WATER SERVICE AGREEMENT BETWEEN CITY OF RIVERSIDE AND WESTERN MUNICIPAL WATER DISTRICT.

Moved (Lowe) seconded (Henderson) to continue Report on Water Service Agreement Between City of Riverside and Western Municipal Water District to February 24, 2005.

10. DELEGATION OF SELECTION OF CEQA CONSULTANT FOR MENIFEE VALLEY INCORPORATION.

Mr. Spiliotis presented the report.

Moved (Buster) seconded (Lowe) to approve the Delegation of Selection of CEQA Consultant for Menifee Valley Incorporation as recommended by staff.

7/0

11. POTENTIAL RECRUITMENT FOR PUBLIC MEMBER VACANCIES.

Moved (Lowe) seconded (Henderson) to reappoint Mr. Robert Hird to another term as the Public Member representative.

6/0 (Commissioner Hird abstained)

Chair Jeffries directed Mr. Spiliotis to advertise for the Alternate Public Member and stated that at the February meeting, he will appoint a Committee to evaluate and select an alternate public member to the LAFCO Commission.

12. MISCELLANEOUS STAFF REPORTS.

Mr. Fowler informed the Commission that staff was preparing to issue an RFP for the next three municipal services reviews. He said that it will be for the following areas: Southwest Riverside County: City of Temecula, and Murrieta and Menifee Valley. The Pass Area: Cities of Calimesa and Banning, Beaumont, communities of Cherry Valley and Cabazon. Central Valleys: Cities of San Jacinto, Hemet, Moreno Valley, Perris, and Romoland.

13. PUBLIC COMMENTS.

Gary Grant, 27068 Jarvis Street, Perris, CA. Mr. Grant expressed concern with the new members of the Board not being aware that Wildomar was a Community of Interest. Therefore, he urged the Commission to uphold the LAFCO policies.

The Commission recessed to Executive Session at 10:12 a.m.

14. 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:

The Commission reconvened at 10:30 a.m.

Mr. Rank, County Counsel reported that in the matter of Regency Outdoor Advertising, Inc. et al. vs. LAFCO, Case No. RIC 393 995, the Commission reviewed and approved a settlement agreement which was fully executed on that matter and all related matters involving the County of Riverside and the property in question.

- g. LAFCO 2004-41-2-Reorganization to Include Annexation 102 to the City of Corona and Concurrent Detachments from County Service Area 21 and the Riverside County Waste Resources Management District.

Chair Jeffries opened the public hearing.

Gary Bailey, 29595 Platino, Quail Valley, CA. Mr. Bailey asked when he might be able to obtain a copy of the executed settlement agreement. Mr. Rank responded that within a week, he will be able to obtain a copy from the Clerk of the Board.

Chair Jeffries closed the public hearing.

Moved (Lowe) seconded (Stone) to approve LAFCO 2004-41-2-Reorganization to Include Annexation 102 to the City of Corona and Concurrent Detachments from County Service Area 21 and the Riverside County Waste Resources Management District.

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15. ADJOURNED.

The Commission adjourned at 10:32 a.m.

Respectfully,

George J. Spiliotis
Executive Officer