

MINUTES
March 22, 2007

Present: Robin Lowe, Chair
Bob Buster
Terry Henderson
Robert E. Hird
John Tavaglione
Phil Williams

Absent: Ron Starrs

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

1.1 CALL TO ORDER AND SALUTE TO THE FLAG.

The meeting was called to order by Chair Lowe at 9:30

1.2 ROLL CALL.

2. APPROVAL OF MINUTES OF FEBRUARY 22, 2007

Minutes were approved as presented.

3. Consent (Non-Hearing Items):

There were no Consent items.

4. PUBLIC HEARINGS:

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

6. REQUEST FOR ONE-YEAR EXTENSION FOR THE WILDOMAR UC FIVE-YEAR REPORT.

Mr. Spiliotis presented the report.

Commissioner Henderson commented that if the MAC was in the process of preparing the incorporation documents and the information included in those documents was also useful in preparing the UC report why can they prepare both reports at the same time. Mr. Spiliotis responded that the UC Committee had only two volunteer members at this time and preparing both reports was not possible at this time.

Joe McCabbe, 35183 Portal Place, Wildomar. Mr. McCabbe stated that the reason they were asking for the extension was because they were down two members from the MAC and it was not feasible to complete both reports due to the shortage of members.

Moved (Buster) seconded (Hird) to approve the Request for One-Year Extension for the Wildomar UC Five-Year Report.

4/2 (Lowe and Henderson No) (Starrs absent)

Continued:

- a. LAFCO 2005-64-4-Reorganization to Include the Formation of Desert River Community Services District and Dissolution of County Service Areas 62 and 122. **(Continued from February 22, 2007; Staff recommends continuance to May 24, 2007).**

Moved (Henderson) seconded (Hird) to continue LAFCO 2005-64-4-Reorganization to Include the Formation of Desert River Community Services District and Dissolution of County Service Areas 62 and 122 to May 24, 2007.

6/0 (Starrs absent)

- b. LAFCO 2005-103-1-Consolidation of Elsinore Valley and Wildomar Cemetery Districts. **(Continued from January 25, 2007; Staff recommends continuance to April 26, 2007).**

Moved (Henderson) seconded (Hird) to continue LAFCO 2005-103-1-Consolidation to Elsinore Valley and Wildomar Cemetery Districts to April 26, 2007.

6/0 (Starrs absent)

- c. LAFCO 2006-22-1,3&5-Sphere of Influence Review and Potential Amendments-City of Perris and the Menifee Valley Unincorporated Community. **(Continued from October 26, 2006).**

Mr. Spiliotis presented the report. He further stated that the City's General Plan did not go beyond the current SOI and expansion would not be appropriate at this time. He said that staff was not in concurrence with the Waste Management Department's request to remove the former landfill site at this time. He said that there was no urgency because no near-term annexation activity was foreseen and removal of the landfill site would not make sense due to its central location in the SOI. He said that staff was recommending no changes at this time pending the City's response.

Commissioner Buster commented that he did not receive any comments regarding this matter; therefore, he was in support of the staff's recommendation.

Mr. Spiliotis said that there had not been any active annexations in that area for quite some time.

Commissioner Henderson expressed her disappointment regarding the City's non response.

Moved (Henderson) seconded (Hird) to determine that the current sphere of influence was adequate at this time and no change was required.

6/0 (Starrs absent)

NEW:

- d. LAFCO 2006-17-5-Sphere of Influence Review and Potential Amendments-City of Beaumont and the Cherry Valley Unincorporated Community.

Mr. Spiliotis presented the report and further stated that at this time only a technical modification was recommended to the City's sphere. He said that staff concurred with the County Waste Management Department's request to remove the remainder of the Lamb Canyon landfill site from the SOI. The Commission took a similar action when it removed the El Sobrante landfill site from the Corona/Riverside SOIs. He said that staff was also recommending a policy incorporated into the City's sphere requiring the City to consider land use designations and develop policies to promote compatible land uses in proximity to the landfill. He said that regarding future expansion areas, it was staff's position that it was premature for the Commission to address such areas until the acquisition was complete.

Chair Lowe opened the public hearing and there being no proponents or opponents wishing to speak the public hearing was closed.

Moved (Henderson) seconded (Hird) to amend the city's sphere to remove the three parcels that were part of the Lamb Canyon Landfill from the City's SOI, as depicted on the exhibit. Adopt the Statement of Determinations; and to facilitate the maximum use of limited landfill space, the City shall do the following prior to an annexation application being filed with the Commission for territory adjacent or in close proximity to the Lamb Canyon Landfill.

- a. Consult with the Riverside County Waste Management Department regarding compatibility issues and potential impacts of planned land uses on current and future landfill operations.
- b. Consider land use designations that are less likely to have a negative impact on current or future landfill operations and are less likely to be impacted by current or future landfill operations.
- c. Develop conditions and/or policies that will foster the long term use of the landfill site.

6/1 (Starrs absent)

Chair Lowe excused herself from the meeting and Commissioner Henderson Chaired Items e.f.g.h.

- e. LAFCO 2006-95-4-Sphere of Influence Review and Potential Amendments-Valley Sanitary District.

Ms. Romo presented the review report and further stated that staff was recommending that Valley Sanitary District's sphere be reduced to reflect the comprehensive service agreement between CVWD and VSD.

Acting Chair Henderson opened the public hearing and there being no proponents or opponents wishing to speak the public hearing was closed.

Moved (Hird) seconded (Williams) to amend the district's sphere to reflect the comprehensive service agreement between CVWD and VSD.
5/0 (Starrs absent) (Lowe not present)

- f. LAFCO 2006-96-5-Sphere of Influence Review and Potential Amendments-Mission Springs Water District.

Ms. Romo presented the review and stated that the current sphere of influence for Mission Springs Water District was consistent with the sphere amendment approved by the Commission in 1998. She said that upon review of the sphere of influence for MSWD, it was found that the sphere was adequate at this time for the provision of future services and no changes were recommended at this time.

Acting Chair Henderson opened the public hearing.

Arden Wallum, Mission Springs Water District, Desert Hot Springs, CA 92240. Mr. Wallum expressed his appreciation for staff's cooperation and collaboration and said that he was available for any questions.

Acting Chair Henderson closed the public hearing.

Moved (Hird) seconded (William) to determine that the current sphere of influence was adequate at this time and no change was required.
5/0 (Starrs absent) (Lowe not present)

- g. LAFCO 2006-97-4&5-Sphere of Influence Review and Potential Amendments-Desert Water Agency.

Ms. Romo presented the review and stated that upon review of the sphere of influence of DWA, it was found that the sphere was adequate at this time for the provision of future services.

Acting Chair Henderson opened the public hearing and there being no proponents or opponents wishing to speak the public hearing was closed.

Moved (Hird) seconded (William) to determine that the current sphere of influence was adequate at this time and no change was required.
5/0 (Starrs absent) (Lowe not present)

- h. LAFCO 2006-98-4&5- Sphere of Influence Review and Potential Amendments-Coachella Valley Water District.

Ms. Romo presented the review and stated that upon review of the sphere of influence for CVWD, it was found that the sphere was adequate at this time for the provision of future services.

Chair Henderson opened the public hearing.

Carmen Manriquez, 1515 Sixth Street, Coachella, CA 92236. Mr. Manriquez expressed his support for sphere review and said he was available for questions.

Acting Chair Henderson closed the public hearing.

Moved (Hird) seconded (William) to determine that the current sphere of influence was adequate at this time and no change was required.
5/0 (Starrs absent) (Lowe not present)

- i. LAFCO 2006-134-5-Reorganization to Include Annexation 32 to the City of Desert Hot Springs and Concurrent Detachment from the Riverside County Waste Resources Management District.

Mr. Fowler presented the proposal. Mr. Fowler stated that in their folders was a letter from Supervisor Ashley's Office supporting the proposal and a letter from the Fish and Wildlife Office requesting a 90-day continuance.

Acting Chair Henderson asked what did the Fish and Wildlife Office proposed to determine if the 90-day continuance was approved. Mr. Fowler responded that they were concerned with having habitats in the proposed annexation area that had not been mapped properly and would like to have the extension to study the area further.

Mr. Fowler stated that the other area that was of concern was Mission Creek Channel which was under the ownership of Riverside County Flood Control.

Commissioner Williams commented that at the time of future development Fish and Game concerns can be viewed, aired and addressed. He said he did not see any reason for continuing this proposal.

Acting Chair Henderson opened the public hearing

Steven Mendoza, Assistant City Manager, 65950 Pierson, Desert Hot Springs, CA 92240. Mr. Mendoza spoke in favor of the annexation proposal.

Yvonne Parks, Councilmember, 65877 Avenida Pico, Desert Hot Springs, CA 92240. Ms. Parks spoke in favor of the annexation proposal.

Gary Warner, 14080 Palm Dr., Desert Hot Springs, CA 92240. Mr. Warner spoke in favor of the annexation proposal.

Robert Mayer, 14080 Palm Dr., Ste. E., Desert Hot Springs, CA 92240. Mr. Mayer spoke in favor of the annexation proposal.

Acting Chair Henderson closed the public hearing.

Chair Lowe returned at 10:17 a.m.

Commissioner Henderson asked Mr. Fowler if he was comfortable with the comments provided by the Riverside County Flood Control. Mr. Fowler responded that the comments they provided were basically comments on standard things that they would usually comment on. Commissioner Henderson asked what kind of comments was he expecting from the Protest Hearing. Mr.

Fowler responded that the protest hearing was being held because the annexation proposal did not have 100% landowner consent. He said that condition d. of the staff report was requesting that the City of Desert Hot Springs enter into an agreement with the County of Riverside for the provision of Police and road maintenance services to the area.

Chair Lowe asked if this proposal needed to be continued. Mr. Fowler said that he was recommending that action on this proposal be taken today.

Moved (Henderson) seconded (Williams) to approve LAFCO 2006-134-5-Reorganization to Include Annexation 32 to the City of Desert Hot Springs and Concurrent Detachment from the Riverside County Waste Resources Management District as recommended by staff.

6/0 (Starrs absent)

j. Amendment to Commission's Conflict of Interest Code.

Mr. Spiliotis stated that changes to the Political Reform Act, Fair Political Practices Commission (FPPC) regulations and LAFCO positions required that the Commission's Code be updated and amended. He asked the Commission to adopt Resolution No. 32-07 which outlined all the changes.

Chair Lowe opened the public hearing and there being no proponents or opponents wishing to speak the public hearing was closed.

Moved (Henderson) seconded (Williams) to adopt Resolution No. 32-07 updating and amending the Commission's Conflict of Interest Code.

6/0 (Starrs absent)

5. RECEIVE AND FILE.

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

Moved (Henderson) seconded (Hird) to acknowledge receipt of the following proposals:

6/0 (Starrs absent)

- i. LAFCO 2007-14-4&5-Annexation to Cathedral City -Project Area 1.
- ii. LAFCO 2007-15-4-Annexation to Cathedral City - Project Area 2.
- iii. LAFCO 2007-16-5sphere of Influence Review and Potential Amendments - County Service Area 70 (Wagon Wheel/Perris).
- iv. LAFCO 2007-17-3sphere of Influence Review and Potential Amendments - County Service Area 38 (Pine Cove).
- v. LAFCO 2007-18-3-Sphere of Influence Review and Potential Amendments - County Service Area 108 (Minto Way/Sage).
- vi. LAFCO 2007-19-4-Sphere of Influence Review and Potential Amendments - Palo Verde Irrigation District.

- vii. LAFCO 2007-20-4-Sphere of Influence Review and Potential Amendments - Palo Verde Valley Library District.
 - viii. LAFCO 2007-21-3-Sphere of Influence Review and Potential Amendments - Idyllwild Fire Protection District.
 - ix. LAFCO 2007-22-ALL-Sphere of Influence Review and Potential Amendments - County Service Area 152.
 - x. LAFCO 2007-23-3-Sphere of Influence Review and Potential Amendments - County Service Area 36 (Idyllwild).
 - xi. LAFCO 2007-24-4-Sphere of Influence Review and Potential Amendments - County Service Area 122 (Mesa Verde).
 - xii. LAFCO 2007-25-4-Sphere of Influence Review and Potential Amendments - County Service Area 62 (Ripley).
 - xiii. LAFCO 2007-26-4-Sphere of Influence Review and Potential Amendments - County Service Area 51 (Desert Center / Lake Tamerisk).
 - xiv. LAFCO 2007-27-3&4-Sphere of Influence Review and Potential Amendments - County Service Area 153.
 - xv. LAFCO 2007-28-ALL-Sphere of Influence Review and Potential Amendments - Riverside County Regional Park & Open Space District.
 - xvi. LAFCO 2007-29-ALL-Sphere of Influence Review and Potential Amendments - Riverside County Flood Control District.
 - xvii. LAFCO 2007-30-1,2,3 &5-Sphere of Influence Review and Potential Amendments - Metropolitan Water District of Southern California.
 - xviii. LAFCO 2007-31-4-Annexation to the City of Indio (Citrus Ranch).
 - xix. LAFCO 2007-32-2-Sphere of Influence Amendment to the City of Lake Elsinore (addition) and Concurrent Annexations to the City of Lake Elsinore and Elsinore Valley Municipal Water District (Christensen).
 - xx. LAFCO 2007-33-5-Annexation to the City of Moreno Valley (Inland).
 - xxi. LAFCO 2007-34-5-Annexation to the City of Moreno Valley (Curtis Development).
- b. MONTHLY EXPENDITURE REVIEW.

Moved (Henderson) seconded (Hird) to receive and file the Monthly Expenditure Review report.
6/0 (Starrs absent)

7. ADOPTION OF RESOLUTION CHANGING COMPENSATION FOR EXECUTIVE OFFICER.

Moved (Henderson) seconded (Williams) to adopt Resolution Changing Compensation for Executive Officer.

6/0 (Starrs absent)

8. MISCELLANEOUS STAFF REPORTS.

There were no miscellaneous staff reports.

9. PUBLIC COMMENTS.

Gina Castanon, WIN, Wildomar, CA 92595. Ms. Castanon requested the Commission to consider her request of having a special meeting for incorporation between the May 24 LAFCO Meeting and the June 26th Board of Supervisors Meeting which will be the last day to call for an election. She said that the request was made in light of the fact that the Executive Officer of LAFCO recently found out about the 130-day minimum to call for an election versus the 117 days that he had told them previously. She said that this caused him to revise the incorporation schedule and subsequently, the new schedule did not allow for a second LAFCO Hearing in case one was needed.

Chair Lowe said that due to the Brown Act the Commission was not allowed to discuss this matter at this hearing; however, she said that she will discuss this matter with the Executive Officer.

10. ADJOURNMENT.

The Commission adjourned at 10:26 a.m.

Respectfully,

George J. Spiliotis
Executive Officer