

MINUTES
October 23, 2008

Present: Robin Lowe
Bob Buster
Terry Henderson
Robert E. Hird
Russell Kitahara
John Tavaglione

Absent: Phil Williams

Present Staff: George J. Spiliotis, Executive Officer
Crystal Craig, Local Government Analyst II
Adriana Romo, Local Government Analyst II
Elena G. 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 Vice Chair Tavaglione at 9:39 p.m.

1.2 ROLL CALL.

2. APPROVAL OF MINUTES OF SEPTEMBER 18, 2008.

The minutes were approved as presented.

3. Consent (Non-Hearing Items):

a. LAFCO 2008-15-3-Annexation 69 to County Service Area 69.

Moved (Henderson) seconded (Lowe) to approve LAFCO 2008-15-3-Annexation 69 to County Service Area 69 as recommended by staff.
6/0 (Williams not present)

4. PUBLIC HEARINGS:

Continued:

There were no continued items.

New:

- a. LAFCO 2008-07-2-Reorganization to Include Annexation 108-A to the City of Corona and Detachments from the Riverside County Waste Resources Management District and County Service Area 135 (Includes annexation to the City of Corona Lighting Maintenance District No. 2003-1).

Ms. Adriana Romo presented the proposal as outlined in the staff report.

Vice Chair Tavaglione opened the public hearing.

The following persons spoke in favor of the annexation proposal.

Eugene Montanez, City Councilman, City of Corona, P. O. Box 940, Corona, CA 92878-0940. Mr. Montanez expressed his support for the annexation proposal.

Dean Van Leewen, 7120 Calico Circle, Corona, CA 92881.

The following persons spoke in opposition to the annexation proposal.

Shirley Sawyer, 19570 Carmelita Avenue, Corona, CA 92881.

Fred Stonestreet, 8180 Santa Rita Street, Corona, CA 92881.

JoeAnn Jones, 7329 Calico Circle, Corona, CA 92881.

Mr. Spiliotis clarified that the proposed annexation was only for the existing residential development in the area and the annexation will have no impact on the development in the surrounding area.

Garry Grant, 2780 Jarvis Street, Perris, CA 92570.

Vice Chair Tavaglione clarified that the area bounded in red was the area being considered for annexation. He further stated that the area was fully inhabited. He said that there was no new developing occurring in the annexation area and there was no change in zoning as well.

Alice Wiley, 7142 Calico Circle, Corona, CA 92881.

Gordon Eno, 18870 Consul Avenue, Corona, CA 92881.

Mary Leatherman, 18889 Grovewood Drive, Corona, CA 92881.

Paula Meservy, 7156 Calico Circle, Corona, CA 92881.

The Vice Chair closed the public hearing.

Commissioner Buster stated that the City was not going to benefit from the proposed residential annexation. He said that the City was annexing the area as a previously agreed condition to annex that area from a previously approved annexation. Commissioner Buster restated that the City was not the one who was trying to annex the area but was a condition from a previous annexation.

Commissioner Henderson said that LAFCO was in essence a body that allowed the process to move to the next step and without this process there would never be a vote and there would never be the opportunity for anyone to express their opinion. Commissioner Henderson stated that the way she read the report was that ultimately through protest proceedings the fate of the annexation would be determined by the registered voters who will have the opportunity to vote on the proposed annexation. Commissioner Henderson said that they had not approved the annexation but had approved the process that will allow them to have the right to vote for the annexation.

Commissioner Hird expressed his support for the annexation to go through the process of allowing the voters to express their wishes.

Vice Chair Tavaglione stated that he did not participate in the initial annexation of the commercial piece. Vice Chair Tavaglione stated that LAFCO was responsible for ensuring uniformity in boundaries and most importantly efficiency in services. Vice Chair Tavaglione stated that the voters will be given an opportunity to express their wishes through the protest hearing process. Vice Chair Tavaglione expressed his support for approving the annexation.

Moved (Tavaglione) seconded (Hird) to approve LAFCO 2008-07-2-Reorganization to Include Annexation 108-A to the City of Corona and Detachments from the Riverside County Waste Resources Management District and County Service Area 135 (Includes annexation to the City of Corona Lighting Maintenance District No. 2003-1).

6/0 (Williams absent)

- b. LAFCO 2008-09-4-Sphere of Influence Amendments (addition) to the City of Cathedral City and the Cathedral City Community Services District (Subsidiary) (**Applicant requests and staff recommends continuance to May 28, 2009**).

Moved (Henderson) seconded (Hird) to continue LAFCO 2008-09-4-Sphere of Influence Amendments (addition) to the City of Cathedral City and the Cathedral City Community Services District (Subsidiary) to May 28, 2009.

6/0

- c. LAFCO 2008-10-4-Sphere of Influence Amendments (additions) to the City of Cathedral City and the Cathedral City Community Services District (subsidiary) and Concurrent Annexations to the City of Cathedral City and the Cathedral City Community Services District (subsidiary) and Detachment from the Riverside County Waste Resources Management District.

Ms. Crystal Craig presented the proposal as outlined in the staff report.

Vice Chair Tavaglione opened the public hearing.

Leisa Lukes, 68-700 Avenida Lalo Guerrero, Cathedral City, CA 92234. Ms. Lukes expressed her support for the annexation and stated that she was available for questions.

Vice Chair Tavaglione closed the public hearing.

Moved (Hird) seconded (Henderson) to approve LAFCO 2008-10-4-Sphere of Influence Amendments (additions) to the City of Cathedral City and the Cathedral City Community Services District (subsidiary) and Concurrent Annexations to the City of Cathedral City and the Cathedral City Community Services District (subsidiary and Detachment from the Riverside County Waste Resources Management District.

6/0 (Williams absent)

- d. LAFCO 2008-13-3-Reorganization to Include Annexation 75 to the City of San Jacinto and Concurrent Detachment from the Riverside County Waste Resources Management District.

Ms. Crystal Craig presented the proposal as outlined in the staff report.

Vice Chair Tavaglione opened the public hearing.

John Freiman, Planning Consultant, City of San Jacinto, 166 E. Main Street, Suite 2, San Jacinto, CA 92583. Mr. Freiman gave a brief history of how the annexation fit in with future proposals and expressed his support for the annexation.

Chris Carlson, City Councilwoman, City of San Jacinto, 166 E. Main Street, Suite 2, San Jacinto, CA 92583. Ms. Carlson expressed her support for the annexation and LAFCO's recommendation.

Vice Chair Tavaglione closed the public hearing.

Moved (Hird) seconded (Henderson) to approve LAFCO 2008-13-3-Reorganization to Include Annexation 75 to the City of San Jacinto and Concurrent Detachment from the Riverside County Waste Resources Management District.

6/0 (Williams absent)

5. RECEIVE AND FILE:

- a. Information Items: Proposals Received (Government Code Section 56857, 56751):
 - i. LAFCO 2008-18-2-Reorganization to Include the Incorporation of Eastvale and Detachment from the Jurupa Area Recreation and Park District.
 - ii. LAFCO 2008-19-2- Reorganization to Include Annexation 109 to the City of Corona and Detachment from the Riverside County Waste Resources Management District.

b. LAFCO Monthly Expenditure Review.

Moved (Tavaglione) seconded (Henderson) to receive and file items 5.a. and 5.b.
6/0 (Williams absent)

6. PROVISION OF SERVICES BY MISSION RESOURCE CONSERVATION DISTRICT (RCD) WITHIN ELSINORE-MURRIETA-ANZA RCD BOUNDARIES.

Mr. Spiliotis stated that this item was an issue raised at the last meeting during public comments by Vicki Long, who is on the Board of the Elsinore-Murrieta-Anza RCD. Mr. Spiliotis said basically, that it was a dispute between the Mission RCD which was located in the northern San Diego County and Elsinore-Murrieta-Anza RCD regarding the provision of services by Mission RCD under an agreement with the U. S. Army Corps of Engineers within the Santa Margarita Watershed. He said that some of the services were provided to Riverside County outside of their district and within the boundaries of the Elsinore-Murrieta-Anza RCD. Mr. Spiliotis stated that Elsinore-Murrieta-Anza RCD would like for those services to stop. He said that LAFCO's position was that there was an agreement between Mission RCD and the U.S. Army Corps that pre-dates LAFCO's authority over providing extra territorial services. Mr. Spiliotis stated that the agreement had a ten-year term that will end early next year, February, 2009. Mr. Spiliotis stated that at this point, Mission RCD would be required to receive LAFCO approval to extend service by contract or agreement outside its jurisdictional boundaries. He further stated that under Government Code Section 56133, LAFCO can authorize extra-territorial services only when the subject territory is within the agency's sphere of influence and in anticipation of a future annexation. Since the area was not within the SOI of Mission RCD, LAFCO could not approve such services. Mr. Spiliotis stated that it was basically a dispute between the two districts and it was his opinion that the two districts should work out on their own. Mr. Spiliotis stated that Mission RCD asked that the matter be continued to the December 4th meeting to allow them time to review all correspondence that had been presented to date. Mr. Spiliotis stated that there was nothing for the Commission to act on at this point.

Commission Tavaglione asked Mr. Spiliotis to elaborate on the history of the agreement between U. S. Army Corps of Engineers and Mission RCD. Mr. Spiliotis stated that up to 2001, agreements between public agencies to provide services outside the local agencies boundaries, there were no restrictions. He said that LAFCO did not have to review or grant approval of those agreements between the agencies. He said in this case the agreement itself was grandfathered in. Mr. Spiliotis once again stated that there was no action to take on the part of the Commission.

Vice Chair Tavaglione stated that there were two speakers who wanted to speak on this matter.

Pam Nelson, President of EMARCD, 23905 Clinton Keith Road #114-165, Wildomar, CA 92595. Ms. Nelson stated that LAFCO should address the fact that Mission RCD was working and taking away from Elsinore-Murrieta-Anza RCD opportunities to provide services to Riverside County. She asked that LAFCO make a recommendation that Mission RCD should cease working in their

district when the 2009 contract expires and this should end LAFCO's involvement.

Vicky Long, 40390 Via Caballos, Murrieta, CA 92562. Ms. Long stated that she had come to the LAFCO Commission to seek help because their district did not want to end up in court over this matter. Ms. Long felt that Mission RCD should respect their boundaries and the wishes of their board. She said that this had not taken place therefore, further action needed to be taken. Ms. Long stated that basically was a district boundary dispute which was costing the district a lot of money and asked the LAFCO Commission for any help they might be able to provide.

Commissioner Henderson asked for clarification regarding the extension of services for Mission RCD. Mr. Spiliotis said that Mission RCD would have to request from LAFCO an authorization to provide services outside their boundaries. He said that under current law LAFCO would not be able to grant that request. Commissioner Henderson said that in four months the agreement will no longer exist; therefore, there would be no need to pay for any legal fees.

Commissioner Lowe asked for clarification regarding the funding for the Executive Director and Ms. Long stated that it was a donation. Commissioner Lowe stated that basically they were a volunteer organization that had no tax base. Ms. Long responded in the affirmative. Ms. Long stated that the district was funded from the services the district provided. Commissioner Lowe asked what type of services the district provided. She responded that they provided mitigation services for developers, were working with the U.S. Army Corps on easements, and had now received monies to purchase 75 acres of mitigation banks.

Judith Mitchell, representative of the Mission RCD. Ms. Mitchell clarified some of the issues discussed above and stated that the district had not done any work in the EMA RCD since 2007. She said that they would like to come back in December mainly to clarify a lot of the mis-statements. She said that they had not been cherry picking. She said that they did not use funds except for mitigation and it was for weed management. She apologized and thanked the Commission for having to bring this matter before them.

Mr. Rank stated that his office had monitored the Elsinore-Murrieta-Anza RCD for a number of years and the district was basically considered dormant. He said that the Auditor-Controller had asked County Counsel to do something with the district because there was no funding or activity in the district. Mr. Rank stated that all the activity being discussed today had occurred in the recent past and up until that time it was considered up for dissolution more than once. Mr. Rank stated that what the Commission was looking at now was a new state of affairs.

After further discussion, Vice Chair Tavaglione stated that he did not see any need for a continuance and moved to receive and file this item with the direction that once February occurs and the agreement expires there will be no action to take. Mr. Spiliotis stated that unless an application is submitted there will be no action on the part of the Commission to take.

Moved (Tavaglione) seconded (Lowe) to receive and file the correspondence submitted by the agencies.
6/0 (Williams absent)

7. REVIEW OF COMMISSION PER DIEM AND EXPENSE REIMBURSEMENT POLICY.

Mr. Spiliotis presented the report as outlined in the staff report.

Commissioner Lowe expressed concern regarding the difference in per diem amounts.

Commissioner Lowe stated that members of the LAFCO Commission represented LAFCO in an official capacity; therefore, they should be compensated as in any other committees.

Mr. Spiliotis said that a motion was needed to amend item number 9. of the report to include a \$60 per diem as well as expenses.

Moved (Buster) seconded (Hird) to approve the Reimbursement Policy with the amendment of item no. 9 to include a \$60 per diem as well as expenses. Everything else remains the same.
6/0

8. STATUS REPORT ON LOCAL AGENCY SHARE FOR FY 2008-09.

Ms. Romo presented the report as outlined in the staff report and stated that the report was for information purposes only and that no action was needed at this time. Ms. Romo also stated that staff will report back to the Commission at the December meeting with an update.

9. MISCELLANEOUS STAFF REPORTS.

There were no miscellaneous staff reports.

10. PUBLIC COMMENTS.

Garry Grant, 27048 Jarvis St., Perris, CA 92570. Mr. Grant discussed the responsibility of the Commission to oversee the voting process and be fair to the citizens of Riverside County.

The Commission recessed to executive session at 11:25 a.m.

11. 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. **Gerard Ste. Marie v. Riverside Local Agency Formation Commission, et al.**
Riverside County Superior Case No. RIC 500152

b. Performance Evaluation: Executive Officer.

The Commission reconvened at 11:40 a.m. and Mr. Rank stated that there was nothing to report.

12. ADJOURNMENT.

The Commission adjourned at 11:41 a.m.

Respectfully submitted,

George J. Spiliotis
Executive Officer