

**MINUTES**  
**September 18, 2008**

Present: Phil Williams  
Robin Lowe  
Bob Buster  
Terry Henderson  
Stephen Tomanelli  
Russell Kitahara  
John Tavaglione

Absent: Robert Hird

Present Staff: George J. Spiliotis, Executive Officer  
Crystal Craig, Local Government Analyst II  
Elizabeth R. Solander, LAFCO Secretary  
Pam Walls, Legal Counsel

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

The meeting was called to order by Chair Williams at 1:38 p.m.

**1.2 ROLL CALL.**

**2. APPROVAL OF MINUTES OF JULY 24, 2008.**

Moved (Henderson) seconded (Lowe) to approve the minutes as presented.  
6/0 (Buster not present)

**3. Consent (Non-Hearing Items):**

- a. LAFCO 2008-11-4-Reorganization to Include Annexation 44 to County Service Area 121.

Moved (Lowe) seconded (Henderson) to approve LAFCO 2008-11-4-Reorganization to Include Annexation 44 to County Service Area 121 as recommended by staff.  
6/0 (Buster not present)

- b. LAFCO 2008-12-3-Annexation 26 to County Service Area 145.

Moved (Lowe) seconded (Henderson) to approve LAFCO 2008-12-3-Annexation 26 to County Service Area 145 as recommended by staff.  
6/0 (Buster not present)

**4. PUBLIC HEARINGS:****Continued:**

- a. LAFCO 2007-31-4-Reorganization to Include Annexation 86 to the City of Indio (Citrus Ranch) and Concurrent Detachment from the Riverside County Waste Resources Management District. **(Continued from July 24, 2008; staff recommends continuance to December 4, 2008).**

Mr. Spiliotis presented this proposal. He stated that settlement negotiations have broken off in the water related litigation and that it is going to trial.

Moved (Henderson) seconded (Tavaglione) to continue LAFCO 2007-31-4-Reorganization to Include Annexation 86 to the City of Indio (Citrus Ranch) and Concurrent Detachment from the Riverside County Waste Resources Management District to December 4, 2008 as recommended by staff.

6/0 (Buster not present)

Commissioner Buster arrived at 1:40 p.m.

- b. LAFCO 2007-73-3-Sphere of Influence Amendments to the City of Canyon Lake (removal) and County Service Area 145 (addition) and Reorganization to Include Detachment from the City of Canyon Lake and Concurrent Annexation to County Service Area 145.

Mr. Spiliotis presented this proposal and stated that there is an issue with where the boundary will be relative to the realigned roadway. He also said the proposal will have to be modified to include annexation to the City of Menifee.

Moved (Henderson) seconded (Kitahara) to continue LAFCO 2007-73-3-Sphere of Influence Amendments to the City of Canyon Lake (removal) and County Service Area 145 (addition) and Reorganization to Include Detachment from the City of Canyon Lake and Concurrent Annexation to County Service Area 145 to January 22, 2009 as recommended by staff.

7/0

**New:**

- c. LAFCO 2008-08-4-Reorganization to Include Annexation 87 to the City of Indio (Date Palm Oasis) and Concurrent Detachment from the Riverside County Waste Resources Management District.

Ms. Craig presented this proposal. She indicated the parcel immediately west of this proposal was not included, creating a gap in the boundaries. The recommendation is to continue the proposal to January in order to have the applicant work with the City to modify the proposal to bring in the adjacent parcel. She stated that the adjacent landowner, Mr. Milliken, is now in favor of his parcel bring annexed to the City of Indio.

Chair Williams opened the public hearing.

Sean Moore, City of Indio spoke in favor of the annexation. He stated he was surprised by the staff report and that the City is prepared to come back to the Commission with a revised application to include the Milliken parcel. He asked that the Commission waive the additional fees if they bring back the revised application.

Mr. Milliken, stated that he is willing to work with Mr. Clark and the City to amend the application to include his parcel.

Chair Williams closed the public hearing.

Commissioner Buster stated that the City should know LAFCO policy to not leave parcels out of annexations and that if the landowner does not want to pay the additional fees then the City should pay the fees.

Commissioner Lowe concurred with Commissioner Buster's comments.

Moved (Lowe) seconded (Tomanelli) to continue LAFCO 2008-08-4-Reorganization to Include Annexation 87 to the City of Indio (Date Palm Oasis) and Concurrent Detachment from the Riverside County Waste Resources Management District to January 22, 2009 and to direct the applicant and the City to revise the current application to include the Milliken parcel.

7/0

#### **5. RECEIVE AND FILE:**

a. Information Items: Proposals Received (Government Code Section 56857, 56751):

- i. LAFCO 2008-16-4-Annexation 3 to County Service Area 122.
- ii. LAFCO 2008-17-4- Reorganization to Include Annexation 60 (Villa Palmeras) to the City of Coachella, the Coachella Fire Protection District (subsidiary) and the Coachella Sanitary District (subsidiary) and Detachments from County Service Area 125, the Riverside County Waste Resources Management District and the Coachella Valley Water District.

b. LAFCO Monthly Expenditure Review.

Moved (Lowe) seconded (Henderson) to receive and file items 5.a. and 5.b.

7/0

#### **6. REQUIREMENT TO CONSIDER ENVIRONMENTAL JUSTICE.**

Mr. Spiliotis presented this item. He stated that the Commission requested additional information at the last meeting. He said that LAFCO will consider this factor when it positively or negatively impacts environmental justice.

Commissioner Buster spoke about how it is interpreted and the relationship to state law and federal law.

Mr. Spiliotis spoke about the possible origins of the legislation being a city in the Central Valley refusing to annex a low income area when they it to annex.

Commissioner Henderson stated that it seems that LAFCO has been already doing this.

Commissioner Lowe stated that there was an issue of environmental justice when there was an expansion of LAX and how it didn't have anything to do with the issue. She said that LAFCO has always been fair to the community.

#### **7. REVIEW OF CONFLICT OF INTEREST CODE.**

Mr. Spiliotis stated that the Conflict of Interest Code is required to be reviewed bi-annually and that there are no changes that are needed.

Garry Grant, 27048 Jarvis St., Perris, CA 92570. Mr. Grant referenced an article that he presented to the Commission. He expressed his concerns about money that is given to public officials and the integrity of those officials.

Moved (Henderson) seconded (Tavaglione) that there is no amendment required to the Commission's Conflict of Interest Code and that the Executive Officer is directed to notify the Board of Supervisors of the determination.

7/0

#### **8. CALAFCO ISSUES (ORAL REPORT).**

Mr. Spiliotis presented this item. He said that there is an issue with representation of CALAFCO Executive Board. He said that since a majority of the Board is made up of northern California members having only one or two from southern California. He said there was a meeting held with southern California LAFCOs to discuss some of these issues.

Commissioner Henderson said there was concern amongst southern California LAFCOs and that there is very little representation to express those concerns. She said they discussed reporting the issues to each Commission of the LAFCOs that were in attendance to see if they were in support of any efforts that will be made.

Commissioner Lowe said it was difficult to serve on the Board and there was a majority vote for northern California issues. She also said that southern California commissioners were not able to get on the Board. She said that the Orange LAFCO Executive Officer will write a letter to the CALAFCO Board and request that a task force be formed to review the issues of representation.

Commissioner Buster said that we are still all one state and we need to have people that want to serve so there is equitable representation.

Mr. Spiliotis said that there are fewer people from southern California willing to run for the Board.

Commissioner Lowe said that nominations are now being made through the CALAFCO Board.

Mr. Spiliotis clarified that nominations can still be made on the floor of the meeting. He also said that CALAFCO has improved through the years, but that board representation and the direction that CALAFCO is taking LAFCO's in terms of its scope of review.

#### **9. MISCELLANEOUS STAFF REPORTS.**

Mr. Spiliotis said that Joe Rank, Commissioner Kitahara and himself attended the CALAFCO Annual Conference. He reported that there was a lot of discussion regarding increasing the roles of LAFCO regarding land use planning.

Mr. Kitahara said that the conference was a learning experience.

#### **10. PUBLIC COMMENTS.**

Garry Grant, 27048 Jarvis St., Perris, CA 92570. Mr. Grant continued his discussion about contributions being made to public officials and the influence it may have on their decisions they make.

Commissioner Tavaglione stated that on the LAFCO board that they must conflict out if they receive a contribution of more than \$250.00. He said that other boards may not have to.

Chair Williams said that they are required to file a Form 700 for all boards.

Mr. Grant said that he wishes that an investigation would be held to be sure that they are adhering to what they report.

Ms. Walls clarified that there is a Fair Political Practices Commission and the laws that LAFCO has to follow regarding contributions.

Vicki Long, Elsinore-Murrieta-Anza Resource Conservation District, 40390 Via Caballos, Murrieta, CA 92562. Ms. Long expressed concern over Mission Resource Conservation District providing services within Elsinore-Murrieta-Anza Resource Conservation District's boundaries.

Mr. Spiliotis provided the Commission with background to the issue.

The Commission decided to put this issue on the October agenda.

#### **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

Chair Williams stated that there was nothing to discuss and no need to go into executive session.

**12. ADJOURNMENT.**

The Commission adjourned at 2:37 p.m.

Respectfully submitted,

George J. Spiliotis  
Executive Officer