

**MINUTES**  
**February 26, 2009**

Present: Bob Buster  
Phil Williams  
Terry Henderson  
Robert Hird  
Robin Lowe  
John Tavaglione  
Nancy Wright

Absent: Russell Kitahara

Present Staff: George J. Spiliotis, Executive Officer  
Adriana Romo, Local Government Analyst II  
Crystal Craig, Local Government Analyst II  
Elena G. Medina, Executive Assistant II  
Pam Walls, Legal Counsel

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

The meeting was called to order by Vice Chair Buster at 9:35 a.m.

**1.2 ROLL CALL.**

**2. APPROVAL OF MINUTES OF JANUARY 29, 2009.**

Moved (Hird) seconded (Henderson) to approve the minutes as presented.

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

There were no consent items.

**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. **(Staff recommends continuance to April 23, 2009).**

Moved (Wright) seconded (Williams) 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 April 23, 2009.

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- b. 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 and the Riverside County Waste Resources Management District and the Coachella Valley Water District. **(Continued from January 29, 2009).**

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

Moved (Hird) seconded (Lowe) to approve 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 and the Riverside County Waste Resources Management District and The Coachella Valley Water District.

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**NEW:**

- c. LAFCO 2008-19-2- Reorganization to Include Annexation 109 to the City of Corona and Detachment from the Riverside County Waste Resources Management District.

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

Chair Buster opened the public hearing.

Terri Manuel, Planning Mgr. City of Corona, 400 Vicentia, Corona, CA 92882. Ms. Manuel expressed her support for the annexation and urged the Commission to approve the annexation as recommended by staff.

Chair Buster closed the public hearing.

Moved (Tavaglione) seconded (Henderson) to approve LAFCO 2008-19-2-Reorganization to Include Annexation 109 to the City of Corona and Detachment from the Riverside County Waste Resources Management District.

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**5. RECEIVE AND FILE:**

- a. Information Items: Proposals Received (Government Code Section 56857, 56751):
- i. LAFCO 2009-01-3-Reorganization to Include Annexation 77 (Country Lake/San Jacinto Avenue) to the City of San Jacinto and Detachments from the City of San Jacinto and Riverside County Waste Resources Management District.

b. LAFCO Monthly Expenditure Review.

Moved (Henderson) seconded (Williams) to receive and file 5.a. Information Items and 5.b. Monthly Expenditure Review.  
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**6. APPOINTMENT OF PUBLIC MEMBER AND RECRUITMENT OF ALTERNATE PUBLIC MEMBER.**

Moved (Buster) seconded (Lowe) to appoint Commissioner Williams and Commissioner Henderson to an Ad Hoc Committee to review and interview the applicants for the Alternate Public Member vacancy. Also, the Commission moved to approve the application for Alternate Public Member as presented to the Commission  
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**7. Cancellation of March Meeting.**

Mr. Spiliotis stated that there was no pending proposals requiring action for the March meeting.

Moved (Williams) seconded (Lowe) to cancel the March meeting.  
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**8. STATUS REPORT ON CALAFCO ISSUES.**

Mr. Spiliotis stated that he had reported to the Commission discussions that had occurred among the Southern California LAFCOs regarding representation on the CALAFCO Board of Directors. He said that the CALAFCO Board had asked the Southern California LAFCOs to explore various models of representation and provide them with their report for further discussion at the Board's Annual Retreat and subsequent meeting in February. He further stated that in January, representatives from six LAFCOs had met in Riverside to discuss the various models. He said that at the meeting it was decided to adopt a variation of the California Special Districts Association (CSDA) model to present to the CALAFCO Directors for discussion at its annual retreat in Irvine on February 12<sup>th</sup> and at its formal meeting the following day. Mr. Spiliotis stated that the Board expressed opposition and very little support for the regional model at the retreat; however, at the Board of Director's meeting the following day a consensus was reached. He said that the Board directed the Recruitment Committee to actively seek candidates from all areas to address the geographic diversity concern in the near term. He said that the Board created an ad hoc Advisory Committee to assist the Recruitment Committee in that effort. Mr. Spiliotis also reported that the CALAFCO Board had also created an ad hoc Committee to develop a by-laws amendment aimed at improving geographic diversity on a permanent basis. The by-laws change would be presented to the membership at the 2009 Annual Conference in October. He said that in order for the amendment to be voted on in the fall, the committee had to develop the regional model and the associated by-laws amendment for action by the Board at its May meeting.

Mr. Spiliotis stated that he will continue to keep the Commission informed of this effort as new things develop.

9. **REQUEST FOR WAIVER OF FISCAL IMPACT REPORT REQUIREMENT FOR LAFCO 2009-01-3-REORGANIZATION TO INCLUDE ANNEXATION 77 (COUNTRY LAKE/SAN JACINTO AVENUE) TO THE CITY OF SAN JACINTO AND DETACHMENTS FROM THE CITY OF SAN JACINTO AND THE RIVERSIDE COUNTY WASTE RESOURCES MANAGEMENT DISTRICT.**

Mr. Spiliotis stated that the proposal itself was to improve boundaries and the City of San Jacinto had been previously asked to take some territory. He said that staff was in concurrence of waiving the Fiscal Impact Requirement.

Moved (Henderson) seconded (Hird) to approve the Request for Waiver of Fiscal Impact Report Requirement for LAFCO 2009-01-3-Reorganization to Include Annexation 77 (Country Lake/San Jacinto Avenue) to the City of San Jacinto and Detachments from the City of San Jacinto and the Riverside County Waste Resources Management District.

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10. **REQUEST FOR WAIVER OF APPLICATION FEES FOR LAFCO 2009-01-3-REORGANIZATION TO INCLUDE ANNEXATION 77 (COUNTRY LAKE/SAN JACINTO AVENUE) TO THE CITY OF SAN JACINTO AND DETACHMENTS FROM THE CITY OF SAN JACINTO AND THE RIVERSIDE COUNTY WASTE RESOURCES MANAGEMENT DISTRICT.**

Mr. Spiliotis stated that staff was recommending a 50% reduction in application and any protest proceeding fees.

Moved (Hird) seconded (Lowe) to approve a 50% reduction in application and any protest proceeding fees as recommended by staff for LAFCO 2009-01-3-Reorganization to Include Annexation 77 (Country Lake/San Jacinto Avenue) to the City of San Jacinto and Detachments from the City of San Jacinto and the Riverside County Waste Resources Management District.

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11. **RESERVE POLICY.**

Mr. Spiliotis stated that up to this point the Commissioner had not had a Reserve Policy. Mr. Spiliotis stated that the Administrative Committee had discussed this issue a couple of times before. He said that what was being recommended to the Commission at this point was to establish a reserve fund for unforeseen expenses or fiscal crisis. He further stated that the amount traditionally appropriated for contingency, \$50,000, will be divided equally between an annual appropriation for contingency and an undesignated reserve fund. The undesignated reserve fund shall be allowed to accumulate to 10 percent of estimated annual operations. He also stated that any expenditure of the reserves shall require a majority vote of the Commission to appropriate reserve funds into a specified operating account or accounts.

Moved (Williams) seconded (Tavaglione) to approve the Reserve Policy as recommended in the report by staff.

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**12. REQUEST FROM CITY OF TEMECULA - ALTERNATE MEETING LOCATION FOR MAY MEETING.**

Mr. Spiliotis stated that the City of Temecula had submitted an application to include in their sphere the Santa Margarita Area. He said that the City believed that this proposal will generate significant public interest; therefore, it was requesting that the hearing be held in the City of Temecula area.

Mr. Spiliotis further commented that the Commission had occasionally met in a different location other than the County Board of Supervisors' meeting room when there has been a proposal of special local interest.

Jeff Comerchero, Mayor Pro Temp, P. O. Box 9033, City of Temecula, CA 92589-9033. Mr. Comerchero expressed his support for holding the May LAFCO Meeting in the Temecula area. Mr. Comerchero stated that they had located two available venues to possibly hold the meeting, the Pechanga facility and Rancho Community Church.

Commissioner Henderson expressed that the May meeting fell on the same day the League of Cities was holding their meeting and it was important to consider this matter before proceeding with this item.

Commissioner Lowe stated that the Commission had received a letter from Save Our Desert and they had requested that the Temecula meeting be held in the Coachella Valley. She also commented that this letter needed to be addressed as well.

Commissioner Henderson commented that the Temecula proposal was viewed as a regional matter and this was the reason for this request.

Chair Buster opened the public hearing.

Don Swift, 32071 Corte Bonilio, Temecula, CA 92592. Mr. Swift expressed his request in favor of holding the May LAFCO meeting in the City of Temecula area.

Cliff Hewlett, 42890 Calle Corto, Temecula, CA 92590. Mr. Hewlett expressed his support in favor of holding the May LAFCO meeting in the City of Temecula area.

Karen Hintze, 42850 Larry Lee Lane, Temecula, CA 92592. Ms. Hintze expressed her request in favor of holding the May LAFCO meeting in the City of Temecula area.

Fred Hayes, P. O. Box 130, Temecula, CA 92593. Mr. Hayes expressed his request in favor of holding the May LAFCO meeting in the City of Temecula area.

Kathleen Hamilton, 42626 De Luz, Temecula, CA 92590. Ms. Hamilton stated that she was in favor of holding the May LAFCO meeting in the City of Temecula area.

Jerri Arganda, 4747 Oakcrest Road, #44, Fallbrook, CA 92028. Mr. Arganda just wanted to be on record as being in favor of holding the May LAFCO meeting in the City of Temecula area.

Reg Watts, President of the Santa Margarita Ranchos Property Owners Association, 29550 Via Santa Rosa, Temecula, CA 92590. Mr. Watts stated that he was in favor of holding the May LAFCO meeting in the City of Temecula area.

Jim Brady, 24880 Terreno Dr., Temecula, CA 92590. Mr. Brady just wanted to be on record as being in favor of holding the May LAFCO meeting in the City of Temecula area.

Peter Sturgeon, Save Our Desert, 74930 Country Club Suite 540 #386, Palm Desert, CA 92260. Mr. Sturgeon stated that this was a major regional issue and affected the residents of the Coachella Valley as well as the residents of the Temecula Valley. Mr. Sturgeon said that they were asking for fairness and for a central location. He said that they would prefer holding the meeting in the Coachella Valley but agrees that it should be centrally located to allow everyone to attend.

Bonnie Hayes, 45400 Calle Pintoresca, Temecula, CA 92590. Ms. Hayes wanted to go on record as being in favor of holding the May LAFCO Meeting in the City of Temecula area.

Mariann Byers, Director of Homeowners Association in De Luz, 49275 Via Vaquero, Temecula, CA 92590. Ms. Byers requested the Commission to change the venue for the May hearing because it would be of great benefit to the community where he lives.

Roberta Adkins, 45981 Classic Way, Temecula, Ca 92592. Ms. Adkins expressed her support to hold the May LAFCO meeting in the City of Temecula.

Fred Bartz, 33850 Sattui Street, Temecula, CA 92592. Mr. Bartz expressed his support to hold the May LAFCO Meeting at an alternate site in the City of Temecula.

Oliver Rocroi, resident of Orange County. Mr. Rocroi read a letter on behalf of David Nieto opposing holding the May LAFCO Meeting in the City of Temecula.

Legal Counsel, Pam Walls stated that the Brown Act required that the meetings take place at a location within the jurisdiction and purview of the Commission. She further stated that holding the meeting under the jurisdiction of the Indian reservation land will not comply with the Brown Act. Ms. Walls also stated that if a church offered its facility to hold the LAFCO Meeting free of charge this would not create a problem, unless the church charged for holding the meeting there then this facility will be a problem.

Commissioner Williams commented that holding the LAFCO Meeting at its regular location will not be bias to the residents of Temecula and the residents of the Coachella Valley; therefore, he supported holding the meeting at its regular location.

Commissioner Henderson expressed her support for Commissioner Williams' comments to hold the May LAFCO Meeting at its regular location.

Commissioner Buster commented that he was concerned with attaining a suitable public venue within the City of Temecula; therefore, he was in favor of holding the May LAFCO at its regular location in Riverside.

Commissioner Williams moved to hear the regular May LAFCO Meeting at its regular location in Riverside no matter what the date turns out to be. Commissioner Henderson seconded the motion.

Moved (Williams) seconded (Henderson) to hold the regular May LAFCO meeting at its regular location, the Board of Supervisors Meeting Room, Riverside, California.

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**13. REQUEST FOR AN EXTENSION OF TIME TO COMPLETE PROCEEDINGS FOR LAFCO 2006-134-5-REORGANIZATION TO INCLUDE ANNEXATION 32 (OASIS) TO THE CITY OF DESERT HOT SPRINGS AND DETACHMENT FROM THE RIVERSIDE COUNTY WASTE RESOURCES MANAGEMENT DISTRICT.**

Moved (Lowe) seconded (Henderson) to approve the Request for an Extension of Time to Complete Proceedings for LAFCO 2006-135-5-Reorganization to Include Annexation 32 (Oasis) to the City of Desert Hot Springs and Detachment from the Riverside County Waste Resources Management District.

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**14. MISCELLANEOUS STAFF REPORTS.**

Mr. Spiliotis reported to the Commission that CALAFCO will be holding a workshop in Los Angeles on SB375. He said that the workshop was designed for staff and Commissioners. He asked the Commission that if they were interested in attending the workshop to let staff know as soon as possible so that proper arrangements are made. He further stated that the workshop was set for Thursday, March 12, 2009.

**15. PUBLIC COMMENTS.**

Garry Grant, 27068 Jarvis Street, Perris, CA 92570. Mr. Grant asked the Commission to dissolve CSA 41 and requested the Commission to waive the fees.

Mr. Grant stated that he had a lengthy discussion with Mr. Spiliotis prior to the LAFCO hearing. Mr. Spiliotis further stated that regarding specific improvements Mr. Grant discussed and the Advisory Board vs. the MAC were issues entirely out of the LAFCO's jurisdiction. Mr. Spiliotis said that Mr. Grant's concerns were entirely under control of the Board of Supervisors.

Commissioner Henderson stated LAFCO could help with the dissolution of the CSA. Mr. Spiliotis responded in the affirmative and further stated that anyone could submit an application for dissolution of the CSA.

Commission Henderson asked if there was a LAFCO policy that would allow the Commission to waive the fees. Mr. Spiliotis responded that under the Commission guidelines one reason that would apply to this issue would be that the processing fee would impose a significant financial hardship on the part of the applicant.

Chair Buster asked if before adjournment of the LAFCO meeting, the Commission, needed to consider changing the meeting date for May.

Mr. Spiliotis asked if this matter needed to be on the Agenda the following month or if the Commission could act on this matter at this time.

Mr. Spiliotis stated that the Board of Supervisors Meeting Room was available on June 4<sup>th</sup>, any Friday in June and Monday, June 29<sup>th</sup> to hold the May meeting. After further discussion, the Commission agreed to meet on June 4, 2009, same location, Board of Supervisors' Meeting Room at 9:00 a.m.

**16. ADJOURNMENT.**

The Commission adjourned the meeting at 10:55 a.m.

Respectfully submitted,

George J. Spiliotis  
Executive Officer