

**MINUTES**  
**September 24, 2009**

Present: Russell Kitahara, Chair  
Bob Buster, Vice Chair  
Terry Henderson  
John Tavaglione  
Stephen Tomanelli  
Robin Lowe  
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  
Elizabeth Valdez, LAFCO Secretary  
Pam Walls, Legal Counsel

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

The meeting was called to order by Chair Kitahara at 9:39 a.m.

**1.2 ROLL CALL.**

**2. APPROVAL OF MINUTES OF JUNE 25, 2009.**

Moved (Henderson) seconded (Buster) to approve the minutes as presented.  
5/1 (Williams abstained)(Lowe absent)

**3. CONSENT(NON-HEARING ITEMS)**

- a. LAFCO 2009-03-4-Annexation 3 to County Service Area 51.(Continued from July 23, 2009)

Moved (Henderson) seconded (Tomanelli) to approve LAFCO 2009-03-4-Annexation 3 to County Service Area 51 as recommended by staff.  
6/0 (Lowe absent)

- b. LAFCO 2009-14-4-Annexation 3 to County Service Area 97.

Moved (Buster) seconded (Henderson) to approve LAFCO 2009-14-4-Annexation 3 to County Service Area 97 as recommended by staff.  
6/0 (Lowe absent)

**4. PUBLIC HEARINGS:****CONTINUED:**

- a. LAFCO 2009-31-4-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 April 23, 2009; Staff requests continuance to December 3, 2009).**

Moved (Tavaglione) seconded (Henderson) to continue LAFCO 2009-31-4-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 3, 2009.

6/0 (Lowe absent)

**NEW:**

- b. LAFCO 2009-04-4-Reorganization to Include Annexation 89 (Indio Trails) to the City of Indio and Concurrent Detachments from the Riverside County Waste Resources Management District.

Mr. Spiliotis presented the proposal as outlined in the staff report and further discussed email from Mr. Peter Flax. He said that after the completion of the staff report, staff had received additional correspondence from Mr. Flax opposing the annexation unless his project and "take" allocation were "grandfathered" into the City. Mr. Spiliotis stated that land use approvals were not automatically transferable or binding upon annexing to a city. A conceptual agreement has been reached between the City of Indio's staff and County staff. Mr. Spiliotis said that County staff had agreed that the "take" allocation for the Flax project should follow the property if the project approved by the County and will be honored by the City of Indio. He said that an email was received from the City of Indio staff indicating the City's intent to honor that County approval. He further stated that late email received from Mr. Flax had been received and a copy had been included in the Commissioners' folders withdrawing his opposition to the annexation based on his conversation with the City of Indio's staff. Therefore, staff's recommendation was for approval with standard terms and conditions with modified boundaries to include the entirety of Francis Way or Coyote Song Way.

Ms. Pam Walls, Legal Counsel for LAFCO stated that regarding Mr. Flax's concern on the "take" issue, there would not be a binding agreement until such time that the City of Indio's City Council and the Riverside County Board of Supervisors approve said agreement. Ms. Walls stated that this matter was only at the staff level at this point.

Chair Kitahara opened the public hearing.

Michael Rosky, President of Indio Trails, 3830 Valley Center Drive, San Diego, CA 92130. Mr. Rosky expressed his support for staff's recommendation.

Sean Moore, City of Indio, 100 Civic Center Mall, Indio, CA 92201. Mr. Moore expressed his support for staff's recommendation and stated he was available to answer any questions.

Chair Kitahara closed the public hearing.

Moved (Tavaglione) seconded (Henderson) to approve LAFCO 2009-04-4-Reorganization to Include Annexation 89 (Indio Trails) to the City of Indio and Concurrent Detachments from the Riverside County Waste Resources Management District with modified boundaries to include the entirety of Francis Way/Coyote Song Way.

6/0 (Lowe absent)

- c. LAFCO 2009-06-4-Reorganization to Include Annexation (Tahiti Partners) to the City of Rancho Mirage and Concurrent Detachment from the Riverside County Waste Resources Management District.

Ms. Craig presented the proposal as outlined in the staff report and further stated that staff was recommending approval with standard terms and conditions.

Chair Kitahara opened the public hearing.

Geoffrey Payne, 5305 E. 2<sup>nd</sup> Street, Ste. 204, Long Beach, CA 90803. Mr. Payne expressed his support for staff's recommendation and stated that he was available for any questions.

Chair Kitahara closed the public hearing.

Moved (Henderson) seconded (Williams) to approve LAFCO 2009-06-4-Reorganization to Include Annexation (Tahiti Partners) to the City of Rancho Mirage and Concurrent Detachment from the Riverside County Waste Resources Management District.

6/0 (Lowe absent)

- d. LAFCO 2009-25-1-Request for Reconsideration of LAFCO Resolution 06-09 Disapproving LAFCO 2008-20-1-Sphere of Influence Amendment (addition) to the City of Temecula (Santa Margarita) and the Temecula Community Services District (subsidiary).
- e. LAFCO 2009-26-1-Request for Reconsideration of LAFCO Resolution 07-09 Disapproving LAFCO 2008-21-1-Reorganization to Include Annexation to the City of Temecula (Santa Margarita) and the Temecula Community Services District (subsidiary) and Concurrent Detachments from County Service Area 152 and the Riverside County Waste Resources Management District.
- f. LAFCO 2009-27-1-Request for Reconsideration of LAFCO Resolution 06-09 Disapproving LAFCO 2008-20-1-Sphere of Influence Amendment (addition) to the City of Temecula (Santa Margarita) and the Temecula Community Services District (subsidiary)
- g. LAFCO 2009-28-1-Request for Reconsideration of LAFCO Resolution 07-09 Disapproving LAFCO 2008-21-1-Reorganization to Include Annexation to the City of Temecula (Santa Margarita) and the Temecula Community Services District (subsidiary) and Concurrent Detachments from County

Service Area 152 and the Riverside County Waste Resources Management District.

Mr. Spiliotis stated that on June 4, 2009, the Commission had heard the annexation proposal by the City of Temecula and subsequently the Commission disapproved the request for sphere of influence amendment and annexation to the City. He said that the proposed annexation was approximately 5,000 acres including the Santa Margarita Ecological Reserve and additional private parcels. He said that State Law allowed any party to request reconsideration of the Commissions' action within 30 days of that action. He said that the request must be based on "new or different set of facts that could not have been previously presented to the Commission". Mr. Spiliotis stated that LAFCO had received two separate requests for reconsideration of the Commissions' actions from two different parties. He said that the City of Temecula was requesting reconsideration of the approval of the sphere and the annexation with modified boundaries. He said that the modified boundaries would include the Santa Margarita Ecological Reserve and residential parcels in the south central area of the annexation area along the County border. He said that the request would exclude parcels that were related to the proposed Liberty Quarry as well as some additional private parcels that were adjacent to the Liberty Quarry site.

Mr. Spiliotis stated that the second request for reconsideration was from a resident of the area, Susan Miyamoto-Jurkosky. He said that the request was for the approval of the original proposal as submitted by the City of Temecula.

Mr. Spiliotis stated that he was going to let the applicants present their justifications for their requests. Mr. Spiliotis explained to the Commission the procedures and guidelines that they must follow regarding these requests.

Mr. Spiliotis stated that if the Commission approved the second reconsideration request from Ms. Miyamoto-Jurkosky, the original actions presented in the original staff report to the Commission can be acted upon by the Commission.

Mr. Spiliotis also said that if the Commission decides to approve the City of Temecula's request with modified boundaries, staff would recommend that the Commission return at a later hearing to take action on the specific determinations and actions that will match the request regarding the acreage and so forth.

Chair Kitahara opened the public hearing.

Mr. Spiliotis stated that the City of Temecula had a 15-minute group presentation as well as Granite Construction. He also said that the second request from Ms. Miyamoto-Jurkosky had also a 15-minute group presentation.

Chair Kitahara called the City of Temecula to give their presentation to the Commission.

Maryann Edwards, Mayor, City of Temecula, 43200 Business Park Drive, Temecula, CA 92589-9033. Mayor Edwards presented the City's report. She

indicated that since the original hearing, the County had published the draft EIR for the Liberty Quarry. She said that the City removed the quarry from the application previously submitted to the Commission which will allow the quarry to proceed with the County process as recommended by the Commission. She stated that 100% of the property owners living within the new requested modified boundaries were in favor of the annexation proposal. She stated that at the June 4<sup>th</sup> LAFCO meeting due to the length of that meeting, there had not been an opportunity to discuss any possible alternative boundaries. She said that the reconsideration request met the threshold of the Government Code Section 56895. She said that the reconsideration with modified boundary warranted consideration by the Commission.

Commissioner Lowe arrived at 10:20 a.m.

Dr. Matt Rahn, San Diego State University, 5500 Campsite Drive, San Diego, CA 92115. Dr. Rahn stated that he was in support of the City's request for reconsideration of their proposal. He said that the University had realized in the last couple of years that the value as a resource reserve was reliant on partnerships. Therefore, the partnership that made more sense in the region was the City of Temecula. He said that the City of Temecula provided a unique resource to them because of the City's park program and the opportunity to build new outreach and education programs. He said that right now the property was closed to the public and the University would like to change that. He said that Mayor Edwards had addressed many of the reasons for the University's support and asked that the Commission approve the City's request for reconsideration.

Commissioner Henderson asked Dr. Rahn to clarify the lack of protection from the MSHCP. Dr. Rahn stated that the field station was part of a network of another four stations that they operated from San Diego State University. He said that they also owned 250 acres within Mission Trails Regional Park. He said that the City of San Diego assumed that because the University was a landowner within Mission Trails Park, they assumed that they were automatically going to become part of the MSHCP and when they sat down with the City of San Diego later on, to discuss plans for the property, they discovered that the level of protection needed for the property was never provided. They forgot to include their property within the MSHCP. He said that the same thing happened in Riverside County.

Commissioner Henderson stated that she was not totally satisfied that there was no level of protection for the property within the MSHCP.

Commissioner Tavaglione asked Dr. Rahn how long he had been with the University. Dr. Rahn responded since 2000 and had been with field stations program since 2004.

Commissioner Tavaglione asked Dr. Rahn if he had provided any comments to the County when the study was being conducted. Dr. Rahn responded that they had provided comments but not to the level it needed to be addressed at that time.

Vicky Long, representing the EMARCD. Ms. Long expressed her support for the City of Temecula's request for reconsideration.

Gary Johnson, Aggregate Resource Manager, Granite Construction, 38000 Monroe, Indio, CA 92203. Mr. Johnson and his group gave a 15-minute group presentation in opposition to the City of Temecula's request for reconsideration. The attorney for Granite Construction gave a legal analysis in support of their opposition to the request for reconsideration from the City of Temecula. Mr. Johnson finalized by stating that they would like to continue the discussions with the City of Temecula. He said that they were open to work with the City and the Ecological Reserve and hopefully, be able to come back before the Commission and say that they had found a way to work things out.

Clint Cleland, representing landowner, Mr. Nelson Mamey, 82756 Burnett Drive, Indio, CA. Mr. Cleland stated that he was representing Mr. Mamey who owned approximately 40 acres within the City of Temecula's request for reconsideration boundary. Mr. Cleland read a letter from Mr. Mamey expressing his opposition to the City of Temecula's request for reconsideration as well as Ms. Susan Miyamoto-Jurkosky's request for reconsideration.

Gregory Melvin, 33500 Lisa Road, Temecula, CA 92592. Mr. Melvin expressed his opposition to both requests for reconsideration.

Lee Haven, Business Development Manager, Granite Construction, 38000 Monroe Street, Indio, CA 92203. Mr. Haven stated that he was representing various land owners that owned 414 acres within the annexation area. He said that their names were Kishort Sudha Doshi, Peter Gonzales, Dave Nieto, Vincent Pesqueira, Dr. Arthur Hausen, and Mrs. Grunder. Mr. Haven expressed their opposition to the both requests for reconsideration.

Ray Wolfe, California Department of Transportation, 464 W. 4<sup>th</sup> Street, San Bernardino, CA 92401-1400. Mr. Wolfe expressed his opposition to the request for reconsideration from Susan Miyamoto-Jurkosky.

Commissioner Buster asked Mr. Wolfe how the City of Temecula's proposed revised annexation request in any way impeded the ability for Granite Construction to proceed with its application from the State's perspective. Mr. Wolfe responded that he was speaking on the request for reconsideration from Ms. Susan Miyamoto-Jurkosky. Commissioner Buster asked Mr. Wolfe what was the State's comment on the City of Temecula's request and Mr. Wolfe responded that he had no comment.

Rich Loomis, 1240 Amberwood, Hemet, CA 92543. Mr. Loomis expressed his opposition to the City of Temecula's request for reconsideration.

Bob Kowell, 40004 Via Espana, Murrieta, CA 92562. Mr. Kowell expressed his opposition to the City of Temecula's request for reconsideration.

Greg Morrison, City of Lake Elsinore Chamber of Commerce, 31045 Oakhill Drive, Temecula, CA 92591. Mr. Morrison stated that the City of Lake Elsinore's Chamber of Commerce was in opposition to the City of Temecula's request for reconsideration.

Richard Brady, P. O. Box 284, Bonsall, CA 92003. Mr. Brady expressed his opposition to the City of Temecula's request for reconsideration.

Gary Harrison, 45244 Laurel Glen, Temecula, Ca 92592. Mr. Harrison expressed his opposition to the City of Temecula's request for reconsideration.

Ray Johnson, 26785 Camino Seco, Temecula, CA 92590. Mr. Johnson expressed his support to the City of Temecula's request for reconsideration and read from a letter submitted to the Commission dated September 24, 2009.

Joseph Hudson, Fallbrook, CA. Mr. Hudson stated that at the last hearing the City of Temecula was not allowed to complete the process of its rebuttal. He said that the City of Temecula had exhausted its administrative remedies by carrying out the application for reconsideration and if denied at this time, the next step was going to be an application to the Superior Court on the grounds that due process was not carried out the first time. Therefore, Mr. Hudson requested the Commission to give the City its full and fair hearing at this time following the guidelines of due process.

Mr. Spiliotis stated that before the Commission took action on this item, the City should be given the opportunity for rebuttal. Mr. Spiliotis reminded the Commission that if they take action on one proposal, it will limit the action the Commission can take on the second proposal.

Mr. Spiliotis asked if the Commission wanted to take the rebuttal on the first reconsideration first.

Chair Kitahara asked the City of Temecula to come forward to present their rebuttal.

Jeff Comerchero, 43200 Business Park Drive, Temecula, Ca 92589-9033. Mr. Comerchero stated that by removing the Liberty Quarry from their annexation request, they were acknowledging the fact that it was a regional issue and it was their intent to see that process move forward. He said that it was standard practice for the City to do an EIR. He said that everyone had acknowledged that the impacts will be less not greater; therefore, there was no need for a revision to the environmental document. Mr. Comerchero said that the only reason for the submittal of the annexation was to fulfill their general plan. He said that they understood that there was an advantage to the City by bringing the Liberty Quarry site into their City, but the most significant concern was to fulfill their general plan.

Shawn Nelson, City Manager, City of Temecula, 43200 Business Park, Temecula, CA 92589-9033. Mr. Nelson commented that regarding fire protection services, they already had an existing mutual aid agreement which was discussed at the June 4<sup>th</sup> meeting. He said that there will be no additional fees in connection with the new annexation proposal. He said that this request was most definitely a win-win opportunity for all involved. He said that the annexation was not about the Liberty Quarry but about preserving the open space and fulfilling the desires of their citizens.

Dr. Matt Rahn, 5500 Campanile Drive, San Diego, CA 92115. Dr. Rahn stated that the Santa Margarita Ecological Reserve was an outdoor classroom and laboratory to the students of the university. He said that the property did not have the protection under a traditional conservation agreement. He said that by supporting the City of Temecula's request, the university was trying to seek the needed protection for the property.

Maryann Edwards, Mayor, City of Temecula. Mayor Edwards stated that they came before the Commission with what they thought was a simple proposal based on the fact that they were not able to present all of their information at the June 4<sup>th</sup> meeting. She said that now they had a tool that assisted them with their revised boundaries which was the Liberty Quarry's EIR. She commented that many of the speakers that came before the Commission were confused as to what item they were speaking on. She said that the lines were very blurred and asked the Commission to be clear in their minds as to what speaker spoke for which item. She said that they had taken the Liberty Quarry out of their annexation proposal and have done what the Commission had asked them to do.

Chair Kitahara stated that the Commission was now going to hear the testimony for Susan Miyamoto's request for reconsideration, Items f. and g. on the agenda.

Susan Miyamoto-Jurkosky, P. O. Box 890549, Temecula, CA 92589. Ms. Miyamoto-Jurkosky stated that they were here to discuss the original request for annexation of the 4,997 acres and about new facts that the Commission could not have known at the previous hearing. She said that 100% of the property owners who lived within the proposed annexation area still wanted to be annexed to the City and had letters to that effect.

Fred Bartz, 33850 Sattui Street, Temecula, CA 92592. Mr. Bartz proposed to the Commission to vote on the first reconsideration. He said that if they voted in the affirmative, they will withdraw their request.

Chair Kitahara decided to continue to hear testimony regarding the current reconsideration request being addressed at this time.

Fred Bartz, 33850 Sattui Street, Temecula, CA 92592. Mr. Bartz stated that he was going to speak on behalf of the applicant, Susan Miyamoto-Jurkosky. Mr. Bartz outlined the new facts as stated on the application for reconsideration.

Gary Johnson, Aggregate Resource Manager, Granite Construction, 38000 Monroe, Indio, CA 92203. Mr. Johnson expressed Granite Construction's opposition to Susan Miyamoto-Jurkosky's request for reconsideration. He said that approving her request will change the rights of their property. Mr. Johnson asked their legal counsel to address this matter in detail.

Mark D. Harrison, Diepenbrock-Harrison, Legal Counsel for Granite Construction, 400 Capitol Mall, Suite 1800, Sacramento, CA 95814. Mr. Harrison stated that none of the points made by Susan Miyamoto-Jurkosky's request for reconsideration were valid. He said that the legal standard that was at issue was related to the requirement that new or different facts are shown that could not have been presented previously which will

warrant the approval of the reconsideration. Mr. Harrison proceeded to present a power point presentation.

Legal Counsel, Pam Walls, stated that Commissioner Tavaglione needed to leave and the City of Temecula had requested that the full Commission take a vote on their request for reconsideration. Commissioner Tavaglione commented that he would only be able to stay for another ten minutes.

Ron Sullivan, 28068 Orange Grove Avenue, Menifee, CA 92584. Mr. Sullivan expressed his support for the EIR to move forward regardless of what decision was made. He also commented that it was not uncommon for an annexation to be taken off calendar until a particular regional issue or permit was approved or denied. He asked the Commission to take their time when the time came to make their final decision.

Legal Counsel, Pam Walls, stated that the City of Temecula wished to move forward with a decision at this time as well as Granite Construction.

Chair Kitahara closed the public hearing on Items d. and e.

Commissioner Tomanelli made a motion to deny the request for reconsideration by the City of Temecula, Items d.e.

Commissioner Henderson stated that she supported the City of Temecula's desire to annex the land in question but was also in support of the process that needed to take place. She said that she failed to hear any new facts or information in their request.

Commissioner Tavaglione stated that at the last hearing he had expressed his support for local control. Commissioner Tavaglione stated that he was disappointed by the comments made by the City of Temecula in their request for reconsideration. He recommended that the City of Temecula and Granite Construction meet and try to work out all the issues of concern. Accordingly, Supervisor Tavaglione expressed support for the motion on the floor which was to deny the reconsideration request.

Commissioner Tavaglione left at 12:12 p.m. and asked to be included in the vote as not being in support of the reconsideration request from the City of Temecula.

Commissioner Buster stated that the University was asking the City of Temecula to annex the Santa Margarita Ecological Reserve which was consistent with the City's open space policies. Commissioner Buster stated that he was disappointed that Liberty Quarry was not in agreement with this request. He disagreed with having the City of Temecula wait a year before they can apply to LAFCO again and found it difficult to support the motion on the floor at this time.

Commissioner Henderson asked Mr. Spiliotis if waiving the time limit to submit another application could be part of this motion. Mr. Spiliotis responded that it needed to be brought back at another meeting under a separate item. Commissioner Henderson requested that this matter be brought back at a future agenda.

Commissioner Williams stated that the request at this time was a request for reconsideration with a new boundary reconfiguration of the area being requested to be annexed by the City of Temecula. He said he was in support of City of Temecula's annexing the area in question. Unfortunately, at this time he could not support their request without the proper environmental work.

Moved (Tomanelli) seconded (Henderson) deny LAFCO 2009-25-1-Request for Reconsideration of LAFCO Resolution 06-09 Disapproving LAFCO 2008-20-1-Sphere of Influence Amendment (addition) to the City of Temecula (Santa Margarita) and the Temecula Community Services District (subsidiary) and LAFCO 2009-26-1-Request for Reconsideration of LAFCO Resolution 07-09 Disapproving LAFCO 2008-21-1-Reorganization to Include Annexation to the City of Temecula (Santa Margarita) and the Temecula Community Services District (subsidiary) and Concurrent Detachments from County Service Area 152 and the Riverside County Waste Resources Management District.

6/1 (Buster No)

The Commission continued hearing public testimony for Items f. and g.

Mr. Spiliotis clarified that the following testimony was only for Susan Miyamoto-Jurkosky's Request for Reconsideration.

Anthony Madrid, 1180 Canyon View Lane, Colton, CA 92324. Mr. Madrid stated that he opposed Ms. Miyamoto-Jurkosky request for reconsideration.

Raymond Johnson, 26785 Camino Seco, Temecula, CA 92590. Mr. Johnson expressed his concern regarding Granite Construction's spending \$380,000 to lobby against the City of Temecula's annexation. He further expressed his support for Susan Miyamoto-Jurkosky's request for reconsideration.

Vicky Long. Ms. Long expressed her concern relating to open space in the City of Temecula.

Fred Bartz, 33850 Sattui Street, Temecula, CA 92592. Mr. Bartz gave the rebuttal for the applicant. Mr. Bartz asked Ms. Walls to explain the difference between an annexation proposal submitted by petition and an annexation proposal submitted by resolution relating to the Fair Political Practices Commission Disclosure Act. Ms. Walls responded that the definition of a LAFCO proposal under the Fair Political Practices Disclosure Act was limited only to a submittal of a proposal by petition. She said that it was defined in Section 82035.5. She said that as of January 1<sup>st</sup> the FPPC requirement will expand to include an annexation by resolution as well. Ms. Walls stated that the proposal submitted by the City of Temecula was initiated by resolution and not petition; therefore, the disclosure requirement did not apply to this proposal.

Mr. Spiliotis stated that the current language made a difference how the proposals were initiated at this time.

Mr. Bartz disagreed with Granite's legal counsel regarding the EIR not being a new fact. He said that the EIR Summary from Riverside County could not have been known at the June 4<sup>th</sup> hearing because it was released on or

about July 20<sup>th</sup>. Mr. Bartz further discussed comments highlighted in the Notice of Completion of the EIR attached to their request for reconsideration. Mr. Bartz stated that LAFCO rules were adopted for a reason; however, if those rules were adopted with "meat" then perhaps there will be no need for this hearing.

Chair Kitahara closed the public hearing.

Commissioner Henderson stated that all speakers quoted the different amounts of money that Granite and the City of Temecula spent on this effort. Commissioner Henderson wanted to make sure that not all monies spent were spent on lobbying for this effort.

Commission Buster asked if a District was a reporting entity under the LAFCO policies. Ms. Pam Walls responded that she believed they were a reporting entity as well subject to the disclosure requirements.

Moved (Tomanelli) seconded (Henderson) to disapprove LAFCO 2009-27-1-Request for Reconsideration of LAFCO Resolution 06-09 Disapproving LAFCO 2008-20-1-Sphere of Influence Amendment (addition) to the City of Temecula (Santa Margarita) and the Temecula Community Services District (subsidiary) and LAFCO 2009-28-1-for Reconsideration of LAFCO Resolution 07-09 Disapproving LAFCO 2008-21-1-Reorganization to Include Annexation to the City of Temecula (Santa Margarita) and the Temecula Community Services District (subsidiary) and Concurrent Detachments from County Service Area 152 and the Riverside County Waste Resources Management District.

5/1 (Buster No, Tavaglione absent)

## 5. PUBLIC COMMENTS.

Vicky Long. Ms. Long stated that she hoped that in the future the Commission will be clear on how applicants suppose to proceed once an action has been taken. She felt that that the City of Temecula did not receive clear instructions from the Commission as to how the City was supposed to proceed.

Commission Henderson stated that the decision was made following the LAFCO guidelines.

Ms. Long stated that it was also discussed the possibility of waiving the waiting period of a year before submitting their application. She said that this was not made clear was well.

Chair Kitahara requested Mr. Spiliotis to inform the City that if they wish, LAFCO will try to put an item on the agenda to waive the time period.

## 6. RECEIVE AND FILE:

- a. Information Items: Proposals Received (Government Code Section 56857, 56751):
  - i. LAFCO 2009-29-3-Annexation to Valley-Wide Recreation & Park District.

- ii. LAFCO 2009-30-4-Annexation 45 to County Service Area 121.
  - iii. LAFCO 2009-31-5-Dissolution of County Service Area 41.
  - iv. LAFCO 2009-32-2-Reorganization to Include Incorporation of Jurupa Valley, Concurrent Detachment from Riverside County Waste Resources Management District and Dissolution of County Service Areas 72 and 73.
- b. LAFCO Monthly Expenditure Review.

Moved (Henderson) seconded (Tomanelli) to receive and file 6.a. Information Items and 6.b. Monthly Expenditure Review.  
6/0

## **7. COUNCIL ELECTIONS FOR NEW CITIES.**

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

Commissioner Buster thanked Mr. Spiliotis for reviewing this matter as he had requested. Commissioner Buster made a comment that there were no outlined districts at the time of voting for the voters to decide.

Commissioner Lowe recommended that this matter be discussed further with CALAFCO at the Legislative Committee meeting.

Commissioner Henderson expressed her support to take the matter to the CALAFCO Legislative Committee for further discussion.

Darcy Kuenzi, City of Menifee, 92584. Ms. Kuenzi commented that although the city had accomplished many things, the re-districting issue had overshadowed all the good things they had already done as a city. Ms. Kuenzi gave a copy to each commissioner of their re-districting plan. She said that they had spent many hours and much money working on this matter. She thanked the Commission for their time and supported the direction the Commission was going.

Mr. Spiliotis stated that no formal action was necessary.

Commissioner Buster would like Mr. Spiliotis to let the Commission know when it will be necessary for the Commission to take action regarding new legislation to correct this problem.

## **8. CALAFCO RESTRUCTURING.**

Mr. Spiliotis presented the matter as outlined in the staff report. Mr. Spiliotis stated that discussion needed to take place to provide direction to Commissioner Tomanelli, for he will be attending the annual conference. After further discussion, it was agreed to discuss this matter further with the Chair, the Executive Officer and Commissioner Tomanelli to provide further direction to Commissioner Tomanelli.

Mr. Spiliotis stated that there was no specific action required.

**9. CALAFCO ANNUAL BUSINESS MEETING - DESIGNATION OF VOTING DELEGATE.**

Moved (Lowe) seconded (Williams) to designate Commissioner Stephen Tomanelli as the voting delegate and the Executive Officer as the alternate voting delegate.

5/1 (Tomanelli abstained; Tavaglione absent)

**10. LAFCO INVESTMENT POLICY.**

Moved (Lowe) seconded (Henderson) to adopt the LAFCO Investment Policy concurring with the County of Riverside Treasurer-Tax Collector Statement of Investment Policy as recommended by staff.

6/0 (Tavaglione absent)

**11. STATUS REPORT ON LOCAL AGENCY SHARE FOR FY 2009-2010.**

Mr. Spiliotis presented the report and stated that it was only an information item and no action was required. He said that the Auditor-Controller was in the process of sending second notices to the districts and cities that had not paid to date. He said that staff will update the Commission if there is not payment made within the next two months.

**12. SELECTION OF A CONSULTANT FOR THE JURUPA VALLEY INCORPORATION INITIAL STUDY (CEQA ANALYSIS)**

Mr. Spiliotis stated that in order to expedite the processing of the Incorporation for the Jurupa Valley, he was requesting that the Commission amend the current contract with BonTerra Consulting for preparation of CEQA documents for the Eastvale analysis.

Moved (Lowe) seconded (Henderson) to authorize the Executive Officer to negotiate an amendment to the existing professional services agreement with BonTerra Consulting to perform an initial study at a cost no greater than that for the Eastvale analysis.

6/0 (Tavaglione absent)

**13. MISCELLANEOUS STAFF REPORTS.**

There were no miscellaneous staff reports to present to the Commission.

**14. COMMISSION COMMENTS/FUTURE AGENDA ITEMS.**

There was no discussion on this item.

**15. 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-ANTICIPATED LITIGATION:

Significant exposure to litigation pursuant to Subdivision (b) of Government Code Section 54956.9: one case.

There was no executive session.

**16. ADJOURNMENT.**

The Commission adjourned at 1:23 p.m.

Respectfully submitted,

George J. Spiliotis  
Executive Officer