

2.
4/27/2017

MINUTES
March 23, 2017

Present: Phil Williams, **Chair**
Stephen Tomanelli, **Vice Chair**
Nancy Wright
Kevin Jeffries
Chuck Washington
Yvonne Parks

Absent: Eugene Montanez

Present Staff: George J. Spiliotis, Executive Officer
Adriana Romo, Local Government Analyst
Crystal Craig, Local Government Analyst
Elizabeth Valdez, Commission Clerk
Tiffany North, Legal Counsel

1.1 CALL TO ORDER AND SALUTE TO THE FLAG.

The meeting was called to order by Chair Williams at 9:32 a.m.

1.2 ROLL CALL.

1.1 COMMITTEE ASSIGNMENTS.
a. Administrative Review Committee
b. Legislative Committee

Mr. Spiliotis gave a brief overview of the role of each committee, indicating it included the Chair and two other Commissioners.

Commissioner Wright nominated Commissioner Parks and Commissioner Tomanelli to serve on the Administrative Review Committee.

Moved (Jeffries) seconded (Tomanelli) to appoint Commissioners Parks, Tomanelli and Williams to the Administrative Review Committee.

AYES: Williams, Jeffries, Parks, Tomanelli, Washington, Wright.
NOES: None.
ABSENT: Montanez.
ABSTAINED: None.

Moved (Jeffries) seconded (Tomanelli) to re-appoint Commissioners Williams and Wright to the Legislative Committee.

AYES: Williams, Jeffries, Parks, Tomanelli, Washington, Wright.
NOES: None.
ABSENT: Montanez.
ABSTAINED: None.

2. APPROVAL OF MINUTES OF JANUARY 26, 2017.

Moved (Wright) seconded (Tomanelli) to approve the Minutes of January 26, 2017 with the following correction: To remove the title Vice Chair next to Randon Lane.

AYES: Williams, Jeffries, Tomanelli, Washington, Wright.
NOES: None.
ABSENT: Montanez.
ABSTAINED: Parks.

3. CONSENT (NON-HEARING ITEMS):

There are no consent items.

4. PUBLIC HEARINGS:

Continued:

- a. LAFCO 2016-03-3- Detachment from Valley-Wide Recreation and Park District (City of Menifee) and the Commission, as responsible agency, will review and consider a finding of exemption from the California Environmental Quality Act and adoption of a resolution making determinations on the proposal (**Continued from January 26, 2017; Recommendation to re-notice a new hearing on April 27, 2017**).

Legal Counsel North made a statement to the public regarding disclosure of contributions made to Commission.

Chair Williams asked if anyone in the audience had made a contribution of \$250 or more. No one attending the meeting responded in the affirmative.

Legal Counsel North made a statement regarding proceedings for the proposed detachment from Valley Wide Recreation and Park District. She stated that at its January 26, 2017 meeting, the Commission opened the public hearing on the detachment proposal. The Commission received reports from staff and a fiscal consultant, as well as testimony from the City, the District and many individuals interested in the proposal. As part of the City's opening presentation, Mr. Richard Wall of Albert A. Webb Associates provided testimony to the Commission. After additional testimony, the Commission discussed the proposal and continued the hearing.

Subsequent to the January 26th meeting, staff became aware of campaign contributions made by Webb to four of the Commissioners present at the meeting. The contributions were made within the past 12 months and were more than \$250. Due to Mr. Wall's testimony on behalf of the applicant at

the Commission hearing, Webb could be considered a "participant" pursuant to Government Code Section 84308 of the Political Reform Act and Webb's contributions could be considered disqualifying contributions for the recipient Commissioners. Unfortunately, these contributions were not disclosed prior to testimony, which would have provided the affected Commissioners the opportunity to recuse themselves. Failure by the Commissioners to recognize and disclose the campaign contributions was inadvertent and there was no intent by the Commissioners to avoid disclosing and discharging their ethical and statutory duties under State law.

Counsel from the City and the District were advised about this issue. Counsel for the agencies were each asked to provide confirmation that they had not been prejudiced or otherwise harmed by the discussion at the January hearing. Since staff was unable to secure such confirmation, it has been determined by Commission Counsel that the most equitable and ethical way to proceed is to re-notice the proposal for hearing and begin again. If there is no involvement by parties or participants that have made disqualifying contributions, all Commissioners may take part in the new hearing, as we have advised the City's and District's counsel. All previous testimony and Commission discussion at the January 26th hearing must be disregarded and must not be considered. The Commission must consider only the information and testimony presented at the new hearing. No testimony should be taken and no Commission discussion regarding the merits of the proposal should occur at this meeting. Staff will notice the new hearing for the Commission's April 27th meeting. Staff will also attempt to notify those that gave testimony at the last meeting that a new hearing will be held. No Commission action is required today.

New:

- b. LAFCO 2016-11-4- Reorganization to Include Annexation to the City of Rancho Mirage and Concurrent Annexation to the Rancho Mirage Community Services District (Subsidiary) and Detachment from the Riverside County Waste Resources Management District (Section 24 Specific Plan - PA8) and pursuant to the California Environmental Quality Act, the Commission, as responsible agency, will review and consider the previously certified Environmental Impact Statement/Environmental Impact Report for the Section 24 Specific Plan and Tentative Tract Map 36809 prepared by the Agua Caliente Band of Cahuilla Indians and adopted and certified by the City of Rancho Mirage, as lead agency and adoption of a resolution making determinations on the proposal.

Ms. Romo presented this item. She stated that only a portion of the island will be annexed to the City since the Tribal Council has only given consent to annex this portion and upon annexation, ownership will be transferred to Pulte Homes. Ms. Romo stated that prior to recordation a road condition maintenance agreement must be entered into between the City of Rancho Mirage and the County of Riverside.

Commissioner Jeffries asked how the Commission can approve annexation of tribal land.

Counsel North clarified that the Tribe gave consent for the land to be annexed to the City and after annexation the land will be sold to a new owner.

Chair Williams opened the public hearing.

Speakers in Favor:

James Vaughn, Counsel for Pulte Homes, 4590 E. Thousand Oaks Blvd., #100, Westlake Village, CA 91362. Mr. Vaughn clarified for the Commission the process for change in jurisdiction of the property. He said the City will take over land use jurisdiction. He stated that the City has agreed to take on maintenance of Los Alamos and Dinah Shore surrounding the annexation but not for Bob Hope Dr.

This Commission discussed with Mr. Vaughn why the City is not annexing the entire island area and who will maintain Bob Hope Drive.

Steven Quintanilla, Attorney, City of Rancho Mirage. Mr. Quintanilla stated that Bob Hope Drive is not within the annexation area and City doesn't feel the City should be maintaining that road until the Tribe decides to annex it.

Bud Kopp, Planning Manager, City of Rancho Mirage, 69825 Highway 111, Rancho Mirage, CA 92270. Mr. Kopp thanked LAFCO staff. He stated that the City has been working with the Tribe for approximately three years and that the City and Tribe are all in agreement with what the plans for the area will be.

Commissioner Jeffries asked why the County should be responsible for the maintenance of Bob Hope Drive.

Mr. Quintanilla discussed with the Commission the road maintenance agreement with County.

Neutral Speakers:

Tina Grande, County of Riverside, 4080 Lemon St., 4th Floor, Riverside, CA 92501. Ms. Grande said the County is not opposed to the annexation but wished that Bob Hope Drive be part of the road maintenance agreement with the City of Rancho Mirage. She stated that it would be inefficient for the County to maintain this one road when the City is maintaining all the surrounding roads.

Michael Mueting, Riverside County Transportation, 3525 14th St., Riverside, CA 92501. Mr. Mueting stated that the County would like to take this opportunity to have Bob Hope Drive taken over by the City.

The Commission discussed with Ms. Grande, Mr. Muetting and Mr. Quintanilla the financial burden to both the County and the City for maintaining Bob Hope Drive.

Chair Williams closed the public hearing.

Mr. Spiliotis clarified the rights-of-way that are in in tribal jurisdiction.

Commissioner Washington asked for further clarification from the speakers about what part of Bob Hope Drive would be maintained by the County stating it may be a deal breaker for this annexation.

Moved (Parks) seconded (Washington) to re-open the public hearing.

AYES: Williams, Jeffries, Parks, Tomanelli, Washington, Wright.

NOES: None.

ABSENT: Montanez.

ABSTAINED: None.

Chair Williams re-opened the public hearing.

The Commission, City staff and County staff discussed the cost of maintaining Bob Hope Drive.

Moved (Jeffries) seconded (Washington) to continue the item for one month.

Mr. Kopp said that the City could enter into an agreement with the County and accept maintenance with a financial cap of maintenance cost of Bob Hope Drive.

After some discussion the Commission recessed for 10 minutes to allow the County and the City to come up with language that both parties can agree upon for road maintenance of Bob Hope Drive as a condition of approval of the annexation.

Chair Williams reconvened the public hearing at 10:45 a.m. and asked the condition be read aloud.

Counsel North stated that on page 10 of the staff report no. 9.c. of the staff recommendation that "prior to an issuance of a certificate of completion for the annexation, the City and County shall enter into a road maintenance agreement..." add to that "the city is to perform maintenance on Bob Hope Drive with the County to pay reasonable costs for such maintenance with a specified cap being included into that agreement and on a maintenance schedule agreed to by both parties until such time that Bob Hope Drive is fully annexed into the City of Rancho Mirage".

Mr. Spiliotis asked if it included the bridge too.

Mr. Quintanilla stated that the agreement did not include the full road.

Ms. Grande stated that the County would like to include that piece at cost to the County, however, if it wasn't included in their discussions then they were ok with that.

Mr. Spiliotis stated that the condition should read to only include the section between Dinah Shore and Ramon and if the City and the County can agree to the additional segment that can be included in the agreement.

Counsel North re-stated the condition of approval as follows:

The amendment to the condition is going to include as part of the road maintenance agreement that "the City is to perform maintenance on Bob Hope Drive segment between Dinah Shore and Ramon Road with the County paying reasonable costs for such maintenance with a specified cap on those costs in the agreement and on a maintenance schedule agreed to by both parties until such time that Bob Hope Drive is fully annexed into the City of Rancho Mirage". The City and the County will also have other discussions about the bridge segment but that is not actually part of this condition on this annexation.

Chair Williams closed the public hearing.

Commissioner Washington made a substitute motion to accept staff's recommendation as amended.

Moved (Washington) seconded (Jeffries) to approve LAFCO 2016-11-4-Reorganization to Include Annexation to the City of Rancho Mirage and Concurrent Annexation to the Rancho Mirage Community Services District (Subsidiary) and Detachment from the Riverside County Waste Resources Management District (Section 24 Specific Plan - PA8) as recommended by staff with the added condition regarding Bob Hope Drive maintenance.

AYES: Williams, Jeffries, Parks, Tomanelli, Washington, Wright.

NOES: None.

ABSENT: Montanez.

ABSTAINED: None.

5. PUBLIC COMMENTS ON ANY ITEMS NOT ON THE AGENDA.

There were no public comments.

6. INFORMATION ITEMS: Proposals Received (Government Code Section 56857, 56751) - No action to be taken by Commission:

- a. LAFCO 2017-03-3-Annexation 126 to County Service Area 103 (TR 36536).

- b. LAFCO 2017-04-5-Reorganization to Include Concurrent Annexations to Eastern Municipal Water District and the Metropolitan Water District of Southern California (107th Fringe).

Mr. Spiliotis stated that these were proposals received since the last commission meeting and that no action was required.

7. RECEIVE AND FILE:

- a. LAFCO Monthly Expenditure Review.

Moved (Tomanelli) seconded (Wright) to receive and file the LAFCO Monthly Expenditure Review.

AYES: Williams, Jeffries, Parks, Tomanelli, Washington, Wright.
NOES: None.
ABSENT: Montanez.
ABSTAINED: None.

8. REPORT ON CONDUCTING AUTHORITY PROCEEDINGS.

There were no pending conducting authority proceedings.

- 9. LAFCO 2016-10-2-REQUEST FOR EXTRA-TERRITORIAL SERVICE PROVISION - CITY OF COLTON AND CITY OF GRAND TERRACE (CALIFORNIA CITRUS COOPERATIVE) (Continued from January 26, 2017; Staff recommends continuance to April 27, 2017).

Moved (Washington) seconded (Jeffries) to continue LAFCO 2016-10-2-Request for Extra-territorial service provision - City of Colton and City of Grand Terrace (California Citrus Cooperative) to April 27, 2017.

AYES: Williams, Jeffries, Parks, Tomanelli, Washington, Wright.
NOES: None.
ABSENT: Montanez.
ABSTAINED: None.

- 10. COMMISSION MEETING DATE AND LOCATION FOR SEPTEMBER, OCTOBER AND DECEMBER 2017 AND POTENTIAL CHANGE TO THE REGULAR DATE FOR FUTURE DECEMBER MEETINGS.

The Commission discussed the proposed options for the upcoming meetings.

Moved (Washington) seconded (Tomanelli) to combine the September and October meetings to be held on October 19, 2017. Additionally, keep the December 7, 2017 meeting date and to find an alternate location for this meeting.

AYES: Williams, Jeffries, Parks, Tomanelli, Washington, Wright.
NOES: None.

ABSENT: Montanez.
ABSTAINED: None.

11. LEGISLATIVE UPDATE AND POTENTIAL POSITIONS (Oral Report).

Mr. Spiliotis stated that Senator Roth has introduced SB 37 to restore the funding to the four incorporated cities since 2011. Mr. Spiliotis said he will send a support letter for SB 37. He also spoke about discussion in Sacramento regarding special districts and proposed legislation regarding health care districts and the State Controller's Office looking into inactive districts.

12. EXECUTIVE OFFICER REPORTS.

There were no Executive Officer reports.

13. COMMISSIONER COMMENTS/FUTURE AGENDA ITEMS.

Commissioner Jeffries asked that staff do a presentation to the Commission regarding remaining islands in the County and options going forward.

14. ADJOURNMENT.

Chair Williams adjourned the meeting at 11:07 a.m.

Respectfully submitted,

George J. Spiliotis
Executive Officer