

2.
11/22/2016

MINUTES
September 22, 2016

Present: Nancy Wright, **Chair**
Douglas Hanson, **Vice Chair**
Kevin Jeffries
Eugene Montanez
Stephen Tomanelli
Chuck Washington
Phil Williams

Present Staff: George J. Spiliotis, Executive Officer
Adriana Romo, Local Government Analyst
Crystal Craig, Local Government Analyst
Elena Medina, Executive Assistant
Elizabeth Valdez, LAFCO Secretary
Tiffany North, Legal Counsel

1.1 CALL TO ORDER AND SALUTE TO THE FLAG.

The meeting was called to order by Chair Wright at 9:31 a.m.

1.2 ROLL CALL.

1.3 ADDITION OF ITEM TO THE AGENDA.

Ms. North, Legal Counsel, stated that a lawsuit has just been filed and it was now pending litigation rather than anticipated litigation. She requested that the Commission add this to Item 17 Executive Session to be discussed in closed session.

Moved (Wright) seconded (Jeffries) to approve the addition of pending litigation to the Item 17 of the agenda.

AYES: Wright, Hanson, Jeffries, Montanez and Tomanelli.

NOES: None.

ABSENT: Washington and Williams.

ABSTAINED: None.

2. APPROVAL OF MINUTES OF JULY 28, 2016.

Moved (Hanson) seconded (Jeffries) to approve the minutes of the July 28, 2016 LAFCO meeting.

AYES: Wright, Hanson, Jeffries, Montanez and Tomanelli.

NOES: None.

ABSENT: Washington and Williams.

ABSTAINED: None.

3. CONSENT (NON-HEARING ITEMS).

There were no consent items.

4. PUBLIC HEARINGS:

Continued:

- a. LAFCO 2014-20-5-Reorganization to Include Annexation 07-ANX-01A to the City of Beaumont (ASM Beaumont Business Center), Concurrent Annexation to the Beaumont-Cherry Valley Water District, and Concurrent Detachments from County Service Area 152 and the Riverside County Waste Resources Management District and pursuant to the California Environmental Quality Act, the Commission, as responsible agency, will review and consider the Mitigated Negative Declaration prepared by the City of Beaumont, as lead agency, and adoption of a resolution making determinations on the proposal **(Continued from July 26, 2016; Staff recommends continuance to November 10, 2016).**

Mr. Spiliotis stated that an alternative provisional Plan of Services was received and it basically contained the same information that was already provided. It also referenced information from the 2006 Municipal Service Review. He said that he has had contact with City staff and the applicant and if a new plan of services is signed off by the city in time this item will be heard at the Commission's next meeting.

Judy Bingham, 115 Veile, Beaumont, CA 92223. Ms. Bingham spoke in opposition of the proposal.

Moved (Hanson) seconded (Montanez) to continue LAFCO 2014-20-5-Reorganization to Include Annexation 07-ANX-01A to the City of Beaumont (ASM Beaumont Business Center), Concurrent Annexation to the Beaumont-Cherry Valley Water District, and Concurrent Detachments from County Service Area 152 and the Riverside County Waste Resources Management District to November 10, 2016 as recommended by staff.

AYES: Wright, Hanson, Jeffries, Montanez and Tomanelli.

NOES: None.

ABSENT: Washington and Williams.

ABSTAINED: None.

- b. LAFCO 2015-07-1-Reorganization to Include Annexation 83 (Nichols Road) to the City of Lake Elsinore and Concurrent Annexation to Northwest Mosquito and Vector Control District and Concurrent Detachments from County Service Area 22 and the Riverside County Waste Resources Management District and pursuant to the California Environmental Quality Act, the Commission, as responsible agency, will review and consider Addendum #1 with the Program Environmental Impact Report prepared for the City's General Plan Update by the City of Lake Elsinore, as lead agency, and adoption of a resolution making determinations on the proposal **(Continued from July 28, 2016; Staff recommends continuance to November 10, 2016).**

Mr. Spiliotis stated that the County and the City had reached an agreement that needed to be acted upon. He said that a staff was recommending a continuance to the next meeting.

Moved (Tomanelli) seconded (Williams) to continue LAFCO 2015-07-1 Reorganization to Include Annexation 83 (Nichols Road) to the City of Lake Elsinore and Concurrent Annexation to Northwest Mosquito and Vector Control District and Concurrent Detachments from County Service Area 22 and the Riverside County Waste Resources Management District to November 10, 2016 as recommended by staff.

AYES: Wright, Hanson, Jeffries, Montanez and Tomanelli.

NOES: None.

ABSENT: Washington and Williams.

ABSTAINED: None.

New:

- c. LAFCO 2016-02-2-Sphere of Influence Amendments to Temescal Valley Water District (Removal) and Elsinore Valley Municipal Water District (Addition) (Estelle Mountain South) and pursuant to the California Environmental Quality Act the Commission, as responsible agency, will review and consider the Negative Declaration prepared by the Temescal Valley Water District, as lead agency, and adoption of a resolution making determinations on the proposal.

Ms. Romo presented this item. She stated that the proposal was part of a condition of a previous annexation. She stated that this is a land swap between the two agencies. Ms. Romo said that staff was recommending approval of the sphere amendments.

Chair Wright opened the public hearing. There being no one wishing to speak the public hearing was closed.

Moved (Jeffries) seconded (Tomanelli) to approve LAFCO 2016-02-2-Sphere of Influence Amendments to Temescal Valley Water District (Removal) and Elsinore Valley Municipal Water District (Addition) (Estelle Mountain South) as recommended by staff.

AYES: Wright, Hanson, Jeffries, Montanez and Tomanelli.

NOES: None.

ABSENT: Washington and Williams.

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 2016-08-1-Annexation 40 to County Service Area 132 (TR 36910)(Being withdrawn by the Applicant).
- b. LAFCO 2016-09-3-Annexation 125 to CSA 103 (TR 33423-1 and 33423-1).

- c. LAFCO 2016-10-2-Request for Extra-Territorial Service Provision - City of Colton (California Citrus Cooperative).

Mr. Spiliotis stated that for Item 6.a. the applicant had formally withdrawn the proposal and was requesting a refund. He said the request for a refund was on the current agenda.

7. RECEIVE AND FILE:

- a. LAFCO Monthly Expenditure Review.

Moved (Montanez) seconded (Jeffries) to receive and file the LAFCO Monthly Expenditure Review.

AYES: Wright, Hanson, Jeffries, Montanez and Tomanelli.

NOES: None.

ABSENT: Washington and Williams.

ABSTAINED: None.

8. REPORT ON CONDUCTING AUTHORITY PROCEEDINGS.

- a. LAFCO 2015-08-1-Reorganization to Include Annexation 118 (Central /Sycamore) to the City of Riverside and Concurrent Annexation to Northwest Mosquito and Vector Control District and Concurrent Detachments from County Service Area 93 and the Riverside County Waste Resources Management District.
- b. LAFCO 2016-01-3-Annexation 124 to County Service Area 103(TR 32290-1).

Mr. Spiliotis stated that both of these proposals were completed. He said that no action was needed on this item.

9. LAFCO 2016-10-2-REQUEST FOR EXTRA-TERRITORIAL SERVICE PROVISION-CITY OF COLTON (CALIFORNIA CITRUS COOPERATIVE).

Ms. Romo presented this item. She stated that after the staff report was distributed, staff learned that ownership of the sewer line that needed to be extended had become an issue. She said that additional materials are required of the applicants and requested a continuance to the November 10th meeting.

Moved (Tomanelli) seconded (Jeffries) to continue LAFCO 2016-10-2-Request for Extra-territorial Service Provision-City of Colton (California Citrus Cooperative) to the November 10, 2016 meeting.

AYES: Wright, Hanson, Jeffries, Montanez and Tomanelli.

NOES: None.

ABSENT: Washington and Williams.

ABSTAINED: None.

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

Mr. Spiliotis gave a summary of the status of current LAFCO related legislation.

11. DESIGNATE A VOTING DELEGATE FOR THE CALAFCO CONFERENCE.

Moved (Jeffries) seconded (Tomanelli) to appoint Commissioner Hanson as the voting delegate and George Spiliotis as the alternate for the CALAFCO Conference.

AYES: Wright, Hanson, Jeffries, Montanez and Tomanelli.

NOES: None.

ABSENT: Washington and Williams.

ABSTAINED: None.

12. REQUEST FOR REFUND FOR LAFCO 2016-08-1-ANNEXATION 40 TO COUNTY SERVICE AREA 132 (TR 36910).

Ms. Craig presented this item. She said that the applicant had withdrawn the proposal in the early stages of the annexation process and was requesting a refund. She stated that approximately seven hours of work had been completed by staff and she was recommending a partial refund in the amount of \$4,600.00.

Commissioner Montanez stated that staff may have underestimated the amount of time spent, which would include today's meeting.

Mr. Spiliotis reiterated that the proposal was withdrawn very early in the process.

Moved (Jeffries) seconded (Tomanelli) to appoint Commissioner Hanson as the voting delegate and George Spiliotis as the alternate for the CALAFCO Conference.

AYES: Wright, Hanson, Jeffries, Montanez and Tomanelli.

NOES: None.

ABSENT: Washington and Williams.

ABSTAINED: None.

13. REQUEST FOR WAIVER OF FISCAL IMPACT REPORT REQUIREMENT FOR LAFCO 2016-04-1-REORGANIZATION TO INCLUDE ANNEXATION 84 (THE SUMMIT) TO THE CITY OF LAKE ELSINORE, CONCURRENT ANNEXATION TO THE NORTHWEST MOSQUITO AND VECTOR CONTROL DISTRICT AND CONCURRENT DETACHMENT FROM THE RIVERSIDE COUNTY WASTE RESOURCES MANAGEMENT DISTRICT.

Ms. Romo presented this item. She said that the proponents were requesting the fiscal impact report requirements be waived since approximately 80 acres is developable land and it fell below the 100 acre requirement.

Moved (Jeffries) seconded (Tomanelli) to approve the Request for Waiver of the Fiscal Impact Report Requirement for LAFCO 2016-04-1-Reorganization to Include Annexation 84 (The Summit) to the City of Lake Elsinore, Concurrent Annexation to the Northwest Mosquito and Vector Control District and Concurrent Detachment from the Riverside County Waste Resources Management District as recommended by staff.

AYES: Wright, Hanson, Jeffries, Montanez and Tomanelli.

NOES: None.

ABSENT: Washington and Williams.

ABSTAINED: None.

14. AUTHORIZATION TO PROCURE FINANCIAL ANALYSIS SERVICES-MENIFEE PROPOSAL FOR DETACHMENT FROM VALLEY-WIDE RECREATION AND PARK DISTRICT.

Mr. Spiliotis presented this item. He stated that the City of Menifee had decided to pursue detachment from Valley-Wide Recreation and Park District. He said assessments currently being levied by VWRPD would be assumed by the City. He said that there was two separate meetings of the agencies, at the request of LAFCO, to come to an equitable division of those assessments. Mr. Spiliotis said the two agencies were not in agreement therefore, LAFCO would seek a consultant for an independent fiscal analysis, the cost to be borne by the City of Menifee. He stated that the staff was requesting the Commission to approve the process of acquiring quotes for the RFP that will be posted and authorize the Chair to execute the agreement.

Robert Lennox, Community Services Director, City of Menifee, 18223 Kross Rd., Riverside, CA 92508. Mr. Lennox said he was in support of staff's recommendation of selecting a fiscal consultant, however, he wanted the selection process of a firm to be unbiased. He also stated he did not want a delay with processing the application.

Dean Wetter, General Manager, Valley-Wide Recreation and Park District, 901 W. Esplanade Ave, San Jacinto, CA 92582. Mr. Wetter stated that the District had a neutral position on the selection of a fiscal consultant. He asked that the consultant selected be someone that had not previously worked with the City or its staff.

Mr. Spiliotis stated that he would send a list of consultants to each agency to review before sending the RFP to those firms.

Moved (Jeffries) seconded (Tomanelli) to approve the Authorization to Procure Financial Analysis Services-Menifee Proposal for Detachment from Valley-Wide Recreation and Park District with the caveat that Mr. Spiliotis would supply the City and the District with a list of consultants prior to mailing the RFP

AYES: Wright, Hanson, Jeffries, Montanez and Tomanelli.

NOES: None.

ABSENT: Washington and Williams.

ABSTAINED: None.

15. FISCAL YEAR 2016-17 LOCAL AGENCY SHARE STATUS REPORT.

Mr. Spiliotis stated that the City of Palm Springs had not yet paid its local agency share. He also stated, that as in the past, Pinyon Pines County Water District had paid its local agency share but had not paid the administrative charge of the Auditor Controller. He stated the Commission could authorize the Auditor Controller to recover the charges from property tax proceeds.

Moved (Montanez) seconded (Tomanelli) to authorize the Auditor Controller's office to take the money from the property tax revenues in order to recoup the administrative charge from the Pinyon Pines County Water District.

AYES: Wright, Hanson, Jeffries, Montanez and Tomanelli.

NOES: None.

ABSENT: Washington and Williams.

ABSTAINED: None.

16. BUDGET AMENDMENT - APPROPRIATION FOR CONSULTING SERVICES AND ADDITION TO FEE REVENUE.

Moved (Tomanelli) seconded (Jeffries) to approve the Budget Amendment - Appropriation for Consulting Services and Addition to Fee Revenue as recommended by staff.

AYES: Wright, Hanson, Jeffries, Montanez and Tomanelli.

NOES: None.

ABSENT: Washington and Williams.

ABSTAINED: None.

The Commission adjourned to Executive Session at 10:09 a.m.

17. EXECUTIVE SESSION:

CONFERENCE WITH LEGAL COUNSEL:

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 to subdivision (d)(2) of Government Code Section 54956.9:

A.1 One potential case

Conference with legal counsel-anticipated litigation:

Initiation of litigation pursuant to subdivision (d)(4) of Government Code Section 54956.9:

B.1 One potential case

B.2. Pending Litigation the Idyllwild-San Jacinto Regional Fire Authority and City of San Jacinto v. All Persons Interested in Proceedings Related to the Amended and Restated Joint Powers Agreement for Fire Protection Services RIC 1612042.

Commissioner Washington arrived at 10:18 a.m.

Commissioner Williams arrived at 10:21 a.m.

The Commission reconvened at 11:00 a.m.

Ms. North stated there was no reportable action taken in Executive Session.

18. EXECUTIVE OFFICER REPORTS.

Mr. Spiliotis stated that the audit field work was scheduled for November 7th. He stated that an RFP for photocopying services had been issued and that approximately 7 responses had been received. He also reminded the Commission that the next meeting would be at Eastern Municipal Water District on November 10th and the December 8th meeting would be at Indian Wells City Hall.

19. COMMISSIONER COMMENTS/FUTURE AGENDA ITEMS.

There were no Commissioner comments.

20. ADJOURNMENT.

Chair Wright adjourned the meeting at 11:02 a.m. to the next meeting on November 10, 2016

Respectfully submitted,

George J. Spiliotis
Executive Officer