



Present Michael Vargas, Chair  
Commissioners: Stephen Tomanelli, Vice-Chair  
Nancy Wright  
Jeff Hewitt  
Steve Sanchez  
Kevin Jeffries  
Steven Pastor, Alternate

Present Staff: Gary Thompson, Executive Officer  
Crystal Craig, Assistant Executive Officer  
Michael Henderson, GIS Analyst  
Elizabeth Valdez, Commission Clerk  
Melissa Cushman, Legal Counsel

Chair Vargas called the meeting to order at approximately 8:30 a.m.

### 1.3. ANNOUNCEMENT CONCERNING CONTRIBUTIONS TO COMMISSION MEMBERS.

Counsel Cushman made a statement to the public regarding disclosure of contributions made to Commissioners.

Moved (Wright) seconded (Sanchez) to approve the Minutes of the February 24, 2022 meeting.

Chair Vargas called for the vote.

AYES: Vargas, Tomanelli, Wright, Jeffries, Hewitt, Sanchez, and Pastor.

NOES : None.

ABSENT: Williams.

ABSTAINED: None.

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

There were no public comments.

4. CONSENT CALENDAR (NON-HEARING ITEMS):

a. LAFCO Monthly Expenditure Review.

Moved (Tomanelli) seconded (Jeffries) to approve the consent calendar as recommended by staff.

Chair Vargas called for the vote.

AYES: Vargas, Tomanelli, Wright, Jeffries, Hewitt, Sanchez, and Pastor.

NOES: None.

ABSENT: Williams.

ABSTAINED: None.

5. PUBLIC HEARINGS:

**Continued:** There were no continued public hearing items.

**New:** There were no new public hearing items.

6. OTHER BUSINESS:

a. Fiscal Year 2022/23 Annual Action Plan.

Mr. Thompson presented the Annual Action Plan. He stated that the 5-Year Strategic Plan has been updated to include changes this year including the new MSR schedule. He stated that some of the special district MSRs are on track to finish this year although not all of them. He stated the 5-Year Strategic Plan will have some changes including preparing future MSRs in-house rather than hiring a consultant. He stated additional changes may be made during the budget process.

Moved (Hewitt) seconded (Tomanelli) to approve Fiscal Year 2022/23 Annual Action Plan as recommended by staff.

Chair Vargas called for the vote.

AYES: Vargas, Tomanelli, Wright, Jeffries, Hewitt, Sanchez, and Pastor.

NOES: None.

ABSENT: Williams.

ABSTAINED: None.

b. Discussion Regarding Returning to Hybrid Meetings.

Mr. Thompson reviewed AB361, Resolution 01-22, and the options for hybrid and in-person meetings. He stated the law is clear and the Emergency Declaration Resolution would have to be approved every 30 days. He stated that many agencies are not following this procedure. He stated that he would like to approve the resolution today in order to hold the upcoming Administrative Review Committee meeting via Zoom.

The Commission discussed returning to hybrid meetings. They spoke about public participation, the Brown Act, remaining flexible for meetings that may be less than an hour, and the possibility of any decisions being challenged if they were not to approve the resolution every 30 days.

Counsel Cushman stated that as long as the public can participate by phone and there were no issues then the Commission would be able to vote on items on the agenda. She stated if there were any glitches with participating then any items voted on could be challenged and become null and void and LAFCO could be liable for any attorney fees. She stated that if any issues were to happen then those items requiring a vote would have to be continued.

Mr. Thompson stated this would now be an item on future agendas, however, there may be some months when the Commission meets past the 30 days. He stated that the legislation did not account for many agencies that do not meet weekly or even monthly.

Chair Vargas opened public comments.

**Brad Anderson**, resident of the City of Rancho Mirage. Mr. Anderson opposes changing the format of the meetings to hybrid meetings. He stated that this is now being used as a convenience. He stated that the 30 days was to reconsider the state of emergency. He stated the Brown Act was put in place to avoid corruption.

Chair Vargas closed public comments.

Chair Hewitt asked for clarification or any legal opinions regarding putting the resolution on the consent calendar on each meeting if over the 30-day requirement. Counsel Cushman stated that this would not work as sometimes LAFCO meets 31 days later and that a new resolution or a special meeting would need to be done. Mr. Thompson stated that he did not receive any legal opinions as to why other agencies were not meeting the 30-day requirement. Counsel Cushman stated that the Commissioners could still attend virtually as long as they follow the Brown Act requirements.

Moved (Tomanelli) seconded (Hewitt) to adopt Resolution 01-22 and to hold a special meeting in order to extend the emergency declaration and reaffirm the resolution prior to the next regular Commission meeting.

Chair Vargas called for the vote.

AYES: Vargas, Tomanelli, Wright, Jeffries, Hewitt, Sanchez, and Pastor.

NOES: None.

ABSENT: Williams.

ABSTAINED: None.

c. Discussion Regarding Agreement - "State Water Resource Control Board - Governance and Electricity Service Study - Imperial Irrigation District".

Mr. Thompson presented this item. He stated that he thought the agreement was finalized between all the parties, however, last-minute changes were presented to him late yesterday afternoon. He stated that the parties keep going back and forth and he was looking for direction from the Commission on the three options provided in the staff report.

Commissioner Sanchez stated that the important issue is what agency will be supplying power in ten years from now to the area. He asked that if IID does not want to be the provider, then what happens in one month from now if the agreement is not in place. Commissioner Sanchez stated he doesn't want to see many years of legislation and staff time wasted if this is terminated.

Mr. Thompson stated that if the current revision is fine, then the April 11<sup>th</sup> deadline won't be a problem. He stated that he also has consultants waiting and he is not sure what other changes may be proposed after this revision.

Commissioner Hewitt asked if an ultimatum with the State had ever had a positive effect. Mr. Thompson stated it got their attention just having this item on the agenda today. Commissioner Hewitt stated that staff and counsel time is money. Mr. Thompsons stated that the time spent will not be reimbursed only costs after the agreement is signed and the grant is awarded.

Commissioner Wright suggested contacting the Chair of the State Water Resources Control Board and the Chief Counsel for the Board.

Chair Vargas opened public comments.

Brad Anderson, resident of the City of Rancho Mirage. Mr. Anderson stated that he agreed with option 3 to terminate participation in this agreement.

Moved (Sanchez) seconded (Hewitt) to approve option 2 and change the date from April 11<sup>th</sup> to May 11, 2022 to bring the Final Agreement - "State Water Resource Control Board - Governance and Electricity Service Study - Imperial Irrigation District" for approval back to the Commission.

Chair Vargas called for the vote.

AYES: Vargas, Tomanelli, Wright, Jeffries, Hewitt, Sanchez, and Pastor.

NOES: None.

ABSENT: Williams.

ABSTAINED: None.

**7. INFORMATION ITEMS:** No action to be taken by the Commission.

a. Proposals Received and/or LAFCO Initiated (Government Code Sections 56751 and 56857):

- i. LAFCO 2022-01-4-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 - Remaining Trust Lands)

Ms. Craig gave a brief overview on the new proposal received.

b. Report on Conducting Authority Proceedings.

There was no Conducting Authority Proceedings Report.

**8. LEGISLATIVE UPDATE AND POTENTIAL POSITIONS.**

Mr. Thompson gave an update on pending legislation. He stated that there are two items, AB 2957 Omnibus Bill, and SB 938 Protest Proceedings, that he is asking the Commission to take a support position and to authorize him to send the sign and send the letters today. He reviewed both bills for the Commission.

Moved (Wright) seconded (Sanchez) to take a support position on AB 2957 and SB 938 and to authorize the Executive Officer to sign and transmit the letters of support.

Chair Vargas called for the vote.

AYES: Vargas, Tomanelli, Wright, Jeffries, Hewitt, Sanchez, and Pastor.

NOES: None.

ABSENT: Williams.

ABSTAINED: None.

**9. EXECUTIVE OFFICER REPORTS.**

Ms. Craig welcomed and introduced the new GIS Analyst Michael Henderson to the Commission.

Mr. Henderson stated he was happy to be with LAFCO and that he was looking forward helping make Riverside LAFCO successful.

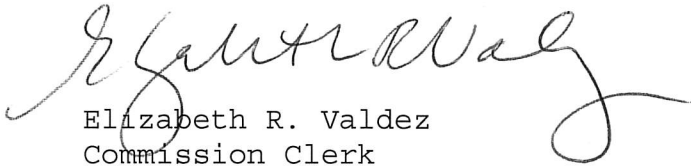
**10. COMMISSIONER COMMENTS/FUTURE ITEMS.**

There were no commissioner comments.

**11. ADJOURNMENT.**

The Commission adjourned the meeting at 9:26 a.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Elizabeth R. Valdez", is written over the printed name and title.

Elizabeth R. Valdez  
Commission Clerk