

MINUTES OF THE MEETING OF THE LOCAL AGENCY
FORMATION COMMISSION FOR LOS ANGELES COUNTY

JANUARY 23, 2002

Present:

Henri Pellissier, Chairman
Yvonne Brathwaite-Burke
Larry Connelly
James DiGiuseppe
Beatrice Proo, Vice Chairman
Carol Herrera
Cindy Miscikowski
William Wentworth
Zev Yaroslavsky
Hal Bernson, Alternate
Kenneth I. Chappell, Alternate
Richard Close, Alternate
Jerry E. Gladbach, Alternate
Donald Knabe, Alternate
Cristina Cruz-Madrid, Alternate

Larry J. Calemene, Executive Officer
John Krattli, Legal Counsel

Absent:

The meeting was called to order at 9:00 a.m.

Pledge of Allegiance led by Commissioner Pellissier

Persons who made a contribution of more than \$250 to any member of the Commission during the preceding 12 months were asked to come forward and state for the record the Commissioner to whom such contribution was made and the item of their involvement.

(None)

1

The City of Bell Gardens Detachment from the Belvedere Garbage Disposal District continued from the December 12, 2001 commission hearing. The Executive Officer recommended that the Commission adopt resolution making determinations and approving the detachment of the entire City of Bell Gardens from the Belvedere Garbage Disposal District, subject to the following conditions:

- a. The fee previously authorized and levied by the Belvedere Garbage Disposal District shall be levied by the City of Bell Gardens.
- b. No assets of the District shall transfer to the City
- c. The City shall not be apportioned any liabilities of the District.
- d. The effective date of the detachment shall be July 1, 2002.

Commissioner Wentworth raised the issue that the parties should come to an agreement regarding the disposition of assets and liabilities before the Commission takes action. After discussion and input from County Counsel and, on motion of Commissioner Wentworth, unanimously carried, the Bell Gardens Detachment was held over until February 27, 2002.

2

The Antelope Valley Hospital District non payment of 2001-2001 assessment of Independent Special Districts was called up. Mr. Norman Andrews, Vice President of the district addressed the commission. Mr. Andrews reiterated the district's position as outlined in a letter submitted to the Commission at the time of this hearing. The district indicated via letter and Mr. Andrews that they felt the assessment was in violation of Prop 218. County Counsel responded that Prop 218 was not applicable in regards to LAFCO. County Counsel also informed Mr. Andrews that an apportionment alternative was provided for in Cortese-Knox-Hertzberg, but LAFCO has no authority to waive or otherwise absolve any district from its assessment. Simply stated if at a meeting of the Special Districts committee and if a majority of district reach a consensus as to an alternative apportionment method, then LAFCO could use that apportionment method.

Commissioner Wentworth inquired as to whether Mr. Andrews was aware of the educational forum for special districts that the Los Angeles LAFCO was sponsoring. Mr Andrews indicated that he was not aware of the forum and that he would check with the President of the district and that he would attend the forum.

County Counsel went on to further suggest that an alternative to the Antelope Valley Hospital District plan presented via letter is to have the district deposit the funds with LAFCO instead of an escrow account pending a court decision. Should the courts rule in favor of the district the commission would certainly return the funds, but the law is clear the district is responsible for its portion of the LAFCO budget and the commission does not have the discretion to waive said fees. Based on the alternate proposal by county counsel the Executive Officer amended his staff recommendation. The recommendation is to give the Antelope Valley Hospital District 15 days to deposit the amount due that the commission would hold in trust pending a court decision or legislative change that would cause the commission to return said money, and failing to receive those funds within 15 days the commission would proceed with legal action. County counsel further refined the staff recommendation that if no action was filed seeking a determination as to the validity of the assessment against this district within 90 days then the commission would cease to hold those monies in trust and would then deposit those monies into the LAFCO operating account. Commissioner Yaroslavsky raised the issue of how long would the commission wait for a legislative action.

Pending a resolution by county counsel to deal with the various legalities, on a motion by Commissioner Yaroslavsky, unanimously carried, this item was held over until the next commission hearing on February 13, 2002.

3

a. The Executive Officer reported on the Special Reorganization update which includes a status report by PFM. The boundaries submitted by the San Fernando Valley applicants and the Hollywood applicants both include an area called the Cahuenga Pass. All parties involved including the residents of the Cahuenga Pass area have agreed that the territory in question be included in the proposed new city of Hollywood. The following people addressed the commission on this matter:

Jeff Brain

William Dalvack

John Walker

Jim McQuiston

Gene La Pietra

An official from Universal City addressed the commission regarding jurisdictional issues that arise from special reorganization. The bottom line being that there is the potential for Universal City to be a part of three different jurisdictions. Commissioner Miscikowski requested guidance from county counsel regarding the constraints governing LAFCO. In particular, the code that states LAFCO cannot add territory to a proposal and restrictions in

creating jurisdictional islands.

b. On motion of Commissioner Yaroslavsky, unanimously carried, remove the Cahuenga Pass area from the proposed new Valley city and retain said territory in the proposed new Hollywood city. In addition, allow the Universal City officials two weeks to meet with the parties involved to come to an agreement regarding the three disputed parcels.

c. Further, there were some eight areas within the boundaries of the proposed new Hollywood city that wish to be excluded. After presenting the commission with various options and scenarios, the Executive Officer requested that the commission make a motion to accept staff recommendations as proposed in the January 23, 2002 staff report. On this issue Mr. Jim McQuiston and Mr. Gene La Pietra addressed the commission.

On motion of Commissioner Yaroslavsky unanimously carried, the commission authorized staff and its consultants to analyze the effects of three different scenarios two of which would remove various territories from the proposed new city of Hollywood boundaries. (See staff report agenda item 3(b) for specific boundary details.) The boundary for scenario three was modified to exclude the territory south of Melrose between Kingsley and the City of West Hollywood.

d. On motion of Commissioner Wentworth, unanimously carried, the commission adopted procedures presented by the State Controllers Office on requesting an audit of the final Comprehensive Fiscal Analysis. The following people addressed the commission regarding changes in the redistricting proposal for the new valley city:

Jim McQuiston
John Walker
Jeff Brain
Bobbi Fiedler
Harry Coleman

e. On motion of Commissioner Wentworth, unanimously carried, the districting proposal was received into file. County counsel reported on the legal opinion issued by the Legislative Counsel's Office on the division of assets. County counsel indicated that he did not believe this opinion adds materially to the discussions that have occurred thus far. County counsel indicated that a lot of the cases cited are from out of the State of California and would not be applicable in deciding this issue in California. None of the cases cited within the State of California are relevant to the issue of whether LAFCO can order the transfer of assets without compensation. In fact the cases cited deal with areas that want to be excluded or included in a particular annexation or detachment. The following people addressed the commission regarding this matter:

Jeff Brain
Walter Prince
Jim McQuiston

The Executive Officer indicated that the deadline for submission of names for the newly proposed cities is April 5, 2002.

f. The contract amendment for LSA (environmental consultants) to perform a program EIR for the Special Reorganization areas at a cost of \$323,274 was called up, on motion of Commissioner Herrera, unanimously carried, the LSA contract was amended per staff recommendations.

4

On motion of Commissioner Wentworth, unanimously carried the minutes of January 9, 2002 were approved pending changes to indicate the absence of Commissioners Wentworth and Connelly.

5

No one came forward during the period allowed for public comment.

6

No new business was raised to be placed on a future agenda.

7

The next meeting of the Commission was set for February 13, 2002.

8

On motion of Commissioner Yaroslavksy, unanimously carried, the Regular Meeting was adjourned at 11:30 a.m.

Respectfully submitted,

LARRY J. CALEMINE
Executive Officer