



LOCAL AGENCY FORMATION COMMISSION
FOR LOS ANGELES COUNTY

LOCAL AGENCY FORMATION COMMISSION
REGULAR MEETING MINUTES

Wednesday, April 24, 2002

Present:

Henri Pellissier, Chairman
Yvonne Brathwaite-Burke
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. Calemine, Executive Officer
John Krattli, Legal Counsel

Absent:

Larry Connelly

HENRI F. PELLISSIER
CHAIRMAN

YVONNE BRATHWAITE-BURKE
LARRY CONNELLY
JAMES DIGIUSEPPE
CAROL HERRERA
CINDY MISCIKOWSKI
BEATRICE PROO
WILLIAM WENTWORTH
ZEV YAROSLAVSKY

ALTERNATE MEMBERS
HAL BERNSON
KENNETH I. CHAPPELL
RICHARD H. CLOSE
CRISTINA CRUZ-MADRID
DON KNABE
JERRY GLADBACH

STAFF
LARRY J. CALEMINI
EXECUTIVE OFFICER

SANDOR L. WINGER
DEPUTY EXECUTIVE OFFICER

JUNE D. SAVALA
EXECUTIVE ASSISTANT

1

The meeting was called to order at 9:00 a.m. The Pledge of Allegiance was led by Chairman Henri F. Pellissier.

The Executive Officer requested that anyone present who has made a contribution of more than \$250 to any member of the Commission during the preceding 12 months to come forward and state for the record the Commissioner to whom such contribution was made and the item of their involvement. [No one came forward]

2

On motion of Commissioner Knabe, unanimously carried (Commissioners Connelly and Yaroslavsky being absent), the Commission took the following actions relating to the request for an amendment to the Sphere of Influence for County Sanitation District No. 32:

- A. Acting in its role as a responsible agency, with respect to the proposed amendment to the sphere of influence and under State CEQA Guidelines Section 15096, certified that it has independently considered and reached its own conclusions regarding the environmental effects of the project and the 2015 Santa Clarita Valley Joint Sewage System Facilities Plan and associated EIR certified by the County Sanitation Districts of Los Angeles County (CSD) and has determined that the document adequately addresses the environmental impacts of the project. Made a finding that it has complied with the requirements of CEQA with respect to the process for a responsible agency, and adopted by reference the EIR previously prepared by the CSD in connection with the certification of that document for the project.
- b. Approved an amendment to the Sphere of Influence for County Sanitation District No. 32, as outlined in Exhibit1; and excluding that portion of Newhall Ranch currently located within the boundary of the district.
- c. Made the following determinations:
 - a. **Present and planned land uses in the area:**
The Santa Clarita Valley Area Plan Land Use designations for the territory within the unincorporated area of Los Angeles County consists of Open Space (O), Hillside Management (HM), Floodway/Floodplain (W), Nonurban (N1), Nonurban 2 (N2), Industry (M), Urban 1 (U1), Urban 2 (U2), Urban 3 (U3), and Significant Ecological Areas (S). The City of Santa Clarita's General Plan land use designation for the portion of the territory within the City is Commercial.

Minute Order No. 2 (Continued)

b. Present and probable need for public facilities and services in the area:

The Santa Clarita Valley is one of the fastest growing areas in the County and the requested amendment is necessary to provide wastewater management services to the growing population.

c. Present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide:

The District is capable of treating 19.1 mgd (million gallons per day). It currently treats an average annual flow of 16.95 mgd. The SCVJSS allows the district to expand to 34.1 mgd. The District expects to expand to 28.1 mgd by the year 2003 (an increase of 9 mgd) and to the maximum capacity of 34.1 by the year 2010 (an increase of 6 mgd).

3

On motion of Commissioner Proo, unanimously carried (Commissioners Connelly and Yaroslavsky being absent), the Commission took the following actions relating to Annexation No. 261 to County Sanitation District No. 32:

- a. Acting in its role as a responsible agency, with respect to the proposed annexation and under State CEQA Guidelines Section 15096, certified that it has independently considered and reached its own conclusions regarding the environmental effects of the project and the negative declaration certified by the Los Angeles County Department of Regional Planning (RPD) and has determined that the document adequately addresses the environmental impacts of the project. Made a finding that it has complied with the requirements of CEQA with respect to the process for a responsible agency, and adopted by reference the Negative Declaration previously prepared by the RPD in connection with the certification of that document for the project.
- b. Made a finding that all owners of land have given written consent to the change of organization, and all affected agencies have consented in writing to the waiver of protest proceedings, and waived the requirement for a protest proceedings in its entirety; and

Minute Order No. 3 (Continued)

- c. Adopted the attached resolution making determinations and ordering Annexation No. 261 to County Sanitation District No. 32, subject to the following term and condition:

The property so annexed shall be subject to the payment of such service charges, assessments or taxes as the County Sanitation Districts may impose.

4

A Protest Hearing was held on the following:

Detachment of the entire City of Bell Gardens from the Belvedere Garbage Disposal District of Los Angeles County.

Opportunity was given for anyone present to be heard.

On motion of Commissioner Wentworth, unanimously carried (Commissioners Connelly and Yaroslavsky being absent), the Commission took the following actions:

- a. Made a finding that there were no protests filed against the proceedings.
- b. Adopted the attached resolution ordering the detachment of the entire City of Bell Gardens from the Belvedere Garbage Disposal District of Los Angeles County, subject to the following terms and conditions:
 1. The fee previously authorized and levied by the Belvedere Garbage Disposal District shall be levied by the City of Bell Gardens.
 2. No assets of the District shall transfer to the City.
 3. The City shall not be apportioned any liabilities of the District.
 4. The effective date of the detachment shall be July 1, 2002.

The Commission also made a correction to the staff's recommendation and excluded the recommendation which would have subjected the detachment to a new condition being imposed prior to June 30, 2002, to reflect the agreement by the parties as to the "fair" allocation of assets and liabilities to the City.

5

On motion of Commissioner Wentworth, unanimously carried (Commissioners Connelly and Yaroslavsky being absent), the Commission set May 22, 2002 at 1:00 p.m., for consideration of the Proposed Budget for Fiscal Year 2002-03.

6

The Commission congratulated Commissioner Carol Herrera on her reappointed, by the Los Angeles County City Selection City, as the city representative on LAFCO, for a four-year term ending May 1, 2006.

7

The following item was called up for consideration:

Hearing on the Special Reorganization of the San Fernando Valley and presentation of the Executive Officer's Report and consideration of terms and conditions.

The Executive Officer summarized the staff report.

The Chairman entertained questions from members of the Commission.

Commissioner Burke asked what affect does the Harbor and Hollywood Special Reorganizations have on the figures presented in the San Fernando Valley Report. She also wanted to know how the whole issue of concurrent special reorganizations should be treated.

The Executive Officer responded that the Government Code sets out procedures for special reorganizations and that each must to be treated independently.

Legal Counsel further elaborated that pursuant to the Government Code the commission is require to analyze each proposal independently on its own merits. The reason for this, he stated, is the Commission would not know which, if any, of the proposals would be approved by the voters.

Craig Hoshijima of Public Financial Management spoke to the comprehensive fiscal analysis that was prepared and concurred with Legal Counsel's assertion that the cumulative effect of all three special reorganizations would be additive. He further stated that the assumptions made by PFM that the City of Los Angeles would continue to provide services to the areas was reasonable, because this ensures that there is a minimal amount of disruption of services, both financial and service related.

Commissioner Burke had additional questions regarding debt allocation. Beverly Burr of Burr Consulting responded that debt allocation is based on the special reorganization's contribution to the city's general fund, as it was in the base year.

[Commissioner Yaroslavsky in at 9:50 a.m.]

Minute Order No. 7 (Continued)

Close asked what led to the conclusion that July 1, 2003 is a better date for incorporation and implementation versus January 1, 2003. The Executive Officer requested that Commissioner Close inquiry be tabled for the time being.

At the request of the Chairman, the Executive Officer summarized for the record, the recommendations enumerated in the Draft Resolution Making Determinations.

Commissioner Yaroslavky requested clarification from the Fred Merkin whether it is the City of Los Angeles' position that LAFCO does not have the right or authority to impose a term and conditions that would require the City of Los Angeles, if the special reorganization should take place, to charge utility customers in the San Fernando Valley the same rates as charged to customers in the City of Los Angeles. Mr. Merkin confirmed that is the city's position.

After discussion, the Executive Officer suggested that the Commission direct staff and legal counsel to prepare an alternative position on water and power that the commission can consider in regards to the transfer of the new city's proportionate share of all assets and liabilities of the water and power. Commissioner Yaroslavsky suggested that the Executive Officer consult with legal counsel and be prepared to give the commission options.

Felipe Fuentes, City of Los Angeles, summarized the concerns of the Mayor's office.

There was continued discussion from commission members, staff, legal counsel and interested parties.

Commissioner Yaroslavsky requested Mr. Merkin to provide a legal opinion to LAFCO regarding council members who will be affected by the change in council districts, should the special reorganization be approved. Mr. Merkin stated that he will submit the opinion through Councilwoman Miscikowski.

Carolyn Dunlap Smith, Democratic Party of the San Fernando Valley voiced her opposition to the San Fernando Valley Special Reorganization. Ms. Smith then yielded her time to Jeffrey Daar of One Los Angeles who also opposes the special reorganization as well as concurrent elections.

Discussion ensued amongst the commission regarding the legality of concurrent elections.

Minute Order No. 7 (Continued)

Legal Counsel read, into the record, the following section of the Cortese-Knox Local Government Reorganization Act of 1985, as it relates to the election of city officers.

SECTION 56852.5

- (a) "If the commission approves a proposal which includes the incorporation of a city, the resolution making determinations shall, upon the incorporation applicant's request, specify that the first election of city officers is to be held after voter approval of the proposal.
- (b) If the applicant has submitted an application to the commission prior to the effective date of this section, the applicant may request that the election of city officers be held after the vote on the incorporation proposal.
- (c) If the election of city officers is to be conducted after the vote on the incorporation proposal, the commission shall not set the effective date to be sooner than the election date of the city officers.

Commission Yaroslavksy requested that Legal Counsel clarify the issues of the law and report back what the commission's options are.

Jeff Brain, President of Valley VOTE, responded to the issues that were raised.

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8

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

9

On motion of Commissioner Miscikowski, unanimously carried (Commissioner Connelly being absent), the Minutes of the Meeting held April 10, 2002 were approved.

10

New Business:

The commission discussed, for placement on the next agenda, the attached analysis, dated April 23, 2002, prepared by PDQ Demographics, in response to alternative plan submitted by Alan Clayton's of the California Latino Redistricting Coalition.

William Clarke briefly discussed the analysis.

11

On motion of Commissioner Wentworth, unanimously carried (Commissioner Connelly being absent), the meeting was adjourned at 11:20 a.m.

The next meeting of the Commission is May 1, 2002.

Respectfully submitted,



LARRY J. CALEMINE
Executive Officer