

**LOCAL AGENCY FORMATION COMMISSION
MEETING AGENDA**

Wednesday, April 8, 2009
9:00 a.m.

Room 381B
Kenneth Hahn Hall of Administration
500 West Temple Street, Los Angeles 90012

A person with a disability may contact the LAFCO office at (818) 254-2454 at least 72 hours before the scheduled meeting to request receipt of an agenda in an alternative format or to request disability-related accommodations, including auxiliary aids or services, in order to participate in the public meeting. Later requests will be accommodated to the extent feasible.

The entire agenda package and any meeting related writings or documents provided to a majority of the Commissioners after distribution of the agenda package, unless exempt from disclosure pursuant to California Law, are available at the LAFCO office and at www.lalafco.org.

1. **CALL MEETING TO ORDER.**
2. **PLEDGE OF ALLEGIANCE WILL BE LED BY CHAIRMAN GLADBACH.**
3. **PUBLIC HEARINGS**
 - a. Los Angeles County Sanitation District No. 14 – Annexation No. 335.
 - b. Los Angeles County Sanitation District No. 14 – Annexation No. 338.
4. **GOVERNMENT CODE § 56857 NOTICES**
(For Informational Purposes Only, Receive and File)

Upon receipt of any proposed change of organization or reorganization that includes the annexation of territory to any district, if the proposal is not filed by the district to which annexation is proposed, Government Code Section 56857 requires LAFCO to place the proposal on its agenda for informational purposes only.

- a. Annexation No. 2008-12 to Newhall County Water District.

5. **CONSENT ITEMS**

All matters are approved by one motion unless held by a Commissioner or member(s) of the public for discussion or separate action.

- a. Los Angeles County Waterworks District No. 40 – Annexation No. 2004-26.
- b. Los Angeles County Waterworks District No. 40 – Annexation No. 2004-27.
- c. Los Angeles County Waterworks District No. 40 – Annexation No. 2008-02.
- d. Approve Minutes of March 25, 2009.
- e. Receive and file update on pending applications.

6. **OTHER ITEMS**

- a. Incorporation Report
 - 1) East Los Angeles
 - 2) Rowland Heights
- b. Proposed Revisions to Rules of the Commission

7. **PUBLIC COMMENT**

This is the opportunity for members of the public to address the Commission on items that are not on the posted agenda, provided that the subject matter is within the jurisdiction of the Commission. Speakers are reminded of the three-minute time limitation.

8. **FUTURE MEETINGS**

April 22, 2009
May 13, 2009
May 27, 2009
June 9, 2009

9. **FUTURE AGENDA ITEMS**

Items not on the posted agenda which, if requested, will be referred to staff or placed on a future agenda for discussion and action by the Commission, or matters requiring immediate action because of an emergency situation or where the need to take immediate action came to the attention of the Commission subsequent to the posting of the agenda.

10. **ADJOURNMENT MOTION**

Staff Report

April 8, 2009

Agenda Item No. 3a

**Annexation No. 335 to
County Sanitation District No. 14**

The following is a request to annex 10.158± acres of uninhabited territory to Los Angeles County Sanitation District No. 14.

Proposal Area: The annexation consists of 37 existing single-family homes, located within a residential community.

Location: The subject territory is located at the northwest corner of Lancaster Boulevard and 30th Street West, all within the City of Lancaster.

Factors to be Considered Pursuant to Government Code Section 56668:

1. ***Population:*** The current population is 29 residents.
2. ***Landowners:*** There are numerous landowners within the annexation territory.
3. ***Topography, Natural Boundaries and Drainage Basins:*** The topography is relatively flat.
4. ***Zoning, Present and Future Land Use:*** The current zoning is R-7,000; single-family residential with a minimum lot size of 7,000 square feet. The present and proposed land use is residential.
5. ***Surrounding Land Use:*** The surrounding land use is residential, vacant residential and vacant commercial.
6. ***Assessed Value:*** The total assessed value is \$8,090,820.
7. ***Governmental Services and Control, Availability and Adequacy:*** The subject territory is already being serviced by the District. The area was included in the future service area that might be served by the District and the District's future wastewater management needs were addressed in the Lancaster Water Reclamation Plant (LWRP) 2020 Facilities Plan. The wastewater generated by the annexation will be treated at the LWRP. The District has adequate capacity to collect, treat, and dispose of the wastewater generated by the subject territory.
8. ***Effects on agricultural or open-space lands:*** The proposal will not have an effect on agricultural or open space lands.

9. ***Boundaries and Lines of Assessment:*** The boundary of the proposed annexation conforms to the recorded lines of assessment.
10. ***Sphere of Influence:*** The subject territory is within the sphere of influence of District No. 14.
11. ***Tax Resolution:*** All affected agencies have adopted a negotiated tax exchange resolution.
12. ***Correspondence:*** No correspondence has been received.

CEQA: The mitigated negative declaration adopted by the City of Lancaster is adequate for consideration of this proposal.

Conclusion: It has been determined that, with the imposition of mitigation measures, the project will not have a significant effect on the environment. Should the subject territory not be annexed into the District, the landowners would have to use less efficient alternative means to collect, treat, and dispose of the wastewater generated by the subject territory.

Recommended Action:

1. Open the public hearing and receive testimony on the matter.
2. There being no further testimony, close the public hearing.
3. Adopt the Resolution Making Determinations Approving Annexation No. 335 to County Sanitation District No. 14.
4. Pursuant to Government Code Section 57002, set May 27, 2009 at 9:00 a.m., as the date for Commission protest proceedings.

RESOLUTION NO. 2009-00RMD
RESOLUTION OF THE LOCAL AGENCY FORMATION
COMMISSION FOR LOS ANGELES COUNTY
MAKING DETERMINATIONS APPROVING
ANNEXATION NO. 335 TO
LOS ANGELES COUNTY SANITATION DISTRICT NO. 14

WHEREAS, the County Sanitation District No. 14 adopted a resolution of application to initiate proceedings before the Local Agency Formation Commission for Los Angeles County (the Commission) pursuant to Part 3, Division 3, Title 5 of the California Government Code (commencing with section 56000, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000), for the annexation of territory located in the City of Lancaster; and

WHEREAS, the principal reason for the proposed annexation is to provide offsite sewage disposal for 37 existing single-family homes; and

WHEREAS, a description of the boundaries and map of the proposal are set forth in Exhibits “A” and “B”, attached hereto and by this reference incorporated herein; and

WHEREAS, the territory consists of 10.158± acres and is uninhabited; and

WHEREAS, the short-form designation given this proposal is “Annexation No. 335 to County Sanitation District No. 14”; and

WHEREAS, the Executive Officer has reviewed the proposal and submitted to the Commission a report, including his recommendation thereon; and

WHEREAS, on April 8, 2009, after being duly and properly noticed, this proposal came on for hearing at which time this Commission heard and received all oral and written testimony, objections and evidence which were made, presented or filed, and all persons present were given an opportunity to hear and be heard with respect to this proposal and the report of the Executive Officer.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. Acting in its role as a responsible agency with the respect to Annexation No. 335, and under State CEQA Guidelines Section 15096, the Commission certifies that it has independently considered and reached its own conclusions regarding the environmental effects of the project and the mitigated negative declaration adopted by the City of Lancaster and has determined that the document adequately addresses the environmental impacts of the project. The Commission also finds that it has complied with the requirements of CEQA with respect to the process for a responsible agency, and hereby adopts by reference the environmental findings previously adopted by the lead agency in connection with its approval of the project.
2. Annexation No. 335 to the County Sanitation District No. 14 is hereby approved subject to the following terms and conditions:
 - a. The property so annexed shall be subject to the payment of such service charges, assessments or taxes as the District may legally impose.
 - b. The regular County assessment roll is utilized by the District.
 - c. The affected territory will be taxed for existing general bonded indebtedness, if any, of the District.
3. The Commission hereby sets the protest hearing for May 27, 2009 at 9:00 a.m., and authorizes and directs the Executive Officer to give notice thereof pursuant to Government Code Sections 57025 and 57026.

4. The Executive Officer is hereby authorized and directed to mail certified copies of this resolution as provided in Government Code Section 56882.

PASSED AND ADOPTED this 8th day of April 2009.

Ayes:

Noes:

Absent:

Abstain:

SANDOR L. WINGER, Executive Officer

Staff Report

April 8, 2009

Agenda Item No. 3b

**Annexation No. 338 to
County Sanitation District No. 14**

The following is a request to annex 80.655± acres of inhabited territory to Los Angeles County Sanitation District No. 14.

Proposal Area: The annexation consists of 238 existing single-family homes, located within a residential community.

Location: The subject territory is located on the southwest corner of Avenue L and 70th Street West, all within the City of Lancaster.

Factors to be Considered Pursuant to Government Code Section 56668:

1. ***Population:*** The current population is 116 residents.
2. ***Landowners:*** There are numerous landowners within the annexation territory.
3. ***Topography, Natural Boundaries and Drainage Basins:*** The topography is flat.
4. ***Zoning, Present and Future Land Use:*** The current zoning is R-10,000; single-family residential with a minimum lot size of 10,000 square feet.
5. ***Surrounding Land Use:*** The surrounding land use is residential to the south and vacant to the north, east, and west.
6. ***Assessed Value:*** The total assessed value is \$45,430,535.
7. ***Governmental Services and Control, Availability and Adequacy:*** The subject territory is already being serviced by the District. The area was included in the future service area that might be served by the District and the District's future wastewater management needs were addressed in the Lancaster Water Reclamation Plant (LWRP) 2020 Facilities Plan. The wastewater generated by the annexation will be treated at the LWRP. The District has adequate capacity to collect, treat, and dispose of the wastewater generated by the subject territory.
8. ***Effects on agricultural or open-space lands:*** The proposal will not have an effect on agricultural or open space lands.

9. ***Boundaries and Lines of Assessment:*** The boundary of the proposed annexation conforms to the recorded lines of assessment.
10. ***Sphere of Influence:*** The subject territory is within the sphere of influence of District No. 14.
11. ***Tax Resolution:*** All affected agencies have adopted a negotiated tax exchange resolution.
12. ***Correspondence:*** No correspondence has been received.

CEQA: The two separate negative declarations adopted by the City of Lancaster are adequate for consideration of this proposal.

Conclusion: It has been determined that the proposal will not have a significant effect on the environment. Should the subject territory not be annexed into the District, the landowners would have to use less efficient alternative means to collect, treat, and dispose of the wastewater generated by the subject territory.

Recommended Action:

1. Open the public hearing and receive testimony on the matter.
2. There being no further testimony, close the public hearing.
3. Adopt the Resolution Making Determinations Approving Annexation No. 338 to County Sanitation District No. 14.
4. Pursuant to Government Code Section 57002, set May 27, 2009 at 9:00 a.m., as the date for Commission protest proceedings.

RESOLUTION NO. 2009-00RMD
RESOLUTION OF THE LOCAL AGENCY FORMATION
COMMISSION FOR LOS ANGELES COUNTY
MAKING DETERMINATIONS APPROVING
ANNEXATION NO. 338 TO
LOS ANGELES COUNTY SANITATION DISTRICT NO. 14

WHEREAS, the County Sanitation District No. 14 adopted a resolution of application to initiate proceedings before the Local Agency Formation Commission for Los Angeles County (the Commission) pursuant to Part 3, Division 3, Title 5 of the California Government Code (commencing with section 56000, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000), for the annexation of territory located in the City of Lancaster; and

WHEREAS, the principal reason for the proposed annexation is to provide offsite sewage disposal for 238 existing single-family homes; and

WHEREAS, a description of the boundaries and map of the proposal are set forth in Exhibits “A” and “B”, attached hereto and by this reference incorporated herein; and

WHEREAS, the territory consists of 80.655± acres and is inhabited; and

WHEREAS, the short-form designation given this proposal is “Annexation No. 338 to County Sanitation District No. 14”; and

WHEREAS, the Executive Officer has reviewed the proposal and submitted to the Commission a report, including his recommendation thereon; and

WHEREAS, on April 8, 2009, after being duly and properly noticed, this proposal came on for hearing at which time this Commission heard and received all oral and written testimony, objections and evidence which were made, presented or filed, and all persons present were given an opportunity to hear and be heard with respect to this proposal and the report of the Executive Officer.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. Acting in its role as a responsible agency with the respect to Annexation No. 338, and under State CEQA Guidelines Section 15096, the Commission certifies that it has independently considered and reached its own conclusions regarding the environmental effects of the project and the two separate negative declarations adopted by the City of Lancaster and has determined that the documents adequately address the environmental impacts of the project. The Commission also finds that it has complied with the requirements of CEQA with respect to the process for a responsible agency, and hereby adopts by reference the environmental findings previously adopted by the lead agency in connection with its approval of the project.
2. Annexation No. 338 to the County Sanitation District No. 14 is hereby approved subject to the following terms and conditions:
 - a. The property so annexed shall be subject to the payment of such service charges, assessments or taxes as the District may legally impose.
 - b. The regular County assessment roll is utilized by the District.
 - c. The affected territory will be taxed for existing general bonded indebtedness, if any, of the District.
3. The Commission hereby sets the protest hearing for May 27, 2009 at 9:00 a.m. and authorizes and directs the Executive Officer to give notice thereof pursuant to Government Code Sections 57025 and 57026.

4. The Executive Officer is hereby authorized and directed to mail certified copies of this resolution as provided in Government Code Section 56882.

PASSED AND ADOPTED this 8th day of April 2009.

Ayes:

Noes:

Absent:

Abstain:

SANDOR L. WINGER, Executive Officer

Staff Report

April 8, 2009

Agenda Item No. 4a

GOVERNMENT CODE § 56857 NOTICES

(For Informational Purposes Only, Receive and File)

Upon receipt of any proposed change of organization or reorganization that includes the annexation of territory to any district, if the proposal is not filed by the district to which annexation of territory is proposed, Government Code section 56857 requires LAFCO to place the proposal on its agenda for informational purposes only. Within 60 days of the meeting date, the annexing district may adopt and submit to LAFCO a resolution requesting termination of the annexation proceedings. The law requires that the annexing district "present written findings supported by substantial evidence in the record that the termination request is justified by a financial or service related concern." Prior to the Commission's determination of termination of proceedings the resolution is subject to judicial review.

Waiver of 60-Day Termination Period

Under section 56857, LAFCO may not hear and consider the proposed annexation until the 60-day termination period has expired. The Code provides, however, that the Commission may waive the 60-day termination period if the annexing district adopts and submits to LAFCO a resolution supporting the change of organization or reorganization.

The following is a summary of the annexation proposal filed with LAFCO:

- a. *Project Description – Annexation No. 2008-12*
Metta Homes and Metta Land Inc., landowner, filed an application to annex 524 acres of vacant land into the boundary of Newhall County Water District for the future construction of 163 single-family homes.

Project Location - The project site is located adjacent to Davenport Road, east of Sierra Highway and west of Vasquez Canyon Road all within unincorporated county territory.

Recommended Action

Receive and file.

Staff Report

April 8, 2009

Agenda Item No. 5a

**Los Angeles County Waterworks District No. 40
Annexation No. 2004-26**

The proposal before you is a request to annex uninhabited territory into the boundary of the Los Angeles County Waterworks District No. 40.

Proposal Area: The project site consists of 47.05± acres of vacant land.

Location: The site is generally located on the northeast corner of Avenue K and 30th Street East in the City of Lancaster.

Factors to be Considered Pursuant to Government Code Section 56668:

1. *Population:* The current population is 0.
2. *Landowner:* A.V. Land, LLC.
3. *Topography, Natural Boundaries and Drainage Basins:* The terrain is flat with one drainage device along the easterly boundary.
4. *Zoning, Present and Future Land Use:* The territory is zoned R-7000, the present land use is vacant, and future use will consist of 181 single-family units.
5. *Surrounding Land Use:* Currently, there are populated residential developments surrounding the subject territory.
6. *Assessed Value:* The total assessed value is \$28,525,000.00.
7. *Governmental Services and Control, Availability and Adequacy:*
The City of Lancaster will provide services as provided for in the City's General Plan.
8. *Water Availability:*
The District has sufficient water supply to meet the needs of the proposal area. The landowner will build the water system to the District's specifications and interconnect with an existing water main. The system will eventually be dedicated to the District.

9. *Effects on agricultural or open-space lands:* Currently, there is no open space, or agricultural lands within the subject or surrounding territory.
10. *Boundaries and Lines of Assessment:* The boundary of the proposed annexation conforms to recorded lines of assessment.
11. *Sphere of Influence:* The subject territory is within the sphere of influence of Los Angeles County Waterworks District No. 40.
12. *Tax Resolution:* All affected agencies have adopted a negotiated tax exchange resolution.
13. *Correspondence:* No correspondence has been received.

Alternate Course of Action:

There are no foreseeable alternate courses of action.

CEQA: The City of Lancaster, as lead agency, adopted a Mitigated Negative Declaration for the project.

Waiver of Notice and Hearing: Pursuant to Government Code Section 56663(a) all owners of land within the affected territory have consented to the change of organization. To date, no subject agency has submitted written demand for notice and hearing on this application pursuant to Government Code Section 56663(b). Based thereon, the Commission may conduct proceedings for the change of organization or reorganization without notice and hearing.

Waiver of Protest Hearing: Pursuant to Government Code Section 56663(c) all owners of land within the affected territory have consented to the change of organization. To date, no subject agency has submitted written opposition to waiver of the protest proceedings.

Conclusion: The subject territory will be developed with 181 single-family homes. Annexation will allow future residents to receive a reliable source of water. The landowner has indicated that CWWD No. 40 offers the most convenient and economic solution for the proposed development.

Recommended Action:

1. Adopt Resolution Making Determinations Approving and Ordering Annexation No. 2004-26 to Los Angeles County Waterworks District No. 40.

RESOLUTION NO. 2009-00RMD
RESOLUTION OF THE LOCAL AGENCY FORMATION
COMMISSION FOR LOS ANGELES COUNTY
MAKING DETERMINATIONS APPROVING AND ORDERING
"ANNEXATION NO. 2004-26 TO THE
LOS ANGELES COUNTY WATERWORKS DISTRICT NO. 40"

WHEREAS, an application for the proposed annexation of certain territory in the City of Lancaster to the Los Angeles County Waterworks District No. 40, has been filed with the Executive Officer of the Local Agency Formation Commission for Los Angeles County (the "Commission"), pursuant to Title 5, Division 3, commencing with section 56000, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000; and

WHEREAS, the proposed annexation consists of 47.05± acres of uninhabited territory in the City of Lancaster, and is assigned the following distinctive short form designation: "Annexation No. 2004-26 to Los Angeles County Waterworks District No. 40;" and

WHEREAS, a description of the boundaries and map of the proposal are set forth in Exhibits "A" and "B", attached hereto and by this reference incorporated herein; and

WHEREAS, the principal reason for this annexation is to provide a reliable source of water to future inhabitants of the subject territory; and

WHEREAS, the Executive Officer has reviewed the proposal and submitted to the Commission a report, including his recommendations therein; and

WHEREAS on April 8, 2009 at its regular meeting this Commission considered the proposal and the report of the Executive Officer, along with public comment on the proposal.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. Pursuant to Government Code Section 56663(a), the Commission hereby finds and determines that:
 - a. All owners of land within the affected territory have given their written consent to the change of organization; and
 - b. No subject agency has submitted written opposition to a waiver of notice and hearing requirements.

Based thereon, notice and hearing requirements are waived.

2. The Commission, acting in its role as a responsible agency with respect to Annexation 2004-26 to Los Angeles County Waterworks District No. 40, pursuant to State CEQA Guidelines Section 15096, certifies that it has independently considered and reached its own conclusions regarding the environmental effects of the proposed project and the mitigated negative declaration adopted by the City of Lancaster, as lead agency, and has determined that the document adequately addresses the environmental impacts of the proposed project. The Commission finds that it has complied with the requirements of CEQA with respect to the process for a responsible agency, and hereby adopts by reference the environmental findings, previously adopted by the City of Lancaster, in connection with its approval of the project.

3. The Commission hereby approves the annexation subject to the following terms and conditions:

- a. The territory so annexed shall be subject to the payment of such service charges, assessments or taxes as the Los Angeles County Waterworks District No. 40 may legally impose.
- b. The regular County assessment roll is utilized by the Los Angeles County Waterworks District No. 40.
- c. The territory will be taxed for existing bonded indebtedness of the Los Angeles County Waterworks District No. 40.

4. Pursuant to Government Code Section 56663(c), the Commission hereby finds and determines that:

- a. The territory to be annexed is uninhabited;
- b. All owners of land within the affected territory have given their written consent to the change of organization; and
- c. No subject agency has submitted written opposition to a waiver of protest proceedings.

Based thereon, protest proceedings are waived.

5. The Commission hereby orders the uninhabited territory described in Exhibits "A" and "B" annexed to the Los Angeles County Waterworks District No. 40.

6. The Executive Officer is directed to transmit a certified copy of this resolution to the General Manager of the District, upon the District's payment of the applicable fees required by Government Code Section 54902.5 and prepare, execute and file a certificate of completion with the appropriate public agencies, pursuant to Government Code Section 57200, et seq.

PASSED AND ADOPTED this 8th day of April 2009.

Ayes:

Noes:

Absent:

Abstain:

Sandor L. Winger, Executive Officer

Staff Report

April 8, 2009

Agenda Item No. 5b

**Los Angeles County Waterworks District No. 40
Annexation No. 2004-27**

The proposal before you is a request to annex uninhabited territory into the boundary of the Los Angeles County Waterworks District No. 40.

Proposal Area: The project site consists of 20.24± acres of vacant land.

Location: The site is generally located at 30th Street West, just north of Avenue I in the City of Lancaster.

Factors to be Considered Pursuant to Government Code Section 56668:

1. *Population:* The current population is 0.
2. *Landowner:* Gemstar Properties, LLC.
3. *Topography, Natural Boundaries and Drainage Basins:* The terrain is flat.
4. *Zoning, Present and Future Land Use:* The territory is zoned MDR-Medium Density Residential.
5. *Surrounding Land Use:* Currently, there are populated residential developments ½ mile to the north of the subject territory.
6. *Assessed Value:* The total assessed value is \$2,122,416.00.
7. *Governmental Services and Control, Availability and Adequacy:*
The City of Lancaster will provide services as outlined in the City's General Plan.
8. *Water Availability:*
The District has sufficient water supply to meet the needs of the proposal area. The landowner will build the water system to the District's specifications and interconnect with an existing water main. The system will eventually be dedicated to the District.

9. *Effects on agricultural or open-space lands:* Currently, there is no open space, or agricultural lands within the subject or surrounding territory.
10. *Boundaries and Lines of Assessment:* The boundary of the proposed annexation conforms to recorded lines of assessment.
11. *Sphere of Influence:* The subject territory is within the sphere of influence of Los Angeles County Waterworks District No. 40.
12. *Tax Resolution:* All affected agencies have adopted a negotiated tax exchange resolution.
13. *Correspondence:* No correspondence has been received.

Alternate Course of Action:

There are no foreseeable alternate courses of action.

CEQA: The City of Lancaster, as lead agency, adopted a Mitigated Negative Declaration for the project.

Waiver of Notice and Hearing: Pursuant to Government Code Section 56663(a) all owners of land within the affected territory have consented to the change of organization. To date, no subject agency has submitted written demand for notice and hearing on this application pursuant to Government Code Section 56663(b). Based thereon, the Commission may conduct proceedings for the change of organization or reorganization without notice and hearing.

Waiver of Protest Hearing: Pursuant to Government Code Section 56663(c) all owners of land within the affected territory have consented to the change of organization. To date, no subject agency has submitted written opposition to waiver of the protest proceedings.

Conclusion: The subject territory will be developed as a 285 unit apartment complex. There are no other water sources available in the area. Without annexation to the District the site will not be developed.

Recommended Action:

1. Adopt Resolution Making Determinations Approving and Ordering Annexation No. 2004-27 to Los Angeles County Waterworks District No. 40.

RESOLUTION NO. 2009-00RMD
RESOLUTION OF THE LOCAL AGENCY FORMATION
COMMISSION FOR LOS ANGELES COUNTY
MAKING DETERMINATIONS APPROVING AND ORDERING
"ANNEXATION NO. 2004-27 TO THE
LOS ANGELES COUNTY WATERWORKS DISTRICT NO. 40"

WHEREAS, an application for the proposed annexation of certain territory in the City of Lancaster to the Los Angeles County Waterworks District No. 40, has been filed with the Executive Officer of the Local Agency Formation Commission for Los Angeles County (the "Commission"), pursuant to Title 5, Division 3, commencing with section 56000, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000; and

WHEREAS, the proposed annexation consists of 20.24± acres of uninhabited territory in the City of Lancaster, and is assigned the following distinctive short form designation: "Annexation No. 2004-27 to Los Angeles County Waterworks District No. 40;" and

WHEREAS, a description of the boundaries and map of the proposal are set forth in Exhibits "A" and "B", attached hereto and by this reference incorporated herein; and

WHEREAS, the principal reason for this annexation is to provide a reliable source of water to future inhabitants of the subject territory; and

WHEREAS, the Executive Officer has reviewed the proposal and submitted to the Commission a report, including his recommendations therein; and

WHEREAS on April 8, 2009 at its regular meeting this Commission considered the proposal and the report of the Executive Officer, along with public comment on the proposal.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. Pursuant to Government Code Section 56663(a), the Commission hereby finds and determines that:
 - a. All owners of land within the affected territory have given their written consent to the change of organization; and
 - b. No subject agency has submitted written opposition to a waiver of notice and hearing requirements.

Based thereon, notice and hearing requirements are waived.

2. The Commission, acting in its role as a responsible agency with respect to Annexation 2004-27 to Los Angeles County Waterworks District No. 40, pursuant to State CEQA Guidelines Section 15096, certifies that it has independently considered and reached its own conclusions regarding the environmental effects of the proposed project and the mitigated negative declaration adopted by the City of Lancaster, as lead agency, and has determined that the document adequately addresses the environmental impacts of the proposed project. The Commission finds that it has complied with the requirements of CEQA with respect to the process for a responsible agency, and hereby adopts by reference the environmental findings, previously adopted by the City of Lancaster, in connection with its approval of the project.

3. The Commission hereby approves the annexation subject to the following terms and conditions:

- a. The territory so annexed shall be subject to the payment of such service charges, assessments or taxes as the Los Angeles County Waterworks District No. 40 may legally impose.
- b. The regular County assessment roll is utilized by the Los Angeles County Waterworks District No. 40.
- c. The territory will not be taxed for existing bonded indebtedness of the Los Angeles County Waterworks District No. 40.

4. Pursuant to Government Code Section 56663(c), the Commission hereby finds and determines that:

- a. The territory to be annexed is uninhabited;
- b. All owners of land within the affected territory have given their written consent to the change of organization; and
- c. No subject agency has submitted written opposition to a waiver of protest proceedings.

Based thereon, protest proceedings are waived.

5. The Commission hereby orders the uninhabited territory described in Exhibits "A" and "B" annexed to the Los Angeles County Waterworks District No. 40.

6. The Executive Officer is directed to transmit a certified copy of this resolution to the General Manager of the District, upon the District's payment of the applicable fees required by Government Code Section 54902.5 and prepare, execute and file a certificate of completion with the appropriate public agencies, pursuant to Government Code Section 57200, et seq.

PASSED AND ADOPTED this 8th day of April 2009.

Ayes:

Noes:

Absent:

Abstain:

Sandor L. Winger
Executive Officer

Staff Report

April 8, 2009

Agenda Item No. 5c

**Los Angeles County Waterworks District No. 40
Annexation No. 2008-02**

The proposal before you is a request to annex uninhabited territory into the boundary of the Los Angeles County Waterworks District No. 40.

Proposal Area: The subject territory consists of 6.64 ± acres of land.

Location: The subject territory is located at the northwest corner of Avenue J and 32nd Street West, in the City of Lancaster.

Factors to be Considered Pursuant to Government Code Section 56668:

1. ***Population:*** The current population is 0.
2. ***Landowners:*** Andres Villanueva, Fanny Villanueva, and Ellia Development Co.
3. ***Topography, Natural Boundaries and Drainage Basins:*** The terrain is flat.
4. ***Zoning, Present and Future Land Use:*** The territory is zoned R-7000; single-family residential with a minimum lot size of 7,000 square feet. The present land use is vacant, however, the subject territory is proposed to be developed into 22 single family residences.
5. ***Surrounding Land Use:*** The surrounding territory is a combination of school, vacant, and urban residential.
6. ***Assessed Value:*** The total assessed value is \$488,988.
7. ***Governmental Services and Control, Availability and Adequacy:***
The subject territory is all within the City of Lancaster; municipal services to the subject territory will be provided as outlined in the city's General Plan.
8. ***Water Availability:***
The District has sufficient water supply to meet the needs of the proposal area.
9. ***Effects on agricultural or open-space lands:*** There are no agricultural or open space lands within the subject territory; therefore, the proposal will have no effect on agricultural or open space lands.

10. ***Boundaries and Lines of Assessment:*** The boundary of the proposed annexation conforms to recorded lines of assessment.
11. ***Sphere of Influence:*** The subject territory is within the sphere of influence of Los Angeles County Waterworks District No. 40.
12. ***Tax Resolution:*** All affected agencies have adopted a negotiated tax exchange resolution.
13. ***Correspondence:*** No correspondence has been received.

Alternate Course of Action:

There are no alternate courses of action at this time; the project will not be developed if the annexation is not approved.

CEQA: The City of Lancaster, serving as lead agency, adopted a Mitigated Negative Declaration for the subject territory on April 21, 2008

Waiver of Notice and Hearing: Pursuant to Government Code Section 56663(a) all owners of land within the affected territory have consented to the change of organization and have requested that the Commission make its determination without notice and hearing. To date, no subject agency has submitted written demand for notice and hearing on this application pursuant to Government Code Section 56663(b). Based thereon, the Commission may conduct proceedings for the change of organization or reorganization without notice and hearing.

Waiver of Protest Hearing: Pursuant to Government Code Section 56663(c) all owners of land within the affected territory have consented to the change of organization. To date, the subject agencies have not submitted written opposition to waiver of the protest proceedings.

Conclusion: The subject territory will be developed into 22 single-family homes. Annexation will allow future residents to receive a reliable source of water.

Recommended Action:

1. Adopt Resolution Making Determinations Approving and Ordering Annexation No. 2008-02 to Los Angeles County Waterworks District No. 40.

RESOLUTION NO. 2009-00RMD
RESOLUTION OF THE LOCAL AGENCY FORMATION
COMMISSION FOR LOS ANGELES COUNTY
MAKING DETERMINATIONS APPROVING AND ORDERING
"ANNEXATION NO. 2008-02 TO THE
LOS ANGELES COUNTY WATERWORKS DISTRICT NO. 40"

WHEREAS, an application for the proposed annexation of certain territory in the City of Lancaster to the Los Angeles County Waterworks District No. 40, has been filed with the Executive Officer of the Local Agency Formation Commission for Los Angeles County (the "Commission"), pursuant to Title 5, Division 3, commencing with section 56000, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000; and

WHEREAS, the proposed annexation consists of 6.64± acres of uninhabited territory in the City of Lancaster, and is assigned the following distinctive short form designation: "Annexation No. 2008-02 to Los Angeles County Waterworks District No. 40;" and

WHEREAS, a description of the boundaries and map of the proposal are set forth in Exhibits "A" and "B", attached hereto and by this reference incorporated herein; and

WHEREAS, the principal reason for this annexation is to provide a reliable source of water for future inhabitants of the subject territory; and

WHEREAS, the Executive Officer has reviewed the proposal and submitted to the Commission a report, including his recommendations therein; and

WHEREAS on April 8, 2009 at its regular meeting this Commission considered the proposal and the report of the Executive Officer, along with public comment on the proposal.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. Pursuant to Government Code Section 56663(a), the Commission hereby finds and determines that:

- a. All owners of land within the affected territory have given their written consent to the change of organization; and
- b. No subject agency has submitted a written demand for notice and hearing.

Based thereon, notice and hearing requirements are waived.

2. The Commission, acting in its role as a responsible agency with respect to Annexation 2008-02 to Los Angeles County Waterworks District No. 40, pursuant to State CEQA Guidelines Section 15096, certifies that it has independently considered and reached its own conclusions regarding the environmental effects of the proposed project and the Mitigated Negative Declaration adopted by the City of Lancaster, as lead agency, and has determined that the document adequately addresses the environmental impacts of the proposed project. The Commission finds that it has complied with the requirements of CEQA with respect to the process for a responsible agency, and hereby adopts by reference the environmental findings, previously adopted by the State of California, in connection with its approval of the project.

3. The Commission hereby approves the annexation subject to the following terms and conditions:

- a. The territory so annexed shall be subject to the payment of such service charges, assessments or taxes as the Los Angeles County Waterworks District No. 40 may legally impose.
- b. The regular County assessment roll is utilized by the Los Angeles County Waterworks District No. 40.
- c. The territory will not be taxed for existing bonded indebtedness of the Los Angeles County Waterworks District No. 40.

4. Pursuant to Government Code Section 56663(c), the Commission hereby finds and determines that:
- a. The territory to be annexed is uninhabited;
 - b. All owners of land within the affected territory have given their written consent to the change of organization; and
 - c. No subject agency has submitted written opposition to a waiver of protest proceedings.

Based thereon, protest proceedings are waived.

5. The Commission hereby orders the uninhabited territory described in Exhibits "A" and "B" annexed to the Los Angeles County Waterworks District No. 40.
6. The Executive Officer is directed to transmit a certified copy of this resolution to the General Manager of the District, upon the District's payment of the applicable fees required by Government Code Section 54902.5 and prepare, execute and file a certificate of completion with the appropriate public agencies, pursuant to Government Code Section 57200, et seq.

PASSED AND ADOPTED this 8th day of April 2009.

Ayes:

Noes:

Absent:

Abstain:

Sandor L. Winger
Executive Officer

Staff Report

April 8, 2009

Agenda Item No. 6b

Proposed Revisions to the Rules of the Commission

The Commission has requested that staff review the practice of not requiring a second for a motion made by a member of the Commission.

The Rules of the Local Agency Formation Commission for Los Angeles County ("Rules") were adopted by the Commission to govern the conduct of the Commission and meetings of the Commission. Pursuant to section 2 of the Rules, any rule may be amended, repealed or adopted at any time by a majority vote of the Commission, provided that such action shall not affect a pending matter.

Section 4 provides that: "[u]nless otherwise provided by these Rules, all proceedings before the Commission shall be conducted in accordance with, and pursuant to, the parliamentary rules of procedures as prescribed in "Robert's Rules of Order." Robert's Rules of Order ("RRO"), in turn, recognizes that an adopted parliamentary manual is binding only to the extent not inconsistent with the bylaws or any special rules of order of the body or any provisions of local, state or national law applicable to an organization. RRO, p. 16. Thus, your Commission, both pursuant to your Rules and RRO, may adopt special rules that deviate from the parliamentary manual you have adopted to govern your proceedings.

Pursuant to RRO, the rules applicable to the handling of a motion before a deliberative assembly generally require all motions to be seconded. RRO, p.34-36. Before a small board (no more than a dozen members), however, RRO states that "[m]otions need not be seconded." RRO, p. 470. As such, RRO would not require a second for motions before a body similar in composition to your Commission.

Section 14 of your Rules provides that: "[n]o motion made by any member of the Commission shall require a second." Your Commission may amend this rule to require a second, but the current provision is consistent with RRO.

In order to insulate actions of your Commission from successful legal challenge based upon a failure to follow either the RRO or your Rules, we would also recommend that section 4 be amended to add the following: "Provided, further, that the failure to follow the Rules of Order or these rules shall not invalidate any action taken."

Recommended Action:

1. Amend section 14 of the Rules if your Commission desires to require a second for every motion.
2. Amend section 4 of the Rules by adding the following sentence: "Provided, further, that the failure to follow the Rules of Order or these rules shall not invalidate any action taken."