



Local Agency Formation Commission  
for the County of Los Angeles

Commission

Jerry Gladbach  
Chair

Donald Dear  
1st Vice-Chair

Gerard McCallum  
2nd Vice-Chair

Kathryn Barger  
Richard Close  
Mitchell Englander  
Margaret Finlay  
Janice Hahn  
John Mirisch

Alternate Members

Lori Brogin-Falley  
Sheila Kuehl  
Judith Mitchell  
Joseph Ruzicka  
Greig Smith  
Vacant  
(City of Los Angeles)

Staff

Paul Novak  
Executive Officer

Adriana Romo  
Deputy Executive Officer

Amber De La Torre  
Doug Dorado  
Michael Henderson  
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REGULAR MEETING

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

January 9, 2019

Present:

Jerry Gladbach, Chair

Kathryn Barger  
Richard Close  
Donald Dear  
Margaret Finlay  
Janice Hahn  
Gerard McCallum  
John Mirisch

Lori Brogin-Falley, Alternate  
Sheila Kuehl, Alternate  
Judith Mitchell, Alternate  
Joe Ruzicka, Alternate  
Greig Smith, Alternate

Paul Novak, Executive Officer  
Lillian Salinger, Legal Counsel

Absent:

David Ryu, Alternate

Vacant:

Los Angeles City Voting Member

## 1 CALL MEETING TO ORDER

The meeting was called to order at 9:01 a.m. in Room 381-B of the County Hall of Administration by Chair Jerry Gladbach.

## 2 PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Chair Jerry Gladbach.

## ANNOUNCEMENTS

Chair Gladbach wished the Commission and staff a Happy New Year.

Chair Gladbach announced that today is Commissioner Greig Smith's last day as an Alternate Public Member. Mr. Smith anticipates an appointment to serve as the Acting Councilmember in the 12<sup>th</sup> District of the City of Los Angeles (vacated by Councilmember Englander). It is expected Mr. Smith will serve from January to August of 2019 while the City of Los Angeles conducts a special election to replace Councilmember Englander.

The EO indicated that an item will be agendaized at the Commission's February 13<sup>th</sup> meeting to discuss the Alternate Public Member position.

Chair Gladbach requested that Agenda Item 9.a. be taken out of order. The Commission had no objections.

Chair Gladbach announced that he would leave today's meeting early.

## 3 DISCLOSURE OF CAMPAIGN CONTRIBUTION(S)

The Executive Officer (EO) read an announcement, asking that persons who made a campaign contribution of more than \$250 to any member of the Commission during the past twelve (12) months to rise and state for the record the Commissioner to whom such campaign contributions were made and the item of their involvement (None).

The EO read an announcement, asking if any Commissioner had received a campaign contribution that would require disclosure and recusal from any item on today's agenda (None).

## 9 OTHER ITEMS

The following item was called up for consideration:

- a. Sativa County Water District Status Report.
  - i. Presentation by Rami Kahlon; Director, Water Division; California Public Utilities Commission (CPUC).

ii. Presentation by Jack Hawks, Executive Director, California Water Association.

Mr. Kahlon and Mr. Hawks made a presentation to the Commission. Mr. Kahlon's presentation summarized the CPUC's role and responsibilities as a regulatory agency for investor-owned utilities (IOU), with an emphasis on the CPUC's authority over retail water rates. Mr. Hawks' presentation summarized how the California Water Associations' member IOUs set water rates pursuant to CPUC review.

Commissioner Hahn asked what can be done so the customers of the Sativa area do not receive a rate increase. Mr. Kahlon indicated that the CPUC has authority to implement a rate freeze or a rate subsidy program under certain circumstances.

[Commissioner Kuehl arrived at 9:45 a.m.]

The Commission took the following action:

- Received and filed the Sativa County Water District Status Report.

MOTION: Finlay                      SECOND: Dear                      APPROVED: 8-0-0  
AYES: Barger, Close, Dear, Finlay, Hahn, McCallum, Mirisch, Gladbach  
NOES: None.  
ABSTAIN: None.  
ABSENT: None.

4 SWEARING-IN OF SPEAKER(S)

The EO swore-in over forty (40) members of the audience who planned to testify.

5 INFORMATION ITEM(S) – GOVERNMENT CODE §§ 56751 & 56857 NOTICE

None.

6 CONSENT ITEM(S) – OTHER

The Commission took the following actions under Consent Items:

- a. Approved Minutes of December 12, 2018.
- b. Received and filed update on pending proposals.

MOTION: Finlay                      SECOND: McCallum                      APPROVED: 8-0-0  
AYES: Barger, Close, Dear, Finlay, Hahn, McCallum, Mirisch, Gladbach  
NOES: None.  
ABSTAIN: None.

ABSENT: None.

## 7 PUBLIC HEARING(S)

The following item was called for consideration:

- a. Annexation No. 2014-04 to the City of Calabasas (West Agoura Road) and Amendment to the City of Calabasas Sphere of Influence.

At the recommendation by Legal Counsel, the EO requested that Commissioners disclose communications that occurred outside the hearing room regarding Annexation No. 2014-04.

The following Commissioners disclosed communications: Brogin-Falley, Close, Dear, Finlay McCallum, Mirisch, Ruzicka, and Chair Gladbach.

The EO summarized the staff report concerning Annexation No. 2014-04 to the City of Calabasas (West Agoura Road).

The EO indicated that additional correspondence was received after the posting of the Agenda which was e-mailed to the Commissioners and hard copies were provided at today's meeting.

The public hearing was opened to receive testimony.

Eighteen (18) members of the public testified before the Commission, as follows:

- Dr. Gary J. Lysik (City Manager, City of Calabasas).
- Matthew Summers (Assistant City Attorney, City of Calabasas).
- David J. Shapiro (Mayor, City of Calabasas).
- Mary Sue Maurer (Councilmember, City of Calabasas).
- Dennis Washburn (Founding Mayor of the City of Calabasas).
- Richard Sherman (President, Calabasas Park Homeowners Association).
- Alicia Weintraub (Mayor Pro Tem, City of Calabasas).
- Robert Yalda (Public Works Director/City Engineer, Public Works Department, City of Calabasas).
- Fred Gaines (current Councilmember and former Mayor, City of Calabasas).
- Mark Armbruster (Partner, Armbruster Goldsmith & Delvac, LLC) represented Cypress Land Company (landowner within the proposed annexation).
- Linda Northup (Mayor, City of Agoura Hills).

[Chair Gladbach left at 11:06 a.m.]

Commissioner Dear became First-Vice Chair and conducted the remainder of the meeting in Chair Gladbach's absence.

- Irma Haldane (resident of the City of Agoura Hills).
- Brian Harvey (President, Cypress Land Company) (landowner within the proposed annexation where Spirent Communications is located).
- Mark Levinson (President, Calabasas Chamber of Commerce).
- Jeffrey Springer (Partner, Demetriou, Del Guercio, Springer & Francis, LLP) represented Cypress Land Company (landowner with the proposed annexation).
- Roger Pugliese (Chair, Topanga Association for a Scenic Community).
- Illece Buckley-Weber (Mayor Pro Tem, City of Agoura Hills).
- Deborah Klein Lopez (Councilmember, City of Agoura Hills).

Of the eighteen (18), thirteen (13) members of the public who testified were in support the annexation, and five (5) members of the public who testified were opposed to the annexation.

Commissioner Kuehl stated she believed the territory should remain in the unincorporated County territory, and the proposed annexation is not a critique of the County's stewardship of environmental issues.

[Commissioner McCallum left at 10:29 a.m.]

[Commissioner Brogin-Falley left at 10:45 a.m.]

The Commission recessed at 11:43 a.m.

[Commissioners Kuehl and Mitchell left at 11:43 a.m.]

The Commission reconvened at 11:51 a.m.

Following the recess, nine (9) additional members of the public testified before the Commission, as follows:

- Fran Pavley (former Councilmember, City of Agoura Hills and former first Mayor, City of Agoura Hills; Senator and Assemblymember for the Cities of Agoura Hills and Calabasas; and a resident of Liberty Canyon in the City of Agoura Hills).
- Doug Baron (Manager, Chief Executive Office, County of Los Angeles).
- Lloyd W. "Bill" Pellman (Partner, Nossaman LLP; and served as Special Counsel to Sachi Hami (Chief Executive Officer, County of Los Angeles).
- Mary Wiesbrock (Founder and Chair, Save Open Space, Santa Monica Mountains).
- Joan Yacovone (resident of Liberty Canyon in the City of Agoura Hills; and a member of the Liberty Canyon Townhome Owners).
- Kim Lamorie (President, Las Virgenes Homeowners Federation, Inc.; and resident of the City of Calabasas).
- Ed Corridori (former Mayor and Councilmember of the City of Agoura Hills; and a resident of the City of Agoura Hills).
- Maureen Tamuri (Community Development Director, City of Calabasas).

- Tom Bartlett (City Planner, City of Calabasas).

Of the nine (9), two (2) members of the public who testified were in support of the annexation, and seven (7) members of the public who testified were opposed to the annexation.

Commissioner Ruzicka made a motion to continue Annexation No. 2014-04 to the City of Calabasas until Annexation No. 2018-12 to the City of Agoura Hills is deemed complete, at which time the Commission would consider both proposals simultaneously. Commissioner Finlay seconded the motion for discussion only.

Commissioner Mirisch said that the property would be in “good hands” with the City of Calabasas and also in “good hands” with the City of Agoura Hills. Commissioner Mirisch stated that a landowner’s preference to be annexed to the City Calabasas is not enough to justify the annexation. The County of Los Angeles, Chief Executive Office letter (dated January 9, 2019) makes clear that the issue for the City of Calabasas is monetary gain, which may be a legitimate concern when a business moves out and a city loses money; however this is not a good way or good reason to conduct urban planning.

Commissioner Mirisch noted that the proposed annexation is contiguous to existing homeowners located in the City of Agoura Hills, who experience the most impacts. He added that the purpose of government is to put residents first. He noted that the residents who testified are primarily from the City of Agoura Hills, and one resident who lives within the City of Calabasas spoke in opposition to the proposed annexation. Commissioner Mirisch noted, further, that he had considered testimony from former elected officials of both cities (Agoura Hills and Calabasas). He stated that he was inclined to keep the “status quo”, as the County of Los Angeles does a fine job in balancing interests and equities.

Commissioner Mirisch made a substitute motion to deny Annexation No. 2014-04 to the City of Calabasas. Commissioner Finlay seconded the motion.

Commissioner Smith stated that the City of Agoura Hills has had years to file a proposal to annex the territory, and only did so recently. Continuing Agenda Item 7.a. would be a disservice to the City of Calabasas, which has “played by the rules,” while the City of Agoura Hills waited until the very last minute to file a proposal. Commissioner Smith stated, further, that all cities want more revenue, so that is not an issue to consider.

Commissioner Smith continued, stating that any annexation will not have any impact on what happens to traffic in the area. The City of Calabasas did it the right way, the legal way. The City of Agoura Hills proposal (Annexation No. 2018-12) came in at the last minute, and it should not be given consideration.

Commissioner Finlay discussed a proposed mine in an adjoining city that would impact residents in her city. She noted a concern that city boundary lines drawn decades ago were still impacting residents decades later. Commissioner Finlay indicated that her concern is protecting the existing residents who live adjacent to the proposed annexation. She stated that she did not want

future residents to blame the Commission for making a decision, especially one that is based on financial gain. Commissioner Finlay stated that she must go with the experience she has had, and the inability of her city council to protect residents at the expense of another city's financial gain. Commissioner Finlay indicated that she was inclined to keep the territory as unincorporated County.

Commissioner Barger said that she was looking to the County Supervisor who represents this area, and actions taken by the County of Los Angeles Board of Supervisor's prior to today's hearing. Her inclination was to deny the proposal. As an alternative, and perhaps at another time, the affected territory could be divided down the middle between the two adjoining cities (Agoura Hills and Calabasas). Neither city has made a compelling argument to annex the property, whereas the County has made a compelling argument to keep the territory as County unincorporated.

Commissioner Hahn stated that the County of Los Angeles Chief Executive Office raised good points in the letter, with which she agrees. She stated that she is not concerned about which city filed a proposal first, and that her decision is based on the merits of what is being proposed. Commissioner Hahn agreed that the proposed annexation should remain in County unincorporated. She indicated that County Supervisors devote a lot of time to allocating resources to unincorporated communities, serving as the local government for those unincorporated communities. Commissioner Hahn believes that the County does a good job serving the unincorporated territories.

Commissioner Close said that he supports the motion to postpone Agenda Item No. 7.a. until the City of Agoura Hills proposal (Annexation No. 2018-12) is before the commission, and that he would be inclined to vote for the main motion (to continue).

Legal Counsel stated that a continuation could be for no more than seventy (70) days, pursuant to state law.

There being no additional testimony, the public hearing was closed.

The Commission took the follow action:

- Disapproved Annexation No. 2014-04 to the City of Calabasas (West Agoura Road) and Amendment to the City of Calabasas Sphere of Influence.  
MOTION: Mirisch                      SECOND: Finlay                      APPROVED: 7-1-0  
AYES:                      Barger, Close, Finlay, Hahn, Ruzicka (Alt. for Gladbach), Mirisch, Dear  
NOES:                      Smith (Alt. for McCallum)  
ABSTAIN: None.  
ABSENT: Gladbach

[Commissioners Barger, Finlay, and Hahn left at 12:47 p.m.]

## 8 PROTEST HEARING(S)

The following item was called for consideration:

- a. Annexation No. 2015-09 to the City of Pomona.

The EO summarized the staff report on Annexation No. 2015-09 to the City of Pomona.

The EO stated that this is the Commission protest hearing pursuant to Government Code Section 57000 *et seq.* and staff received two (2) protests that have been received in advance of the hearing.

The protest hearing was opened to receive testimony.

Matthew Rzonca (landowner within the proposed annexation) came before the Commission. Mr. Rzonca stated that he has opposed this annexation. Mr. Rzonca indicated that he desires to have his property be annexed to the City of Walnut.

Andrew Lujan (landowner with the proposed annexation) came before the Commission. Mr. Lujan stated that he owns an auto collision center and towing company within the proposed annexation, and his large customer base are the residents of the City of Walnut. Mr. Lujan asked what the options are if landowners do not want to be included in this annexation.

Lillian Salinger (Legal Counsel) indicated that the Commission cannot reconsider its action approving the annexation in November 2018, and the 30-day reconsideration period has expired.

The EO indicated that the total assessed valuation of the two landowners who submitted written protest is 26.9%. The EO noted that for uninhabited territory, 50% or more of the total assessed valuation is required to overturn a Commission action.

The EO indicated that the landowners can file an application with LAFCO to detach from the City of Pomona and revert back to unincorporated County territory.

There being no further testimony, the protest hearing was closed.

The Commission took the follow actions:

- The Executive Officer, pursuant to Government Code Section 57075, determined that the value of written protests filed and not withdrawn is 26.9%; and
- Based upon the results of the protest hearing, adopted the Resolution Making Determinations Ordering Annexation No. 2015-09 to the City of Pomona since written protests have been filed and not withdrawn by the owners of land who own less than 50 percent of the total assessed of land within the affected territory;  
Resolution No. 2019-01PR.



MOTION: Close SECOND: Ruzicka (Alt. for Gladbach) APPROVED: 5-0-0  
AYES: Close, Mirisch, Ruzicka (Alt. for Gladbach), Smith (Alt. for McCallum), Dear  
NOES: None.  
ABSTAIN: None.  
ABSENT: Barger, Finlay, Hahn, McCallum, Gladbach

10 LEGISLATION

None.

11 MISCELLANEOUS CORRESPONDENCE RECEIVED

None.

12 COMMISSIONERS' REPORT

None.

13 EXECUTIVE OFFICER'S REPORT

None.

14 PUBLIC COMMENT

None.

15 FUTURE MEETINGS

February 13, 2019

March 13, 2019

April 10, 2019

May 8, 2019

16 FUTURE AGENDA ITEMS

None.

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17 ADJOURNMENT MOTION

Commissioner Dear adjourned the meeting was adjourned at 12:59 p.m.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Novak", written in black ink.

Paul Novak, AICP  
Executive Officer

**RESOLUTION NO. 2019-01PR  
RESOLUTION OF THE LOCAL AGENCY FORMATION  
COMMISSION FOR THE COUNTY OF LOS ANGELES  
MAKING DETERMINATIONS ORDERING  
"ANNEXATION NO. 2015-09 TO THE CITY OF POMONA"**

WHEREAS, the City of Pomona (City) adopted a resolution of application to initiate proceedings, which was submitted to the Local Agency Formation Commission for the County of Los Angeles (Commission), pursuant to, Division 3, Title 5, of the California Government Code (commencing with section 56000, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000), for annexation of territory herein described to the City of Pomona, all within the County of Los Angeles (County); and

WHEREAS, the proposed annexation consists of approximately 9.06± acres of uninhabited territory and is assigned the following distinctive short-form designation: "Annexation No. 2015-09 to the City of Pomona"; 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 the proposed annexation to the City of Pomona is to place a proposed development under one jurisdiction and to create a logical boundary for the City and County; and

WHEREAS, on November 14, 2018, the Commission approved Annexation No. 2015-09 to the City of Pomona; and

WHEREAS, pursuant to Government Code Section 57002, the Commission set the protest hearing for January 9, 2019 at 9:00 a.m., at the Los Angeles County Board of Supervisors

Hearing Room, Kenneth Hahn Hall of Administration Room 381-B, located at 500 West Temple Street, Los Angeles, California, 90012; and

WHEREAS, the Executive Officer has given notice of the protest hearing pursuant to Government Code Sections 56150-56160, 56660-56661, 57025, and 57026, wherein the protest hearing notice was published in a newspaper of general circulation in the County of Los Angeles on November 30, 2019, which is at least 21 days prior to the protest hearing, and said hearing notice was also mailed to all required recipients by first-class mail on or before the date of newspaper publication; and

WHEREAS, at the time and place fixed in the notice, the hearing was held, and any and all oral or written protests, objections, and evidence were received and considered; and

WHEREAS, the Commission, acting as the conducting authority, has the ministerial duty of tabulating the value of protests filed and not withdrawn and either terminating these proceeding if a majority protest exists or ordering the annexation directly; and the Commission has received a report and recommendations on adoption of a conforming resolution from its Executive Officer.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Commission finds that this action is within the scope of its California Environmental Quality Act findings made at the Commission hearing on November 14, 2018.
2. The Commission finds that the number of property owners is 4, and the total assessed value of land within the affected territory is \$4,346,194.
3. The Commission finds that the number of written protests filed in opposition to Annexation No. 2015-09 to the City of Pomona and not withdrawn is 2, which, even if

valid, represents owners of land who own less than 50 percent of the assessed value of land within the affected territory.

3. A description of the boundaries and map of the proposal, as approved by this Commission, are set forth in Exhibits "A" and "B", attached hereto and by this reference incorporated herein.
4. The affected territory consists of 9.06 ± acres, is uninhabited, and is assigned the following short form designation:

" Annexation No. 2015-09 to the City of Pomona "

5. Annexation No. 2015-09 to the City of Pomona is hereby approved, subject to the following terms and conditions:
  - a. The City of Pomona agrees to defend, hold harmless and indemnify LAFCO and/or its agents, officers and employees from any claim, action or proceeding against LAFCO and/or its agents, officers and employees to attack, set aside, void or annul the approval of LAFCO concerning this proposal or any action relating to or arising out of such approval.
  - b. The effective date of the annexation shall be the date of recordation.
  - c. Payment of Registrar- Recorder/County Clerk and State Board of Equalization fees.
  - d. The territory so annexed shall be subject to the payment of such service charges, assessments or taxes as may be legally imposed by the City.
  - e. The regular County assessment roll shall be utilized by the City.

- f. The affected territory will be taxed for any existing general indebtedness, if any, of the City.
- g. Annexation of the affected territory described in Exhibits "A" and "B" to the City of Pomona.
- h. Detachment of the affected territory from Road District No. 1.
- i. Withdrawal of affected territory from the County Public Library System.
- j. Upon the effective date of the annexation, all right, title, and interest of the County, including but not limited to, the underlying fee title or easement where owned by the County, in any and all sidewalks, trails, landscaped areas, street lights, property acquired and held for future road purposes, open space, signals, storm drains, storm drain catch basins, local sanitary sewer lines, sewer pump stations and force mains, water quality treatment basins and/or structures, and water quality treatment systems serving roadways and bridges shall vest in the City.
- k. Upon the effective date of the annexation, the City shall be the owner of, and responsible for, the operation, maintenance, and repair of all of the following property owned by the County: public roads, adjacent slopes appurtenant to the roads, street lights, traffic signals, mitigation sites that have not been accepted by regulatory agencies but exist or are located in public right-of-way and were constructed or installed as part of a road construction project within the annexed area, storm drains and storm drain catch basins within street right-of-way and appurtenant slopes, medians and adjacent property.

- l. Upon the effective date of the annexation, the City shall do the following: (1) assume ownership and maintenance responsibilities for all drainage devices, storm drains and culverts, storm drain catch basins, appurtenant facilities (except regional Los Angeles County Flood Control District (LACFCD) facilities for which LACFCD has a recorded fee or easement interest and which have been accepted into the LACFCD system), site drainage, and all master plan storm drain facilities that are within the annexation area and are currently owned, operated and maintained by the County ; (2) accept and adopt the County of Los Angeles Master Plan of Drainage (MPD), if any, which is in effect for the annexation area. Los Angeles County Department of Public Works Department (LACDPW) should be contacted to provide any MPD which may be in effect for the annexation area. Deviations from the MPD shall be submitted to the Chief Engineer of LACFCD/Director of LACDPW for review to ensure that such deviations will not result in diversions between watersheds and/or will not result in adverse impacts to LACFCD's flood control facilities; (3) administer flood zoning and Federal Emergency Management Agency floodplain regulations within the annexation area; (4) coordinate development within the annexation area that is adjacent to any existing flood control facilities for which LACFCD has a recorded easement or fee interest, by submitting maps and proposals to the Chief Engineer of LACFCD/Director of LACDPW, for review and comment.
- m. Except to the extent in conflict with "a" through "l", above, the general terms and conditions contained in Chapter 2 of Part 5, Division 3, Title 5 of the

California Government Code (commencing with Government Code Section 57325) shall apply to this annexation.

6. The Commission hereby orders the uninhabited territory described in Exhibits "A" and "B" annexed to the City of Pomona.
7. The Executive Officer is directed to transmit a copy of this resolution to the City, upon the City'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 9<sup>th</sup> day of January 2019.

MOTION: Close                      SECOND: Ruzicka (Alt. for Gladbach)      APPROVED: 5-0-0  
AYES: Close, Mirisch, Ruzicka (Alt. for Gladbach), Smith (Alt. For McCallum), Dear  
NOES: None.  
ABSTAIN: None.  
ABSENT: Barger, Finlay, Hahn, McCallum, Gladbach

**LOCAL AGENCY FORMATION COMMISSION  
FOR THE COUNTY OF LOS ANGELES**



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**Paul A. Novak, AICP  
Executive Officer**