

RECEIVED
MAY 16 2016

LAFCO
San Bernardino County

Ruth Musser-Lopez
420 E Street
Needles, CA 92363
760/885-9374

RuthMusserLopez@gmail.com

May 16, 2016

LAFCO COMMISSIONERS ROBERT A. LOVINGOOD, JAMES RAMOS, JIM BAGLEY, DIANE WILLIAMS, LARRY MC CALLON, AND KIMBERLY COX.
c/o Kathleen Rollings-McDonald, Executive 92415-0490
Local Area Formation Commission
215 North "D" Street, Suite 204
San Bernardino, California
via email: lafco@lafco.sbcounty.gov

City of Needles Mayor and Council
c/o Rick Daniels, Manager
3rd Street
Needles, CA
via email: ndlscitymgr@citlink.net

REPLY TO LAFCO ANSWER

Reference: NOTICE AND REQUEST FOR LAFCO AND THE CITY OF NEEDLES COUNCIL TO RECONSIDER LAFCO 3205 AND 3206.

Dear COMMISSIONERS ROBERT A. LOVINGOOD, JAMES RAMOS, JIM BAGLEY, DIANE WILLIAMS, LARRY MC CALLON, AND KIMBERLY COX, City of Needles Mayor ED PAGET and Council members:

This letter serves as my reply to LAFCO's response to my request that LAFCO reconsider their decision to support/ approve staff recommendation to proceed on LAFCO 3205 and 3206.

First, the LAFCO response telling me that I should pay LAFCO \$3,110.00 in order for LAFCO to reconsider their illegal deeds makes a mockery of America. Really? Do you

think that I am going to pay you \$3,310.00 in order for you to stop breaking the law? Such a suggestion to pay you to follow the law is extortion on top of the fraud and kleptomania you have engaged in by processing a request that the City of Needles made to be illegally annexed into a totally discontinuous existing district in another city's sphere of influence. Not only will I not pay you \$3,310.00 to end your charade, but I demand that you reimburse the taxpayers in the City of Needles their \$10,000 payment to you to begin a fraudulent and illegal annexation.

Consider my request for reconsideration a formal complaint, not just a comment.

COMMISSIONERS ROBERT A. LOVINGOOD & JAMES RAMOS: LET THIS BE A NOTICE TO YOU AND YOUR CRONIES JIM BAGLEY, DIANE WILLIAMS, LARRY MC CALLON, AND KIMBERLY COX.

You call yourselves Americans? SAN BERNARDINO COUNTY HAS BECOME no more than a Putin kleptocracy, a mafia. In America you have no legal authority for imposing a made up flat tax without a 2/3 vote.

For the record, I am going to restate that you have shown no legal provision or authority upon which the Commission and, or the City rests in order to engage in the proposed annexation as referenced above.

As per gov Code Section 56375: The commission shall have all of the following powers and duties subject to any limitations upon its jurisdiction set forth in this part:

(a) (1) To review and approve with or without amendment, wholly, partially, or conditionally, or disapprove proposals for changes of organization or reorganization, consistent with written policies, procedures, and guidelines adopted by the commission.

(2) The commission may initiate proposals by resolution of application for any of the following:

(A) The consolidation of a district, as defined in Section 56036.

- (B) The dissolution of a district.
- (C) A merger.
- (D) The establishment of a subsidiary district.
- (E) The formation of a new district or districts.
- (F) A reorganization that includes any of the changes specified in subparagraph (A), (B), (C), (D), or (E).

No where does Gov Code 56375 authorize the commission to "annex." Further Gov Code 56375 provides authority to consolidate, dissolve merge, establish and form districts, subsidiary districts and new districts but does not provide authority to "annex" an area that has not yet been formed or established. The corporate area of Needles is not now in a district...in fact, it is governed by a charter that requires the City to provide its own fire department and to have its own fire chief. Under the aforementioned code, the Commission may initiate proposals for the establishment of a subsidiary district, but you may not simply annex an area which has not yet been made a district and begin to tax without a vote.

Further paragraph (4) of the code clearly states that ANNEXATIONS must be initiated by the City but the area that can be annexed must be contiguous and not within the sphere of influence of another city:

(4) A commission shall not disapprove an annexation to a city, initiated by resolution, of **contiguous territory that the commission finds is any of the following:**

(A) **Surrounded or substantially surrounded by the city** to which the annexation is proposed or by that city and a county boundary or the Pacific Ocean if the territory to be annexed is substantially developed or developing, is not prime agricultural land as defined in Section 56064, is designated for urban growth by the general plan of the annexing city, and is **not within the sphere of influence of another city.**

(B) Located within an urban service area that has been delineated and adopted by a commission, which is not prime agricultural land, as defined by Section 56064, and is

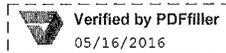
designated for urban growth by the general plan of the annexing city.

(C) An annexation or reorganization of unincorporated islands meeting the requirements of Section 56375.3.

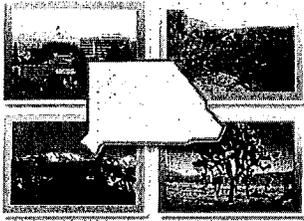
Therefore, the Helendale Fire District is in the sphere of influence of Helendale and now, wrongfully annexed to and within the City of San Bernardino sphere of influence, thus, the City of Needles may not initiate the annexation with a discontinuous area in another city's sphere of influence AND the Commission is wrongfully spending public funds to process an illegal annexation proposal.

This then is also a demand that the County of San Bernardino LAFCO cease and desist processing the City of Needles application for annexation to Helendale Fire District and that LAFCO return the City of Needles' processing fee of \$10,000. I also demand that the LAFCO actions on April 20, 2016 under Items 6 and 7 concerning LAFCO 3205 and 3206 be overturned by LAFCO, that the City of Needles request for annexation be rejected and that LAFCO refrain from further processing of unlawful annexations.

Submitted by,



Ruth Musser-Lopez, Citizen and Property Taxpayer
420 E Street
Needles, CA 92363
760/885-9374



LAFCO

Local Agency Formation Commission for San Bernardino County

216 North 'D' Street, Suite 204
San Bernardino, CA 92415-0490
909.389.0480 | Fax: 909.895.8170
E-mail: lafco@lafco.sbccounty.gov
www.sbc.lafco.org

Established by the State of California to serve the Citizens, Cities, Special Districts and the County of San Bernardino

COMMISSIONERS

JIM BAGLEY
Public Member

KIMBERLY COX, Vice Chair
Special District

JAMES V. CURATALO, Chair
Special District

ROBERT A. LOVINGOOD
Board of Supervisors

LARRY McCALLON
City Member

JAMES RAMOS
Board of Supervisors

DIANE WILLIAMS
City Member

ALTERNATES

STEVEN FARRELL
Special District

JANICE RUTHERFORD
Board of Supervisors

SUNIL SETHI
Public Member

ACQUANETTA WARREN
City Member

STAFF

KATHLEEN ROLLINGS-McDONALD
Executive Officer

SAMUEL MARTINEZ
Assistant Executive Officer

MICHAEL TUERPE
Project Manager

REBECCA LOWERY
Clerk to the Commission

LEGAL COUNSEL

CLARK H. ALSOP

May 13, 2016

Ruth Musser-Lopez
420 E Street
Needles, CA 92363

RE: LAFCO 3205 & 3206 – Reconsideration Request

Dear Ms. Musser-Lopez:

The Local Agency Formation Commission for San Bernardino County (hereafter LAFCO) has received your request for reconsideration dated May 12, 2016 for the resolutions issued approving the following proposals:

LAFCO 3205 - Sphere of Influence Amendments (Expansion) for the San Bernardino County Fire Protection District (City of Needles Area)

LAFCO 3206 - Reorganization to include Annexation of the City of Needles to the San Bernardino County Fire Protection District, its South Desert Service Zone, and its Service Zone FP-5

State Law and Commission policy requires that a request for reconsideration will only be deemed complete for filing if the appropriate fees are submitted to the Executive Officer of LAFCO. The fees for your reconsideration request total \$3,310. The amount required is determined as follows:

Reconsideration Fee	\$1,100 for each proposal
Mailing Cost for Individual Notice for LAFCO 3206	\$1,110

State law requires that a request for reconsideration must provide notice in the same manner as the notification for consideration of the original proposal. The following outlines the approximate printing and mailing costs for the required individual notice to landowners for the reconsideration of LAFCO 3206.

Printing Service Charges	\$ 210.00
Postage and Mail Room Charges	\$ 900.00
Total	\$ 1,110.00

Please forward these fees via **certified check or money order** to the LAFCO office by May 16, 2016 before the close of business. If these fees are not received by then, your request shall be determined to be incomplete and the Commission will move forward in its processing of the proposals.

Sincerely,

REBECCA LOWERY
Clerk to the Commission

Cc: Rick Daniels, City Manager, City of Needles
Tom Marshall, South Desert Division Chief, County Fire
Don Trapp, Assistant Fire Chief, County Fire

RECEIVED
MAY 12 2016

LAFCO
San Bernardino County

Ruth Musser-Lopez
420 E Street
Needles, CA 92363
760/885-9374

RuthMusserLopez@gmail.com

May 12, 2016

Kathleen Rollings-McDonald, Executive 92415-0490
Local Area Formation Commission
215 North "D" Street, Suite 204
San Bernardino, California
via email: lafco@lafco.sbcounty.gov

City of Needles Mayor and Council
c/o Rick Daniels, Manager
3rd Street
Needles, CA
via email: NDLSCITYMGR@CITLINK.NET

Reference: NOTICE AND REQUEST FOR LAFCO TO RECONSIDER
APPROVAL OF LAFCO 3205 AND 3206 (ITEMS 6 AND 7 ON APRIL 20,
2016 AGENDA; REQUEST AND NOTICE TO THE CITY OF NEEDLES
COUNCIL TO RECONSIDER UNLAWFUL ANNEXATION REQUEST.

Dear Ms. Rollings-McDonald and City of Needles Mayor and
Council:

This letter serves as my request that the Local Area
Formation Commission and the City of Needles Council
reconsider their decisions with regard to
This reconsideration is necessitated by the fact that there
is no legal authority for taxing property owners without a
2/3 vote. Further, there is no legal provision or
authority upon which the Commission and, or the City rests
in order to engage in the proposed annexation as referenced
above.

As per gov Code Section 56375: The commission shall have all of the following powers and duties subject to any limitations upon its jurisdiction set forth in this part:

(a) (1) To review and approve with or without amendment, wholly, partially, or conditionally, or disapprove proposals for changes of organization or reorganization, consistent with written policies, procedures, and guidelines adopted by the commission.

(2) The commission may initiate proposals by resolution of application for any of the following:

(A) The consolidation of a district, as defined in Section 56036.

(B) The dissolution of a district.

(C) A merger.

(D) The establishment of a subsidiary district.

(E) The formation of a new district or districts.

(F) A reorganization that includes any of the changes specified in subparagraph (A), (B), (C), (D), or (E).

No where does Gov Code 56375 authorize the commission to "annex." Further Gov Code 56375 provides authority to consolidate, dissolve merge, establish and form districts, subsidiary districts and new districts but does not provide authority to "annex" an area that has not yet been formed or established. The corporate area of Needles is not now in a district...in fact, it is governed by a charter that requires the City to provide its own fire department and to have its own fire chief. Under the aforementioned code, the Commission may initiate proposals for the establishment of a subsidiary district, but you may not simply annex an area which has not yet been made a district and begin to tax without a vote.

Further paragraph (4) of the code clearly states that ANNEXATIONS must be initiated by the City but the area that can be annexed must be contiguous and not within the sphere of influence of another city:

(4) A commission shall not disapprove an annexation to a city, initiated by resolution, of **contiguous territory that the commission finds is any of the following:**

(A) **Surrounded or substantially surrounded by the city** to which the annexation is proposed or by that city and a county boundary or the Pacific Ocean if the territory to be annexed is substantially developed or developing, is not prime agricultural land as defined in Section 56064, is designated for urban growth by the general plan of the annexing city, and is **not within the sphere of influence of another city.**

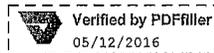
(B) Located within an urban service area that has been delineated and adopted by a commission, which is not prime agricultural land, as defined by Section 56064, and is designated for urban growth by the general plan of the annexing city.

(C) An annexation or reorganization of unincorporated islands meeting the requirements of Section 56375.3.

Therefore, the Helendale Fire District is in the sphere of influence of Helendale and now, wrongfully annexed to and within the City of San Bernardino sphere of influence, thus, the City may not initiate the annexation with a discontinuous area in another city's sphere of influence AND the Commission is wrongfully spending public funds to process an illegal annexation proposal.

Therefore, LAFCO must reconsider their actions on April 20, 2016 under Items 6 and 7 concerning LAFCO 3205 and 3206 and reject the City of Needles request for annexation and refrain from further processing of unlawful annexations.

Submitted by,



Ruth Musser-Lopez, Citizen and Property Taxpayer
420 E Street
Needles, CA 92363
760/885-9374

reorganization consisting of annexations to multiple agencies, a plan for service shall also be required for each affected agency.

PROCEDURES AND STANDARDS FOR REVIEW:

- A. The Plan for Service submitted shall include a narrative description of the information outlined pursuant to Government Code Section 56653.
- B. The Plan for Service shall be prepared and submitted by the local agency providing the service for all proposed changes of jurisdiction, regardless whether that proposal is initiated by resolution or by petition.
- C. The Plan for Service shall be signed and dated by an official representative of the affected city or district(s), certifying the completeness and accuracy of the Plan.
- D. The Plan for Service submitted for each proposal shall be attached to the staff report and distributed for review by the Commission, affected agencies, and the public no less than five days prior to the scheduled hearing.
- E. In the case of a proposed annexation or reorganization including annexation, the Plan for Service must demonstrate that the range and level of services currently available within the study area will, at least, be maintained by the annexing agency.
- F. In the case of a proposed reorganization consisting of annexations to multiple agencies, the Plan for Service shall address each of the items specified above for each affected agency.

6. EFFECTIVE DATE AS A FUNCTION OF THE CERTIFICATE OF COMPLETION (Adopted June 13, 1979.)

Unless otherwise specified by the Commission, the effective date for all actions shall be the date of issuance of the Certificate of Completion.

7. REQUESTS FOR RECONSIDERATION (Adopted January 24, 1979; Amended April 9, 1980, June 8, 1983, May 18, 1988, August 29, 1990 and legislatively amended January 1, 2001.)

Requests for reconsideration will be granted only when the petitioner can present some compelling new evidence, or show that significant factors relative to the situation were overlooked or have changed. The request shall be submitted in writing to the Executive Officer within thirty (30) days of the Commission's decision. No request shall be deemed filed unless appropriate filing fees are

submitted. In the event multiple requests for reconsideration are filed, the Executive Officer will divide a single reconsideration fee among the various petitioners for reconsideration.

PROCEDURE:

Upon receipt of a legally filed request for reconsideration, the Executive Officer shall place the request on the agenda of the next Commission meeting for which notice can be provided. At the hearing, the Executive Officer will present the staff report and recommendations to the Commission and respond to questions. The Commission will then allow submission of any oral or written testimony on the issue; however, at the Chair's discretion, time limits may be placed on those wishing to provide an oral presentation. At the close of the hearing, the Commission may take one of the following actions:

- A. The Commission may approve the request, and adopt a resolution superseding the resolution previously issued;
- B. The Commission may deny the request; or
- C. The Commission may continue the hearing for a maximum of seventy (70) days.

8. INCORPORATION POLICIES *(Adopted March 30, 1994.)*

- A. In accordance with Government Code Section 56815.2, the Governor's Office of Planning and Research (OPR) issued Incorporation Guidelines that provide a step-by-step approach to understanding the cityhood process set forth in the law of the State of California. The San Bernardino LAFCO has adopted the OPR Incorporated Guidelines by reference and has indicated the incorporation proponents should undertake the cityhood process in the manner identified in the Guidelines (copies of the guidelines are included as Appendix 1).

In addition, the Commission has adopted the following policy statements unique to circumstances in San Bernardino County to assist in the guidance of unincorporated communities in their review of governmental options.

- B. Incorporation proposals involving land within an existing city sphere of influence will not be accepted for filing. If a cityhood proposal would conflict with an established city's sphere of influence, the incorporation proponents must first initiate, and the Commission must approve, a sphere of influence amendment to exclude the study area from that sphere prior to circulation of formal incorporation petitions.