

FAX COVER SHEET

TO	c/o Kathleen Rollings-McDonald, Executive Director
COMPANY	
FAXNUMBER	19098858170
FROM	..
DATE	2016-06-10 18:26:27 GMT
RE	Your Refusal to CEASE and DESIST illegal actions.

COVER MESSAGE

Please contact me if you have any questions about this document.

Information presented to
the Commission at the
6-15-16 LAFCO hearing.

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June 10, 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'S MAY 24, 2016 REFUSAL TO CEASE AND DESIST.

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 response to LAFCO's refusal on May 16, 2016
to cease and desist engaging in an unauthorized process that is
intended to result in taxation of the property owners in Needles,
California without a vote of the people who will be taxed.

Your representative and Executive Officer, Kathleen Rollings-McDonald,
wrongfully asserts that it is legal to annex to discontinuous service
zones then tax the new service zone property owners that never voted
on the tax based upon the vote of the other service zone property
owners.

Your Executive Director wrongfully asserts that LAFCO has authority to
annex a new Needles Service Zone and a new Valley Service Zone to the
existing and discontinuous Belendale Service Zone based upon their
presumed authority under Government Code 56021 that provides for

annexation to a district. Do you see in this list anywhere that you may annex discontinuous service zones?

56021. "Change of organization" means any of the following:

- (a) A city incorporation.
- (b) A district formation.
- (c) An annexation to a city.
- (d) An annexation to a district.
- (e) A detachment from a city.
- (f) A detachment from a district.
- (g) A disincorporation of a city.
- (h) A district dissolution.
- (i) A consolidation of cities.
- (j) A consolidation of special districts.
- (k) A merger of a city and a district.
- (l) Establishment of a subsidiary district.
- (m) The exercise of new or different functions or classes of services, or divestiture of the power to provide particular functions or classes of services, within all or part of the jurisdictional boundaries of a special district as provided in Article 1.5(commencing with Section 56824.10) of Chapter 5 of Part 3 of this division.

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" discontinuous service zones then tax the new service zone based upon the vote of property owners/voters in another service zone that is discontinuous and in an entirely separate city and economic profile.

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.

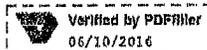
(C) An annexation or reorganization of unincorporated islands meeting the requirements of Section 56375.3.

You may be able to annex land within the City of Needles boundaries to the San Bernardino County Fire District but you have no authority to combine two discontiguous service zones in different spheres of influence. Property owners living within the contiguous County Fire District adjacent to property owners in the City of Needles are not currently subject to the Helendale Service Zone tax-nor should be the property owners in the City of Needles even if it is annexed. Therefore, if you annex the City of Needles to the contiguous County fire district, then you cannot simply tack on a new tax.

Your Executive Director has wrongfully proceeded with an application for an illegal combining of service areas trying to get away with it by using a MISNOMER "annexation". Annexation is provided for in the law but only annexation to an existing district. Your Executive Director, wrongfully processing an application at taxpayer expense using public funds, is attempting to COMBINE discontiguous service areas in totally separate spheres of influence in order to avoid a vote of the people living in the City of Needles with regard to a tax that was voted upon only by the people of Helendale.

This is a demand that LAFCO cease and desist their attempt to COMBINE SERVICE AREAS, "Helendale," "Valley" and "Needles" and that the tax that LAFCO proposes for the property owners in Needles be submitted to a vote without property owner being required to obtain signatures to secure such a vote.

Submitted by,



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