

**MINUTES OF THE LOCAL AGENCY FORMATION COMMISSION
WORKSHOP HEARING OF MARCH 31, 2005**

WORKSHOP MEETING

1:00 P.M.

MARCH 31, 2005

PRESENT:

COMMISSIONERS:	Chairman Paul Biane	Mark Nuaimi
	Vice Chairman Bob Colven	A.R. "Tony" Sedano, Alternate
	Kimberly Cox	Diane Williams
	Josie Gonzales, Alternate	

STAFF: **Kathleen Rollings-McDonald, Executive Officer**
 Clark H. Alsop, Legal Counsel
 Samuel Martinez, LAFCO Analyst
 Angela Schell, Deputy Clerk to the Commission

ABSENT:

COMMISSIONERS:	James V. Curatalo, Alternate	Paul J. Luellig Jr., Alternate
	Dennis Hansberger	Richard P. Pearson

STAFF: **Debby Chamberlin, Clerk to the Commission**

WORKSHOP SESSION - CALL TO ORDER – 1:00 P.M.

Chairman Biane calls the workshop session of the Local Agency Formation Commission to order and he leads the flag salute. He announces that Supplemental Discussion Item No. 6 will follow Item No. 1 because the discussion of the islands will be lengthy.

DISCUSSION ITEMS

INTRODUCTION TO LAFCO

Executive Officer Kathleen Rollings-McDonald introduces Dan Schwarz, Deputy Executive Officer and Legislative Chair for CALAFCO and Executive Officer of Napa LAFCO. Mr. Schwarz presents an instructional slide show that CALAFCO uses for new commissioners and staff at staff workshops and annual conferences as an introduction to LAFCO. A copy of his presentation is on file in the LAFCO office.

Chairman Biane thanks Mr. Schwarz for taking the time to be here today to give his presentation. Commissioner Sedano says the presentation was outstanding and it makes him realize how lucky this Commission is to have the staff it has. Mr. Schwarz says Ms. McDonald is one of his most reliable Legislative Committee members and says she has helped him draft several provisions that were recently proposed.

SUPPLEMENTAL DISCUSSION ITEM

CONSIDERATION OF EXEMPTION REQUEST FOR LAFCO SC#249 – OUT-OF-AGENCY SERVICE CONTRACT FOR AMBULANCE SERVICE, BIG BEAR CITY COMMUNITY SERVICES DISTRICT (BIG BEAR AMBULANCE SERVICE AREA DETERMINED BY ICEMA) – APPROVE STAFF RECOMMENDATION

**MINUTES OF THE LOCAL AGENCY FORMATION COMMISSION
WORKSHOP HEARING OF MARCH 31, 2005**

LAFCO conducts a public hearing to consider a request by the Big Bear City Community Services District (hereafter "BBCCSD") for a determination by the Commission that a contract for the assumption of ambulance and paramedic services by the BBCCSD from the Big Bear Valley Healthcare District (hereafter "the Healthcare District") is exempt from the provisions of Government Code Section 56133. Notice of this hearing was advertised as required by law through publication in the Big Bear Life and Grizzly, a newspaper of general circulation in the area. Individual mailed notice was provided to affected and interested agencies, County departments and those agencies and individuals requesting mailed notice.

Executive Officer Kathleen Rollings-McDonald presents the staff report, a copy of which is on file in the LAFCO office and is made a part of the record by its reference herein. Ms. McDonald says this supplemental agenda item was briefly discussed at the March 16 meeting when she indicated that this request for exemption needed to be considered today in order to meet the timeframe for the transfer of service. She notes that the staff report outlines the change in law effective January 1, 2002, when LAFCO was required to review contracts between two public agencies. However, she says the Legislature also gave the Commission the ability to determine that there could be instances where an exemption to these requirements would be appropriate. She notes that the specific exemption language in Section 56133 Subsection (e) that relates to this consideration is provided on page 2 of the staff report.

Ms. McDonald points out that an outline of the relationship between the BBCCSD and the Healthcare District for the provision of ambulance/paramedic service in the Big Bear Valley is in the staff report. She discusses a map on the overhead display which outlines the Ambulance Exclusive Operating Area (hereafter "EOA") for these districts which she says is determined by the Inland Counties Emergency Medical Agency (hereafter ICEMA)—the agency that determines ambulance provider areas throughout San Bernardino, Mono and Inyo Counties. She also shows maps of the boundaries of the BBCCSD, the Healthcare District, and various fire providers in the Big Bear Valley. She discusses that in 1998, the Healthcare District and the BBCCSD formed a Joint Powers Agreement (hereafter "JPA") to provide a coordinated operation of the ambulance and emergency medical services, whereby the BBCCSD provided the personnel and the Healthcare District provided the permit and ambulance services. She reports that the JPA has expanded throughout the years to include the County, through the County Consolidated Fire Agency for Fawnskin, and the Big Bear Lake Fire Protection District. She says that during discussions regarding the potential consolidation of fire protection services for the overall valley area, the Healthcare District indicated its desire to transfer its EOA responsibility and permit to the Consolidated Fire District. She notes, however, that the fire consolidation effort has been shelved, but she says the Healthcare District still desires to transfer the responsibility for this service to the BBCCSD by April 1, 2005, so the Healthcare District can confine its services to the operation of the Hospital.

Ms. McDonald says that staff believes this contract is exempt from LAFCO review on the basis of the findings listed on page three of the staff report. She notes that today a copy of a newspaper article has been provided to the Commission indicating that on Monday, the Board of Directors of the Healthcare District, by unanimous vote, approved the transfer of this responsibility to the BBCCSD. Ms. McDonald says the staff recommendation is that the Commission determine that LAFCO SC#249 complies with the exemption listed within Government Code Section 56133 Subsection (e) and, therefore, does not require Commission approval to proceed.

Commissioner Sedano moves approval of staff recommendation, seconded by Commissioner Colven. Ms. McDonald states that representatives of the BBCCSD are present this morning. Chairman Biane opens the hearing and says he has no speaker slips. Commissioner Colven says the Fire Chief of the Big Bear Lake Fire Protection District, the General Manager of the BBCCSD and the EMS Director all are present and appear very satisfied with the action.

Chairman Biane closes the hearing. He calls for any objections to the motion. There being none, the voice vote is as follows: Ayes: Biane, Colven, Cox, Gonzales, Nuaimi, Sedano, Williams. Noes: None. Abstain: None. Absent: Curatalo, Hansberger (Gonzales voting in his stead) Luellig, Pearson (Sedano voting in his stead).

**MINUTES OF THE LOCAL AGENCY FORMATION COMMISSION
WORKSHOP HEARING OF MARCH 31, 2005**

DISCUSSION OF ISLAND AREAS UNDER NEW PROVISIONS OF GOVERNMENT CODE SECTION 56375.3 - REPEAL EXISTING POLICY NO. 29 AND REPLACE WITH NEW POLICY DECLARATION FOR SUBSTANTIALLY SURROUNDED ISLANDS

LAFCO conducts a workshop to discuss island areas under the new provisions of Government Code Section 56375.3. Notice of this workshop was advertised as required by law through publication in The Sun, the Inland Valley Daily Bulletin and the Victor Valley Daily Press, newspapers of general circulation. Individual mailed notice was provided to affected and interested agencies, County departments and those agencies and individuals requesting mailed notice.

Executive Officer Kathleen Rollings-McDonald presents the staff report, a copy of which is on file in the LAFCO office and is made a part of the record by its reference herein. As outlined in the staff report, Ms. McDonald discusses the responses received from those cities which were requested to provide maps outlining areas which would qualify as substantially surrounded, using the percentage criteria of 52%, 66% and 75% or greater surrounded.

Ms. McDonald says that in order to answer Question No. 1, which asks what will be the Commission's definition of substantially surrounded, staff is asking for a Commission determination and specific policy language that defines what substantially surrounded is. She says that for discussion purposes, staff has provided possible policy language on page six of the staff report that uses 60% surrounded to constitute substantially surrounded. She asks that the Commission establish a definition of substantially surrounded so it can be identified for the cities should they choose to proceed under these special provisions, adding that nothing specifies that cities are required to initiate island annexations. She points out that the definition of substantially surrounded is only one of six mandatory findings that must be made by the Commission in reviewing an island annexation proposal. Ms. McDonald says that regarding Question No. 2, if the Commission wants to uphold its existing policy declaration No. 1 that a City is not permitted to reduce the size of an existing island through normal annexation proceedings in order to allow the remaining island to be processed under Section 56375.3, the number of island annexations that would qualify in the Cities of Chino, Fontana and Montclair will be reduced. She says that Attachment No. 2 provides the existing policy and notes that the staff report failed to mention that declaration No. 2 of the existing policy should be removed since the element of this policy requiring the city to act as conducting authority was rescinded, effective January 1, 2001.

Chairman Biane opens the hearing for questions and comments of Commissioners.

Commissioner Sedano discusses that for any future annexations, he hopes the cities will do a great job of notifying people in rural areas so that they will understand that if they are in compliance with their land use in the County, when they are annexed that legal use will be grandfathered in.

Chairman Biane discusses a concern raised by the City of Montclair wherein a lot of cities have processed landowner-supported annexations since 2001, creating islands which, as he understands the current policy, cannot now be considered under the island provisions. He asks if that policy can be changed.

Legal Counsel Clark Alsop responds that all the law says is that the island has to have been substantially surrounded and not more than 150 acres at the time the law went into effect on January 1, 2000. He says if annexations have occurred which changed the boundaries of island areas since 2000, if the Commission eliminated the first element of Policy #29, staff would need to look at the island configurations as they existed when the law took effect. He says if the islands still qualify, they could be processed. He adds that if the Commission eliminates the first condition of its policy, it probably will allow more islands to be annexed.

Commissioner Nuaimi asks if an island was greater than 150 acres prior to 2001, and a "friendly" annexation took place, leaving an area of less than 150 acres that is still substantially surrounded, whether they have to look back to the prior boundaries and say that the original island was greater than

**MINUTES OF THE LOCAL AGENCY FORMATION COMMISSION
WORKSHOP HEARING OF MARCH 31, 2005**

150 acres. Mr. Alsop responds that they have to look at the boundaries as they existed in 2000; and he says that if those boundaries can be defined as substantially surrounded, even if subsequent annexations have changed them, the island annexation provisions can now be used for the area that is left. He says a regular annexation cannot be used to create a substantially surrounded piece of property that can be annexed under the island annexation provisions without protest. Chairman Biane asks if they change the definition of substantially surrounded today, whether those new determinations of substantially surrounded apply to what existed in 2000. Mr. Alsop explains that the Commission's definition of substantially surrounded has been on a case-by-case basis. He says the Commission has never defined what substantially surrounded is and says that is important to decide and will affect how many islands will qualify. He says that back in 2000, the Commission's action was to tell the cities to apply and that the Commission would decide on a case-by-case basis whether an area qualified as an island. He says this workshop is an attempt to have the Commission decide what the policy will be so that all cities will know what areas will qualify; and the cities then will have until January 2007 to make application to try to annex their islands, if they wish.

Commissioner Nuaimi asks for an explanation of what the "whole of the island" refers to. Ms. McDonald says one of the findings that must be made is that the area is 150 acres or less and comprises the whole of the island. She says if the area is declared substantially surrounded and it meets the other criteria, it would be the whole of the island. She says, however, there are many questions because there is no definition of substantially surrounded. Commissioner Nuaimi comments that it goes back to defining substantially surrounded, because if there is a percentage requirement, and an area meets that requirement and is under 150 acres, that, by definition, will be the whole of the island. Ms. McDonald says that is correct. Commissioner Nuaimi comments that included in some of the City of Fontana's assumptions is that "the whole of the island" could be adjacent to one another, as long as each island is substantially surrounded based on the percentage set by the Commission. Ms. McDonald says that is correct, as long as the Commission makes a policy declaration on a percentage and a definition of substantially surrounded.

Chairman Biane asks whether substantially surrounded includes State and Federal forestry land, military bases, state prisons, County lines, large flood control projects, like Lytle Creek and Cajon Creek, the Santa Ana River and possibly other natural-type boundaries. He asks how other LAFCOs have addressed this. Ms. McDonald says the Commission could expand its definition to include what Chairman Biane mentioned. She notes that Napa LAFCO's definition includes sphere lines. She says to her knowledge, flood control facilities have not been used, but she can ask other LAFCOs. She discusses military facilities and says they can be included.

Commissioner Gonzales comments she would also like the inaccessibility of an unincorporated area, other than through city streets, to be considered. Commissioner Nuaimi says there are many examples where the I-10 Freeway separates County pockets of land into islands that are almost completely surrounded by a city, although he says that when the County areas are combined with a freeway, they are not completely or substantially surrounded. He says it is a barrier to service provision, like those things mentioned by Chairman Biane. Ms. McDonald discusses that freeways in certain cases preclude or inhibit the delivery of service and "functionally" create a separate island. She says if the Commission wishes to use something that functionally separates an area for service delivery issues, language can be drafted to address that. Mr. Alsop points out that the Commission can create local regulations that reflect the circumstances in this County. He says if the Commission thinks that is appropriate, staff can come back with language that reflects that. Commissioner Gonzales says she believes that should seriously be considered. Commissioner Sedano says he wholeheartedly agrees.

Commissioner Cox comments that it is important to work into policy decisions the greatest flexibility possible for staff as they address these issues. She asks if they could come up with a determination along the lines of saying that "X" percent is what has been determined to be substantially surrounded, but jurisdictions can bring forward additional issues on a case-by-case basis for staff to evaluate to determine whether areas are substantially surrounded using other criteria. Ms. McDonald says staff could draft potential policy language for the Commission to review. Commissioner Sedano says he thinks they should set a policy and define exactly what percentage will be used. He says they should eliminate the

**MINUTES OF THE LOCAL AGENCY FORMATION COMMISSION
WORKSHOP HEARING OF MARCH 31, 2005**

case-by-case basis, because that will only prolong the annexation proposal and there is not a lot of time left to use these provisions. Commissioner Gonzales discusses that she agrees that they need to have a clear definition.

Chairman Biane says he agrees with defining the percentage and what the boundaries are, but he says he would be for determining on a case-by-case basis the question about reducing an existing island and allowing the remaining area to be annexed under the island provisions. Commissioner Nuaimi says the percentage needs to be set at a threshold that will provide the flexibility that cities and staff need. Ms. McDonald says she wants to make it clear that there is nothing that requires a city to initiate annexation of its islands. She says the Commission has, in the past, required cities to take in a totally surrounded island if they were annexing developing land.

Commissioner Biane says the City of San Bernardino has said it is not interested in annexing its islands and he asks where that leaves the Commission if it cannot initiate the annexation of islands. Ms. McDonald says the Commission could only initiate an annexation if it were coupled with a consolidation or some other unique type of change. She says an island annexation, where the ability of protest is removed, must be initiated by resolution of a city. Mr. Alsop discusses that Ventura LAFCO has a policy that when a city proposes an annexation, it is required to initiate every island annexation as a condition of approval. But he says the City of Simi Valley was able to get special legislation that said that condition does not apply to it. Commissioner Nuaimi comments that they can tell the cities that they either bring in their islands, or hold off on any annexations until after January 2007. Mr. Alsop says that is a fair approach.

Commissioner Colven says the efficiency of the delivery of service is very important and he discusses how inefficient it can be to provide service to islands. He says they have an obligation to come up with a definite definition for substantially surrounded that can be applied.

Commissioner Nuaimi emphasizes comments made by Commissioner Sedano that it is incumbent on the cities, as they move forward with island annexations, to do an aggressive and effective job of outreach so that people in these islands understand the implications of annexation to their service delivery and the implications, or lack of implications, to their life style. He says this outreach needs to begin before the application is put together and before the plan for service is completed. Commissioner Williams says she agrees and says this effort must be made before a city even considers starting the annexation; that it should be a huge effort, including knocking on doors to make people aware of the annexation. She says cities also need to exercise flexibility. She adds that if they establish a percentage, there still needs to be some flexibility for staff and the Commission, since nothing is black and white when it comes to people, land and streets.

Chairman Biane discusses that the issue of annexing territory that is in a County Redevelopment Area needs to be further examined. He opens the public hearing and calls on those wishing to speak.

Ruben Baca, who lives in the County, discusses a newspaper article he read about island areas being annexed to the City of Fontana. He says the article indicated that the County provides services to unincorporated areas where possible and that Sheriff's deputies replace city police officers. He says he does not think that is true. He says where he lives on Laurel Avenue, right on the corner of the Bloomington area, when people call the City Police they are told to call the Sheriff; and he says the Sheriff comes for any matters it is called for. He says the article also indicated that a variety of fire districts serve the unincorporated areas, and he says that in an emergency, the City should help out. He says the article said that the County departments are not always close enough and often rely on the sphere cities to fill in their blanks in coverage areas. He says he disagrees with that because the cities only come to help once in a while. He says the article mentioned that most cities have a mutual aid agreement with the County to share the responsibility for islands, which he says is a good thing. Mr. Baca says he does not want to be annexed.

Victor Vollhardt says the Commission is taking away the rights of the people to vote and to protest. He notes that many County service agencies have inter-relationships with cities that they respond to County

**MINUTES OF THE LOCAL AGENCY FORMATION COMMISSION
WORKSHOP HEARING OF MARCH 31, 2005**

areas in a time of stress. He says his property is in the County and says people want to remain in the County for many reasons. He says that although the Commission has talked about land uses being grandfathered in on annexation, there are still code enforcement issues that can happen. He says the purpose of annexations is to change how an area looks; and he says if that is his property, business or land use, that means they want to change him, without his approval. He says he finds it onerous that the people cannot vote or protest annexation. Mr. Vollhardt discusses a series of letters from CALAFCO to Senator Torlakson, the author of AB 1266, expressing reasons for opposition to that bill, which relates to island annexations. He says the letters indicated opposition because the bill was not a product of comprehensive analysis of the policies, practices and issues of LAFCOs throughout the State, but was a product of the desire of one property owner and the City of Brentwood to circumvent LAFCO. He says a letter dated April 16, 2004, indicated opposition to the bill, unless it was amended to change the acreage from 75 to 150 acres throughout the State. He says CALAFCO's letter of June 7, 2004, supported AB 1266 as amended. He says the Contra Costa property owner who initiated this has put the people in Bloomington and other County areas at risk of being annexed. He says he is very uncomfortable that he will not be able to vote on being annexed.

Brent Arnold, City of Chino Planner, says the City has an excellent track record with annexations and working with the public and has had an excellent working relationship with LAFCO staff. He informs Commissioner Williams that the City of Chino does public outreach long before an annexation process goes forward and says they have neighborhood meetings to explain the pros and cons of annexation to the residents. He discusses that the City, as a condition of approval for a legitimate annexation of a non-island area, does not want to be forced by LAFCO to annex an island area, if the majority of the residents are opposed. He says he understands the intent of the legislation and says the City supports it, but he says the City's policy for the past 20 years that he has been with the City has been to let the residents in the area decide whether they want to annex. He says the City has seven islands and there have been problems regarding their service. He says, however, that the City wishes to continue its current policy, will have other areas it wishes to annex, and is opposed to being forced to commit to annex its islands in order to annex these other areas. He says the City has no problem with the percentage definitions the Commission is coming up with and says all of the City's islands are over those percentages. Mr. Arnold notes that the City is currently entertaining annexing only a portion of an island area because everyone else in the island is opposed and the Council does not want to force those people in, so the City is deciding whether it should initiate that annexation. He says the City urges the Commission to consider the City's comments and not force it to annex an island as a condition of approval of another non-island annexation.

Ken Hunt, City Manager of Fontana, says the City has islands and fingers and all kinds of areas that present challenges to the Sheriff, Police Department, Code Enforcement, graffiti abatement and those types of activities. He asks that the Commission be as flexible as possible in determining what substantially surrounded is and how it is applied because he says that City staff also needs flexibility in order to take in as many islands as possible. He says the City would like to annex all the islands as identified in "Proposed Alternative No. 4" so the City can have a balance of services and the ability to pay for those services. He asks that 52% or greater be considered for the definition of substantially surrounded and that staff be directed to be as flexible as possible in its interpretation as to whether it is using freeways or storm drain channels or barriers to normal development in order to make annexation possible. Mr. Hunt says that with that flexibility, the City can do an outreach to the community and can begin doing something that will benefit the entire area by providing efficient and effective ways to provide services. He says the City commits to bring in all the island areas because it is the right thing to do.

John Mitchell of the Colton City Council, says "ditto" to what Mr. Hunt said. He discusses the importance of citizen involvement, noting that before he was elected, there were several areas the City wanted to annex, but went about it the wrong way, and so those people to this day want nothing to do with the City, even though they are totally surrounded by it. He says that the Police and Fire Departments have told him that the number of calls they receive from the County pockets is huge. He says it is very hard for the City to deal with budgets when it not only has to deal with the City areas, but also with the County islands. He discusses that it can take the Sheriff 45 minutes to an hour to respond to a County pocket, when the City Police can be there in a few minutes, but have to wait for the Sheriff, which is taking way services

**MINUTES OF THE LOCAL AGENCY FORMATION COMMISSION
WORKSHOP HEARING OF MARCH 31, 2005**

from the City. He says annexing these island areas and allowing cities these efficiencies will help everyone.

Chairman Biane asks if there is anyone else wishing to speak. There is no one and he closes the hearing.

Commissioner Nuaimi states that a City's sphere of influence is supposed to be the boundaries within which it proposes to provide services. He discusses that he thinks cities have been hurting themselves by doing friendly annexations, rather than annexing their sphere as a whole, or annexing larger components of their sphere, because they have taken in all the support that they had in those areas and now are left only with opponents. He says LAFCO, as a regional body, is looking at this issue and is now telling the cities they have a tool to bring in those areas. He says the Commission understands there is opposition and that the cities may not want to touch these areas, but he says this is about providing effective municipal services throughout the region and he does not think cities are doing a service to the region by only taking in friendly annexations. He points out that Councilman Mitchell indicated that when the County pocket needs an officer for an emergency, those resources come from the city, which puts a drain on that service level and has a regional impact. He says that although he understands and respects some city councils that do not want to annex people who do not want to be annexed, even if they qualify under this provision, he believes the island policy should be used for a regional benefit, even if that means putting restraints on a city until January 2007. He says he will oppose a city that only wants to take in a friendly area, and not an area with opposition, because that continues to promote the problems that have caused the scenarios they have discussed. He says he generally echoes comments about flexibility in setting the threshold; that they need a definition of how to calculate that number; that it needs to be cut and dry; and that he supports a threshold of 52% or greater. He says he would also like to see flexibility to eliminate out of the perimeter or calculation a freeway, natural boundary or other impediment to service delivery. He says he would support removing the policy statement that says a city is not permitted to reduce the size of an existing island through normal annexation proceedings and allow the remaining area to be annexed under the island provisions.

Commissioner Gonzales states that it is very important to keep peoples' interests as a priority. She says they need to have very clear, outlined facts as to what will and will not be allowed for consideration and says the flexibilities they have discussed must be defined. She discusses that a big impact on both city and County residents is that, with the rapid growth of the populations in sphere areas, there are heavy impacts on parks, libraries, community centers, and circulation because the people living in County pockets have to travel through cities to get to their homes. She says the economic return the cities and the County receive for the non-per capita representation is very poor. She reiterates the need for defining what the flexibilities will be. She says she supports the people who protest annexation and are against their way of life being changed, but she says LAFCO has to do the responsible thing, whether it likes it or not, on behalf of the future development that will take place, even after the Commission is no longer here.

Commissioner Williams discusses that she supports the 52% or greater threshold, given what Commissioner Nuaimi said about the removal of barriers to service. However, she emphasizes that in looking toward future hearings, she cannot support something if the city has not shown evidence of doing its homework first. She says cities must even look at possibly making agreements or signing documents agreeing that uses will be grandfathered in until some kind of change takes place. She notes that Commissioner Gonzales indicated in another recent hearing that if a use is illegal in the County or elsewhere, it is illegal and needs to be taken care of. She says if a use is legal in the County, she thinks every city needs to look at that use and say that even though it is not permitted in the city, it will be grandfathered in upon annexation. She says this is what residents want to hear. She says it is up to the cities to clear up what are often rumors that peoples' lifestyles will change upon annexation. She discusses that city budgets are impacted by services that must be provided in the island areas. She says she does not know if the flexibility can be defined as definitively as Commissioner Gonzales would like, but says she also does not think they can say everything is all black or white. Commissioner Gonzales asks that they make it as clear as possible. She says she failed to state that she also supports the 52% or greater surrounded threshold.

**MINUTES OF THE LOCAL AGENCY FORMATION COMMISSION
WORKSHOP HEARING OF MARCH 31, 2005**

Commissioner Cox states that Commissioner Gonzales well articulated that they need to allow flexibility; that the flexibility must be well defined; and that staff needs to know what parameters to operate within. She says it would help to have staff provide input to the Commission as to what parameters would help them. She says she has heard a lot agreement, so perhaps the percentage could be solidified today, but says staff could be asked to bring back some parameters that will allow the flexibility that everyone agrees needs to be in place.

Commissioner Sedano agrees they can be flexible and says maybe staff and Mr. Alsop can come up with a definition that will make the Commission comfortable. He says, however, in good conscience, he cannot use flexibility when he looks at a map and sees islands of 10 acres or less because he thinks that is black and white and those must be brought in. He says if an area is 20 acres or less, it should be annexed because people have to go through a city to get to that area. He says he would like to point out again that LAFCO is not taking away anyone's voting rights, but he says the Commission is following legislation.

Commissioner Colven says he is in agreement with the 52% threshold.

Chairman Biane states that there seems to be a consensus on 52% as the threshold for what is considered to be substantially surrounded. He says he also heard a lot of agreement about including additional boundaries which are service impediments, such as freeways, a natural creek or river, and forestry boundaries. He says he also thinks they must include defense bases. He says his office is also working with the City of Fontana on the question about the San Sevaine Redevelopment Area and asks that staff contact his office on this matter. He says he agrees with Commissioner Nuaimi about getting rid of the first element of Policy No. 29, which will give them flexibility on the second question in the staff report.

Commissioner Nuaimi discusses that if there is an island where part of the perimeter of that island is a government entity-owned or maintained land, such as CALTRANS, forestry or military land, then that perimeter of the island would be removed from the percentage calculation. He explains how that would work.

Commissioner Cox says she wants to be sure that they allow staff to come back with ideas on what parameters to use to help construct this policy. Ms. McDonald says that if that is the Commission's direction to staff, she does not know whether staff can present that at the April 20 hearing since it has already been advertised.

Mr. Alsop states that what he has heard so far is that it sounds like the Commission wants to repeal its current Policy No. 29 and replace it with a policy that, at a minimum, includes the language which is listed on page six of the staff report, to read as follows: "For the purpose of applying the provisions of Government Code Section 56375.3, the subject territory of an annexation proposal shall be deemed "substantially surrounded" if 52% of its boundary, as set forth in a boundary description accepted by the Executive Officer, is surrounded by the affected City or the affected City and adjacent Cities or is surrounded by the affected City and other impenetrable boundaries as determined by the Commission." Mr. Alsop says the phrase "as determined by the Commission" only relates to the impenetrable boundaries. He says the Commission also discussed: (1) that it wanted to develop a policy that encourages city outreach programs to the unincorporated residents and (2) how to respond to the Redevelopment Area issues. He says if they repeal Policy No. 29 and replace it with the 52% threshold and add in "other boundaries as approved by the Commission", and direct that staff bring back some results on outreach programs of the cities and Redevelopment Area issues, the Commission can do all of that today.

Commissioner Nuaimi says that is his motion. The motion is seconded by Commissioner Sedano.

Chairman Biane states they have a motion and a second based on Mr. Alsop's interpretation of today's discussion. He calls for any comments.

**MINUTES OF THE LOCAL AGENCY FORMATION COMMISSION
WORKSHOP HEARING OF MARCH 31, 2005**

Commissioner Gonzales comments that Mr. Alsop mentioned impenetrable boundaries and says she would like to see the examples discussed today be given as examples to be considered. Ms. McDonald says the Commission can indicate that the service impediment boundary includes, but is not limited to, a freeway, a flood control channel, or forest service land.

Chairman Biane calls for further comment. Ms. McDonald says she failed to introduce Angela Schell, who is sitting in for Clerk Debby Chamberlin who is ill, and says she wants to be clear that the motion was made by Commissioner Nuaimi and seconded by Commissioner Sedano.

Chairman Biane says he assumes that the amendment related to the service impediment boundaries is acceptable to Commissioners Nuaimi and Sedano and they indicate it is. Chairman Biane calls for objections to the motion. There being none, the vote is as follows: Ayes: Biane, Colven, Cox, Gonzales, Nuaimi, Sedano, Williams. Noes: None. Absent: Hansberger (Gonzales voting in his stead), Pearson (Sedano voting in his stead).

EXECUTIVE OFFICER'S ORAL REPORT

Ms. McDonald states she has no oral report.

COMMISSIONER COMMENTS

Commissioner Sedano wishes Commissioner Pearson, who is absent, a successful surgery today and a Happy Birthday tomorrow.

Commissioner Nuaimi thanks LAFCO staff and the cities that submitted information in support of the island annexation item. He says it was very helpful and educational. Commissioner Sedano says it is outstanding that everyone took an active part in today's dialogue. Chairman Biane agrees and thanks staff for getting the Commission through a complicated item.

COMMENTS FROM THE PUBLIC

Chairman Biane calls for comments from the public. There are none.

**THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE COMMISSION, THE HEARING IS
ADJOURNED AT 3:40 P.M.**

ATTEST:

DEBBY CHAMBERLIN
Clerk to the Commission

LOCAL AGENCY FORMATION COMMISSION

PAUL BIANE, Chairman