

532A

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



FROM: Redevelopment Agency

SUBMITTAL DATE:
December 15, 2003

SUBJECT: Resolution No. 2003-542 Affirming That All Adopted Procedures Were Followed In The Election Of The Project Area Committee (Pac)

RECOMMENDED MOTION: That the Board of Supervisors approve the attached Resolution No. 2003-542 affirming that the adopted procedures were followed in the election of additional members to the Project Area Committee (PAC) for Redevelopment Project Area No. 1-1986, Lakeland Village/Wildomar Sub-Area.

BACKGROUND: The Board of Supervisors (the "Board") approved and adopted Redevelopment Project Area No. 1-1986, Lakeland Village/Wildomar Sub-Area on July 20, 1999, by Ordinance No. 793. As part of the Redevelopment Plan adoption process, a Project Area Committee (PAC) was elected on July 29, 1998. The PAC election was conducted in accordance with the PAC Formation and Election Procedures (the "Procedures") that was adopted by the Board on June 16, 1998. (Continued to next page)

Departmental Concurrence

Bradley J. Hudson
Bradley J. Hudson, Assistant CEO/EDA

| | | | | |
|-----------------------|-------------------------------|------|-------------------------|---------|
| FINANCIAL DATA | Current F.Y. Total Cost: | \$ 0 | In Current Year Budget: | Yes |
| | Current F.Y. Net County Cost: | \$ 0 | Budget Adjustment: | No |
| | Annual Net County Cost: | \$ 0 | For Fiscal Year: | 2003-04 |

| | | |
|--|----------------------------------|--------------------------|
| SOURCE OF FUNDS: Redevelopment Tax Increment Funds, Project Area No. 1-1986, Lakeland Village/Wildomar Sub-Area | Positions To Be Deleted Per A-30 | <input type="checkbox"/> |
| | Requires 4/5 Vote | <input type="checkbox"/> |

C.E.O. RECOMMENDATION: **APPROVE**

FORM APPROVED
COUNTY COUNCIL

DEC 17 2003

County Executive Office Signature *Bhonda King* BY *Lee A. Vinocur*

- Dep't Recomm.: Consent Policy
- Per Exec. Ofc.: Consent Policy

Prev. Agn. Ref.: 9.27 of 07/29/2003 | District: 1 | Agenda Number:

3.17

Subsequent to the adoption of the Project Area, a legal challenge to the validity of the Redevelopment Plan and amendment process was filed against the Redevelopment Agency. Following court proceedings and a series of rulings and appeals, the Agency and the plaintiffs entered into a Settlement Agreement (the "Agreement") and the lawsuit was retracted. The Agreement established various tasks, prescribed by the plaintiffs, to mitigate deficiencies of the Redevelopment Plan and adoption process as perceived by the plaintiffs. One of the terms of the Agreement called for the expansion of the PAC and required the related public notification procedures to exceed what is mandated by California Community Redevelopment Law (Health and Safety Code Section 33000 *et seq.*; the "CRL").

In accordance with the terms of the Agreement, the Agency prepared an amendment to the Procedures to accommodate an additional seven (7) seats to the PAC and thereby increased the maximum size of the PAC to seventeen (17) members. The Board approved the amended Procedures at a public hearing on July 29, 2003, and authorized the PAC election of new members to proceed.

In accordance with the amended procedures, the following steps were taken:

- The Agency prepared and distributed approximately 6,200 notices to all property owners, including residents, tenants, businesses, and community organizations in the Project Area. The notices, prepared in accordance with the CRL and the Agreement, advertised the opportunity to participate on the PAC and in the PAC election process and provided written notice of the date, time and place of the PAC election meeting and related Town Hall meeting. These notices were mailed in envelopes with the return address of the Redevelopment Agency more than 30 days prior to the election.
- Notices were published in the *Press-Enterprise* (Lake Elsinore edition) and *The Californian*, two newspapers of general circulation serving the Lakeland Village/Wildomar and surrounding communities, once a week for four consecutive weeks prior to the election.
- Notices were made available at selected libraries and United States Postal Offices located in the Sub-Area, at the Agency's office, and the Internet.
- As advertised, a Town Hall meeting was held on November 6, 2003, in the auditorium of the David A. Brown Middle School in Wildomar. Approximately 40 people attended this meeting. A presentation on redevelopment, the PAC, the PAC's responsibilities, eligibility requirements for PAC candidates and voters, and application deadlines was provided. Those in attendance were given the opportunity to ask questions of staff and consultants. In addition, all written material required by law was made available at the meeting, including copies of the Redevelopment Plan, the PAC Formation and Election procedures (as amended), applicable sections of the CRL and the Ralph M. Brown Act, a summary of financial disclosure requirements for PAC members, notices, and PAC candidate and voter applications were provided.
- As advertised, the PAC election meeting was held on November 20, 2003, at the same location of the Town Hall meeting. Approximately 100 people attended the meeting and 70 people participated in voting. The informational materials that were available on November 6, were again made available at the PAC election meeting. A brief presentation was provided and staff and consultants again made themselves available to answer questions from those in attendance. Each PAC candidate was given the opportunity to address the audience, after which candidates and those who were interested and eligible to vote were directed to convene by PAC category and cast ballots. A total of 70 ballots were cast. Agency staff, consultants and a member of the general public performed tabulation of the ballots. The results of the election were announced prior to the adjournment of the meeting. The voters elected the following 11 individuals to the PAC, filling 8 new positions and 3 existing vacancies as follows:

| Category | Newly Elected Member | Existing Member |
|----------------------------|---|----------------------------------|
| Residential Owner Occupant | Heather Brown Harold Burgess George Cambero Barbara Dye John Garrett Juan (John) Guzman JoAnn McCracken | Hugo Rodriguez Michael Stocki |
| Residential Tenant | Michelle Coplen George New Deborah Zubak-Wolar | Dave Thomas |
| Business Owner-Operator | Luis Stahl | Barbara Harrison |
| Community Organization | - none - | Kami Sabetdazeh Dave Buchanan |

All authorized seats are filled thereby providing sufficient representation to carry out the PAC's regular business. In accordance with the CRL, it is the responsibility of the Board of Supervisors to resolve all disputes and protests regarding the PAC election. The Procedures permit an individual to file a challenge to the PAC election with the County Clerk within 15 calendar days following the election. As of the close of the filing period at 5:00 p.m. on December 5, 2003, the County Clerk has received no such challenges.

Finally, in accordance with the CRL, the Board must make a finding that the PAC election was conducted pursuant to the adopted procedures. To assist the Board in this decision, Agency staff finds that the PAC election held on November 20, 2003, did indeed follow all of the adopted Procedures and the Settlement Agreement. Staff recommends that the Board of Supervisors approve the attached Resolution No. 2003-542 certifying the results of the PAC election.

RESOLUTION No. 2003-542

1 **RESOLUTION OF THE RIVERSIDE COUNTY BOARD OF SUPERVISORS**
2 **AFFIRMING THAT ALL ADOPTED PROCEDURES WERE FOLLOWED IN THE**
3 **ELCTION OF THE ADDITIONAL MEMBERS TO THE PROJECT AREA**
4 **COMMITTEE FOR REDEVELOPMENT PROJECT AREA No. 1-1986, LAKELAND**
5 **VILLAGE/WILDOMAR**
6

7 **WHEREAS**, on July 20, 1999, the Riverside County Board of Supervisors (the "Board")
8 and the Redevelopment Agency approved an amendment to Redevelopment Project Area No. 1-
9 1986, Lakeland Village/Wildomar Sub-Area (the "Project Area") via Ordinance No. 793; and,

10 **WHEREAS**, on June 16, 1998, pursuant to Section 33385 of the California Community
11 Redevelopment Law (Health and Safety Code Section 33300 *et seq.*; the "CRL"), the Board
12 adopted Resolution No. 98-156 calling for the formation of a Project Area Committee (the "PAC")
13 and adopted procedures for the formation of the PAC (the "Procedures"); and,

14 **WHEREAS**, on August 18, 1998, the Board conducted a public hearing on the first
15 amendment to the Procedures that modified the number of positions in the Residential Tenant
16 and Community Organizations categories, reducing the Residential Tenant category from 3 to 2
17 members and increasing the Community Organizations category from 1 to 2 members; and,

18 **WHEREAS**, subsequent to the approval of the amendment to the Project Area, a legal
19 challenge to the validity of the Redevelopment Plan and adoption process was filed by the
20 Lakeland Village / Wildomar Taxpayer's Association (the "LVWTA") against the Redevelopment
21 Agency for the County of Riverside (the "Agency"); and,

22 **WHEREAS**, the Agency and LVWTA entered into a Settlement Agreement (the
23 "Agreement") to mitigate perceived deficiencies in the Redevelopment Plan and plan adoption
24 process; and,

25 **WHEREAS**, LVWTA retracted all legal challenges against the Agency pertaining to the
26 Plan and the Project Area; and,

27 **WHEREAS**, pursuant to the terms of the Agreement, the Agency prepared an amendment
28 to the Procedures to increase the number of seats on the PAC from 9 to 17, which was approved
29 on July 29, 2003, at a noticed public hearing; and,

30 **WHEREAS**, the Board also directed the Agency to conduct an election for the expansion

RESOLUTION No. 2003-542

1 of the PAC pursuant to the amended Procedures and the terms of the Agreement; and

2 **WHEREAS**, pursuant to the Agreement and the CRL, a legal advertisement was published
3 in the *Press-Enterprise* (Lake Elsinore edition) and *The Californian*, once a week for four
4 consecutive weeks prior to the election; and,

5 **WHEREAS**, pursuant to the terms of the Agreement and the CRL, election notices were
6 mailed in envelopes via first class mail delivery to all known addresses within the Project Area at
7 least 30 days prior to the election of new members to the PAC; and,

8 **WHEREAS**, said notices advertised the opportunity to participate on the PAC and in the
9 PAC election process, and provided written notice of the date, time, and place of the PAC Election
10 Meeting and a related Town Hall meeting; and,

11 **WHEREAS**, pursuant to the terms of the Agreement, the Agency made the election
12 notices available on the Internet and at various local libraries and United States Postal Offices in
13 the Project Area; and,

14 **WHEREAS**, pursuant to the terms of the Agreement, and as advertised in the election
15 notice, an informational meeting (Town Hall Meeting) was conducted on November 6, 2003, at
16 which time all written materials required by the CRL were made available, including copies of the
17 Redevelopment Plan, Amended Formation and Election Procedures, applicable sections of the
18 CRL and the Ralph M. Brown Act, a summary of financial disclosure requirements for PAC
19 members, and PAC Candidate and Voter Applications, and at which Agency staff discussed
20 redevelopment in general, the Project Area in particular, the PAC, eligibility requirements for PAC
21 candidates and voters, and application deadlines; and,

22 **WHEREAS**, pursuant to the terms of the Agreement, and as advertised in the election
23 notice, the PAC Election Meeting was conducted on November 20, 2003; and,

24 **WHEREAS**, Agency staff and consultants were present throughout the PAC Election
25 Meeting on November 20, 2003, to provide oversight of the election process and to ensure that all
26 activities prior to and including said PAC Election Meeting were held in accordance with the
27 amended Procedures, the Agreement, and the CRL; and,

28 **WHEREAS**, as of Friday, December 5, 2003, fifteen (15) calendar days following the PAC
29 election, the Clerk of the Board of Supervisors of the County of Riverside, California, has received
30 no objections or challenges to the PAC Election.

RESOLUTION No. 2003-542

1 NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of
2 Riverside as follows:

3 SECTION 1. The amended Procedures for the PAC as approved on July 29, 2003, were
4 followed in the election of the new members of the PAC on November 20, 2003.

5 SECTION 2. The Executive Director of the Redevelopment Agency is hereby requested to
6 send acknowledgment to the newly elected PAC members of their election to the PAC for the
7 Project Area.

8 PASSED, APPROVED AND ADOPTED by the Riverside County Board of Supervisors on
9 this 23rd day of December 2003.

10
11
12
13
14
15 ///
16 ///
17 ///
18 ///
19 ///
20 ///
21 ///
22 ///
23 ///
24 ///
25 ///
26 ///
27 ///
28 ///
29 ///
30 ///

03 DEC 19 AM 1:11

FORM APPROVED
COUNTY COUNSEL

DEC 17 2003

BY Lee A. Vinton