

**SUBMITTAL TO THE FLOOD CONTROL AND WATER CONSERVATION DISTRICT BOARD  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

753B



**FROM:** General Manager-Chief Engineer

**SUBMITTAL DATE:**  
July 31, 2007

**SUBJECT:** Response to the Grand Jury Report

**RECOMMENDED MOTION:** That the Board of Supervisors:

- 1) Approve with or without modifications, the attached response to the Grand Jury's recommendations regarding the Elsinore Valley Cemetery District – Flood Control.
- 2) Direct the Clerk of the Board to immediately forward the Board's finalized response to the Grand Jury, to the Presiding Judge, and the County Clerk-Recorder (for mandatory filing with the State).

**BACKGROUND:** On June 26, 2007, the Board directed staff to prepare a draft of the Board's response to the Grand Jury's report regarding the Elsinore Valley Cemetery District – Flood Control.

Section 933 (c) of the Penal Code requires that the Board of Supervisors comment on the Grand Jury's recommendations pertaining to the matters under the control of the Board, and that a response be provided to the Presiding Judge of the Superior Court within 90 days. The District and Executive Office have prepared the attached response, which includes responses from all affected County Departments.

  
**WARREN D. WILLIAMS**  
 General Manager-Chief Engineer

**FINANCIAL DATA**

Current F.Y. District Cost:	N/A	In Current Year Budget:	N/A
Current F.Y. County Cost:	N/A	Budget Adjustment:	N/A
Annual Net District Cost:	N/A	For Fiscal Year:	N/A

**SOURCE OF FUNDS:** N/A

Positions To Be Deleted Per A-30	<input type="checkbox"/>
Requires 4/5 Vote	<input type="checkbox"/>

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

BY:   
 Michael R. Shetler

**County Executive Office Signature**

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

Prev. Agn. Ref.: 3.10 of 6/26/07

District: 1st

Agenda Number:

**11.16**

**RIVERSIDE COUNTY FLOOD CONTROL  
AND WATER CONSERVATION DISTRICT  
Response to Findings and Recommendations**

**FINDINGS:**

**Number 1:**

Elsinore Valley Cemetery District board members began an ongoing correspondence with their County Supervisor in August 2004, stating concerns regarding the failure of City and County authorities to address flood control issues in the cemetery area of the city. Copies of these letters were sent to the Lake Elsinore City Council. City and County officials took no documented responsive action to address the concerns of the cemetery district.

**Response:**

***Respondent disagrees partially with the finding.***

*(The City of Lake Elsinore has received a copy of the subject Grand Jury Report and is responsible for its own response. Any issues directed to the City will need to be addressed separately by the City and submitted to the Presiding Judge.)*

*The County strongly objects to the statement that no documented responsive action was taken by County officials. The Flood Control District has been helpful and responsive. This is documented not only through correspondence to the Cemetery District advising of annual Flood Control District appropriations for the planned Arroyo Del Toro project, but is also favorably documented in the Cemetery District's letter to the City of Lake Elsinore dated July 17, 2006 (attached), in which prior Cemetery District correspondence and resulting responses are summarized. The Flood Control District is specified in each instance of reference as being involved and in contact.*

*Flood Control District staff has participated in numerous telephone conversations, on-site meetings and lengthy discussions with Cemetery District officials discussing project status and design, and has also offered suggestions of interim measures for consideration by the Cemetery District.*

*County staff during the winter of 2005 in particular, worked closely and collaboratively with other agencies in dealing with local and regional flooding in the Lake Elsinore area. This involved a number of major sandbagging operations under the direction of the County Fire Department in cooperation with City staff. At the Elsinore Valley Cemetery, an extensive emergency sandbagging effort involving up to 6 - fifteen person fire crews and heavy equipment deflected floodwaters away from gravesites. Although significant flood damage did occur on cemetery property, a far worse situation was averted because of County involvement in the flood emergency operations.*

*Finally, it is important to note that Finding Number 1 is misleading by implying that ongoing correspondence was primarily directed to the County (copies to the Lake Elsinore City Council). The aforementioned Cemetery District letter supports the County's observation that the bulk of the correspondence was in fact addressed to, and was seeking response from, others.*

**Number 2:**

Municipal, county, and state agencies (City of Lake Elsinore, Riverside County Flood Control District, and Caltrans) exhibited lack of interagency communication, lack of coordination of responsibilities, and a lack of cooperative corrective action concerning flood mitigation in the Arroyo del Toro area.

**Response:**

***Respondent disagrees partially with the finding.***

*(The City of Lake Elsinore has received a copy of the subject Grand Jury Report and is responsible for its own response. Any issues directed to the City will need to be addressed separately by the City and submitted to the Presiding Judge. Likewise, the California State Department of Transportation (Caltrans) must be responsible for its own response.)*

*It has been the clear understanding of the Cemetery District and the other agencies involved that the Flood Control District's mandate is to fund, design and construct regional flood control facilities, and to operate and maintain solely those completed facilities under its ownership. The Flood Control District's role with regard to alleviating the Cemetery District of major flooding problems has been to move forward with completion of the Arroyo Del Toro Channel as quickly as possible. To that end, the Flood Control District communicates as necessary with the City of Lake Elsinore and Caltrans concerning project design and funding issues. It should be further noted that the Flood Control District staff - at the request of the Cemetery District - contacted Caltrans on two separate occasions, asking that Caltrans clean out its freeway culverts and drainage ditch in an effort to reduce the flooding potential on Cemetery District property.*

*A key point leading to the conclusion that interagency interaction was lacking is that the Cemetery District claims its recent flood damage is due in part to changed drainage conditions caused by upstream and adjacent development approved by the City of Lake Elsinore within the last several years. However, it has been stated and restated by the Flood Control District that it does not have land use authority within incorporated territory and it would be inappropriate to comment or intervene in this regard.*

*With respect to the flood fighting operations discussed in the Response to Finding No. 1 above, a significant amount of interagency coordination was involved. Cooperation*

Clearly, the bulk of the bond proceeds were utilized for the Outlet Channel. Unfortunately, project costs increased far beyond those expected at the time the Benefit Assessment/Bond Issue program was approved in 1986. In no small way, this was due to unforeseen delays in moving this complex project forward. At the time that the Outlet Channel was being designed, the Lake Elsinore Management Plan was also being developed. Coordination between these two projects was critically necessary, but also led to time-consuming re-evaluation and restudy of various aspects of the Outlet Channel. When the project was finally underway in 1993, construction costs had increased significantly above earlier cost estimates generated by the Corps of Engineers. Right of Way costs also increased substantially. Regardless, completion of this overall project was a tremendous benefit to the taxpayers in Zone 3.

More timely reimbursement from State subvention funds would have also advanced the District's capability in moving forward with other Zone 3 priority projects. These funds do however, continue to be received and utilized. Just last month (June 2007), the Flood Control District received \$340,000 from the State, and is still awaiting the final subvention claim amount of \$1.4 million.

Finally, it is important to note that even though there was no guarantee that all projects identified in the Benefit Assessment/Bond Issue program would be constructed, each of the unfinished projects will continue to be recognized by the Flood Control District as priority projects.

## **RECOMMENDATIONS:**

### **Number 1:**

The Board of Supervisors (BOS) and the City of Lake Elsinore initiate procedures to ensure that complaints are answered in writing in a timely manner by the appropriate agency or official having direct responsibility.

### **Response:**

***The recommendation has been implemented.***

*(The City of Lake Elsinore has received a copy of the subject Grand Jury Report and is responsible for its own response. Any issues directed to the City will need to be addressed separately by the City and submitted to the Presiding Judge.)*

*Board of Supervisors Policy No. A-56, Standards and Procedures for Public Complaints and Inquiries, is in effect.*

*effectively focused available manpower and material resources in a shared manner. (County – sandbagging operations and earthmoving equipment. City – K-rails and decomposed granite supplies.)*

**Number 3:**

Proposition F contained an allocation of monies for flood control mitigation in the Arroyo del Toro Channel area immediately adjacent to the Elsinore Valley Cemetery District. During our investigation witnesses stated that the planners of the 1986 Lake Elsinore Flood Control Bond Issue, by deliberately disregarding inflation, substantially underestimated the cost of completing the project. Of the eleven projects authorized, only four were completed at twice the initial estimates for the entire bond issue. Consequently, 18 years later, the taxpayers in Zone 3 are still paying for undelivered flood control improvements.

**Response:**

***Respondent disagrees partially with the finding.***

*The claim that planners of the 1986 Lake Elsinore Flood Control Bond Issue deliberately disregarded inflation is entirely incorrect. The official Engineers Report on the 1986 Elsinore Valley Benefit Assessment Flood Control Bond Issue (Zone 3) contains a Financial Projections chart identifying calculated inflation costs and corresponding inflation factors, all of which are clearly labeled.*

*While it is true that Arroyo Del Toro Channel is listed as one of eleven Priority Projects authorized for funding per the 1986 Elsinore Valley Benefit Assessment Program and that not all of the projects have been completed, it is also true that the most prudent and cost effective decisions were made with respect to expenditure of available bond proceeds.*

*Without question, the single most important and badly needed flood control facility funded and constructed under the 1986 Benefit Assessment/Bond Issue program is the Lake Elsinore Outlet Channel. This federally sponsored project, coupled with the overall Lake Elsinore Management Plan, provides the long-sought lake stabilization so critically necessary for the protection and economic well-being of the surrounding community. The mandated local share funding - made possible only through this program - enabled the leveraging of millions of dollars from both federal and state sources for the project. The U.S. Army Corps of Engineers designed and constructed the Outlet Channel project, which also included the Wasson Canyon Debris Dam, Wasson Canyon Channel, and Third Street Channel – each of which were also identified as priority projects of the Benefit Assessment/Bond Issue Program. The Outlet Channel system was subsequently enhanced by the Corps of Engineers, through the design and construction of the federally sponsored Gunnerson Pond.*

**Number 2:**

County and municipal elected officials develop and enforce policy requiring all agencies/departments subject to their control to communicate, coordinate, and cooperate in areas of mutual concern.

**Response:**

***The recommendation has been implemented.***

*(The City of Lake Elsinore has received a copy of the subject Grand Jury Report and is responsible for its own response. Any issues directed to the City will need to be addressed separately by the City and submitted to the Presiding Judge.)*

*It has always been the policy of the Board of Supervisors that all of its agencies, departments and districts communicate and cooperate fully with all other jurisdictions in dealing with issues of mutual concern.*

**Number 3:**

BOS both identify and commit sufficient funds now, or present Zone 3 voters with a bond issue initiative for their consideration, to finish Arroyo Del Toro Channel Flood Control Project. Any action must factor in inflation estimates.

**Response:**

***The recommendation has been implemented.***

*Sufficient funds to complete construction of the Arroyo Del Toro Channel are identified in the Flood Control District's Capital Improvement Plan. Inflation concerns are addressed in the Plan.*

**Elsinore Valley Cemetery District****RECEIVED**  
JUL 19 2006

July 17, 2006

RIVERSIDE COUNTY FLOOD CONTROL  
AND WATER CONSERVATION DISTRICT

City of Lake Elsinore  
130 S. Main Street  
Lake Elsinore, CA 92530

Attention: Honorable Mayor & City Council Members

Dear Mayor & City Council Members:

The Elsinore Valley Cemetery Board of Trustees would like to review its past correspondences with you in an effort to summarize our diligent efforts to protect the Cemetery as a public entity – one final time. Up to this point, we have had little or no recognition from the City or others involved with the development around the Cemetery property – even though such development has placed the Cemetery in a very precarious position when any rainfall will come our way as well as other issues that have been created by unbridled development negatively impacting the Cemetery. The facts, past and present indicate, that with any significant normal rainfall (not the 100 year rains) the Cemetery will sustain damage. The facts already sustain that the widening of Collier Avenue has caused serious traffic issues and accidents.

We will once again site our correspondence to you and other agencies so that you may be fully aware that the damages caused by flood waters and unsafe conditions around the Cemetery will fall squarely on your shoulders. We can do no more.

We shall include the correspondence once again. We include correspondence to all agencies; however, the responsibility for permitting the project still rests with the City of Lake Elsinore.

Letter dated September 24, 2002:

Notice to City indicating possible unrecorded gravesites between railroad tracks and the Rancho Laguna Line. Plans to widen being considered. **NO RESPONSE.**

Letter dated December 13, 2002:

Reiterates our concerns for the widening of Collier Avenue and asks for response. Included a letter dated November 5, 1996 asking for information regarding work on Collier Avenue. **NO RESPONSE.**

18170 Collier Avenue, Lake Elsinore, CA 92530-0751  
MAILING ADDRESS: P.O. Box 0751, Lake Elsinore, CA 92531-0751  
(951) 674-2418

Letter dated August 19, 2004:

Address serious concerns referring to the Arroyo Del Toro Channel, Stage 1 Project No. 3-8-00270. **NO RESPONSE**. Massive damages suffered by the Cemetery because of the amount of water released onto Cemetery property from this project. All agencies copied. **NO RESPONSE** from any agency except Riverside County Flood Control.

Letter dated November 12, 2004:

Follow up to letter of August 19 2004: **NO RESPONSE**.

Letter dated February 15, 2005:

Included photos of damage sustained by heavy rainfall. Immediately after letter was sent out Emergency Services was called in to save gravesites from being washed away. City of Lake Elsinore was still **NON-RESPONSIVE**. The Cemetery lost its entrance and sustained damages throughout and applied for FEMA aide for over \$300,000 in damages suffered.

Letter dated June 8, 2005:

Referenced letter of May 19, 2005 to FEMA. Informs of the beginning of grading for the Home Depot project adjacent to Cemetery. Voices concerns for drainage into Hunco Way. **NO RESPONSE**.

Letter dated June 15, 2005:

To Riverside County Flood Control voicing urgency of flooding issues -- based on previous damages to Cemetery. Agency responded letting Cemetery know they were aware of dangers of flooding and damage. **NO RESPONSE** from the City of Lake Elsinore.

Letter dated June 20, 2005:

To Cal Trans pointing out the concerns for flooding due to the projects east of I-15 as well as Southerly of the Cemetery and adjacent to it (Home Depot Project). Agency responded with acknowledgement and promise to come up with solutions.....No solutions came. **NO RESPONSE** from the City of Lake Elsinore.

Letter dated July 18, 2005:

Letter to City gives detailed history of water course and issues with widening of Collier Avenue as well as ongoing grading concerns for the Home Depot project. **NO RESPONSE**.

Letter dated August 2, 2005:

Letter to Heil Construction/Home Depot project. Asked for meeting to discuss drainage solutions prior to approval of final grading plans. Home Depot responded that the City had permitted project and they would proceed as planned. Our concerns should be directed to the City. **NO RESPONSE** from the City of Lake Elsinore.

Letter dated August 5, 2005:

To City after review of precise grading plans. Indicates insufficient drainage to protect the Cemetery from flooding. City responsible for issuing approval of final plans. **NO RESPONSE.**

Letter dated August 25, 2005:

Letter to City again asking for recognition of serious issues confronting Cemetery. Asked City to halt Home Depot project until a solution could be reached to protect Cemetery from flooding. Also requested the final parcel map for the project not be approved or recorded until a solution is reached. **NO RESPONSE.**

Letter of October 3, 2005:

To Cal Trans acknowledging their response to our request to clean out ditch behind Cemetery. Felt ditch would help divert water away from gravesites. Voiced concern for lack of response from The City or Home Depot. Many issues left unresolved. **NO RESPONSE** from the City of Lake Elsinore.

Letter of December 16, 2005:

To City regarding previous letters and: 1) graves in right of way on Collier, 2) future widening of Collier Avenue, 3) flooding issues, 4) altered drainage issues, 5) traffic signal and serious traffic issues regarding light at Collier and Riverside Drive. Cemetery requested copies of project plans – not furnished. No project plans or street improvement plans requested by the District were ever provided by the City. This has kept the District from knowing enough about the projects to facilitate communication through any kind of forum. Acknowledgement call from City Manager – no resolution and **NO RESPONSE** from the City of Lake Elsinore.

Letter dated January 9, 2006:

To Mayor/City. Informing of grading on Collier questioning right of Home Depot to widen road. Cal Trans to research, Home Depot not following Environment Impact rules. Road widened, traffic issues now more serious than ever. **NO RESPONSE** from City.

The temporary unsafe lane taper of Hwy 74 Northerly of Hunco Way appears not to City or Cal Trans standards for permanent alignment transition that is necessary to safely

accomplish the general plan and not take property from the Cemetery as we have warned the City since before 1996, as well as eliminate the traffic hazards quickly.

In Summation, we feel that the NON RESPONSES overwhelmingly outweigh any slight consideration given to our requests to protect the Cemetery. We are faced with serious flooding potential from the Arroyo Del Toro Channel project East of I-15. We have been assured by Riverside County Flood Control that they are pursuing solutions.

Home Depot adjacent to our southern boundaries is another story. A block wall has been completed along the center line of abandoned 10<sup>th</sup> St. which is the property line between Home Depot and the Cemetery, except for the easterly 40 ft. of wall which is adjacent to Cal Trans property that reverted to Cal Trans by the abandonment of 10<sup>th</sup> Street (refer to record of survey, Bk. 87, pg. 78, Riv Co. records). This block wall basically restricts any drainage from leaving the Cal Trans property and draining across the Home Depot project – to the natural drainage swale that appears on all previous contour mapping of the Home Depot property.

The Home Depot grading and drainage design appears to be based on the elevation of the silt that has accumulated over the years which is 2 feet higher than the flow line elevation of the Cal Trans pipes and 2 feet higher than the bottom of the old Cal Trans right of way fence.

The natural swale was in place before any freeway construction and the placement of the double 24" Cal Trans pipes.

The swale extended across Collier Ave. (Hwy 74) at Hunco Way. During the 2004/05 rain season, the flows from the double 24" Cal Trans pipes crossed Hwy 74 on the surface for at least a month because the drainage under Hwy 74 had been blocked by the construction of Hunco Way and the storm drain system was not yet in place.

The right of way for Hunco Way was established about 20 years ago to provide a suitable location for the North Elsinore Sewer Assessment District Line construction.

Construction of the Home Depot project has blocked the natural, historical drainage and diverted the drainage onto the Cemetery property.

The City of Lake Elsinore was not pursuing the accomplishment of the circulation element of the general plan because they made no provision for transitioning Collier Avenue (Hwy 74) away from the Cemetery. CEQA guidelines require that providing for feasibility be a part of the general plan commitment. (see CEQA definition of feasibility).

We have diligently pursued a resolution to these problems and have had **NO RESPONSE** from the City of Lake Elsinore. We feel that we must now take these issues to the public to make them aware of our efforts and the City's lack of response. It appears that we must establish our own public forum to be heard.

This Cemetery has been here for over 100 years serving the people of Elsinore Valley and they will not be happy when the graves of their ancestors are damaged and they see the graves subsiding. We have diligently done our part to protect the Cemetery and the taxpayers that support it. You have done nothing. Again, the damage to us will fall on your shoulders – you are in control of the growth and permitting of this City.

The Elsinore Valley Cemetery Board of Trustees diligently request that ALL unsafe and non-compliant construction be immediately remedied by the appropriate agencies.

Sincerely,

  
Mildred J. Basiger      Richard L. Staley      Fred Crowe

Elsinore Valley Cemetery Board of Trustees

ENC

Cc: Bill Lockyer, Attorney General; Riverside County Grand Jury; Board of Registration for Civil Engineers; Supervisor Bob Buster & Staff; Warren Williams, Riverside County Flood Control; Ivy Estrada, Cal Trans; Dana Robie, Cal Trans; California Senators Hollingsworth & Battin; California Representative Ray Haynes; Jose Carvajal of The Californian; Megan Lewit of The Press Enterprise