



BELL CANYON COMMUNITY SERVICES DISTRICT
30 HACKAMORE LANE
BELL CANYON, CALIFORNIA 91307

SPECIAL MEETING
OF THE BOARD OF DIRECTORS
DATE/TIME:

November 21, 2024 at 7:00 p.m.

LOCATION: Bell Canyon Community Center

ALSO VIA ZOOM for the Public:

General Manager is inviting you to a scheduled Zoom meeting.

Topic: Special Meeting
Time: Nov 21, 2024 07:00 PM Pacific Time (US and Canada)

Join Zoom Meeting
<https://zoom.us/j/94542378001?pwd=vYVqdMeIrmu4HDKxVW4kVuQLEm2oOv.1>

Meeting ID: 945 4237 8001
Passcode: 410039

One tap mobile
+16469313860,,94542378001#,,,,*410039# US
+13017158592,,94542378001#,,,,*410039# US (Washington DC)

Dial by your location
• +1 646 931 3860 US

Meeting ID: 945 4237 8001
Passcode: 410039

AGENDA

In accordance with Government Code Section 54954, notice is hereby given that the Board of Directors of the Bell Canyon Community Services District will hold a special meeting at 7:00 PM on Thursday, November 21, 2024, at 30 Hackamore Lane, Bell Canyon, California in the Community Center to consider those items set forth in the following agenda, except in accordance with Government Code Section 54954.2[b]. The Board reserves the right to modify the order in which items are heard.

The District welcomes any member of the public to attend the meeting. Any non-resident who wishes to attend in-person can, upon their arrival at the front gate, inform gate personnel of their attendance at the District's meeting. No pre-registration is required.

Agenda Materials

The complete agenda for this meeting is available at <https://bellcanyoncsd.ca.gov> and at the District Office, 30 HACKAMORE LANE, SUITE #2B, BELL CANYON, CA 91307. Any materials submitted to the legislative body after distribution of this agenda will be available for public inspection at the District Office and available on the web site. Requests for agenda materials or meeting participation assistance can also be made by email to gm@bellcanyoncsd.ca.gov.



BELL CANYON COMMUNITY SERVICES DISTRICT
30 HACKAMORE LANE
BELL CANYON, CALIFORNIA 91307

Americans with Disabilities Act (ADA) Accommodations

In compliance with the ADA, any person with a disability who requires accommodation in order to participate in a meeting should contact the District Office at gm@bellcanyoncsd.ca.gov to request accommodation. The District will use its best efforts to provide reasonable accommodations related to the meeting.

Per Government Code Section 54954.3, every agenda for a special meeting of the Board of Directors shall provide an opportunity for members of the public to directly address the legislative body on any item listed on this agenda, provided that no action shall be taken on any item not appearing on the agenda unless that action is otherwise governed by Government Code Section 54954.2[b]. Public forum will be conducted as the first item of business.

1. Call to Order and Roll Call

2. Pledge of Allegiance

3. A moment of silence in memory of the victims of terror in Israel, Ukraine and elsewhere in the world.

4. Public comments on Agenda Items.

- Meeting minutes 9/16, 9/30, 10/28 and 11/7
- Communication from LAFCo regarding maintenance yard.
- Communication from CSD to California Attorney General requesting clarification of LAFCo directions regarding leasing of maintenance yard.
- Letter from CSD to BCA regarding maintenance yard and possible enforcement actions by CSD.
- Director updates (optional)

5. Open Forum/Comments. In accordance with Government Code Section 54954.3, every agenda for a special meeting of the Board of Directors shall provide an opportunity for members of the public to directly address the legislative body on any item of interest to the public, before or during the legislative body's consideration of the item, that is within the subject matter jurisdiction of the legislative body, provided that no action shall be taken on any item not appearing on the agenda unless that action is otherwise governed by Government Code Section 54954.2[b].

6. Rules of behavior due to hybrid nature of meeting using Zoom along with a live audience.

For any person to speak, they must be recognized by the Presiding Officer and passed the microphone so they can be heard on Zoom. ZOOM attendees will raise their hand on Zoom to request recognition. Zoom attendees will be unmuted on Zoom when recognized. Members of the public in the audience must come to the podium to speak. You will be notified when it is time to come to the podium. All public speakers will be allotted a maximum of 3 minutes. We will recognize Zoom attendees first.

7. BUSINESS ITEMS

7A. Approval of Minutes. 9/16/24, 9/30/24, 10/28/24, 11/7/24. Discussion and motion as needed. See agenda packet.

7B. Communication from LAFCo regarding maintenance yard. Discussion and motions as needed. See agenda packet.



BELL CANYON COMMUNITY SERVICES DISTRICT
30 HACKAMORE LANE
BELL CANYON, CALIFORNIA 91307

7C. Communication from CSD to California Attorney General requesting clarification of LAFCo directions regarding leasing of maintenance yard. Discussions and motions as needed. See agenda packet.

7D. Letter from CSD to BCA regarding maintenance yard and possible enforcement actions by CSD. Discussion and motion as needed. See agenda packet.

7E. Director updates. Optional updates from individual directors.

8. NEXT MEETING

The next Regular meeting is on Monday, November 25, 2024, at 7 PM.

9. ADJOURNMENT



BELL CANYON COMMUNITY SERVICES DISTRICT
30 HACKAMORE LANE
BELL CANYON, CALIFORNIA 91307

MINUTES OF BELL CANYON CSD SPECIAL MEETING ON September 16, 2024:

In accordance with Government Code Section 54954, Notice is hereby given that the Board of Directors of the Bell Canyon Community Services District held a Special meeting at 7:00 PM on September 16, 2024, to consider those items set forth in the posted agenda, except in accordance with Government Code Section 54954.2(b). Please note that the Board reserved the right to modify the order (listed in the agenda) in which items were heard.

1. Call to Order and Roll Call: The meeting commenced at 7:01 PM. Directors present were Judy Lantz, Peter, Machuga, Richard Levy, Michael Robkin (President). Also present are Walter Kelly, General Manager, and Pam Lee, District Counsel. Eric Wolf is absent.

2. The Pledge of Allegiance

3. A moment of silence was observed in memory of the victims of terror in Israel, Ukraine and elsewhere.

4. M. Robkin reviewed the rules of behavior due to hybrid nature of meeting using Zoom along with a live audience.

5. Public Comments on Agenda Items.

In accordance with Government Code Section 54954.3, every agenda for a special meeting of the Board of Directors shall provide an opportunity for members of the public to directly address the legislative body on any item listed on this agenda, provided that no action shall be taken on any item not appearing on the agenda unless that action is otherwise governed by Government Code Section 54954.2[b]. Public forum will be conducted with each agenda item.

Review and consider proposed FY 2024-25 Budget:

Dr. Olga Damascus comments on the budget included the following: The CSD budget does not need line items for graffiti abatement, General Manager cell phone nor a recreation coordinator since the position does not currently exist. Additionally, Dr. Damascus questioned the legal



BELL CANYON COMMUNITY SERVICES DISTRICT
30 HACKAMORE LANE
BELL CANYON, CALIFORNIA 91307

budget, membership dues and subscriptions, and bank fees. Dr. Damascus would like the district to sell the SUV and questioned a grant of approximately \$38,000 from Cal-Fire.

Multiple individuals questioned the size of the proposed legal budget at \$175,000, and would like copies of all district legal bills.

6. Approve legal budget of \$25,000

P. Machuga moved to approve a legal budget of \$25,000 and require the General Manager to approve all legal fees. R. Levy seconded. The motion passed as follows:

Ayes: J. Lantz, R. Levy, P. Machuga

Noes:

Abstain: M. Robkin

Absent: E. Wolf

7. Approve FY2024-25 CSD budget

M. Robkin moved to approve the FY 2024-25 District budget with the amended legal line item of \$25,000. R. Levy seconded. The motion passed as follows:

Ayes: J. Lantz, R. Levy, P. Machuga, M. Robkin

Noes:

Abstain:

Absent: E. Wolf

8. Closed Session

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Govt. § 54956.9(d)(1))

Name of Case: Bell Canyon Community Services District v. Bell Canyon Community Center, Inc. (VCSC No. 024CUBC025001)

No reportable action



BELL CANYON COMMUNITY SERVICES DISTRICT
30 HACKAMORE LANE
BELL CANYON, CALIFORNIA 91307

9. Next Meeting

The next regular meeting is Monday, September 23, 2024, at 7:00 PM

10. Adjournment

The meeting was adjourned at 7:37 PM



BELL CANYON COMMUNITY SERVICES DISTRICT
30 HACKAMORE LANE
BELL CANYON, CALIFORNIA 91307

MINUTES OF BELL CANYON CSD SPECIAL MEETING ON September 30, 2024:

In accordance with Government Code Section 54954, Notice is hereby given that the Board of Directors of the Bell Canyon Community Services District held a Special meeting at 7:00 PM on September 30, 2024, to consider those items set forth in the posted agenda, except in accordance with Government Code Section 54954.2(b). Please note that the Board reserved the right to modify the order (listed in the agenda) in which items were heard.

1. Call to Order and Roll Call: The meeting commenced at 7:03 PM. Directors present were Judy Lantz, Richard Levy, Michael Robkin (President), Eric Wolf arrived at 7:22 PM, with Peter Machuga initially attending on Zoom and arrived at 7:33 PM. Also present are Walter Kelly, General Manager, and Pam Lee, District Counsel.

2. The Pledge of Allegiance

3. A moment of silence was observed for the victims of Hurricane Helene.

4. M. Robkin reviewed the rules of behavior due to hybrid nature of meeting using Zoom along with a live audience.

5. Public Comments on Agenda Items.

In accordance with Government Code Section 54954.3, every agenda for a special meeting of the Board of Directors shall provide an opportunity for members of the public to directly address the legislative body on any item listed on this agenda, provided that no action shall be taken on any item not appearing on the agenda unless that action is otherwise governed by Government Code Section 54954.2[b]. Public forum will be conducted with each agenda item.

Meeting Minutes:

Y. Kviatkovsky stated that the minutes do not reflect communications from the President to the community and he believes that the aforementioned emails should have been approved by the Board.



BELL CANYON COMMUNITY SERVICES DISTRICT
30 HACKAMORE LANE
BELL CANYON, CALIFORNIA 91307

M. Klein commented on the amount spent by the CSD on legal expenses and would like the CSD to end litigation with the BCA. Additionally, he doesn't believe the BCA should have to pay for all events and activities and would like the CSD to contribute.

C. Schubeck thanked the CSD for encouragement to the VFD.

6. August 2024 Financial Report

M. Robkin moved to approve receive and file the August financial report. E. Wolf seconded. The motion passed as follows:

Ayes: R. Levy, M. Robkin, E. Wolf

Noes:

Abstain: J. Lantz, P. Machuga

Absent:

7. FY 2024-25 Budget Modification

E. Wolf moved to modify the FY24-25 budget and increase the budget for any recreational activities or events within the legal authority to the CSD to \$50,000. R. Levy seconded. J. Lantz would like to see line items of proposed recreational activities and events. The motion passed as follows:

Ayes: R. Levy, M. Robkin, E. Wolf

Noes: J. Lantz, P. Machuga

Abstain:

Absent:

8. Resolution 24-04 to increase budget for General Manager hours

M. Robkin moved to accept Resolution 24-04. E. Wolf seconded. J. Lantz questioned the urgency of amending the budget and approving the resolution at this time. The motion passed as follows:

Ayes: R. Levy, M. Robkin, E. Wolf

Noes: J. Lantz, P. Machuga

Abstain:

Absent:



BELL CANYON COMMUNITY SERVICES DISTRICT
30 HACKAMORE LANE
BELL CANYON, CALIFORNIA 91307

9. General Manager as gatekeeper to legal expenses

P. Machuga moved to make General Manager the gatekeeper to legal counsel in order to contain legal expenses. J. Lantz seconded. The motion failed as follows:

Ayes: J. Lantz, P. Machuga

Noes: M. Robkin

Abstain: R. Levy, E. Wolf

Absent:

10. California Highway Patrol Contract

M. Robkin moved to receive and file the California Highway Patrol contract. E. Wolf seconded. The motion passed as follows:

Ayes: J. Lantz, P. Machuga, R. Levy, M. Robkin, E. Wolf

Noes:

Abstain:

Absent:

11. Security Camera in the CSD Office

E. Wolf moved to physically removed the security camera in the CSD office. P. Machuga seconded. The motion passed as follows:

Ayes: J. Lantz, P. Machuga, R. Levy, M. Robkin, E. Wolf

Noes:

Abstain:

Absent:

12. Prop 68 Park Capital Improvements

M. Robkin moved to assign Prop 68 funds to the County of Ventura, earmarking the funds for the Oak Park Park, next to the Oak Park Highschool. E. Wolf seconded. The motion passed as follows:

Ayes: J. Lantz, P. Machuga, R. Levy, M. Robkin, E. Wolf

Noes:

Abstain:

Absent:



BELL CANYON COMMUNITY SERVICES DISTRICT
30 HACKAMORE LANE
BELL CANYON, CALIFORNIA 91307

13. Closed Session

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Govt. § 54956.9(d)(1))

Name of Case: Bell Canyon Community Services District v. Bell Canyon Community Center, Inc. (VCSC No. 024CUBC025001)

Direction has been given by a vote of 5 Yes to 0 No to dismiss lawsuit without prejudice.

14. Next Meeting

The next regular meeting is Monday, October 28, 2024, at 7:00 PM

15. Adjournment

The meeting was adjourned at 7:37 PM



BELL CANYON COMMUNITY SERVICES DISTRICT
30 HACKAMORE LANE
BELL CANYON, CALIFORNIA 91307

MINUTES OF BELL CANYON CSD REGULAR MEETING ON October 28, 2024

In accordance with Government Code Section 54954, Notice is hereby given that the Board of Directors of the Bell Canyon Community Services District held a Regular meeting at 7:00PM on Monday, October 28, 2024, to consider those items set forth in the posted agenda, except in accordance with Government Code Section 54954.2(b). Please note that the Board reserved the right to modify the order (listed in the agenda) in which items were heard.

- 1. Call to Order and Roll Call:** The meeting was called to order at 7:00 PM. Directors present were Richard Levy, Peter Machuga (Vice President), and Michael Robkin (President) with Kudy Lantz arriving at 7:05 PM. Eric Wolf was absent. Walter Kelly, General Manager was present.
- 2. Pledge of Allegiance**
- 3. A moment of silence was observed in memory of the victims of terror in Israel, Ukraine and elsewhere in the world.**
- 4. M. Robkin reviewed the rules of behavior due to hybrid nature of meeting using Zoom along with a live audience.**
- 5. Public comment on Agenda items:**
 - Public Comments on Letter from Ventura County Resource Management Agency
Dr. Olga Damascus commented that she believes the maintenance yard was designated as open space and cannot have anything on the land and would like the BCA to purchase the land from the CSD. Micki Davidovicz stated that fire trucks may not be parked on the land.
 - Legal expense categories for 2023-24
Micki Davidovicz commented on outstanding PRA's for legal bills and would like to see redacted legal bills.



BELL CANYON COMMUNITY SERVICES DISTRICT
30 HACKAMORE LANE
BELL CANYON, CALIFORNIA 91307

- Resident Communications with CSD employees
Dr. Damascus commented that there is no reason to discuss this because the former General Manager is no longer works for the CSD. Micki Davidovicz commented that emails in question were sent to personal email addresses and not district email addresses.
- CSD Website
Dr. Damascus requested that everything be removed from the CSD website concerning TRO and believes the website is not currently compliant and that only minutes should be on the website.
Olga Damascus stated she was waiting for someone to identify the legal authority that the CSD can get a lease on legally leased space. Mathew Perelman also commented on the lease.
- Rent and contract for 2A and 2B Dr. Damascus stated this issue cannot be discussed because the contracts were not included in the agenda packet. The contract is on the CSD website. Dr. Damascus also stated that no board member should be in the CSD office when the GM is not present.

6. Credit Card Logs

P. Machuga moved that the Credit Card Logs be received and filed. M. Robkin seconded. The motion passed as follows:

Ayes: J. Lantz, R. Levy, P. Machuga, M. Robkin

Noes:

Abstain:

Absent: E. Wolf

7. Cast Ballot for LAFCO Special District Member

J. Lantz moved to nominate Steve Huber. P. Machuga seconded. The motion failed as follows:

Ayes: J. Lantz, P. Machuga

Noes: R. Levy, M. Robkin

Absent: E. Wolf



BELL CANYON COMMUNITY SERVICES DISTRICT
30 HACKAMORE LANE
BELL CANYON, CALIFORNIA 91307

8. Cast Ballot for LAFCO Special District Member

M. Robkin moved to nominate Chris Stevens. P. Machuga seconded.

The motion passed as follows:

Ayes: R. Levy, P. Machuga, M. Robkin

Noes: J. Lantz

Absent: E. Wolf

9. Notice from Ventura County Resources Management Agency

M. Robkin moved to meet with the VC RMA, Victor Coronel to discuss the notice and ask for an extension. J. Lantz seconded. The motion passed as follows:

Aye: J. Lantz, R. Levy, P. Machuga, M. Robkin

Noes:

Abstain:

Absent: E. Wolf

10. Policy to limit legal expenses and GM as gatekeeper to legal.

P. Machuga moved that GM be gatekeeper to legal expenses. J. Lantz seconded. The motion failed as follows:

Ayes: J. Lantz, P. Machuga

Noes: R. Levy, M. Robkin

Abstain:

Absent: E. Wolf

11. Formal Policy regarding use of legal counsel to be drafted by GM and Counsel

M. Robkin moved to have the formal written policy drafted. R. Levy seconded. The motion passed as follows:

Ayes: R. Levy, P. Machuga, M. Robkin

Noes: J. Lantz

Abstain:

Absent: E. Wolf



BELL CANYON COMMUNITY SERVICES DISTRICT
30 HACKAMORE LANE
BELL CANYON, CALIFORNIA 91307

12. Website Compliance

J. Lantz motioned that any material changes to the CSD website must be approved by a vote of the CSD Board. P. Machuga seconded. The motion failed as follows:

Ayes: J. Lantz P. Machuga

Noes: R. Levy, M. Robkin

Abstain:

Absent: E. Wolf

Open Session break at 7:57 PM and reconvened at 8:05 PM.

13. Investment Policy Proposal

R. Levy motioned that GM make investment decisions based upon Investment Policy Resolution. M. Robkin seconded. The motion passed as follows:

Ayes: J. Lantz P. Machuga, R. Levy, M. Robkin

Noes:

Abstain:

Absent: E. Wolf

14. Closed Session

CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION (Gov. Code Section 54956.9(d)(1))

Name of Case: *Bell Canyon Community Services District v. Bell Canyon Community Center, Inc.*
(VCSC No. 024CUBC025001)

Nothing to report.

15. Next meeting

The next regular meeting will be on Monday, November 25, 2024 at 7:00 PM

16. Adjournment

The meeting was adjourned at 8:23 PM.



BELL CANYON COMMUNITY SERVICES DISTRICT
30 HACKAMORE LANE
BELL CANYON, CALIFORNIA 91307

MINUTES OF BELL CANYON CSD SPECIAL MEETING ON November 7, 2024:

In accordance with Government Code Section 54954, Notice is hereby given that the Board of Directors of the Bell Canyon Community Services District held a Special meeting at 8:00 PM on Thursday, November 7, 2024, to consider those items set forth in the posted agenda, except in accordance with Government Code Section 54954.2(b). Please note that the Board reserved the right to modify the order (listed in the agenda) in which items were heard.

1. Call to Order and Roll Call: The meeting commenced at 8:04 PM. Directors present were Judy Lantz, Peter, Richard Levy, Michael Robkin (President) and Eric Wolf. Also present are Walter Kelly, General Manager, and Pam Lee, District Counsel joined via Zoom. Peter Machuga is absent.

2. The Pledge of Allegiance

3. A moment of silence was observed in memory of the victims of terror in Israel, Ukraine and elsewhere.

4. M. Robkin reviewed the rules of behavior due to hybrid nature of meeting using Zoom along with a live audience.

5. Public Comments on Agenda Items.

In accordance with Government Code Section 54954.3, every agenda for a special meeting of the Board of Directors shall provide an opportunity for members of the public to directly address the legislative body on any item listed on this agenda, provided that no action shall be taken on any item not appearing on the agenda unless that action is otherwise governed by Government Code Section 54954.2[b]. Public forum will be conducted with each agenda item.

Public Comments on Zoning Violations:

The only public comment was a request for Eric Wolf to stop recording the meeting.



BELL CANYON COMMUNITY SERVICES DISTRICT
30 HACKAMORE LANE
BELL CANYON, CALIFORNIA 91307

6. Discussion with LAFCO regarding Conditional Use Permit to abate violations and CSD counsel drafting lease of facilities yard to HOA

M. Robkin moved to have President Robkin, E. Wolf and Counsel speak with LAFCO and VC RMA regarding Conditional Use Permit ("CUP") and legality of leasing the maintenance yard. R. Levy seconded. Discussion encompassed the following issues: Is the CSD permitted to collect rent on unpermitted lands? Will LAFCO approve the CSD receiving rent on unpermitted land? Will the HOA pay for the CUP? Stay of civil penalties as long as the CSD is in process of abatement of the violations. The CSD does not wish to evict the HOA from the maintenance yard, however, may be legally required to do so. There are currently zero permits for use of the land.

The motion passed as follows:

Ayes: J. Lantz, R. Levy, M. Robkin, E. Wolf

Noes:

Abstain:

Absent: P. Machuga

7. Closed Session

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Govt. § 54956.9(d)(4))

Name of Case: Bell Canyon Community Services District v. Bell Canyon Community Center, Inc. (VCSC No. 024CUBC025001)

No reportable action

8. Next Meeting

The next regular meeting is Monday, November 25, 2024, at 7:00 PM

9. Adjournment

The meeting was adjourned at 9:15 PM

From: Luoma, Kai <Kai.Luoma@ventura.org>
Date: On Wednesday, November 13th, 2024 at 9:48 AM
Subject: RE: Urgent Question re: 8 Bell Canyon Road
To: michael.robkin@bellcanyoncsd.ca.gov <michael.robkin@bellcanyoncsd.ca.gov>
CC: Pam K. Lee <plee@awattorneys.com>, Walter Kelly <Walter.Kelly@bellcanyoncsd.ca.gov>, Barnes, Jeffrey <Jeffrey.Barnes@ventura.org>

Section 61060 of the Government Code lists several powers that a CSD may exercise “necessary to carry out the purposes and intent of this division [i.e. the CSD principal act].” Section 61060(d) provides that a CSD has the power to acquire and lease property. However, doing so must be for the “benefit of the district”. The BCCSD purchased the property for it to be used as part of its solid waste disposal powers, clearly benefitting the district. We are doubtful that leasing a portion of the property to a private entity, the HOA, for a non-CSD use can be considered as necessary to carry out the purpose of the CSD principal act or a benefit to the district.

Kai Luoma, Executive Officer

Ventura Local Agency Formation Commission
(LAFCo)

801 S. Victoria Avenue, Suite 301, Ventura,
CA 93003

Phone (805) 654-2575 **Email**

kai.luoma@ventura.org

Web ventura.lafco.ca.gov

November 18, 2024

VIA EMAIL (marc.nolant@doj.ca.gov)

Office of the Attorney-General

Attn: Marc J. Nolan, Senior Asst. Attorney-General
Opinions Unit, DOJ
300 S. Spring Street
Low Angeles, CA 90013

Re: Request for Opinion re: Bell Canyon Community Service District's Authorized Powers

Dear Mr. Nolan:

I am writing on behalf of the Bell Canyon Community Service District ("District") in regard to its authorized powers under the Community Services District Law, Government Code Section 61000, *et seq.* ("CSD Law"). We seek a legal opinion from the California Attorney-General's office on the District's authorized power to lease a portion of District-owned vacant, unimproved property to a homeowner's association ("HOA") located within its jurisdiction for the purpose of the HOA's (i) storage of certain construction materials and equipment, and (ii) maintenance of a small pre-existing bus stop used to drop off and pick up children to and from the school.

The District is located in an unincorporated area of eastern Ventura County, adjacent to the Los Angeles County boundary (near West Hills), and is geographically isolated from other communities. The District was formed in 1984 under the CSD Law to provide some public services for the Bell Canyon community, which has a population of approximately 2,109 residents. When it was formed in 1984, the District was authorized to provide a variety of services to the community. It is important to note that the physical boundaries and jurisdiction of the District are coterminous with the physical boundaries and jurisdiction of the HOA, which is private property located within a fully gated community. ***In other words, besides the small publicly accessible area of the public street leading up to the gated community, every portion of the District's boundaries is located within the HOA's boundaries and is privately owned.*** Other than the public street leading up to the gated community, there is no portion of the District's boundaries that is located outside of the HOA's boundaries.

In 2005, the local agency formation commission ("LAFCo") law was amended to require various LAFCos to review each special district's services. Subsequently in 2007, the District applied to Ventura County LAFCo for approval of the exercise of certain latent powers, which were approved. Thus, as of 2007 it is undisputed by the District and Ventura County LAFCo that the District is authorized to perform the following services:

- Rubbish, recycling and greenwaste removal;
- Enhanced traffic patrol under the provisions of a contract with the California Highway Patrol;
- Emergency medical (advanced life support) services under the provisions of a contract with the City of Los Angeles Fire Department;
- Organization, promotion, conducting, and advertisement of community recreation programs;
- Security services, including but not limited to burglar and fire alarm services to protect lives and property; and
- Graffiti abatement.

The above authorized services have not changed since 2007 and represent a complete list of the District's authorized services ("2007 Authorized Services").

In 2008, the County of Ventura granted to the BCCSD an approximately half-acre parcel ("2008 Parcel") that contains a pre-existing school bus stop where children are picked up and dropped off by a school bus. Ventura County LAFCo informed the District that it would not utilize District funds to operate or maintain that school bus stop, because the District does not have latent powers for transportation services. The District informed Ventura County LAFCo that the HOA would operate and maintain the bus stop.

In 2022, the District underwent a municipal services review ("MSR") by the Ventura County LAFCo. The MSR concluded again, among other things, that the District has no latent powers for transportation services and confirmed that the District would not operate or maintain the school bus stop. The District again confirmed that the HOA in fact maintains and operates that school bus stop on the 2008 Parcel. Ventura County LAFCo approved the HOA's maintenance and operation of the school bus stop.

In addition, in 2023, the District purchased from the Triunfo Water & Sanitation District a small parcel of vacant, unimproved property for its general purposes ("2023 Parcel"). The 2023 Parcel contains a pre-existing maintenance yard that contains the HOA's construction materials and equipment. The District has attempted on several occasions to enter into a lease with the HOA for the latter to rent that portion of the 2023 parcel for a maintenance yard.

Several weeks ago, the District inquired with the Ventura County LAFCo whether it is permitted to enter into a lease with the HOA for the HOA to continue using a portion of the 2023 parcel to store its construction materials and equipment. Ventura County LAFCo then responded that the District has no authority to enter into a lease with the HOA for the HOA to maintain and operate the storage of its construction materials or equipment on the 2023 Parcel, basing its reason on

Office of the CA Attorney-General

November 18, 2024

Page 3

the fact that the District does not have authority to under its general or latent powers to lease any portion of the 2023 Parcel for HOA storage purposes, and that the only uses the District is authorized to perform are those enumerated in the 2007 Authorized Services.

Thus, there seems to be conflicting opinions from Ventura County LAFCo regarding the District's powers: on one hand, the District does not have transportation powers and MUST authorize the HOA to maintain and operate the school bus stop at the 2008 Parcel via a lease, while on the other hand the District does not have latent or other powers to lease a portion of the 2023 Parcel to the HOA for the HOA's storage of construction equipment. ***Accordingly, the District seeks a legal opinion from the California Attorney-General's office regarding whether the District has the legal authority to (i) lease a portion of the 2008 Parcel to the HOA for the HOA to maintain and operate the school bus stop, and (ii) lease a portion of the 2023 Parcel to the HOA for the HOA to maintain storage for its construction material and equipment.***

Thank you for your attention to the matter. If you need further information or would like additional clarification, please contact me at the information above.

Sincerely,

ALESHIRE & WYNDER, LLP

Pam K. Lee

PKL