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March 15, 2022

**VIA E-MAIL**

Honorable Chair and Commissioners  
**Ventura Local Agency Formation Commission**  
801 S. Victoria Avenue, Ste. 301  
Ventura, CA 93003

Kai Luoma, Executive Officer  
**Ventura Local Agency Formation  
Commission**  
801 S. Victoria Avenue, Ste. 301  
Ventura, CA 93003

Re: Bell Canyon CSD Sphere of Influence (LAFCo 20-09S)

Dear Honorable Chair, Commissioners, and Mr. Luoma:

The BCCSD has received and reviewed the staff report and supporting materials concerning the BCCSD MSR/SOI being presented to you at your meeting on March 16, 2022. BCCSD wishes to confirm for the record that it is supportive of the proposed resolution of all of the issues that have been raised in the manner and on the terms set forth in the BCCSD letter of February 25, 2022, as further reflected in the staff report prepared by Mr. Luoma and his staff.

The BCCSD also needs to further clarify for the record that, although it is happy to implement all of the actions discussed with LAFCo staff and outlined in the above-referenced correspondence, it is not correct to say that LAFCo staff and the BCCSD representatives are necessarily in agreement on every factual issue or legal point addressed in the MSR. Rather, given that LAFCo staff and the BCCSD have determined a mutually acceptable manner of addressing all concerns that have been raised, the BCCSD sees no need or benefit in continuing to contest the extent to which each of these actions would be legally required or the extent to which each statement in the MSR reflects a complete and accurate factual characterization of the actions of the BCCSD.

Thus, for example, the BCCSD still believes that it could legally contract with the HOA for delivery of certain services to the BCCSD in support of authorized BCCSD activities (just as the BCCSD could contract with another private party to deliver appropriate supportive services in furtherance of a permitted BCCSD function). However, given the questions about whether the HOA was providing services on an arms' length basis and/or whether the HOA was granted too much authority or discretion, the BCCSD has simply decided to take this issue off the table by agreeing not to use the HOA in any capacity going forward (other than renting needed space within the community for delivery of BCCSD authorized and managed recreational programs). Similarly, although it seems clear from the conclusions of the District Attorney and the FPPC that there is nothing inherently unacceptable in simultaneous service on the Board of the HOA and the Board of the BCCSD, given the conflict and controversy this had engendered, the BCCSD wishes to voluntarily take the actions indicated in the report to minimize any potential conflicts and to ensure that any actual conflicts occurring on an individual action or decision are appropriately identified

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and addressed by any necessary recusal of a Board member from the decision on that item.

The same point might be made with respect to certain factual conclusions reached in the MSR. For example, it is not correct that the BCCSD has prohibited the attendance of the public at past BCCSD meetings, nor would the BCCSD agree that the form of notice of meetings (which were posted on the BCCSD website and available over the internet) was insufficient to provide adequate notice of BCCSD meetings. But, in any event, the BCCSD is more than happy to take the additional steps that have been outlined to further the effectiveness of its notice to the public and to ensure unimpeded public access to the BCCSD Board meetings. Similarly, given the issues that have arisen out of past efforts by the BCCSD to provide traffic patrol or enforcement or CERT/EMT training directly to the community, the BCCSD has concluded that it is best to simply cease any further activities in this area to avoid any further issues. Lastly, it is important to note that no malfeasance occurred with respect to the use of BCCSD funds, as all the expenditures noted in the MSR were made in good faith in furtherance of the services that BCCSD believed it was authorized to provide.

The purpose of this short supplement to the record is not invite further discussion or dispute, but simply to try to make clear the approach and perspective that the BCCSD has used in responding to the issues raised by the MSR and to make clear that the lack of further objection to the MSR is not necessarily intended as a validation of each and every legal and factual point raised by the MSR. Rather, given the constructive discussions with LAFCo staff and solution-oriented approach adopted by the parties, in the view of the BCCSD, it is simply not necessary to pursue a discussion of "who is right and who is wrong" on every individual item when a mutually satisfactory resolution has already been identified and is in the process of being implemented.

The BCCSD does expect to be held to account for all actions that it has agreed to undertake, and it has already begun the diligent implementation of those actions. The BCCSD is also fully supportive of coordinating a supplemental review of its activities by LAFCo next year to ensure that there has been follow up and implementation of those actions. The BCCSD looks forward to coordinating more closely with LAFCo staff in its future activities and to taking the steps necessary to ensure that the BCCSD is implementing best practices as identified through its interaction with your staff.

Sincerely,

ALESHIRE & WYNDER, LLP



Pam K. Lee

PKL:PKL

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Copy: Dennis Roy, District Board President (via email)  
Geoff Abadee, District Board member (via email)  
Judith Lantz, District Board member (via email)  
Richard Levy, District Board member (via email)  
Eric Wolf, District Board member (via email)  
Dennis Zine, District General Manager (via email)