



August 30, 2007

John B. Todd, Foreperson
Riverside County Grand Jury
County of Riverside
P.O. Box 829
Riverside, CA 92502

Subject: Response to 2006-07 Grand Jury Report: Elsinore Valley Cemetery District Flood Control

Dear Foreperson Todd:

On August 28, 2007, the City Council of the City of Lake Elsinore unanimously agreed with and adopted the enclosed response to the 2006-07 Grand Jury Report: Elsinore Valley Cemetery District Flood Control.

We fully appreciate the time and effort the Grand Jury devoted to the research and preparation of this report. Each finding and recommendation contained in the report has been responded to separately.

We have been pleased to assist the Grand Jury in performing an objective review of local government. The Elsinore Valley Cemetery District provides an important service to our community and we appreciate the Grand Jury's interest in the City of Lake Elsinore.

Respectfully submitted,

Robert E. Magee
Mayor, City of Lake Elsinore

cc: City Council
City Treasurer
City Manager
City Attorney

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MAYOR

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CITY COUNCIL MEMBER

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CITY OF LAKE ELSINORE'S RESPONSE TO GRAND JURY FINDINGS AND RECOMMENDATIONS

FINDING NO. 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. As the Grand Jury is aware, the Cemetery lies within Zone 3 of the Riverside County Flood Control and Water Conservation District ("Riverside County Flood Control"). Accordingly, drainage issues affecting the Cemetery fall within the province of a public agency over which the City has no jurisdiction – Riverside County Flood Control. Additionally, the primary conveyance of storm waters into the Cemetery is by way of 15 Caltrans installed pipes whose diameter ranges in size from 36 to 44-inches. Again, the City does not have jurisdiction over State agencies such as Caltrans.

Despite the inherent limitation on the City's ability to control the actions of other public agencies operating within the City, we recognize that the City is the most visible public entity entrusted with preserving public safety in this community. In meetings with Riverside County Flood Control and Caltrans, City representatives urged a more dedicated response to the ongoing drainage problems and committed funds to aid in the financing of the improvements. Ultimately, the combined efforts of all parties led to Riverside County Flood Control's recent decision to begin processing plans for the necessary flood control improvements.

FINDING NO. 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. The City recognizes that maintaining excellent communications with other governmental agencies is vital to carrying out the City's mission. However, we respectfully disagree with the Grand Jury's finding that there was a lack of interagency communications. Instead, the problem was a demonstrable lack of funding to complete the necessary improvements.

As noted by the Grand Jury, Proposition F did not provide adequate funding. Riverside County Flood Control was left with the difficult task of prioritizing projects based on immediate need and the potential risks to public safety. Fortunately, additional funding is now available and Riverside County Flood Control is in the process of approving plans for the necessary flood control improvements.

FINDING NO. 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. The City was not involved with the projections which provided the basis for the assessments imposed pursuant to Proposition F.

RECOMMENDATION NO. 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 City concurs that complaints regarding public safety should be addressed in a timely manner. Here, City representatives met on several occasions with both Cemetery District officials and Riverside County Flood Control representatives. These meetings were attended by either the City Manager or City Engineer. At those meetings, serious effort was given to solving the flooding issues – from both an engineering and financial perspective.

We do not agree that public safety complaints must necessarily be addressed “in writing.” Candidly, we worry that such a requirement could prove to be an impediment to frank discussions among interested parties. Our experience is that a more hands on approach such as face to face meetings, rather than letter writing, is often a better way to directly address public safety concerns.

RECOMMENDATION NO. 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. We assure the Grand Jury that the City Council and City staff are committed to communicating, coordinating and cooperating with other public entities in areas of mutual concern. The City participates in meetings with other cities, Riverside County and State agencies on a nearly daily basis.

RECOMMENDATION NO. 3

BOS both identify and commit sufficient funds now, or present Zone 3 votes 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 City concurs with the recommendation.