

FY2023-2024 Grand Jury Report
March Joint Powers Authority: Marginally Transparent
April 10, 2024
Riverside County Board of Supervisors

GRAND JURY FINDINGS:

Grand Jury Finding #4:

The March JPA Commissioners infrequently seek a consensus on March JPA issues from other elected officials on their city council/board.

Response to Grand Jury Finding #4:

Respondent agrees with finding.

The Board of Supervisors appoints two members of its body to the March Joint Powers Authority. The members have the individual discretion to make decisions as a member of the authority. In fact, the California Attorney General issued an opinion stating that an appointed member to a joint powers agency may even cast a vote on a matter before the JPA that may be inconsistent with a position of the legislative body who appointed the member. (83 Ops.Cal.Atty.Gen.267: 2000)

According to another opinion by the California Attorney General, independent due process issues could arise in certain circumstances relating to adjudicative matters. This could happen if the legislative body discusses with their appointee to the JPA about how to vote in a particular way. Secondly, due process could be an issue if the appointee relies, inadvertently or not, on evidence outside the record that is before the JPA. (104 Ops.Cal.Atty.Gen 34: 2021)

Further, requiring review from each of the governing bodies on matters before they are considered by the March JPA would be burdensome to the proceedings of each governing body, and add delay to the consideration of matters conducted by the JPA.

With all this said, nothing precludes the appointed member at their discretion to mention actions that have occurred or speak in general of issues surrounding the March Joint Powers Authority.

It should also be noted that any action that formally requires the Board of Supervisor's consideration is placed on the Board's agenda and is voted on by that legislative body. For example, *The Joint Powers Agreement Between the Cities of Moreno Valley, Perris and Riverside and the County of Riverside, Executed September 7, 1993*, and all the subsequent amendments were brought before the Board of Supervisors for

consideration. The most recent amendment (Fourteenth) was approved by the Board of Supervisors on April 18, 2023 (Item 3.10).

Grand Jury Finding #11:

The March JPA does not have a permanent community advisory committee comprised of Riverside County residents.

Response to Grand Jury Finding #11:

Respondent agrees with finding.

The March JPA has not had a permanent community advisory committee since its creation in 1993. If a community advisory committee were to be formed, it would most likely follow the county's practice of residents that live within the subject area (March JPA current boundaries). This matter would need to be considered and implemented via an action of the entire March JPA, and not by the individual member agencies.

Grand Jury Finding #16:

The March JPA violated Government Code §6503.8 by not submitting all required March JPA agreements and amendments to the Riverside County's Local Agency Formation Commission Office.

Response to Grand Jury Finding #16:

Respondent agrees with finding.

According to the March Joint Powers Authority to the presiding judge dated May 20, 2024, the Authority acknowledges and agrees with this finding and states that they are currently in compliance. The County of Riverside has no additional comment.

Grand Jury Finding #19:

Effective on July 1, 2025, the March JPA transfers its land use authority, public works, policing, and fire protection responsibilities to the County of Riverside.

Response to Grand Jury Finding #19:

Respondent agrees with finding.

On April 18, 2023 (Item 3.10), the Board of Supervisors approved the *Fourteenth Amended Joint Powers Agreement Between the Cities of Moreno Valley, Perris and Riverside and the County of Riverside executed April 18, 2023*. The express purposes outlined in pages 4-5 reflect the change beginning July 1, 2025. The County of Riverside provides municipal services, including fire and police protection pursuant to a municipal services agreement. The *Amended Restated Municipal Services Agreement*

Between the County of Riverside and the March Joint Powers Authority was approved by the Board of Supervisors on April 18, 2023, for the effective dates of July 1, 2023- June 30, 2025, in the same item as previously mentioned.

GRAND JURY RECOMMENDATIONS:

Grand Jury Recommendation #2:

By October 1, 2024, the Grand Jury recommends that elected officials on the County of Riverside Board of Supervisors and city council members in Moreno Valley, Perris, and Riverside establish times when March JPA issues will be discussed, and a consensus developed for their representatives on the March JPA

Commission.

Based on Findings 4 and 11

Financial Impact - Minimal

Response to Grand Jury #2:

Recommendation will not be implemented because it is not warranted or reasonable.

As stated in the response to Finding #4, the Board of Supervisors appoints two members of its body to the March Joint Powers Authority. The members have the individual discretion to make decisions as a member of the JPA. Having the Board of Supervisors act on and provide direction to the County JPA members would not be in keeping with their individual discretion, would raise due process concerns on JPA matters, and not be practical or reasonable to implement.

Grand Jury Recommendation #6:

By August 1, 2024, the Grand Jury recommends that the March JPA Commission establish, or be in the process of establishing, a permanent community advisory committee made up of Riverside County residents.

Based on Findings 7, 8, 9, and 11

Financial Impact - Minimal

Response to Grand Jury #6:

Recommendation will not be implemented because it is not warranted or reasonable.

As stated in response to Finding #11, the March JPA has not had a permanent community advisory committee since its creation in 1993. If a community advisory committee were to be formed, it would most likely follow the county's practice of residents that live within the subject area (March JPA current boundaries). This matter

would need to be considered and implemented via an action of the entire March JPA, and not by the individual member agencies.

Grand Jury Recommendation #9:

**By October 1, 2024 the Grand Jury recommends that the March JPA Commission reconsider its decision to transfer its land use authority, public works, policing, and fire protection to the County of Riverside until all land development projects are completed. Based on Findings 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, and 18
Financial Impact - Minimal**

Response to Grand Jury #9:

Recommendation will not be implemented because it is not warranted or reasonable.

Please see response to F#19. The *Fourteenth Amended Joint Powers Agreement Between the Cities of Moreno Valley, Perris and Riverside and the County of Riverside executed April 18, 2023* (14th Amendment), by all member agencies in public meetings.

As outlined in the staff report for the Board of Supervisor's consideration, after thirty-one years the Authority's mission for the reuse of the subject property in the 3,500-acre area is near completion. The subsequent execution of the 14th Amendment provided direction for the Authority and the County of Riverside to begin the transition process of land use authority and continued provision of municipal (and countywide) services. This process is well underway with a year left to completion.

The Authority's mission will generally transition to the operation and management of the March Inland Port Airport; management of Green Acres residential property; disposition of property still owned by the JPA; responsibilities associated with successor agency of the former redevelopment agency; and continued responsibility for any other outstanding contractual obligations entered into by the JPA that would not otherwise be transferred to the County.