



CITY OF PERRIS
OFFICE OF THE MAYOR
MICHAEL M. VARGAS

June 26, 2024

Judith C. Clark, Presiding Judge
Superior Court of California, County of
Riverside
4050 Main Street
Riverside, CA 92501

Riverside County Grand Jury
Post Office Box 829
Riverside, CA 95202

Riverside County Clerk-Recorder
2720 Gateway Drive
Riverside, CA 95207

Re: Responses to Grand Jury Findings and Recommendations

To the Honorable Judge Clark, Riverside County Grand Jury, and Riverside County Clerk-Recorder:

On April 10, 2024, the Riverside County Grand Jury ("Grand Jury") issued a report regarding the March Joint Powers Authority ("March JPA"), entitled "March Joint Powers Authority: Marginally Transparent, March 21, 2024" ("Report"). The Grand Jury sent this Report to me in my official capacity as the Mayor of the City of Perris. The Report requires responses to its Findings 4, 11, 16, and 19 and Recommendations 2, 6, and 9. The City of Perris' response must be filed with the Superior Court of California, County of Riverside, Riverside County Grand Jury, and the Riverside County Clerk-Recorder within 90 days.

Required Response to Findings

F-4 The March JPA Commissioners infrequently seek a consensus on March JPA issues from other elected officials on their city council/board.

City response: Agree. March JPA Commission members are authorized to exercise their own discretion when voting on matters coming before them. (*See Harbach v. El Pueblo De Los Angeles etc. Com.*, 14 Cal. App. 3d 828, 834 (1971)). The Joint Powers Act, the March Joint

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Powers Agreement, and the City's ordinances and resolutions do not limit their authority to vote as March MPA Commission members. In addition, the Government Code acknowledges that a joint powers agreement may create an agency or entity that is separate from the parties to the agreement and which agency or entity is responsible for the administration of the agreement. (*See* Cal. Gov. Code Section 6503.5). As such, even though the City's appointed March JPA commission members may report back on the March JPA matters, this does not give the City jurisdiction over such matters and, thus, many March JPA Commission matters are beyond the subject matter jurisdiction of the City such that the City is not able to consider such matters in order to provide direction.

F-11 The March JPA does not have a permanent community advisory committee comprised of Riverside County residents.

City response: Agree. However, as stated in the City's response to F-4, the March JPA is separate from the parties to the joint powers agreement (including the City) and is able to administer its underlying joint powers agreement. Further, March JPA Commission members are authorized to exercise their own discretion when voting on matters coming before them. (*See Harbach v. El Pueblo De Los Angeles etc. Com.*, 14 Cal. App. 3d 828, 834 (1971)). In addition, the Government Code acknowledges that a joint powers agreement may create an agency or entity that is separate from the parties to the agreement and which agency or entity is responsible for the administration of the agreement. (*See* Cal. Gov. Code Section 6503.5). Therefore, the Perris City Council lacks the legal authority to require that the March JPA create any committees, including the aforementioned permanent community advisory committee.

F-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.

City response: Based upon March JPA's response to the Report, the City agrees with this finding.

F-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.

City response: The City partially agrees with this finding. March JPA's Joint Powers Agreement was amended in 2023 "to reflect the refinement and reduction of duties of the March Joint Powers Authority, anticipated future completion of the land use redevelopment phase of the original purpose of the Agreement, and the transition into a new phase of inter-governmental cooperation in the operation and management of the civilian airport through the March Inland Port Airport Authority." The 14th Amendment provides greater detail than what is summarized in Finding 19 and is fully explained therein.

Required Responses to Recommendations

R-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.

City response: This recommendation has not been implemented by the City. Nothing in the Joint Powers Act, the March Joint Powers Agreement, or the City's ordinances or resolutions requires implementation of this recommendation. Further, JPA Commission members are authorized to exercise their own discretion when voting on matters coming before them. (*See Harbach v. El Pueblo De Los Angeles etc. Com.*, 14 Cal. App. 3d 828, 834 (1971)). In addition, the Government Code acknowledges that a joint powers agreement may create an agency or entity that is separate from the parties to the agreement and which agency or entity is responsible for the administration of the agreement. (*See Cal. Gov. Code Section 6503.5*).

- R-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.**

City response: This recommendation has not been implemented by the City. This matter falls within the jurisdiction of the March JPA Commission and, as noted in the City's responses above, March JPA Commission members are authorized to exercise their own discretion when voting for any item coming before the Commission. (*See Harbach v. El Pueblo De Los Angeles etc. Com.*, 14 Cal. App. 3d 828, 834 (1971)). In addition, the Government Code acknowledges that a joint powers agreement may create an agency or entity that is separate from the parties to the agreement and which agency or entity is responsible for the administration of the agreement. (*See Cal. Gov. Code Section 6503.5*).

- R-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.**

City response: This recommendation has not been implemented by the City. The March JPA member agencies, including the City, approved the 14th Amendment in accordance with the Joint Powers Act. To the extent this matter falls within the March JPA Commission's jurisdiction, the March JPA Commission members are authorized to exercise their own discretion when voting for any item coming before the Commission as discussed in the City's responses above.

With respect to the Report's findings and recommendations in which responses are invited, the City defers to the responses provided by March JPA as the March JPA is in the best position to respond.

Should you have any questions regarding this letter, please contact the Perris City Manager at 951-943-6100.

Very Truly Yours,



Michael M. Vargas
Mayor
City of Perris