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June 24, 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

Subject: City of Moreno Valley Responses to Grand Jury Findings and Recommendations Contained in Riverside County Grand Jury March Joint Powers Authority - Marginally Transparent (Dated March 21, 2024)

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

The Riverside County Grand Jury issued a report titled "*March Joint Powers Authority: Marginally Transparent, March 21, 2024*" (the "Report"). The Report was addressed to me, in my official capacity as Mayor of the City of Moreno Valley and requires a response to the Report within ninety (90) days. In addition, the Report requires that the City respond to Findings 4, 11, 16, and 19 and Recommendations 2, 6, and 9.

Findings:

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

Response:

The City agrees with this finding, although at times my fellow City of Moreno Valley March JPA Commissioner Edward Delgado and I have sought direction from the Moreno Valley City Council on matters that the City Council may rightfully/legally consider in the context of a closed session of the Moreno Valley City Council under the applicable closed session provisions of the Ralph M. Brown Act as advised by the Moreno Valley City Attorney. In addition, although at every regular meeting of the Moreno Valley City Council, each City Council Member who serves on the March JPA Commission is expected to provide any updates related to any activities or actions they have been involved with in their capacity as a March JPA Commissioner, this does not provide any legal authority for the Moreno Valley City Council to assume jurisdiction over any particular matter or item which is solely within the subject matter jurisdiction of the March JPA Commission. State law acknowledges that a joint powers agreement may provide for the creation of an agency or entity that is separate from the parties to the agreement and is responsible for the administration of the agreement. (See California Government Code Section 6503.5.) Moreover, March Joint Powers Authority (March JPA) Commissioners are authorized to exercise their own discretion when voting. (See *Harbach v. El Pueblo de Los Angeles etc. Com.* (1971) 14 Cal.3d 828, 834.) In light of the foregoing, many issues and matters considered by the March JPA Commission are beyond the subject matter jurisdiction of the Moreno Valley City Council which precludes the Moreno Valley City Council from considering such items and matters for the purpose of providing direction to its appointed March JPA Commissioners.

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

Response:

The City agrees with this finding. However, state law acknowledges that a joint powers agreement may provide for the creation of an agency or entity that is separate from the parties to the agreement and responsible for the administration of the agreement. (See California Government Code Section 6503.5.) Moreover, the March JPA Commissioners are authorized to exercise their own discretion when voting. (See *Harbach v. El Pueblo de Los Angeles etc. Com.* (1971) 14 Cal.3d 828, 834.) In light of the foregoing, although the City agrees with this finding, the Moreno Valley City Council lacks the legal authority to demand that the March JPA create a 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."*

Response:

The City, based on the response of the March JPA, 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."*

Response:

The City partially agrees with this finding. In 2023, the March JPA Commissioners agreed to amend the Joint Powers Agreement for the 14th time, "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 Pott Airport Authority." The 14th Amendment is more complicated than the summary set forth in F-19 and is more fully explained in the amendment itself.

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 JP A Commission."*

Response:

This recommendation has not been implemented by the City of Moreno Valley. State law acknowledges that a joint powers agreement may provide for the creation of an agency or entity that is separate from the parties to the agreement and responsible for the administration of the agreement. (See California Government Code Section 6503.5.) Moreover, March JPA Commissioners are authorized to exercise their own discretion when voting. (See *Harbach v. El Pueblo de Los Angeles etc. Com.* (1971) 14 Cal.3d 828, 834.) This recommendation is also not required by the Joint Powers Act, the March Joint Powers Agreement, or the

ordinances or resolutions of the City of Moreno Valley. In addition, March Joint March JPA Commissioners are authorized to exercise their own discretion when voting. (See Harbach v. El Pueblo de Los Angeles etc. Com. (1971) 14 Cal.3d 828, 834.)

- R-6 *"By August 1, 2024, the Grand Jury recommends that the March JP A Commission establish, or be in the process of establishing, a permanent community advisory committee made up of Riverside County residents."*

Response:

This recommendation has not been implemented by the City of Moreno Valley since this matter falls within the jurisdiction of the March JPA Commission, rather than with the Moreno Valley City Council. State law acknowledges that a joint powers agreement may provide for the creation of an agency or entity that is separate from the parties to the agreement and responsible for the administration of the agreement. (See California Government Code Section 6503.5.) Moreover, March JPA Commissioners are authorized to exercise their own discretion when voting. (See Harbach v. El Pueblo de Los Angeles etc. Com. (1971) 14 Cal.3d 828, 834.)

- R-9 *"By October 1, 2024, the Grand Jury recommends that the March JP A 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."*

Response:

This recommendation has not been implemented by the City of Moreno Valley. The March JPA member agencies, including the City of Moreno Valley, approved the 14th Amendment in accordance with the Joint Powers Act. To the extent this matter falls within the jurisdiction of the March JPA Commission, the March JPA Commissioners 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. (1971) 14 Cal.3d 828, 834.)

Very truly yours,

Judith C. Clark, Presiding Judge
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Riverside County Clerk-Recorder
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A handwritten signature in black ink, appearing to be 'U. Cabrera', with a horizontal line underneath.

Mayor Ulises Cabrera
City of Moreno Valley