

**DRAFT  
SAN DIEGO LAFCO  
MINUTES OF THE REGULAR MEETING  
MARCH 3, 2008**

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There being a quorum present, the meeting was convened at 9:00 a.m. by Chairman Andy Vanderlaan. Also present were: Regular Commissioners – Councilmember Donna Frye, Supervisors Dianne Jacob and Bill Horn, Councilmember Carl Hilliard, Andy Menshek, Bud Pocklington, and Councilmember Betty Rexford. Alternate Commissioners – Mayor Mark Lewis, Harry Mathis, and John Ingalls; LAFCO Staff – Executive Officer Michael Ott; Local Governmental Analysts Robert Barry and Claire Riley; LAFCO Consultant Harry Ehrlich; and LAFCO Legal Counsel William Smith. Absent was: Alternate Commissioner: Supervisor Greg Cox.

**Item 1**

**Approval of Minutes of Meeting Held February 4, 2008**

With Commissioner Horn abstaining, on motion of Commissioner Pocklington, seconded by Commissioner Jacob, and carried unanimously by the commissioners present, the Commission dispensed with reading the minutes of February 4, 2008 and approved said minutes.

**Item 2**

**Executive Officer's Recommended Agenda Revisions**

Michael Ott indicated that there were no revisions to the agenda.

**Item 3**

**Commissioner/Executive Officer Announcements**

Commissioner Pocklington reported that he hosted a 3-day Metropolitan Water District / County Water Authority tour, which was attended by LAFCO staff members Michael Ott, Claire Riley, John Traylor, and Ingrid Hansen. Commissioner Pocklington said the tour consisted of a water educational program that included a visit to the Hoover Dam and other sites in California, Nevada, and Arizona.

Commissioner Rexford announced that the City of Poway will be holding a council meeting regarding fire issues in the upcoming weeks.

**Item 4**

**Public Comment**

Michael Ott indicated that there were no public comments.

**Item 5A**

**Adoption of an Amendment to the Sphere of Influence for the Vallecitos Water District (SA07-13)**

**Item 5B**

**Proposed “Banche Annexation” to the Vallecitos Water District (DA07-13)**

Mr. Ott indicated that there were no speaker slips in opposition to the item and requested that the Commission waive the staff report and approve said item.

Chairman Vanderlaan opened the public hearing.

Since no speaker slips were submitted in opposition to this item, and there were no discussion from the Commission, on motion of Commissioner Horn, seconded by Commissioner Jacob, and carried unanimously by the commissioners present, the Commission closed the public hearing, and took the following actions:

- (1) Certified that the information contained in the Mitigated Negative Declaration prepared by the City of San Marcos has been reviewed and considered; and
- (2) Amended the sphere of influence of the Vallecitos Water District and adopted the written Statement of Determinations as shown in Exhibit A; and
- (3) Adopted the form of resolution approving this minor sphere amendment and annexation for the reasons set forth in the Executive Officer’s Report, waived the Conducting Authority proceedings according to Government Code Section 56663(c), and ordered the annexation subject to the following conditions:

Vallecitos Water District

- a. Annexation to VWD and Sewer Improvement Districts 1, 2, 6, & “A” for sewer service.

Payment of Sewer Annexation fee	\$17,884.39
Payment of State Board of Equalization fee	\$ 500.00
Total annexation fees	\$18,384.39
- b. Submittal of copy of title report showing ownership with metes and bounds legal description of the property.
- c. No construction of or connection to any sewer mains will be allowed until completion of the annexation to VWD, approval from LAFCO, payment of annexation fees, payment of sewer capital facilities fees, payment of all current fees and charges, and completion of all and sewer facilities required for the project.

**Item 6A**

**Update of Cities Sphere of Influence and Municipal Service Review Summaries**

**Item 6B**

**Sphere of Influence and Municipal Service Review (MSR08-07; SR08-07 [A-R])**

Claire Riley provided a staff report to the Commission. Ms. Riley reported that LAFCO sent out a survey to 18 cities in San Diego County requesting information about their sphere of influence and the municipal services they provide. She said that several cities have indicated that they are experiencing financial challenges, and that there is a growing public safety problem related to fire and emergency medical services municipalities provide to the unincorporated area. Ms. Riley also said that LAFCO staff is recommending that the City of El Cajon's sphere be reaffirmed; however, she also indicated that the Commission could consider an alternative and designate affected territory as a special study area to identify and help resolve jurisdictional issues.

With no speaker slips in opposition to the item, Chairman Andy Vanderlaan closed the public hearing.

Commissioner Menshek made a motion to approve LAFCO staff's recommendations, subject to the alternative contained in the staff report for the City of El Cajon regarding the designation of unincorporated territory as special study areas to identify and facilitate the resolution of jurisdictional issues.

Commissioner Jacob asked Alternate Commissioner Lewis whether he supported Commissioner Menshek's motion regarding the special study area designations for El Cajon.

Commissioner Lewis said that the City of El Cajon is willing to work with districts that assist the City in providing services and to offset any financial challenges that the districts may be experiencing. He indicated that the City is in support of the designation of special study areas to identify and resolve jurisdictional issues in the unincorporated area.

In response to a question from Commissioner Frye regarding the conclusions of the Cities' MSRs and SOIs, Michael Ott said that after the Commission's approval of the item, LAFCO staff will prepare determinations. Commissioner Frye said that she is willing to collaborate with LAFCO to implement the City of San Diego's sphere and municipal service review conclusions.

In response to a question from Commissioner Frye, Michael Ott said that LAFCO has the capability to obtain water information from local agencies. Mr. Ott responded to Commissioner Frye's comments about the relationship of regional water issues and open space preservation.

Commissioner Pocklington provided an update of Metropolitan Water District's plan to prevent a future water crisis. Commissioner Horn and Ingalls addressed inconsistencies

between regional water rate policies and maintaining land for agricultural use. Commissioner Jacob said that the County of San Diego relies on independent agencies to provide an assessment of water availability for proposed development. Commissioner Frye requested that the Commission discuss water issues at a future meeting to address the protection of agricultural lands. She volunteered to participate on a sub-committee that addresses water issues, if necessary.

Michael Ott suggested that he return to the Commission at a future date to more thoroughly address regional water issues. Mr. Ott indicated that he would first consult with Commissioner Pocklington who is a member of the Metropolitan Water District and the San Diego County Water Authority.

On motion of Commissioner Menshek, seconded by Commissioner Pocklington, and carried unanimously by the commissioners present, the Commission took the following actions:

- (1) Found in accordance with the Executive Officer's determination that pursuant to Section 15061(b)(3) of the State CEQA Guidelines, the sphere affirmations, special study area(s) and/or minor sphere amendment(s) are not subject to the environmental impact evaluation process because it can be seen with certainty that there is no possibility for the proposed projects to significantly impact the environment, and the activity is not subject to CEQA;
- (2) Found in accordance with the Executive Officer's determination, that pursuant to §15306 of the State CEQA Guidelines, the municipal service review is not subject to the environmental impact evaluation process because the service review consists of data collection and research that will not result in a disturbance to an environmental resource;
- (3) For the reasons set forth in the *Cities in San Diego County Sphere of Influence and Municipal Service Review Summaries and Service Review and Sphere of Influence Review Data Summary*, affirmed the existing larger than city spheres of influence for the cities of Coronado, Encinitas, Lemon Grove, Poway, and Vista and affirmed the existing coterminous spheres of influence for the cities of Del Mar, Imperial Beach, La Mesa, Santee, and Solana Beach. In addition to the affirmation of La Mesa's sphere, ratified the exemption approved in 2006, concerning the waived restriction on approving sphere amendments subsequent to a sphere review due to the possibility for septic system failures in certain areas around the City of La Mesa;
- (4) Reaffirmed the existing spheres and acknowledged potential future sphere amendments for the larger than city spheres of Chula Vista, Escondido, National City and Oceanside, and the coterminous spheres of the cities of Carlsbad and San Diego;
- (5) Reaffirmed the larger than city sphere for the City of San Marcos and acknowledged that a comprehensive sphere review maybe necessary depending on the magnitude of future sphere and jurisdictional changes;

- (6) Reaffirmed the City of El Cajon's sphere, subject to the designation of affected unincorporated territory with special study area designations to identify and help resolve service provision and jurisdictional issues; and
- (7) Directed the Executive Officer to prepare written Statements of Determinations and associated resolutions.

**Item 7**

**Recommended Final FY 2008-09 LAFCO Budget**

Mr. Ott indicated that there were no speaker slips in opposition to the item.

Chairman Vanderlaan opened the public hearing.

Commissioner Frye asked if the FY 2008-09 LAFCO budget contained sufficient funds associated with establishing a sub-committee to address water issues. Michael Ott said that the budget contains sufficient funds.

Since no speaker slips were submitted in opposition to this item, and there were no further discussion from the Commission, on motion of Commissioner Frye, seconded by Commissioner Rexford, and carried unanimously by the commissioners present, the Commission closed the public hearing, and took the following action:

Adopted the Final FY 2008-09 LAFCO Budget and directed the Executive Officer to implement all related budget recommendations in the Executive Officer's report, including but not limited to:

- (a) Directing the County Auditor/Chief Financial Officer to request payment from the Board of Supervisors and from each city and independent district no later than July 1 for the amount owed and the actual administrative costs incurred by the auditor in apportioning costs and requesting payment from each entity (Government Code Section 56381);
- (b) Authorizing the Executive Officer and the County Auditor/Chief Financial Officer to determine an appropriate method of collecting the required payment if payment is not remitted within 60 days. Per State Law, the Executive Officer may request the Auditor to collect an equivalent amount from the property tax or any fee or eligible revenue owed to the County, city, or district. Any expenses incurred by the Commission or Auditor in collecting late payments shall be added to the payment owed the Commission (Government Code Section 56381). Requesting the Auditor to use the budget adoption date as the basis for selecting the most recent editions of the accounting publications that must be used under State Law to prepare the cost apportionment allocation;

- (c) Authorizing the Executive Officer to transfer unspent funds from the FY 2007-08 and 2008-09 budgets to LAFCO's Contingency Reserve Fund, consistent with LAFCO's Reserve Fund Policy (F-100);
- (d) Authorizing the Executive Officer to make applicable appropriations adjustments and fund transfers from the LAFCO Contingency Reserve Fund to LAFCO's operating revenue accounts, to contain LAFCO's net cost at the budgeted amount for FY 2007-08 (\$1,196,951) and FY 2008-09 (\$1,202,534);
- (e) Authorizing the Executive Officer to implement necessary services and supplies and staffing level additions and deletions to maintain an appropriate staff-to-workload ratio for FY 2007-08 and FY 2008-09;
- (f) Authorizing the continuation of the performance incentive (bonus) program for outstanding performance per available resources in the Final FY 2007-08 and FY 2008-09 LAFCO budgets;
- (g) Authorizing the Executive Officer to execute and renew professional services contracts based on the cost-containment provisions followed by the Commission (i.e., limit consultant cost schedule increases to the rates applicable to LAFCO employees) in the FY 2008-09 budget;
- (h) Ratifying the long-term and short-term strategic objectives and the workload and miscellaneous activity programs contained in the FY 2008-09 budget; and
- (i) Authorizing the Executive Officer to direct the County Auditor to establish LAFCO's budget and appropriations at the gross and net levels contained in Figures 2 and 3 of the Recommended FY 2008-09 LAFCO Budget.

### **Item 8**

#### **Personnel Rules – Continued from October 1, 2007 LAFCO Meeting**

This item was continued from October 1, 2007 to provide additional time to review Article I of LAFCO's Rules: Organization (Sections 1.8, 1.11, and 1.12) and Article VI: Personnel Rules (Sections 6.2, 6.6, 6.7, 6.9, 6.10, 6.11.4, 6.11.5, 6.12, 6.15, and 6.20). All other revisions to LAFCO's Rules recommended by the Executive Officer were unanimously accepted and approved by the Commission on October 1, 2007. Mr. Ott reported that since the October 2007 meeting, Commissioner Jacob and he reviewed the remaining sections of the Rules in consultation with Legal Counsel and the Department of Human Resources (DHR) in San Diego County. Mr. Ott noted that this process resulted in further recommended revisions and improvements to the Rules. He indicated that two different font styles were used to identify changes between the October 1, 2007 and March 3, 2008 recommendations.

On motion of Commissioner Rexford, seconded by Commissioner Pocklington, and carried unanimously by the commissioners present, the Commission took the following action:

Received and approved the Executive Officer's March 3, 2008 recommended revisions to Sections 1.8, 1.11, 1.12 of LAFCO's Rules (Article I: Organization) and Sections 6.2, 6.6, 6.7, 6.9, 6.10, 6.11.4, 6.11.5, 6.12, 6.15, 6.20 of LAFCO's Personnel Rules (Article VI: Personnel). The Commission also received and approved all other revisions to the Rules contained in Attachment A: Sections I-VII, previously approved by the Commission on October 1, 2007.

**Item 9**

**March 2008 Legislative Status Report**

Harry Ehrlich provided a staff report to the Commission. He reported that SB 806 (Hollingsworth) has died and is no longer a bill. Commissioner Jacob provided an update on SB 806 and indicated that she will be meeting with officials in Sacramento to discuss the need for fire protection funding.

Commissioner Frye supported LAFCO staff's legislative recommendations, but indicated that the Commission should oppose SB 375 (Steinberg) because the bill has the potential to neutralize some of LAFCO roles.

On motion of Commissioner Frye, seconded by Commissioner Pocklington, and carried unanimously by the commissioners present, the Commission took the following action:

Received, discussed, and supported LAFCO staff's March 3, 2008 legislative recommendations with one modification regarding the opposition to SB 375 (Steinberg). The Commission also requested that all other bills that were introduced after distribution of the March 3<sup>rd</sup> report be presented to the Commission on April 7, 2008 for review and direction.

There being no further business to come before the Commission, the meeting adjourned at 10:09 a.m. to the April 7, 2008 meeting, in Room 302, County Administration Center.

**Tita Jacque Mandapat  
Administrative Assistant**