

**DRAFT
SAN DIEGO LAFCO
MINUTES OF THE REGULAR MEETING
DECEMBER 1, 2008**

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There being a quorum present, the meeting was convened at 9:05 a.m. by Chairman Andy Vanderlaan. Also present were: Regular Commissioners – Supervisors Dianne Jacob and Bill Horn, Councilmembers Donna Frye, Carl Hilliard, and Betty Rexford. Alternate Commissioner – Harry Mathis, John Ingalls, and Mayor Mark Lewis. LAFCO Staff – Executive Officer Michael Ott; Chief, Governmental Services, Ingrid Hansen; Local Governmental Analysts Robert Barry and Claire Riley; LAFCO Consultant Harry Ehrlich; and LAFCO Legal Counsel William Smith. Absent were: Regular Commissioners: Bud Pocklington and Andy Menshek. Alternate Commissioners – Supervisor Greg Cox.

**Item 1
Roll Call**

The Commission Secretary performed the roll call for the December 1, 2008 LAFCO meeting. All commissioners were present with the exception of Bud Pocklington and Andy Menshek. The Commission Secretary indicated that John Ingalls would vote in place of Bud Pocklington.

**Item 2
Approval of Minutes of Meeting Held October 6, 2008**

Chairman Andy Vanderlaan summarized the approval process for the minutes of the November 3, 2008 meeting.

On motion of Commissioner Horn, seconded by Commissioner Rexford, and carried unanimously by the commissioners present (Commissioners Jacob, Horn, Frye, Hilliard, Rexford, Mathis, Ingalls, and Lewis), the Commission dispensed with reading the minutes of November 3, 2008 and approved said minutes.

**Item 3
Executive Officer's Recommended Agenda Revisions**

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

**Item 4
Commissioner/Executive Officer Announcements**

Chairman Andy Vanderlaan presented plaques of appreciation to James Alkire (South Bay Irrigation District) and Richard Olson (North County Fire Protection District), former members of the Special Districts Advisory Committee, for their dedicated service to LAFCO. In addition, Chairman Vanderlaan said that Keith Lewinger would also receive

a plaque of appreciation, but was not able to attend the meeting to receive it. Chairman Vanderlaan indicated that LAFCO staff would mail the plaque to him.

The Commission welcomed back Supervisor Dianne Jacob from her surgery.

Item 5
Public Comment

There were no public comments.

Item 6A
Proposed “Latent Sewer Power Area Expansion” (Borrego Water District) (LP08-23a)

Item 6B
Proposed “Latent Powers Activation (Park and Recreation)” (Borrego Water District) (LP08-23b)

Item 6C
Proposed “Latent Powers Activation (Solid Waste Collection and Disposal)” (Borrego Water District) (LP08-23c)

Item 6D
Proposed “Consolidation of the Borrego Water District and Borrego Springs Park Community Services District” (DC08-23)

Michael Ott introduced Robert Barry, Local Governmental Analyst, who provided the Commission with a PowerPoint presentation. Mr. Barry indicated that the Boards of Directors for the Borrego Water District and Borrego Springs Park Community Services District submitted a resolution to LAFCO requesting the consolidation of both districts into a successor district – the Borrego Water District. He said that State Law requires LAFCO to approve or conditionally approve the proposal because both boards unanimously adopted substantially similar resolutions.

Chairman Andy Vanderlaan opened the public hearing.

In response to a question from Commissioner Horn regarding conducting authority proceedings, Robert Barry said that there will be a protest period following the December 1, 2008 LAFCO meeting. He indicated that there are approximately 1,446 registered voters in the combined subject territories eligible to protest the consolidation at the conducting authority proceedings hearing that will be held on January 9, 2009. He said that 25% of those registered voters (362 voter signatures), or 25% of landowners who own at least 25% of the assessed value of land in the consolidation territory, could force an election for the consolidation. Mr. Barry also said that according to Government Code Section 57078, if 50% of the registered voters or landowners file protests, the consolidation would be terminated.

Michael Ott said that a notice of conducting authority / protest hearing by LAFCO will be published in a local newspaper 21 days prior to the protest hearing, and that the notice would also be mailed to subject agencies and interested parties. Mr. Ott indicated that individual notification to registered voters and land owners is not required.

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

1. Concurred in the determination by the Borrego Water District that the proposed consolidation is not subject to the environmental impact evaluation process because (a) it involves consolidation of two or more districts having identical powers where the geographic area in which previously existing powers are exercised will not change as a result of the consolidation (Government Code § 15320(b)), and (b) because consolidation does not have potential for causing a significant effect on the environment (Calif. Admin Code § 15061 (b)(3));
2. Determined that the successor Borrego WD would be providing all services previously provided by the Borrego Springs Park CSD and determined therefore, that the property tax allocation of the Borrego WD and the Borrego Springs Park CSD shall be transferred to and become the base property tax for the successor district; and
3. Expanded the existing Borrego WD Latent Powers Sewer Area to include the Borrego Springs Park CSD service area; and
4. Activated the Borrego WD Latent Powers for Park and Recreation, and Solid Waste Collection and Disposal services and expansion of the Borrego WD Latent Powers Sewer Area will be conditioned on the completion of the proposed consolidation, effective on the date of recordation; and
5. Determined that modifications to the terms and conditions in Exhibit A are technical and not material; and
6. Approved the proposed consolidation subject to the terms and conditions of consolidation (Exhibit A) for the reasons set forth in the Executive Officer's Report, and delegated to the Executive Officer responsibility for holding conducting authority proceedings.

Chairman Andy Vanderlaan said a few comments in respect to the late John Sasso, Former President of the Borrego Water District, who advocated for consolidation and who was the longest serving president of the District. Mr. Sasso was a former LAFCO Commissioner for 10 year who also served on the Special Districts Advisory Committee for 7 years.

Item 7A

Proposed Sphere Amendment to the Rural Fire Protection District (SA07-06)

Item 7B

Proposed “Pilot Travel Center Annexation” to the Rural Fire Protection District (DA07-06)

Ingrid Hansen provided a PowerPoint presentation to the Commission. Ms. Hansen reported that on November 19, 2008, the latent powers for structural fire protection and emergency medical services (EMS) within a service-specific area of CSA No. 135 was activated. She said that action authorized CSA No. 135 to be the responsible party for providing fire protection and EMS services to the proposed “Pilot Travel Center Annexation” subject territory. Ms. Hansen indicated that since the subject territory is now receiving fire protection and EMS services, the proposal is qualified for exemption for environmental review. Ms. Hansen said that if the Commission decides to approve the modified proposal, the annexation territory would be excluded from CSA No. 135. Ms. Hansen said that exclusion from CSA No. 135 is necessary to prevent duplication of services to the subject territory. She provided the Commission with the following options:

- A) Modify the Pilot Travel Center annexation proposal to include additional territory as shown on the attached map; amend Rural FPD’s sphere of influence to include the territory shown on the attached map; approve the modified Statement of Determinations as proposed in Exhibit A; delegate to the Executive Officer of the Local Agency Formation Commission the responsibility for holding conducting authority / protest proceedings; and adopt the form of resolution approving the sphere amendment, annexation, and detachment for the reasons set forth in the Executive Officer’s Report, subject to the following conditions:
 - (1) Submittal of a map and legal description of the modified annexation area that complies with the standards and requirements of both the County Assessor’s Mapping Division and the State Board of Equalization; and
 - (2) Approval of the renegotiated property tax exchange agreement resolution.

OR

- B) Deny the proposed sphere amendment and annexation, whereby the proposal cannot be re-submitted for one year.

OR

- C) Deny the proposed sphere amendment and annexation without prejudice, whereby the proposal can be re-submitted in less than one year.

Chairman Andy Vanderlaan opened the public hearing.

Supervisor Greg Cox, Board of Supervisors, addressed the Commission in support of LAFCO staff's recommendations / modified proposal to approve the annexation and additional territory to the Rural FPD. Supervisor Cox said that the East Otay Mesa area has potential for economic growth, and that the approval of the Pilot Travel Center Annexation would help the area reach its full potential. He said that the Rural FPD has a funding mechanism in place to ensure that the subject area and additional territory continues to receive ongoing fire protection and EMS services in the future.

Dave Nissen, Chief of Rural Fire Protection District, addressed the Commission in support of annexing the subject territory and additional territory to the Rural FPD. In response to a question from Commissioner Rexford, Chief Nissen said that the contractual service agreement between the City of San Diego and Rural FPD is open for review on an annual basis. He also said that the modified proposal would include additional territory.

In response to a question from Commissioner Jacob, Chief Nissen said that the Rural FPD currently is the first responder that provides fire protection and EMS services to the subject territory. He said that if the Rural FPD is unable to be the first responder to the subject territory, a contractual service agreement is in place for the City of San Diego to respond to the area. Chief Nissen said that the contractual service agreement authorizes the City to request a reimbursement of \$350 per response if an engine company responds to the area or \$500 per response if a truck company responds to the area. He said that the City would not have received any compensation for providing services to the subject area prior to the establishment of the contractual service agreement.

Cindy Eldred, representative for the Rural FPD, addressed the Commission in support of annexation of the subject territory and additional territory to the Rural FPD. She provided the Commission with a summary sheet showing Rural FPD's automatic aid agreements with other local agencies. In response to a question from Chairman Vanderlaan, Ms. Eldred said that none of Rural FPD's aid agreements have been subject to termination provisions.

Jeff Murphy, Deputy Director for the Department of Planning and Land Use, addressed the Commission in support of annexation of the proposal site and additional territory to the Rural FPD. Mr. Murphy indicated that the County's Hybrid Plan included a contractual service agreement with Rural FPD to provide services to the East Otay Mesa area, which includes the Pilot Travel Center site. He said that the Rural FPD receives a special assessment tax to ensure ongoing funding in the future for providing fire and emergency medical services to the area. Mr. Murphy said that the estimated tax assessment would generate approximately \$300,000 per year once the area is fully developed.

In response to a question from Commissioner Ingalls, Dave Nissen said the \$300,000 figure was based on anticipated revenue of the build-out of approximately 715 acres in the East Otay Mesa area.

Property owner David Wick, and representative for the De la Fuente Family who own the majority of the properties in the East Otay Mesa area, addressed the Commission in support of the proposed Pilot Travel Center annexation and additional territory to the Rural FPD.

Cindy Eldred addressed the Commission on behalf of Tom Story who is a representative for Sunroad that owns approximately 250 acres in the subject area. Ms. Eldred indicated that Sunroad is in support of the proposal to annex the subject territory and additional territory into Rural FPD.

Rob Nixon, President and representative of the East Otay Mesa Property Owners Association, addressed the Commission in support of the proposed Pilot Travel Center annexation and additional territory to the Rural FPD.

Michael Ott clarified that if the Commission approves the proposed annexation, the action would only exclude the subject area from CSA No. 135's fire protection and emergency medical services latent power service area; not the parent boundaries of CSA No. 135.

At the request of Chairman Andy Vanderlaan, Ingrid Hansen repeated LAFCO staff's recommendations.

Commissioner Jacob commended LAFCO staff and the Rural FPD's efforts to resolve emergency service issues and said that the Commission's concerns of the proposal have been addressed. She placed a motion on the floor to approve LAFCO staff's Option "A".

Commissioner Rexford seconded the motion.

With no further discussion from the Commission, on motion of Commissioner Jacob, seconded by Commissioner Rexford, and carried unanimously by the commissioners present, the Commission closed the public hearing, and took the following actions:

- (1) Found in accordance with the Executive Officer's determination, that pursuant to Section 15320 of the State CEQA Guidelines, the modification of the Pilot Travel Center annexation to Rural FPD and concurrent sphere amendment are not subject to the environmental impact evaluation process because the proposal consists of a change in organization of government agencies which does not change the area in which previously existing powers are exercised; and
- (2) Modified the Pilot Travel Center annexation proposal to include additional territory as shown on the attached map; amended Rural FPD's sphere of influence to include the territory shown on the attached map; approved the modified Statement of Determinations as proposed in Exhibit A; delegated to the Executive Officer of the Local Agency Formation Commission the responsibility for holding conducting authority / protest proceedings; and adopted the form of resolution approving the sphere amendment, annexation, and detachment for the

reasons set forth in the Executive Officer's Report, subject to the following conditions:

- (1) Submittal of a map and legal description of the modified annexation area that complies with the standards and requirements of both the County Assessor's Mapping Division and the State Board of Equalization; and
- (2) Approval of the renegotiated property tax exchange agreement resolution.

Item 8A

Adoption of an Amendment to the Sphere of Influence for the Vista Irrigation District (SA08-22)

Item 8B

Proposed "Rose Mountain Road Reorganization" (Vista Irrigation District, Vallecitos Water District) (RO08-22)

At the request of Michael Ott, the Commission waived the staff presentation.

This was an information item and no action was required by the Commission.

Item 9

Proposed "Alpine Regional Center Annexation" to the Alpine Sanitation District (DA08-25)

At the request of Michael Ott, the Commission waived the staff presentation.

This was an information item and no action was required by the Commission.

Item 10

Update of City and Special District Sphere of Influence and Municipal Service Review Summaries

Claire Riley provided a staff presentation to the Commission.

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

Accepted and approved the 2008 City and Special Districts Sphere of Influence and Municipal Service Review Summaries.

Item 11

Selection of 2009 Chair and Vice Chair

Michael Ott provided a staff presentation to the Commission.

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

Appointed Supervisor Horn as LAFCO's 2009 Chairman and Bud Pocklington as the 2009 Vice Chairman.

Chairman Andy Vanderlaan thanked his fellow commissioners for allowing him to serve as the LAFCO Chairman for the past three years. He also thanked LAFCO staff for their support.

Item 12

Cancellation of the January 5, 2009 Meeting / Holiday Office Closure and 2009 Meeting Calendar

Michael Ott provided a brief staff presentation to the Commission.

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

- 1) Authorized the Executive Officer to close the LAFCO office from December 22-26, 2008, and adjourned the December 1, 2008 meeting to February 2, 2009; and
- 2) Approved the cancellation of the January 5, 2009 meeting and the 2009 LAFCO Meeting Calendar.

Item 13

2008 Annual Legislative Report

LAFCO Consultant Harry Ehrlich provided a staff presentation to the Commission that discussed all the bills that LAFCO was tracking in 2008. He reported that on December 3, 2008, a Special Session of the Legislature would be held by the Governor to address California's budget deficit.

This was an information item and no action was required by the Commission.

There being no further business to come before the Commission, the meeting adjourned at 10:00 a.m. to the February 2, 2009 meeting, in Room 302, County Administration Center.

**Tita Jacque Mandapat
Administrative Assistant**