

**DRAFT
SAN DIEGO LAFCO
MINUTES OF THE REGULAR MEETING
OCTOBER 6, 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 – Supervisors Bill Horn and Dianne Jacob, Bud Pocklington, Andy Menshek, Councilmembers Donna Frye, Carl Hilliard, and Betty Rexford. Alternate Commissioner – Mayor Mark Lewis. LAFCO Staff – Executive Officer Michael Ott; Chief, Policy Research Shirley Anderson; Chief, Governmental Services Ingrid Hansen; LAFCO Consultants Harry Ehrlich and John Traylor; and LAFCO Legal Counsel William Smith. Absent were: Alternate Commissioners – John Ingalls, Harry Mathis, and Supervisor Greg Cox.

**Item 1
Roll Call**

At the request of Chairman Andy Vanderlaan, the Commission Secretary performed the roll call for the October 6, 2008 LAFCO meeting. All commissioners were present with the exception of Alternate Commissioners Ingalls and Mathis, and Supervisor Cox.

**Item 2
Approval of Minutes of Meeting Held August 4, 2008**

On motion of Commissioner Horn, seconded by Commissioner Jacob, and carried unanimously by the commissioners present, the Commission dispensed with reading the minutes of August 4, 2008 and approved said minutes.

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

Michael Ott recommended that when the Commission considers Items 10A & 10B (Sphere of Influence and Proposed "Pilot Travel Center Annexation" to the Rural Fire Protection District), the proposal be continued, pending resolution of associated issues. He indicated that Items 10A & 10B would be considered concurrently with Items 9A, 9B, and 9C.

**Item 4
Commissioner/Executive Officer Announcements**

Chairman Andy Vanderlaan provided the Commission with an update of the 2008 CALAFCO Annual Conference that was held September 3-5 at Universal City. Chairman Vanderlaan said that he attended the Conference as well as Commissioner Betty Rexford, Michael Ott, Harry Ehrlich, and Legal Counsel Bill Smith. Chairman Vanderlaan reported that Michael Ott received the CALAFCO Outstanding LAFCO Professional of the Year award for overseeing the overall efforts of San Diego LAFCO –

specifically the effort to reorganize fire protection and emergency medical services in the County. He commended Augie Ghio, Fire Chief for the San Miguel Consolidated Fire Protection District, for his participation as a panelist on the “Disaster Driven Decisions” session at the Conference. He said that the Conference was well attended and that many people who attended the session highly praised the panelists and topics that were discussed.

Michael Ott reported that CALAFCO presented San Diego LAFCO with a 2008 Distinguished Service Award, specifically for their authorization to allow Mr. Ott to serve on a planning group for the 2008 CALAFCO Annual Conference. He also said CALAFCO presented a Recognition Award to Ingrid Hansen for her dedicated services to San Diego LAFCO. Mr. Ott said that the 2009 CALAFCO Annual Conference will be held in Yosemite.

Item 5
Public Comment

There were no public comments.

Item 6
Proposed “1055 Hamilton Lane Reorganization” (City of Escondido) (RO08-02)

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

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

- (1) Certified that the information contained in the Mitigated Negative Declaration prepared by the City of Escondido has been reviewed and considered; and
- (2) Adopted the form of resolution approving this reorganization 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 reorganization subject to the following condition:

Payment by property owner of City annexation fees, and State Board of Equalization charges.

Item 7
Proposed “Westland Nursery Reorganization” (Vallecitos Water District) (RO08-13)

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

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

- (1) Found in accordance with the Executive Officer's determination by LAFCO that pursuant to Section 15061 (b)(3) of the State CEQA guidelines, this reorganization is not subject to the environmental impact evaluation process because it can be seen with certainty that there is no possibility for the proposed project to significantly impact the environment, and the activity is not subject to CEQA; and
- (2) Adopted the form of resolution approving the reorganization for the reasons set forth in the Executive Officer's report, waved the Conducting Authority proceedings according to Government Code Section 56663 (c), and ordered the reorganization and the following terms and conditions:
 - a) Payment of water annexation fee of \$696.92 per acre (3.5 acres) = \$2,439.22.
 - b) Detachment from VID
 - c) LAFCO approval required.
 - d) Completion of reorganization within one year from the initial board approval, unless extension is granted by the executive officer.
 - e) It is the owner's responsibility to have water service available from VWD upon completion of detachment from VID.

Item 8

Proposed "Nordahl Road Reorganization" (Vallecitos Water District) (RO08-17)

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

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

- (1) Found in accordance with the Executive Officer's determination by LAFCO that pursuant to Section 15319 (a) of the State CEQA guidelines, this reorganization is not subject to the environmental impact evaluation process because the proposal area contains existing structures and is developed to the density allowed by current zoning/prezoning of either the gaining or losing governmental agency (whichever is more restrictive), and any utility extensions would only have the capacity to serve existing structures; and
- (2) Adopted the form of resolution approving this reorganization 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 reorganization, subject to the following terms and conditions:
 - (a) Payment of water annexation fee of \$5,010.00 per acre (5.11 acres) = \$25,601.00.
 - (b) Payment of sewer annexation fee of \$6,809.00 per acre (5.11 acres) = \$34,794.00.

- (c) Payment of State Board of Equalization Fee for 5.11 acres = \$350.00.
- (d) Submit copy of title report showing ownership with metes and bounds legal description of the property. The legal description should describe the perimeter of the property.
- (e) No construction of or connection to any water and sewer mains will be allowed until completion of the annexation to VWD, detachment from VID, approval from LAFCO, payment of annexation fees, payment of water and sewer capital facilities fees, payment of all current fees and charges and acceptance of all water and sewer facilities required for the project.
- (f) Completion of reorganization within one year from the initial board approval, unless extension is granted by the executive officer.

Item 9A

Conditionally Approved Reorganization of Structural Fire Protection and Emergency Medical Services in Unincorporated San Diego County – Phase I (RO05-10; DF05-10)

Item 9B

Proposed Activation of Latent Powers for Structural Fire Protection and Emergency Medical Services within a Service Zone of County Service Area No. 135 (San Diego Regional Communications System) (LP05-20)

Item 9C

Adoption of a Service-Specific Sphere of Influence for the Latent Powers Zone within CSA No. 135 (SIF108-20)

(DISCUSSION / ACTION SUMMARY)

Chairman Andy Vanderlaan opened the public hearing.

Michael Ott: Thank you Mr. Chairman. There will be a PowerPoint presentation on this item as well. 9A, B, & C are related to a reorganization of structural fire protection and emergency medical services in San Diego County, as well as the proposed activation of latent powers for those services within a portion of an existing entity that has already been established – County Service Area No. 135. County Service Area No. 135 encompasses a significant amount of territory in the County, and its purpose is currently restricted to providing regional communications. If this item is approved today, that would change the services that are authorized by County Service Area No. 135 to include fire protection and emergency medical service. Shirley Anderson will give a presentation, and will provide further details.

Shirley Anderson: I will give a presentation on Item 9A, B, & C, and will integrate a presentation on the Pilot Travel Center, which to my understanding, the Commission wishes to hear this morning. Ingrid Hansen and John Traylor will give that

presentation. And then I will return to give the final recommendations for 9A, B & C, after the Pilot Travel Center presentation.

Today's Item 9A, B, & C, involve the activation of latent powers in the unincorporated area. The request to activate latent powers for structural fire protection and emergency medical services within a specific zone of CSA No. 135 is actually an outgrowth of this Commission's work and its latest approval, which was the reorganization of structural fire protection and emergency medical services within the unincorporated area. That approval, that plan – LAFCO plan, was forwarded to the Board of Supervisors last December and received by the Board in January. The Board asked their staff to in turn, evaluate LAFCO's reorganization plan to re-evaluate it in regards to the existing County Fire Enhancement Program and other programs – state and local programs – that interrelate with fire protection in the unincorporated area. County staff returned to the Board of Supervisors in June, 2008, with what has become known as the Hybrid Plan. The Board of Supervisors approved that plan in June, and it returns now to LAFCO to activate latent powers in a portion of the plan. LAFCO's reorganization and the Hybrid Plan cover substantially the same territory. They also both rely on CSA No. 135, which is a county-dependent special district as the underlying governance structure. Beyond that, the two plans are fundamentally different strategies for providing improved services in the unincorporated area. Nevertheless, both strategies seek to improve fire protection and emergency medical services and as you'll hear, staff has recommended that the Commission withdraw its approval of the original LAFCO reorganization of structural fire protection and emergency medical services in unincorporated San Diego County and lend conditional support to the Hybrid Plan. So the actual action that you'll be reviewing today is activating latent powers for structural fire protection and emergency medical services within a portion of CSA No. 135. We have some visual aids for you because I have learned over the past weeks, trying to explain how this is organized can become confusing. So we'll walk you through it carefully.

We start with a visual of the County of San Diego. The black lines that you see on the map represent agencies, cities, special districts, fire protection districts, municipal water districts, County Service Areas, military installations, that all provide fire protection services. When you start lumping them all together, special districts, water districts, cities – not all cities provide their own fire protection, a few of them rely on special districts – federal installations, state CALFIRE; CALFIRE is a contractor and it goes on and on and on. You see that we have a lot of entities involved in fire protection in the County. So within the County, we have County Service Area No. 135 – 135 is the San Diego Regional Communications System. CSA No. 135 covers all of the unincorporated area and 10 cities. There are additional cities that contract with the CSA; but for our purposes, CSA No. 135 covers all of the unincorporated area. So CSA No. 135 is a county-dependent special district; that means that when necessary, the Board of Supervisors puts on their special district hat and behaves as the board of directors for this CSA. Day-to-day operations are taken care of by the Sheriff's Department under the Public Safety Group. So on June 25, 2008, when the Board of Supervisors approved the Hybrid Plan, they also under their authority as the head of CSA No. 135 formed a zone within CSA No. 135. The same resolution that formed the zone gave its name – San Diego County Regional Fire Authority. As you can see, it doesn't cover all of CSA No. 135, it doesn't even cover all of the unincorporated area.

The big tan shapes in the northeast corner of the map is the Borrego Fire Protection District; right dead center is the Julian Cuyamaca Fire Protection District – Julian is not in the Fire Authority. And as you'll see, and we'll discuss further today, it's not in any of the actions that will come to LAFCO. Also, eliminated from the San Diego County Regional Fire Authority are numerous fire protection districts on the western periphery of the Fire Authority. Those are districts that are a little more robust in their funding, stronger organized districts that were not included in the LAFCO reorganization's initial step either. They would have been considered in a subsequent reorganization plan that LAFCO and the Fire Districts Association and Fire Chief's Association had put forward. So as I said, the Hybrid Plan, the Regional Fire Authority, and LAFCO's reorganization are very similar in size. The geography that they cover in here, we've over-layed what the reorganization would have covered. Again, Borrego Fire Department and Julian Cuyamaca, and the agencies on the periphery were not included in the LAFCO reorganization. What you see there in the bright yellow parcels are the areas that are included in the Hybrid Plan, but were not included in the reorganization. CSA No. 110 represents one of those – CSA No. 110 had opted out of the LAFCO reorganization. The rest of the parcels are tribal reservation lands. They were not included in the LAFCO reorganization for a number of reasons. One of them is we had received formal request that they not be included. They're not on the tax rolls, it's difficult to do any sort of financing mechanism there. However, they were fully integrated as partners in providing fire protection in the unincorporated area. The Hybrid Plan has chosen to include all those reservations within the formal boundary. So we come back to here is the total acreage of the San Diego Regional Fire Authority. Services will not be implemented all at one time, however. The plan put forward would incrementally spread the authority for fire protection and emergency medical services across this area in three steps over about four years.

Step I, which is the action that is before LAFCO today, is about 942,000 acres. As you can see, there are no agencies, no formal fire protection agency boundary within Step I; so there are no agencies to dissolve, no agencies to consolidate. There are, however, six volunteer companies, they have been out there, and they have been the sole structural fire protection and emergency medical service providers for a number of years. There are also contract CALFIRE stations that have been engaged by the County's Fire Enhancement Plan and has been in place for a number of years. The volunteer fire stations, which were illustrated by the big "V" on the previous map are De Luz Inter-Mountain, Ocotille Wells, Ranchita, Shelter Valley, and Sunshine Summit. The CALFIRE contract stations, which are primarily Amador stations, are Rincon, De Luz, Witch Creek, and there is a Schedule A at Warner Springs. Schedule A, in generally speaking, relies on local resources, local equipment, local facility staffed by CALFIRE. The County and CALFIRE have come up with a very innovative concept in this Warner Springs Schedule A, where it's primarily a CALFIRE station that local entities will put their equipment there and CALFIRE will operate equipment. It's a very innovative approach to this – this should be cost effective and an illustration of what could be done when people start cooperating.

Step II of this plan, which will occur in about 2010/2011 according to the schedule that was given to LAFCO, involves county service areas. Now these will have to be formally dissolved before they are integrated under the Hybrid Plan, otherwise you would have a

county service area providing fire service overlaying other county service areas that are authorized to provide fire service; something that the Cortese-Knox-Hertzberg does not look kindly upon. So these agencies would have to be dissolved before they were integrated into the Hybrid Plan. These are the county service areas that would occur in Step II: Mount Laguna, Palomar Mountain, Boulevard, Campo, and San Pasqual. That again is the schedule that was outlined would have this happen in 2010 or 2011, we have heard informally that there is a big push to make this occur a lot sooner. Step III, 2010/2012, I think that's supposed to say 2011 and 2012, Step III includes two fire protection districts. Again, the districts would need to be dissolved into the Pine Valley and San Diego Rural. Also the Julian Cuyamaca Fire Protection District has indicated – you have a letter in your agenda package – that indicated their interest to be considered at this time. Now, the Julian Cuyamaca Fire Protection District is not in the Step schedule nor as I have already told you is it in the underlying County Regional Fire Authority; so the Board of Supervisors would have to take action to include it in the Fire Authority before it could be included in the next layer of the Hybrid Plan steps.

So we have this entire San Diego County Regional Fire Authority, and what we're doing here today is considering the Activation of Latent Powers for Structural Fire Protection and Emergency Medical Services just in Step I. Services in Step I will be provided by these agencies by contract. I understand that the County has already completed contracts with the volunteer agencies and the CALFIRE agencies have been under contract for a number of years for Amador plans and Schedule A. The County is completing a response time study right now, and once completed the response time study will allow us to understand the nature of the response area where acceptable response of first responder service can be provided to the area. Once that's understood, we'll understand what additional contracts need to be negotiated. There are likely areas around the periphery of this or within other jurisdictions that there may need to be automatic aid contracts or contracts with alternative agencies to provide service where response times are not acceptable from the contract agencies already in place. I need to make one notation to you...the maps that you are viewing here, and the map that was put before you this morning are different. The maps before you, and there was not time to change the PowerPoint presentation, is actually difficult to see...perhaps you wouldn't even notice, there are very small parcels on the left...you see some little yellow blobs, close to the City of Carlsbad...you'll see some little red blob there, the City of San Diego; those are parcels that have been eliminated from Step I as a technical update. LAFCO staff was doing an analysis of this project based on the text that was submitted to us from County staff that said that there would be no unserved islands; and we assumed that they meant all of the unincorporated areas, so this was included. The technically updated map in front of you does not include these, nor do any of the maps that you will see here. There are some areas in here however, that are included that you can't see, and I'll blow this up so that you can. This has been highlighted in your staff report. We have some pending proposals; one is the Alpine Fire Protection District proposal of unincorporated islands. The Alpine Fire Protection District there in the middle, you could see the small yellow parcels. Together, those four islands comprise about 60 acres of territory that is completely surrounded by the Alpine Fire Protection District, but not part of the district. The District has provided fire responder service there without remuneration. They are the logical first responder, and LAFCO staff is recommending that the Commission take advantage of provisions in the

Cortese-Knox-Hertzberg that allows the Commission to approve this proposal going forward as it is. The issue here is that we have two proposals simultaneously for the same thing. This activation of latent powers for CSA No. 135 includes this territory; the Alpine annexation proposal includes this territory. We are requesting that you give preference and priority to the Alpine Fire Protection District proposal, and let the annexation of these islands go forward and proceed. The other issue is the Pilot Travel Center, which is in the east Otay Mesa area. It again represents overlapping proposals. There is a proposal that has been on the books for over a year, to annex the area into the Rural Fire Protection District. That has been continued pending satisfaction of conditions that the Commission had put on that proposal. The Hybrid Plan proposal also asked to include the area in CSA No. 135; that territory is unincorporated, it's in Step I. The staff recommendation today is that 10A & 10B, and I'll let Ingrid Hansen actually give you the full summary of it...but the short version is that the Pilot Travel Center annexation be continued and that – for emergency reasons to ensure that emergency services are provided there – that is be included in CSA No. 135 for emergency services for the interim until the annexation to the Rural Fire Protection District is reviewed in full by the Commission. So there were a number of concerns that were reviewed during analysis of this activation of latent powers. The first is the range of the first responders; as I have indicated, there are existing volunteer fire companies and CALFIRE stations that will be providing the services. The County has indicated to us that they are completing a response time study, and when that study is completed we'll understand where areas that could require contracts where surrounding agencies are located. Money was put into the Hybrid Plan budget...this situation was anticipated. The Hybrid Plan budget includes money for contracting with agencies. Competitive bidding was also an issue. The Hybrid Plan depends upon an increased dependence upon contracting with CALFIRE in the area. The LAFCO reorganization plan had an emphasis on competitive bidding with local agencies. It is possible that local agencies surrounding special districts or volunteer companies have the capacity to provide services in the Hybrid Plan area more efficiently...cheaper; possibly not. We don't know because the County has followed a practice allowed by County policy on sole-sourcing bidding; and we think that it should be encouraged that there be a competitive bidding process and that agencies in their own unincorporated area be approached or even cities for that matter be approached to see if indeed services could be provided on a more efficient matter. The third one is a potential for organizational conflict; the fire enhancement plan, which is the foundation of how the Hybrid Plan was developed, is administered by the County Department of Planning and Land Use. The Department of Planning and Land Use is the authority for land use decisions, that we believe that there is the potential for conflict to have these two functions housed together. The Hybrid Plan puts forth options for sighting: the Hybrid Plan administration and the other possibility is the Public Safety Group, which has the Office of Emergency Services serve other emergency agencies...and we think this should be encouraged. The final issue is possible delay in implementing the plan. The Hybrid Plan schedule says that it is to be implemented over four years. This is a program that is at the tail-end of a long succession of studies and need, and it is really important that the efforts put in by this Commission, the Board of Supervisors, the Fire Districts' Association, the Fire Chief's Association, the volunteers, the public...not be inhibited. It is very important that this plan go forward on schedule. So to that end we are making a recommendation that LAFCO conduct a municipal service review as we are required to do under law, but

accelerate that timing a little bit; and that municipal service review be conducted in three years. This would give us the opportunity among other efficiencies to look at the cost of responders, the competitive bidding process, organizational conflict issues, all the things that we have spoken of. The last thing that the Commission will be required to do today is to approve the sphere of influence for the service-specific zone. You could see here by the dotted black and white line this is the sphere that is being recommended for the Step I area. The blue areas on this map represent special study areas of that sphere of influence, and those blue areas are where this commission affirmed the spheres of surrounding fire agencies just in the past year. It indicates that maybe areas that should detach from CSA No. 135, annex to the surrounding areas that's within the sphere of influence if conditions are correct. So we recommend that those special study areas remain in place in those spheres that were affirmed by the Commission. A final piece of information, we did receive a letter from the Campo Band of Mission Indians; it's included in your packet. They are requesting that they not be included in the Hybrid Plan. This specific Campo Band of Mission Indians is the Campo, Manzanita, La Posta, and Ewiiapaayp Reservations; those tribal lands are all in Step III. They are not before the Commission today, so you don't have the authority to remove the boundaries; it has no standing today. However, that is something that the Board of Supervisors could consider – the overlay of the Hybrid Plan overall; the Reservations throughout the entire system, whether or not that it's the appropriate way to go. So I'm going to turn this over to Ingrid Hansen and John Traylor who will give you the presentation on Pilot Travel Center, and then I will return with a summary of the recommendations, which would include the recommendation for the Pilot Travel Center.

(Refer to Minute Item 10A & 10B: Pilot Travel Center Annexation for a staff presentation from Ingrid Hansen and John Traylor)

Shirley Anderson: That completes the presentation that we have and I will review the recommendations. You have modified recommendations in front of you. The major modification to those recommendations was to remove the Pilot Travel Center from deliberations today because we are simultaneously asking you to continue the Pilot Travel Center annexation to buy time to get all those details that have not been arranged to get worked out. In the meantime, what would happen is that Pilot Travel Center, which is operational – despite the conditions on the development plans – would default to CSA No. 135 for structural fire protection and emergency medical services if activated today by the Commission. It would become the responsibility of the County, and the County without LAFCO could negotiate or reassign the agreement that has already been made between Rural and the City...which was not authorized under state law. So this addresses the immediate need to provide emergency service to the Pilot Travel Center, continues the issue of the annexation to the future so that all the details could be worked out. That's what removing it from our recommendation today means. With that explanation, I'll review the recommendations briefly that concern the authority of Step I of the Hybrid Plan to provide structural fire protection and emergency medical services. They are:

1. Certify in accordance with the Executive Officer's determinations that pursuant to Section 15061 (b)(3) of the State CEQA Guidelines, sphere determinations for the

service-specific zone within CSA No. 135 is not subject to the environmental impact evaluation process because it can be seen with certainty there is no possibility that the sphere action would have a significant effect on the environment and is not subject to CEQA;

2. Approve the sphere of influence, which includes the special study areas identified on Map 4;
3. Direct Executive Officer to prepare written Statements of Determinations for the approved sphere of influence;
4. Find in accordance with the Executive Officers determination, that pursuant to Section 15320 of the State CEQA Guidelines, the proposed Activation of Latent Powers for Structural Fire Protection and EMS within a Service Zone of CSA No. 135 is not subject to the environmental impact evaluation process because proposed the proposed activation of latent powers do not change the geographical area in which previously existing powers are exercised;
5. For the reasons set forth in the Executive Officers Report:
 - a. ~~Per the recommendation in Agenda Item 10A and 10B (Pilot Travel Center Annexation to the San Diego Rural FPD) modify the Proposed Pilot Center Travel Annexation to the San Diego Rural FPD to include the subject territory within the service-specific zone of CSA No. 135.~~
 - b. Adopt the form of resolution activating latent powers for structural fire protection and emergency medical services within a service zone of CSA No. 135, as specified in technically updated Map 1, subject to the following conditions:
 - i. The Proposed Annexation of Alpine Islands (DA 08-18) shall continue to be processed as proposed (GC 56655).
 - ii. Suspend approval/ratification of the conditionally approved Phase I Reorganization and retire the Commission Subcommittee;
 - iii. Activation of latent powers for structural fire protection and EMS within a service-specific zone of CSA No. 135 shall be effective when contracts for services with volunteer fire protection companies are completed;
 - iv. Activation of latent powers for structural fire protection and EMS within a service-specific zone of CSA No. 135 shall be effective when areas that will not be served by contract volunteers or CAL FIRE operations are identified and automatic aid agreements or contracts for services with alternative providers are completed;
 - v. Administrative responsibility for the Task Force on Fire Protection and EMS shall transfer to the SDCRFA;
 - vi. Direct the Executive Officer to initiate a Municipal Service Review of structural fire protection and EMS services within CSA No. 135 within three years of the effective date of the activation of latent powers for structural fire protection and EMS ~~or when Step II of the Hybrid Plan is~~

~~initiated, whichever event occurs first.~~ Service issues that may be analyzed in the MSR include but are not limited to opportunities for cost avoidance, opportunities for shared facilities, government structure options, evaluation of management efficiencies, local accountability and governance, evaluation of competitive bidding practices, organizational structure of service delivery, and cost efficiencies of the Hybrid Service Plan.

Chairman Andy Vanderlaan: Thank you Shirley, Ingrid and John. Are there questions or comments from the commissioners before we go to public speakers?

Commissioner Menshek: I think I'd like to hear from the public first.

Chairman Andy Vanderlaan: Ok. Everybody else is deferring to the speakers then? Ok. First speaker will be Supervisor Greg Cox.

Supervisor Greg Cox: Thank you Mr. Chairman and members of LAFCO. On behalf of the County of San Diego, I'm here to speak in support of the revised staff recommendations you have before you. I appreciate the fact that your staff worked very diligently with our county to make some modifications that I think makes this a better proposal. We certainly look forward to having that and coming back on December 1st in regards to the Pilot Travel Center, but the bottom line is that we don't want to do anything that is going to slow down the implementation of the Hybrid Plan. We think that this is a good plan. It's one that the Board of Supervisors unanimously approved in June of this year and we realize that trying to make some sense out the mismatched fire protection services that we have in this county is something that happened over a long period of time and it's going to take a little bit of time to kind of bring everybody back together. I certainly think that this is the first step in a three step process that will improve fire service in this region. It will provide fire services in those areas that do not have fire services right now and I would just hope to approve the revised staff recommendations and we appreciate your support working with the County to bring these issues forward.

Chairman Andy Vanderlaan: Thank you. Are there any questions for Supervisor Cox? No. Thank you very much. Next speaker, Chief Augie Ghio.

Augie Ghio: Thank you Mr. Chairman and members of LAFCO. I want to reiterate what Supervisor Cox just said, that we do support with a couple of caveats on the recommendations from LAFCO staff. One is that eventually the service islands would have to be addressed, and with that also the cost for service. So we hope that that is something that gets discussed and the stakeholders get brought in that have those service areas within their sphere of influence...that it gets addressed by the cities or the fire districts that have those areas. The other thing though is the sphere of influence on the CSA No. 135. There are a couple of island areas that are just north of Lakeside, possibly south of Poway, in between Bonita and San Miguel that we would like to see the response time criteria to see who is the closest available responder to those areas to make sure that we are looking at apples and apples on the responsibility there.

Again, we thank you for your efforts to improve fire protection and emergency medical services.

Chairman Andy Vanderlaan: Any questions for Chief Ghio? No. Thank you Augie. Chief Mark Baker.

Mark Baker: Good morning, I'm Mark Baker representing the Fire Districts' Association of San Diego County. From the 30,000 foot level macro perspective, the Fire Districts' Association can support the proposed action before you today. We do have some questions concerning the service delivery to the islands and those adjoining lands within the spheres of influence of other jurisdictions. Prior to implementation of the latent powers, a group discussion concerning and involving all the groups and all the agencies and jurisdictions that are affected should be conducted. At this point, that has not occurred with County staff. As proposed, contracts and/or automatic and mutual aid agreements may not be the best service provider for those islands in the spheres of influence or areas within the spheres of influence of other agencies. Annexation should be considered as a possible alternative to these islands and these adjoining areas of spheres of influence prior to implementation of any latent powers or the adoption of a sphere of influence for the entire CSA No. 135 area. So we would like those questions answered. We recognize that these lands only represent about 1 percent of the lands within CSA No. 135, but we think we believe that it's LAFCO's mission to clean up these islands and get rid of the islands now rather than leaving them on the table for future discussions. So we recommend heartedly that these two concerns on islands and spheres of influence be discussed prior to action and implementation of latent powers and the new sphere of influence being adopted. So we thank you for your consideration on these items and if there's any questions.

Chairman Andy Vanderlaan: Yes, Commissioner Rexford.

Commissioner Rexford: Could you mention some of the islands you're talking about?

Mark Baker: Well on Map 2, they're pretty well defined. So any and all the islands in the map should be addressed. The adjoining jurisdictions could make the better providers of service to these rather than through contract or mutual aid agreements. And annexation into those neighboring jurisdictions would make an even better solution. So we would like those discussions prior to implementation of latent powers of CSA No. 135.

Chairman Andy Vanderlaan: Any other questions for Chief Baker? Thank you. Tom Gardner.

Tom Gardner: Thank you. My name is Tom Gardner. I'm past president of CDF Fire Fighters and member of the LAFCO Fire Protection Task Force, and we have been working on this for as long as we could remember. I'm here in support of this. We do want to get this moving forward. I know that there are some issues with islands, however we are in that magic month in San Diego County and we need to show the public that we are moving forward. I think if there are some concerns that we ask that they move forward with Step I and have these items as a must do before we go to Step

It, not to stop the process; we need to get this thing moving forward and keep it going and not slow down. I know that there are some serious concerns, like 1 percent as Chief Baker said. We could probably tie some language up that that must be done within 30-60 days. This needs to move forward and we need to show the public that we are unified. We are getting involved here, some paid staff, local government, the County, the State, the Federal, the tribal departments, we are getting our act together after many years.

Chairman Andy Vanderlaan: Any questions for Mr. Gardner? No. Chief Frank Twohy.

Frank Twohy: Frank Twohy with the Elfin Forest Harmony Grove Volunteer Fire Department. We, as an agency, support the action before you today. I would hope that perhaps the agency or the Commission could continue to stress the importance of moving the Hybrid Plan under the Department of Public Safety to avoid the issues of the perceived potential for organizational conflict. I think it only makes sense to continue to add influence to move it to the Office of Public Safety and I am also in complete support for municipal services review within three years to determine how well we're doing. Thank you very much.

Chairman Andy Vanderlaan: Any questions for Chief Twohy? No. Chief Cary Coleman.

Cary Coleman: I am Cary Coleman from the Intermountain Volunteer Fire Department and I am speaking in support of this. I have 125 square miles in that area out there that's in that yellow, and we have been trying now for 13 years now to move forward in this direction. We started to pick up some momentum. We need to keep that momentum going. If we lose that momentum, we may lose our best chance of anything. Is this the first step or the second step? No, this may be the second step and there may be 30 or 40 more steps to take; but if we don't move forward, we're not going to take those steps. So I urge you to consider these recommendations. Thank you.

Chairman Andy Vanderlaan: Any questions for Chief Coleman? No. Thank you. Chief Dennis Sherman.

Dennis Sherman: Good morning. I'm Dennis Sherman with the Mount Laguna Volunteer Fire Department and also a part of Zone 8. I would personally, from our department, support this program. I realize that we are at the bottom of the ladder and we have a long way to go. I think that now is the time that we need to look very carefully at how we structure the road of where we're going. There's a couple of items that I would like to further bring to the table and one is the competitive bidding. Competitive bidding, there have been some of the fire protection districts that really wanted to do their own...but the Schedule A contract was all that was available to them. So they really could have provided service much cheaper than what's being paid right now. I think that LAFCO, thank you very much, has brought in some common sense to the table. I see that's very important. The second thing is that I would really like to see the program move into Public Safety to avoid any conflicts of interests. Thank you very much and I do support the program.

Chairman Andy Vanderlaan: Any questions for Chief Sherman? No. Thank you. Eric Gibson.

Eric Gibson: Commissioners, my name is Eric Gibson. I'm the director of the County Department of Planning and Land Use. I'm here to speak in support of the revised recommendations of this item. The revised recommendations include three key changes to us. First reference is to Pilot Travel Center are deleted. The area proposed for annexation will be included within CSA No. 135 for an interim period until the Pilot Travel Rural Fire Protection District application is considered. Secondly, the recommendation now refers to an updated map that is consistent with our Hybrid Plan proposal and does not include the islands that are surrounded by unincorporated cities. The islands were not part of the original plan, and I would add that we have agreed with LAFCO to look into the coverage of these areas as part of Phase II of our proposal. Lastly, the municipal service review is proposed to occur now in three years of the effective date of the activation of latent powers. This does allow our department sufficient time to implement for an audit of the program. Again, we do support the revised recommendations and look forward to working with LAFCO as we implement this program.

Chairman Andy Vanderlaan: Are there any questions for Mr. Gibson? No. Thank you. The next speaker, Chief Daniel Johnson.

Daniel Johnson: I'm Chief Johnson from the Ocotillo Wells Fire. I wasn't sure which way to go on this, so I turned in a pink slip; but I am actually in support of the concept of this program. I do think that there is a shortfall as far as having it in DPLU; I think it should be under Public Safety where it has been for a lot of years. Also, in the Hybrid Plan, I think that's a pretty good plan. It has put together a lot of work went into it; but I think if it was looked at real closely, there are some shortfalls with some of the funding. I would hope that next year, maybe we could look at that. I know there are islands out there. There's a lot of volunteer stations in the back country that are unable to come to these meetings because of the fact that most of them are working – fire protecting their areas. And a lot of them, you guys don't get to hear from them because of that. Not all of our views get out, so when you look at this, I hope you consider that and look a little more in depth to the people who are actually serving which you guys call the unserved area – which has actually been served for a lot of years by volunteers, and we have contracts with County EMS as first responders and service in the areas quite well. So the unserved area is served. It may not be legally binding, but the service is there. Thank you.

Chairman Andy Vanderlaan: Thank you. Any questions for Chief Johnson? No. Thank you for all your hard work out there. It does go unrecognized, and we understand that. Dave Nissen and Cindy Eldred.

Cindy Eldred: Cindy Eldred for San Diego Rural Fire Protection District, and our pink slip is in opposition to the staff recommendation; but we are in favor of the modified staff recommendation, so we ask one – that if you activate the latent powers of CSA No. 135, that you do so in relation to East Otay Mesa on an interim basis, and that you

continue the annexation of the unserved area in East Otay Mesa into San Diego Rural Fire Protection District until the meeting on December 1, 2008. We have done a great deal of work since we were last in front of you in November 2007; it may not seem like it. We got all of the property owners in the unserved area of East Otay Mesa to cooperate and to produce signatures consenting to the requesting annexation into San Diego Rural, with the exception of one property owner. We also address the budget issues, and Dave will talk about the service issues. The only reason we didn't come back to you sooner and try to complete the annexation is because we had trouble getting the City of San Diego to sign its own automatic aid agreement. So finally, on September 24th, we made a supplemental application to Mr. Ott. We went ahead and submitted all of the owner applications and consents, and we basically wanted to come back in front of you and ask for your help in getting that automatic aid agreement signed through San Diego. And in the interim, on September 30th last Tuesday, the City signed the agreement and we gave it to Mr. Ott on Wednesday. You probably know that the East Otay Mesa Specific Plan requires that this unserved area be annexed into San Diego Rural; that's what the Specific Plan calls for. Property owners who are in the unserved area, together with the property owners who are in the served area in East Otay Mesa, were all going to come down here today and speak with you. When I talked to Mr. Ott and we thought the best thing to do was to continue till December 1 so we could iron out the details, I asked those property owners to stand down and show up on December 1; so I would appreciate it if you would allow them the opportunity. If that was the wrong thing to do, I apologize. With the signing of the automatic aid agreement and the resolution of the island that would have been Pilot Travel, by now – including all of the unserved area – with the new fire station which Dave will talk to you about, I think we have resolved all the issues that you have asked us to resolve. And I would go into more details on that on December 1 or today if you would like. The Addendum that I included on September 24 did not have the automatic aid agreement, so that's one of the things that we want to go back and fix in this next two months – is to address the environmental issues and make sure that we have addressed it as completely as possible and to your satisfaction.

Chairman Andy Vanderlaan: Thank you. We have a question for you Ms. Eldred.

Commissioner Menshek: When was the first day of business for the Pilot Travel?

Cindy Eldred: I don't know. You would have to ask the County of San Diego. Let me tell you what happened, as I understand it, the County and San Diego Rural had a prior agreement that provided for Rural to provide services to that area. Gary Pryor called us, he asked us if we would please sign an agreement with Pilot that would allow for them to take the services that he proposed that they receive from Rural under the San Diego County Rural agreement until such time as the annexation could be completed. And so that's what was agreed to and it was seen as a way of reimbursing Rural for the permission of those services for the County agreement to provide specific funding that would allow them to do so.

Commissioner Menshek: This is my last question. Are you aware and have knowledge of Government Code Section 56668?

Cindy Eldred: I have knowledge of that Government Section, yes. And I am sorry that our agreement was not written differently; it probably should have been in hindsight because in essence it was an addendum to the County agreement. And I apologize for that. I think the bottom line is that the services were already authorized under the contract between Rural and the County, which was a contract that did not have to come through LAFCO. It was a solution to help the County at the time that Pilot was threatening to sue the County for not allowing Pilot to continue when we were unable to obtain an annexation solution timely for Pilot. It was not an intention to circumvent government code or to circumvent this body. We have not withdrawn the application, Pilot has not withdrawn the application. I think the bottom line at this point and time is you – in particular the Commission in total – asked us to go back and address the unserved island area among other issues, and we have been doing our best to do that.

Chairman Andy Vanderlaan: Any other questions for Ms. Eldred. No. Thank you.

Dave Nissen: Good morning. Dave Nissen. I represent San Diego Rural Fire Protection District. I just have a couple of points that I would like to address. One is that the Fire District subscribes to the closest resource concept. We would acknowledge that the City of San Diego, unless they were otherwise committed out at East Otay Mesa, arrive at Pilot Travel Center every day of the week. In order to allow that to happen, we did execute an agreement here last week with the City. There's a couple of attachments that we are still working on, myself and Chief Carl from the City that we will submit to LAFCO. The second thing is, is that the Fire District does have a property tax share agreement for the unserved area – 2% - as well the Fire District has a special funding tool that is in place and functioning today; which would, for the unserved area at build out, generate \$300,000 a year; and if this property was allowed to go to the CSA, it would not allow for the Fire District to collect those funds. In this day and age and these hard economic times, I think that that is something that bares special consideration to put that amount of money on the table. Thank you.

Chairman Andy Vanderlaan: Are there any questions for Chief Nissen? No. Thank you very much. That's the last speaker slip that we have. Is there anyone else that would like to address the Commission on this issue, 9A, 9B, and 9C? Ok, here and seeing none, we'll close the public hearing. Commissioners...Commissioner Pocklington.

Commissioner Pocklington: Thank you Mr. Chairman. Some of the speakers talked about the island problems that we're having. I know we just don't sign a piece of paper and get rid of them, but could staff give me an idea of the approach we are taking towards the islands and what is a time equivalent approach of getting rid of those islands?

Mike Ott: You're right Commissioner Pocklington. A lot of reference was made of islands. There are approximately 15 municipal islands located entirely within the cities that is the subject of today's testimony. And those islands could probably be served best by those municipalities. Originally, based upon the text of the County's Hybrid Plan, which indicated that 100% of all the unserved areas and islands would be

included in that Hybrid Plan, we assumed that that meant all of the municipal islands that Shirley had identified on the map – would be included in today's action. We were informed last week by County staff that that isn't exactly what was intended in terms of the proposal that was submitted to the Board of Supervisors. The municipal islands by virtue of the negotiations that would have to occur to extend fire service to those areas by contract with a host of municipalities would take a substantial amount of time. One of our conditions placed on this proposal today is to delay the effective date of the latent powers activation until all of these details such as the service contracts are implemented. The County planning staff have requested that our maps be technically corrected, which we did do for today's meeting. That leads to the question regarding the status of about 15 municipal islands, and what would happen if this action (latent powers) is approved. The answer is the status quo. Those islands would be unserved areas in this county under the state responsibility area (SRA) that is within CALFIRE's jurisdiction. It is a hole in the action today. The hole would be cleaned up so to speak in Step II of this plan, the Hybrid plan, where the County will work with the service providers to try to extend service. Another element of this though is that these are islands, some of which are totally encapsulated by cities. Those are issues perhaps that this Commission should look at, at an entirely different scale; not just with respect to fire protection, but working with the respective cities throughout the county to see if there is interest in annexing those areas. That would probably be an element that would be forth coming as a result of municipal service review or in advance if the Commission placed a higher priority on it. So those are all the issues.

Chairman Andy Vanderlaan: Commissioner Jacob and then Commissioner Menshek.

Commissioner Jacob: Thank you Mr. Chairman. A couple of questions, but first I want to compliment Mr. Ott, Shirley and Ingrid, John Traylor and all the staff that had a part of getting us where we are. Some of us have been doing this for about 10 years now; it started about 1999. And I also want to really thank the fire officials who worked very hard on this plan to improve fire and EMS – Emergency Medical Service – in addition to doing the job that is the most important to all of us in this region. My question is on the island issues; it's an important issue. I certainly don't want to delay the implementation of the Plan. I don't think anybody wants to do that, and/nor the activation of the latent powers; cause that just puts things off even longer. So can we not tend to the island issue on a separate track? I mean is there an action that we could take today to begin the process of looking at the islands and take a parallel track? They're in Phase II of the County Plan, but I don't see any reason why LAFCO couldn't initiate action. Mike, what would be the appropriate action to take to get this going on a parallel track?

Mike Ott: Well, it could be on a parallel track; there are also other options that could be pursued here today. I didn't want to present too much for the Commission, it would be a lot on the plate. Another way to deal with these islands would be to give the County the latent powers authorization to provide fire protection and emergency medical service to all of the municipal island areas. However, we would want to be flexible on the contractual obligations of the County. In other words, defer the need to execute service contracts until after the activation of the latent powers. That would be

an option that is not on the table right now. That is something that perhaps the planning staff could speak to, but I think their main concern has been that they didn't feel that they would be able to work out all of the contractual details with respect to the municipal islands in a timely fashion. Those could take a year or more in their estimation to complete.

Commissioner Jacob: Well Mr. Ott, the Board of Supervisors did not approve in the Hybrid Plan, the islands; so obviously there was a miscommunication because nothing that was before us approved those islands as a part of the Hybrid Plan. I was not thinking along the lines that you were...first of all I would hope the Commission feels, the Commissioners feel as I do, that we need to move forward with this. And we need to move forward with the implementation and making sure that those latent powers are put in place as soon as possible. I don't want the island issue to delay it, at the same time, it makes sense to me that they ought to be annexed to a city. It should not be the County's responsibility. It doesn't even make sense when you look at the locations. And from the County to even be taking them up in Phase II makes no sense. So I was wondering, and maybe we could set that aside, because we're not talking about islands...correct, in your recommendation...

Mike Ott: That is correct.

Commissioner Jacob: They're out. So maybe we take that up separately, but what I was getting at is that maybe there's an action that LAFCO could take today to go in the direction of working with the cities that are surrounding these islands in terms of an annexation process. That's where I was going.

Mike Ott: Well the action before you today accomplishes that. The action today establishes a modified map and the municipal islands will not be dealt with as a condition of implementing the latent powers; it will not hold up the latent powers. If you want to go further than that, you could give direction to me today to work with all of the affected municipalities on a regional basis, not a city by city basis, but on a regional scale to ascertain the interest of the respected jurisdictions – to see about bringing those territories within the boundaries of those respective cities; a number of cities...over six or seven that are affected. Again, we're talking about islands that are totally encompassed by one city of more than one city.

Commissioner Jacob: Ok. That was leading up to my ultimate question, how long is it going to take us to activate the latent powers. I noticed in our recommendations 5B and 3 and 4, it depends on the contracts to be signed by the County. Now, perhaps this is a question for the County folks. Have all these contracts been signed? In other words, do we take action today as recommended, how soon are these latent powers for CSA No. 135 going to be activated and then the Plan implemented?

Chairman Andy Vanderlaan: Mr. Gibson do you want to respond to that or someone from your staff?

Eric Gibson: Basically, the short answer is we anticipate to have these contracts completed within 30 days.

Commissioner Jacob: So basically what you're saying Eric is that we adopt this action today, and within 30 days, CSA No. 135 is ready to go?

Eric Gibson: Yes.

Commissioner Jacob: We'll hold you to it. Well, we have to take the action. Well if it's appropriate, I'll put a motion on the floor to approve this revised LAFCO staff recommendation and then as a part of that a direction for our executive director to work with the municipalities to determine the interest in potential annexation of those islands that are basically surrounded by cities.

Commissioner Menshek: Second, with discussion. I whole-heartedly agree with the activation of latent powers with the exemption, and you have addressed it Commissioner Jacob that you have to have the protection – not only for the cities – but the majorities that are in fact the special districts. Especially in light of what occurred with miscommunications on the Pilot Travel Center, I want to make sure. There has been no communication from County staff to any of the affected fire districts, very little. So the 1 percent that Chief Baker discussed about is actually the 1% that's probably the most urbanized with a lot of this proposal. There should be a way that we can maybe extract out the 1 percent and activate latent powers in the remaining 99%. Deal with the islands not just in the cities, but in districts. There's some unserved areas that clearly, even with this CSA No. 135, those agencies won't be the first responder; probably the fourth or fifth responder in a lot of those areas. Looks like the local municipalities have been, I think by default, serving those areas; but what was happened is because there's no tax base, I think they would absorb those areas because they are clearly the closer provider but there has never been a final financial incentive to do that. Reading the staff report, it looks like there's only \$10,000 allotted by County staff for contractual agreements for 15 areas. I'm pretty sure I could read the writing on the wall where this is going to go, so how can we craft this motion or does this motion – the one I seconded – handle or correct this issue that there has to be serious discussion with these 15 islands, sub-islands, prior to the latent powers being activated. How do we do that? Cause we made some significant conditions on this Pilot Travel center down there, which is in the exact position of the remaining 15 areas are. This is an area that was not in any jurisdiction. We thought we had proposed some conditions that were very clear and very fair toward LAFCO's mission – orderly growth and supported by public safety and infrastructure, services to support that growth. Here we have a significant operation up and running. So to satisfy me and the majority of those special district constituents out there and employees, and the Supervisors and Commissioners here...how do we craft this language to get the expedited activation of latent powers, but protect these areas?

Mike Ott: Well let me respond to that. I think that it already is crafted in the recommendations in that all of those special district areas that we're considering peripheral areas that are outside the range of the volunteer organizations or CALFIRE, they could perhaps be better served by local fire protection district...by San Miguel or Lakeside or Alpine Fire Protection Districts...that those contractual obligations be executed concurrent with the effective date of latent powers. I think Mr. Gibson indicated that 30 days was the estimate to bring the balance or the entire county under

the CSA No. 135 powers, whether that is contractually or directly. So I think that it's already provided here. What isn't provided is the municipal ? and that would be on a different track. Correct me if I'm wrong Shirley, is that the case for the peripheral areas? All other island areas related to special districts?

Shirley Anderson: Yes. We've been told that the County is currently completing a response time study, and once that study is completed they'll be able to accurately identify where all the unserved or potentially unserved areas will be. What I am hearing is that there is 15 or 16 different areas, we don't know at this point and time. It's dependent on the County's response time study.

Commissioner Menshek: I believe there was more than that. That was going to be another issue.

Mike Ott: Well, let's clarify that. When I was saying 15 areas, that's with respect to the municipal areas. There are many more affecting the special districts and fire districts in the county, which in some ways you can't count. I think we need to ask Mr. Gibson, Mr. Steinhoff perhaps, is 30 days what you were talking about in terms of bringing together the contractual agreements to serve all these peripheral and island areas affecting the fire districts? That's really the question I think. Ralph if you could just identify yourself for the record.

Ralph Steinhoff: Ralph Steinhoff, Department of Planning and Land Use. As far as the contracts that have already been signed by the volunteers, those contracts are at Purchasing & Contract now; so those will be in place as soon as they're acted on by Purchasing & Contract. That's in the County's court. As far as the islands, I believe we are talking about those areas that we believe we have service provided to those by the agencies around them, we still are lacking the visible signatures on an agreement, a couple of them; but they are moving ahead. We don't perceive any problems at this point. I think we have identified those areas (islands), but I also agree that those other islands at some point should be cleaned up, and we would hope that this is not delayed so that we may move ahead with this proposal.

Commissioner Menshek: Having spoken to several fire chiefs of the affected areas over the last week, I guess I beg to differ. They said they asked to be included within, they're already within their sphere of influence, and some of them are trying to. They would ask that those become part of their jurisdiction, but there's no financial incentive for them to absorb several square miles of State highway, roads, and residency because of the lack of property tax transfer. I could refer to Bonita, San Miguel, Lakeside, Rancho Santa Fe, and North County; all of these affected areas. I guess we're hearing two different things, so I have to have clarification on this.

Ralph Steinhoff: Ok. Specifically the one in the south area that I believe you're talking about. That is land owned by federal officials wildlife, open space; it's FRA not SRA, it's Federal Responsibility. There is no property tax to go with it. We have service provided by Federal officials wildlife. I guess I'm missing a question here. I think we have identified those areas, specifically; but I also agree that those other islands at

some point should be cleaned up. We would hope that this is not delayed so that we could move ahead with this proposal, so we deal with the 99% and not that 1%.

Commissioner Menshek: Well again, like I said, that was my wish initially; but you still haven't answered my questions. We have large tracks of land, and I refer to Map 2, so everything west of the large latent powers section. I mean I don't know how I could make it clear that there are islands out there, that are currently served by default by fire districts with no compensation. So you put this within the 135 at this day, they're still going to do it, but now we're just saying, "Ok, it's now a fire district, but those fire are going to be the one to respond there." That's what we're trying to clean up.

Chairman Andy Vanderlaan: How do we get around this Mr. Steinhoff?

Ralph Steinhoff: First I need to understand this question. Within Step II, ok, the question is coming back to those islands by Poway? Is that what you're referring to?

Commissioner Menshek: Yes. Every small yellow jurisdiction starting from the Mexican border, north all the way.

Ralph Steinhoff: Ok. The first one at the bottom, working from the bottom to the top, the Board has authorized us to work with them – first most southernly would be the Pilot Travel Center area. The next one up is the piece around the Sweetwater Reservoir, there is one single-family within that piece that is closest to Bonita Sunnyside, the remainder of it is open space and will be in much of the municipal land-ownership. The next case up, you have the four islands that are currently within the Alpine District and Alpine is requesting to annex – we support that. Adjoining that, the next one up, is the Harbison Canyon Fire Station is under construction, they would get that first island. You have the Harbison Canyon Facility, which would be the closest likely provider for those five property owners that are there and then the islands to the left that are predominantly open space. As we work northward, you have a back piece there, it is predominantly County owned lands that are open space and the other pieces there are predominantly open space. There's some pieces there in that site that our proposal is to serve them out of the Ramona CALFIRE Facility, secondary responder could potentially be either Poway or Lakeside. As we work northward, that's it. De Luz is served by De Luz and CALFIRE station.

Commissioner Menshek: Ok, starting back down at the bottom, the Pilot Travel – we'll talk about that later – going back up to the second one, even those are federally recognized lands they are not served by fish and wildlife because they have no medical aid. The predominantly response to that area is medical aid. That's a huge mountain bike area, but it would probably be once a month to get an extensive extrication at the reservoir. Going on up, this map also doesn't show other smaller borderline areas; some are within the spheres of influence, some are not. Both the Lakeside, San Miguel, Alpine. I guess without getting into the detail of what's in these, my question is how do we craft the agreement to have procedures strong mechanisms – or if this doesn't work, then something needs to occur; whether we pull out or we exercise that 1% out of this not to hold up the 99%. But you could see what's happened, there's been no dialog with the fire districts on this. Here we are at deem day saying, "Hey,

hurry up. We don't want to stall this thing." This is specifically what happened with the Pilot Travel Center. I don't have a lot of faith unless we have a boiler plate language in here to protect these districts. Because there is nothing to say, "Well, we'll meet." Well in 30 days I really find that doubtful to tell you the truth. In 30 days we're not going to have the signatures, it's not going to happen. So again, how do we craft that language and what if they're not in agreement? These are key questions, and we got that hurry up thing with Pilot Center...oh you know, we don't want to wait...boom...it's up and running in nobody's jurisdiction. And that defies the face of logic and law, what this LAFCO Commission is established to do, state law, in all 58 counties.

Chairman Vanderlaan: Commissioner Rexford.

Commissioner Rexford: Yeah, I agree with Mr. Menshek here. I have a concern about the islands and we're not addressing them. And if something catches on fire or something else happens, we're going to rely on the cities close to them or the other ones to get there. I see that we should be coming back within 30 days or 60 days to have something on the same track as we're doing this other because there's like 15...and you're saying well maybe the cities will take them over or the County will take them over; but to leave them out like that, I don't think that is a good thing. So I suggest there needs to be some language in there to pick them up or do something because we're just leaving them hanging out there and that's not a good process to do. I have some other concerns, but I think they were addressed. The Alpine Fire Protection District has some of those little islands that they're going to annex in. I'd like to know if that's going to be real or not. Looks like we're moving towards that. The other question I don't think was addressed is Julian. Julian is like opting out right now, but they might want to come back in; so I think we should keep them involved in the loop, maybe the second Step. I don't think, you know, you look at the map and Julian is just sitting there all by itself. I think it's important that we continue to work with Julian. Another question came up, and I don't think I got the true answer to this because one of the concerns was, what department of the County or what department was going to be handling this. Because it's a lot of fire departments and it's the County and some people have concerns. Who is going to be overseeing all this? Can somebody tell me that? Also, the gentleman talked about Otay Mesa and something to do with the CALFIRE losing money, and I didn't quite understand that; so if somebody could address that. One of my biggest questions here is that we need to do something about these islands. Somewhere, in proceeding ahead, we need to come back within at least 30 to 60 days with what we are going to do about this. It's for me to say that we're going to go ahead and do this and leave these islands out there. It's a really big concern for me. I know they're going to be probably served by somebody, but suppose you call one area and they say, "Oh it's not in my sphere, it's in the County's sphere, it's in that sphere." Somebody needs to know who's gonna service those areas, and I'm really concerned. And I think that is one of my biggest concerns. So I agree that we have to do something today. We have to put something in the works that we are going to do something about those county islands or municipal islands or the districts; but I think something needs to be there. But I don't know how we craft it. Maybe you know Mr. Ott. Could you kind of give some suggestions?

Mike Ott: Well the way we've crafted the Plan is to put leverage on inclusion of the islands in this proposal through making the contractual arrangements a necessary component to finalize the latent powers. That's the most extreme in terms of leverage, that CSA No. 135 would not be effective until these details are worked out. There is interest on the part of the County to bifurcate the municipal islands from this process to set them on a different track, but there are ways of dealing with that. Supervisor Jacob was asking about how to keep that a priority; I gave a response in terms of looking at a regional annexation proposal to bring forth to the Commission that they bring all of these areas into the respective municipalities with respect to the cities. And in terms of the areas that Commissioner Menshek has brought up, he has brought up primarily areas that affect fire protection districts. The area that Mr. Steinhoff initially was talking about had to do with Federal government and that it would be a federal responsibility. That's part of the answer, but Mr. Menshek is correct that there is an emergency medical need on some of these areas. The way it stands right now is the recommendation for the latent powers would be contingent on completion of contracts. And by the way, that would be an administrative process when those contracts are executed. They would be presented to me in order to determine whether or not the effective date for the latent powers should be recorded with the County Recorder; it would not come back to the Commission for hearing. You brought up other questions Commissioner Rexford, regarding Alpine Fire Protection District. I think Shirley had already gone through that. The action here today would not affect those island annexations to that district. In fact we've encouraged those annexations to occur. The Julian-Cuyamaca Fire District is in a different Step, I believe Step II or Step III. Shirley, can you expand on that?

Shirley Anderson: Julian-Cuyamaca is not included in the base layers of the County's Regional Fire Authority, so it is not included in any of the Steps. They have on their own submitted a request to be considered, but it would take action by the Board of Supervisors to – one, include them in the Fire Authority – and then include them in one of the Steps.

Mike Ott: Ok. So this would be a subsequent Step. You've also asked about the departmental function. I think we've gone over that pretty clearly in terms of it being housed right now within the Department of Planning and Land Use (DPLU). One of our areas that we dealt into was to determine whether or not that is an appropriate fit for organization within the County administrative structure. That's something that we're not going to be able to decide here today, but it's something that will be part of our municipal service review conducted within 3 years. Mr. Nissen brought something up about the Otay Mesa area that you referred to having to do with the loss of Melo-Roos monies, which is a point that is important to the Rural Fire District. Then you brought up other questions about islands. Again, it is important to distinguish between municipal and unincorporated islands that are surrounded by fire districts outside of the cities.

Commissioner Rexford: But I still would like something brought back. I want to know what we are doing about the municipal and the other islands cause it's important to me that we follow like Dianne said on the same track or something to get that along; not to just wait until Step II. I think we need to include that in Step 1.

Mike Ott: If the Commission approves language that Supervisor Jacob has suggested regarding giving directions to look at the municipal islands, that would be something that should have a time frame associated with it for reporting back to the Commission.

Commissioner Rexford: Well I would support the motion right now. I don't know if Diane wants to read back.

Commissioner Jacob: Well, perhaps one way to look at this, and I think that Andy brought it up; I don't want to hold up the implementation of the CSA No. 135 Latent Powers because of the island issue. These islands have been there for a long-long time, and they have been served by whomever for a long-long time, so whatever we do today, I'd like to take the islands out of tying it into the implementation and to put it on a separate track. I mean that was the intent of my motion, but also not just to include those that are basically surrounded by municipalities, but why not include the special districts...the special fire districts too? Do we not Mr. Ott have the power as LAFCO to initiate these kind of actions and municipal service review...whatever it takes to deal once and for all with the islands? This is something new; we've never addressed this before and it should go through a process like we would look at any other potential annexation. And then if that time, if it makes sense to contract or annex, or whatever to better serve these areas, then we have the analysis before us. I'm afraid that the County, as good as you guys are, in 30 days...according to what Andy says, you're not going to be able to reach agreements with the fire districts, and that's going to delay the implementation. I don't think any of us want to do that, so however I might revise my motion. Let's take the islands out, not tie the islands to the implementation of the latent powers, but rather direct staff to come back with determining the interest with the cities and the fire districts and annexation or other alternatives that might be appropriate to address the services within these island areas...all the islands.

Commissioner Menshek: I would amend my second to mirror Commissioner Jacob's first motion. That's exactly it. I wouldn't want a single island to kill this whole deal and hold it up. So we could take out both the municipal and special districts unincorporated islands, move the rest of this forward today, and come back to address that. That would solve everybody's concerns.

Commissioner Jacob: That's it.

Commissioner Horn: I just want to make sure this moves forward. I look at these maps and all the North County areas, my staff has done a good job, and the County has been getting everybody involved in working these things out before we get to the meetings. So I don't want to hold this up. I think that you have to have a chance to go to these municipalities and see if they want the area, and we can't hold it up with that. Look how long it took Aguirre to sign a contract. So I just think we need to do that and they could report back to us in 30 days or 60 days, whatever. Cause there may be some municipalities like the City of Poway who would like to pick up some of that responsibility. I want the North County area taken care of. I don't care what you do down in Chula Vista.

Commissioner Jacob: You better care, the winds blow that way.

Commissioner Rexford: I don't want to hold it up either, but I think it's important that we discuss those items because they might have been out there for years...I don't know how many years they've been out there...but it's unfortunate that we look around that besides step not going to those islands. I don't think Poway wants to pick it up, I think it's in the County of San Diego; I don't know why it's still an island if you're talking about Sycamore Canyon back there. So I think it's important that we address them in. I support going forward, but come back with something about what we're doing about the islands.

Chairman Andy Vanderlaan: Commissioner Frye. You've been waiting patiently, thank you.

Commissioner Frye: That's fine. A couple of questions...specifically that were raised regarding sole source vs. competitive bidding for services. Can someone explain to me the benefits of public sole source vs. the competitive bidding? I have heard testimony today that if we went to competitive bidding that we actually could probably save some money. So I'm not understanding and not clear on how the public is best served through sole sourcing vs. competitive bidding, and I'd like to better understand that; if that is part of the motion today.

Mike Ott: Well part of the motion is to encourage the County to follow competitive bidding procedures. We have identified short-comings, and I think quite clearly in terms of sole sourcing and how that could affect efficiency of services as well as costs.

Commissioner Frye: All right. So does this board have any ability to affect that particular issue in the Hybrid Plan or is that strictly an issue that is limited jurisdictionally to the County?

Mike Ott: It is limited in terms of the jurisdictional responsibility that the County has. We indicated though that we would essentially do a report card of how well the sole sourcing effort has transpired through our service review process, which we would initiate within 3 years.

Commissioner Frye: All right. So that's not anything that we could really do anything about except offer...

Chairman Andy Vanderlaan: Mr. Smith...did you have a response?

Bill Smith: No. I was just going to say that the issues of the internal operations of the County, such as sole source or competitive bidding or what department provides this service is not something LAFCO could force the County to do. They could certainly make a recommendation.

Commissioner Frye: Well, again, I mean I think we could certainly make recommendations and I have always particularly – Commissioner Jacob – I know her to

constantly look for the best value. So I would certainly encourage that they need to do that. And then as far as the organizational conflict, again that's a departmental issue with the County; but there is one question and I am not sure if it was answered. Someone had given some testimony about, and I believe Commissioner Rexford had raise the issue, something about a couple of \$100,000 of taxes that would some how going to get missed. I'm not sure who gave that testimony. I'm sure you're still here.

Bill Smith: May I comment. I think the gentleman from the Rural Fire Protection District was discussing the fact that they have formed a Mello-Roos Community Facilities District that the Pilot Travel Center would be annexed in to that other area. That might provide more revenue for them.

Commissioner Frye: Ok. So that was on the Pilot and we're, essentially by this motion, we'll bring that back in December. I thank Commissioner Jacob, but I did want to hear what was going on with that. I certainly would encourage folks to figure out how to make sure it doesn't happen again. I will say I'm a little disappointed that nobody from our City was here besides me. It would have been nice to lend that support to the County and all the work that LAFCO has done. I'll certainly support the motion. Now the last part of this on the response times, that will also be looked at as part of the motion? There were some issues related to a study of response times and I was just wondering if that's part of the motion to do that...is that correct?

Mike Ott: That is part of the recommendation in terms of mapping out the respective response and areas. In terms of the motion.

Commissioner Frye: So is that part of the motion? Does it need to be part of the motion?

Mike Ott: It certainly could be.

Commissioner Frye: All right. And if I could just ask Commissioner Jacob if we could just amend that to include the response times so we could look at that? It might clear up some of the other problems as to who is supposed to be providing services. For example with Pilot, it might have helped deal with that. I don't know for sure.

Chairman Andy Vanderlaan: Commissioner Jacob, Commissioner Frye suggested we add response times to the motion.

Commissioner Frye: Requested.

Chairman Andy Vanderlaan: Requested. With the response times, I think we're dealing with those island areas, if not already.

Commissioner Jacob: It looks like to me with the last recommendation with the municipal service review covers all of that. If you want to specifically state response time, but to my understanding a municipal service review that's exactly the kind of thing that you're looking at. I would hope it wouldn't take us three years to do that. It says, "...the issues that may be analyzed in the MSR include but are not limited to

opportunities for cost avoidance, opportunities for shared facilities, government structure options, evaluation of management efficiencies, local accountability and governance, evaluation of competitive bidding practices, organizational structure of delivery service, and cost efficiencies of the Hybrid Service Plan.” We could put in response times just to make sure it’s clear in there. Again, I could see the County staff has worked on a lot of these similar kinds of issues, and I would encourage LAFCO staff to work with County staff as they do this municipal service review so we could eliminate any duplication and we’re coordinating with the data that may already be available on both sides. It’s been a good working relationship and we need to continue to do that.

Commissioner Frye: I would appreciate it. So it wouldn’t bother you to put in just specifically call that “response time”.

Commissioner Jacob: Sure.

Commissioner Frye: Thank you.

Commissioner Menshek: I’ll amend my second.

Chairman Andy Vanderlaan: Amend the second?

Commissioner Menshek: Yes.

Chairman Andy Vanderlaan: Are there any other comments by commissioners? Chief Nissen, did we correctly describe your concerns about the revenue?

Chief Nissen: Yes. Lengthy, but yes. I believe so. If anybody has any questions, I’d be more than happy to talk to them afterwards.

Chairman Andy Vanderlaan: I see a quizzical look on your face Mr. Steinhoff. Do you have something to add?

Ralph Steinhoff: Only a clarification. De Luz was listed as an island initially; is it in this or not in this. And I guess the other one would be the Pilot Center; is it in or not in. It’s pretty clear that the piece at Sweetwater is considered an island as with those along I-8, and those along I-67 by Poway.

Commissioner Horn: I thought De Luz was resolved.

Ralph Steinhoff: In the staff report that LAFCO brought forward, De Luz was carried as an island. So my question is, with the motion that’s presented, is De Luz within the Activation of Latent Powers or not?

Commissioner Jacob: Are you going to have a problem getting a contract with De Luz?

Ralph Steinhoff: No.

Chairman Andy Vanderlaan: So Shirley, you're saying it's not considered an island? Is that correct or no?

Shirley Anderson: Not in LAFCO's report.

Ralph Steinhoff: Oh, ok good. Thank you.

Commissioner Horn: I'm glad you asked the question.

Chairman Andy Vanderlaan: Yes. And I appreciate your knowledge on all those islands Mr. Steinhoff. You were right on top of all that. That's pretty impressive.

Commissioner Menshek: Based on the map though, what I'm looking at, I think this why the question was brought up is that a good section of De Luz – half of that area up there – is within the sphere of influence of the North County Fire Protection District. I don't know what their particular position is. That's going to be perhaps an issue.

Chairman Andy Vanderlaan: Ok. Are there any other comments by the Commission? Just a general comment...I appreciate all the efforts of the fire folks and certainly our staff. As I said, we would have an entertaining meeting; but I didn't realize it would be this entertaining and this long. But nonetheless, I think we're close to a decision. But just a general comment related to the islands, I would think that there is enough in this proposal that the islands would go away. Either the cities would take them or special districts would take them. We're talking about a lot of money potentially coming in to this service. The whole concept here is that we serve without borders across our entire county. So if it's not specifically covered in what we've done today, some of those trailing items from municipalities, I would encourage Poway and others that may not be the most desirable area to annex, but we're talking about putting a blanket over everything. So I would encourage all the players involved to do that. Take a look at that. We are going to have issues related to just follow the money. If there's money concerned, there's going to be an issue about who gets it or who wants it. I think we also should look take the highest level; I think that's what Commissioner Frye said about the way Commissioner Jacob handles business. We look to that, we go to the higher ground. We may not all get what we want. In fact this proposal was modified. I appreciate our staff taking a look at the alternate proposal and presenting that to us. It's certainly the vision that whenever we started this thing. I think it started in 1976 when I came to this county, but none-the-less here we are a few years later. So, thank you particularly for the Board of Supervisors to bring this issue forward. We have three Supervisors here, thank you for that. I know that wasn't an easy thing to do to get five votes to make it happen. Does everyone understand the motion now?

All commissioners present: Yes.

Chairman Andy Vanderlaan: Yes, we all understand? Alright. Call for the question, those in favor signify by saying "Aye".

AYES: Commissioners Vanderlaan, Horn, Jacob, Pocklington, Menshek, Rexford, Hilliard, and Frye.

NOES: None.

ABSENT: Alternate Commissioners Ingalls and Mathis.

ABSTAINING: None.

With no more speakers from the public and no further discussion from the Commission, on motion of Commissioner Jacob, seconded by Commissioner Menshek, and carried unanimously by the commissioners present, the Commission closed the public hearing and took the following actions regarding the Executive Officer's October 6, 2008 Revised Recommendations:

1. Certified in accordance with the Executive Officer's determination that pursuant to Section 15061 (b)(3) of the State CEQA Guidelines, sphere determinations for the service-specific area within CSA No. 135 is not subject to the environmental impact evaluation process because it can be seen with certainty there is no possibility that the sphere action would have a significant effect on the environment and is not subject to CEQA;
2. Approved the sphere of influence, which includes the special study areas identified on Map 4;
3. Directed the Executive Officer to prepare written Statements of Determinations for the approved sphere of influence;
4. Found in accordance with the Executive Officers determination, that pursuant to Section 15320 of the State CEQA Guidelines, the proposed Activation of Latent Powers for Structural Fire Protection and EMS within a service-specific area of CSA No. 135 is not subject to the environmental impact evaluation process because the proposed activation of latent powers does not change the geographical area in which previously existing powers are exercised;
5. For the reasons set forth in the Executive Officers Report:
 - a. Adopted the form of resolution activating latent powers for structural fire protection and emergency medical services within a portion of CSA No. 135, as specified in technically updated Map 1. Map 1 excludes from the latent powers activation area, islands surrounded by cities and special districts, as denoted in Areas 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, and 12 on Map 1. However, a portion of area 5 (Pilot Travel Center) and De Luz (Area 10) are included in the latent powers area. The resolution activating latent powers is subject to the following conditions:
 - i. The Proposed Annexation of Alpine Islands (DA08-18) shall continue to be processed as proposed (GC 56655).
 - ii. Suspend approval/ratification of the conditionally approved Phase I Reorganization and retire the Commission Subcommittee;

- iii. Activation of latent powers for structural fire protection and EMS within a service-specific area of CSA No. 135 shall be effective when contracts for services with volunteer fire protection companies are completed;
- iv. Activation of latent powers for structural fire protection and EMS within a service-specific area of CSA No. 135 shall be effective when areas that will not be served by contract volunteers or CAL FIRE operations are identified and automatic aid agreements or contracts for services with alternative providers are completed;
- v. Administrative responsibility for the Task Force on Fire Protection and EMS shall transfer to the SDCRFA;
- vi. Direct the Executive Officer to initiate a Municipal Service Review of structural fire protection and EMS services within CSA No. 135 within three years of the effective date of the activation of latent powers for structural fire protection and EMS. Service issues that may be analyzed in the MSR include but are not limited to opportunities for cost avoidance, opportunities for shared facilities, government structure options, evaluation of management efficiencies, local accountability and governance, evaluation of competitive bidding practices, organizational structure of service delivery, cost efficiencies of the Hybrid Service Plan, and evaluation of response times.
- vii. Direct the Executive Officer to return to the Commission with a status report to assess the interest of cities and districts regarding annexation or other alternatives that are appropriate to address the service provision issues within the island areas designated on Map 1.

Chairman Andy Vanderlaan: Motion carries. Thank you very much. We'll now move onto Item Nos. 10A & 10B.

Item 10A

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

Item 10B

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

(DISCUSSION / ACTION SUMMARY)

Ingrid Hansen: Thank you Shirley. The Pilot Travel Center proposal includes approximately 14 acres that currently are not in any entity that provides fire protection. The project proposes that fire protection services be obtained from the Rural Fire Protection District, which would involve amending the District's sphere of influence in conjunction with annexation. While the property is in the unincorporated San Diego County, it is adjacent to the City of San Diego and within half a mile of the City fire station. The development plan included the construction of a commercial travel center

that consisted gasoline and diesel fueling stations, a restaurant, and convenient store, as well a public showers and laundry services. A final approval for the Travel Center site plan was contingent on annexation for structural fire protection. Initially, response was supposed to come from Rural Fire Protection District's station that was located at the Donovan State Prison site. However, the fire protection plan noted that in case of a prisoner lock down or other emergency on site, personnel would not be allowed to leave the facility. For that reason, LAFCO staff waited to schedule the proposal until a new station at the George Bailey Detention Facility opened and was fully staffed and operational; it opened on October 3. When the annexation was presented in November of 2007, your Commission voted to continue the item to allow the applicant time to address specific issues of concern including the assurance that the new fire station had sufficient on-going funding for staff and operations and equipment to provide an adequate level of service. Another concern was the property's non-contiguity with the district boundary. A third concern was the adequacy of the EIR Addendum. However, of greater concern was the lack of an automatic aid agreement between Rural and the City of San Diego given the proximity of the City's fire station to the site. Recently, information was provided that verified the District's financing plan for the new station. The District has obtained consent of all but one of the adjacent property owners, which would resolve the non-contiguity issue and facilitate annexation of the entire island area. And while Rural Fire Protection District's attorney recently submitted an additional EIR Addendum, it does not appear to have approved by the County – which is the lead agency – and may not have yet been reviewed by the fire district board. In addition, based on travel time and distance figures calculated during an independent field study, the reported five minute response time contained in the Addendum is inaccurate. This document also contains significant new information that should be included in either a supplemental or subsequent EIR rather than another Addendum. Because the Commission expressed the opinion that a fire service agreement for this critical for public safety, the proposal was not rescheduled for consideration. However, the County submitted its Hybrid Fire Plan, which includes the Pilot Travel Center territory; so the matter was set for today's meeting. On September 30th of 2008, Rural Fire Protection District and the City of San Diego did sign a contractual service agreement. This contract is for only one year, but provides for extensions on a yearly basis; but that is limited to four additional years. The agreement is not for automatic aid and fails to identify which entity is the first responder. It was our understanding that the Pilot Travel Center would not become operational until the annexation was completed. Nevertheless, while the property is not in a fire protection agency, the Pilot Travel Center already has opened for business. Final County approval of the development plan was granted because Rural and the property owner had signed a fire service contract. However, that contract is invalid since it does not comply with Government Section 56133, which states that LAFCO must authorize provision of services outside and agency's boundary. In addition, subsequent evaluation of the area by staff also revealed that most of the road from the George Bailey Detention Facility not only is narrow with only one lane in each direction, but also is steep and winding with one segment posted as having a 9% grade. Response from the City of San Diego's fire station is along Otay Mesa Road...(this is a picture looking across the street at the fire station itself)...and Otay Mesa Road is straight and consist of three lanes in each direction (this is a view looking west from Pilot Travel Center on the right down towards the City's fire station). This substantiates the rational that the City of San Diego should

be the first responder to an incident at the Pilot Travel Center site, and also strengthens the argument that an automatic aid or contractual arrangement with the City is crucial to public safety for this location. A parallel to the processing of the Pilot Travel Center annexation, LAFCO staff was analyzing the establishment of a regional fire protection agency – the report you just heard – that would extend fire services to all of the unserved areas in San Diego County and as previously mentioned. The proposal to Activate Latent Powers for Structural Fire Protection for CSA No. 135 is Item 9 on today's agenda, and includes the Pilot Travel Center and adjacent property. Since the subject area is unserved, it qualifies to receive service from CSA No. 135 if latent powers are authorized; thus making annexation to the Rural Fire Protection District unnecessary. Now, since a contractual agreement exists between the City of San Diego and Rural Fire Protection District, several options related to the annexation are available. If the Commission decides to approve the annexation along with amending the District's sphere of influence, the additional Addendum would have to be utilized as the environmental document. If the Commission approves agenda Item 9, the annexation area would be retained within the zone for CSA No. 135 and the Travel Center would not be approved. In this case, the site would receive service from CSA No. 135 and that would allow the County to contract with Rural or the City for the most efficient and cost-effective method of service provision. County staff did express concern about that action – impeding annexation of Pilot Center to Rural – and if by virtue of today's approval of Item 9, the area could be included in the CSA zone, but annexation to Rural could still occur at a later date and then would involve detachment of the territory from CSA No. 135's zone. I'm going to turn this over to John Traylor. John conducted the travel and distance time study that was referenced in the supplemental report that you received that was dated September 30th. He will provide a more in depth discussion related to service response to the Pilot Travel Center site and additional territory.

John Traylor: Thank you Ingrid. Subsequent to the September 24th supplemental application that we received on behalf of Pilot Travel, we wanted to look at some statements in their report regarding travel time or response time. We took an opportunity to go out and look at the area once again, keeping in mind that they have a new Schedule A contract at the George Bailey Detention Facility, a Type-1 engine staffed by CALFIRE personnel which is appropriate; but we wanted to look at the true travel distance and travel time from that facility to the subject property. As you could see on the map, we did determine that the San Diego City station is half a mile away with a 52 second travel time. The San Diego Rural fire station at the George Bailey Detention Facility, we determined it was 4.6 miles from the subject property and an 8 minute 15 seconds travel time to the site. We used a county staff car...we used the speeds that were identified in this supplemental application as 45-50 miles per hour. I did reduce time based on coming up to stop signs or traffic signals where the continued speed was diminished; and using a stop watch, we came up with 8 minutes and 15 seconds response time. It is recognized that the facility itself, the structure does have fire sprinkler systems to mitigate any fire within the structure; none-the-less, this is a fueling operation. Any time you have transfer of fuels, you have the potential for a flash fire. Also, there's a tremendous amount of activity at this center with people coming and going. In a ten minute time that we were there about 10:30 in the morning, I would estimate 35 to 40 people in and out of that facility; using that facility, showers, and

grocery store and fueling operations. So it does attract a lot of activity and we wanted to review applicable travel times to service that center. Also, we are aware that the San Diego Rural has executed an agreement with San Diego City; however, the application that was submitted on September 24th still lists San Diego Rural as the first responder. I recommend that that be changed to a second responder and San Diego City be listed as the first responder for your consideration. Thank you.

(Refer to Minute Items 9A, 9B, and 9C for Commission and public discussion)

Mike Ott: Mr. Chairman, this Item was opened concurrently with Item 9 and the recommendation was to continue the Item until December 1st.

Commissioner Pocklington: I would so move Mr. Chairman.

Chairman Andy Vanderlaan: Ok, we have a motion. Do we have a second to continue Items 10A & 10B?

Commissioner Rexford: Second.

Chairman Andy Vanderlaan: We have a second. Any discussion? No. Hearing and seeing none, I'll call for the question, those in favor signify by saying "Aye".

AYES: Commissioners Vanderlaan, Horn, Jacob, Pocklington, Menshek, Rexford, Hilliard, and Frye.

NOES: None.

ABSENT: Alternate Commissioners Ingalls and Mathis.

ABSTAINING: None.

Item 11

Proposed "Avocado Way-Potter Annexation" to the Vallecitos Water District (DA08-10)

This was an information item and no action was required.

Item 12

Proposed "Acacia Avenue – Haber Annexation" to the Spring Valley Sanitation District (DA08-12)

This was an information item and no action was required.

Item 13
October 2008 Legislative Report

At the request of Chairman Vanderlaan, Harry Ehrlich provided a state budget update to the Commission.

No action was taken by the Commission.

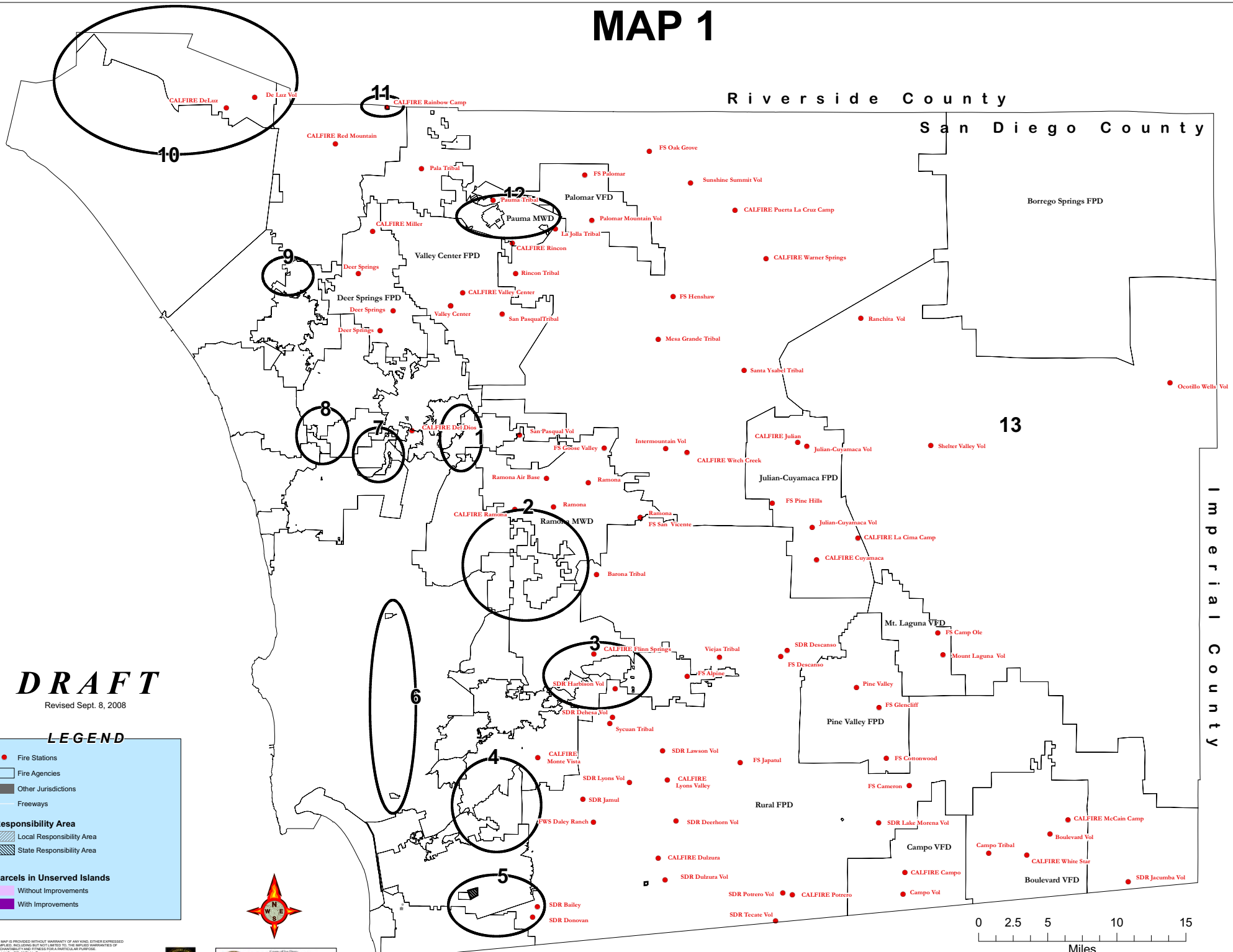
There being no further business to come before the Commission, the meeting adjourned at 11:10 a.m. to the November 3, 2008 meeting, in Room 302, County Administration Center.

Tita Jacque Mandapat
Administrative Assistant

MAP 1

Riverside County
San Diego County

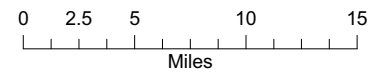
Imperial County



DRAFT
Revised Sept. 8, 2008

LEGEND

- Fire Stations
- ▭ Fire Agencies
- ▭ Other Jurisdictions
- ▭ Freeways
- Responsibility Area**
 - ▨ Local Responsibility Area
 - ▨ State Responsibility Area
- Parcels in Unserved Islands**
 - ▭ Without Improvements
 - ▭ With Improvements



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