

**SAN DIEGO LAFCO
MINUTES OF THE REGULAR MEETING
FEBRUARY 3, 2003**

There being a quorum present, the meeting was convened at 9:00 a.m. by Chairwoman Dianne Jacob. Also present were: Regular Commissioners – Councilmember Patty Davis, Councilmember Donna Frye, Councilmember Jill Greer, Supervisor Bill Horn, Bud Pocklington, Andrew Vanderlaan and Ron Wootton; Alternate Commissioners – Harry Mathis, and Andrew Menshek (who entered at 9:04 a.m.); LAFCO and County Staff – Executive Officer Michael Ott, Local Governmental Analyst Ingrid Hansen, and LAFCO Counsel William Smith. Absent was: Alternate Commissioner – Supervisor Greg Cox.

Item 1

**Presentation of Plaque of Appreciation
to Former Chairman Ronald Wootton**

On behalf of the Commission, Chairwoman Jacob presented a plaque of appreciation to LAFCO's 2002 Chairman Ronald Wootton.

Item 2

**Approval of Minutes
of Meeting Held December 2, 2002**

With Commissioners Frye and Pocklington abstaining, on motion of Commissioner Greer, seconded by Commissioner Davis, the commissioners dispensed with reading the minutes of December 2, 2002, and approved said minutes.

Item 3

Executive Officer's Recommended Agenda Revisions

Michael Ott indicated the following revisions to the agenda: Items 6 and 8 have been removed from the Consent Agenda, and the commission will receive staff presentations on these items. He indicated the first item on the Consent agenda would be Item No. 7.

Item 4

Public Comment

No members of the public requested to speak.

Item 5

**Proposed "Encino Estates II Reorganization"
(City of Escondido) (RO02-28)**

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

- (1) Certified that the information contained in the Revised 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, waiving the Conducting Authority proceedings in accordance with Government Code Section 56663(c), and ordering the reorganization subject to the following terms and conditions:

Payment of Local Agency Formation Commission and State Board of Equalization processing fees and City of Escondido annexation fees.

Item 6
Proposed “Brookside II Reorganization”
(City of Escondido) (RO02-26)

The proposed “Brookside II Reorganization” (City of Escondido) was removed from the Consent Agenda by the Executive Officer, and the Commission received a staff presentation on the item.

Mr. Ott presented the staff report, which included a PowerPoint presentation, and indicated that the Deer Springs FPD had expressed their concern in a letter regarding the loss of property taxes associated with the detachment. Mr. Ott said that Deer Springs FPD also expressed concerns that the ability of the fire agency to provide services to the remaining portion of the district would be affected.

In response to a question from Alternate Commissioner Mathis, Mr. Ott said that there was no mutual aid agreement for paramedic services between the City of Escondido and Deer Springs FPD.

Alternate Commissioner Menshek commented that the property tax transfer statement on the attached Property Tax Transfer Statements from prior reorganizations, Moran Reorganization, City of La Mesa/San Miguel Consolidated Fire Protection District, shows that the County General Fund gains and that the net loss comes from the District. He indicated that the fire districts do not have resources to mitigate loss of revenue. He said that San Miguel FPD responds to automatic aid calls in the City of La Mesa, but the District pays for the paramedics and engine. He said that lack of reciprocity can affect fire districts.

Commissioner Vanderlaan indicated that since staff’s recommendation No. 3 requests the Task Force on Fire Protection and Emergency Medical Services to review the current property tax transfer procedures, that they should also look into the issue of reciprocity and how services are provided and make recommendations. Commissioner Vanderlaan said Deer Springs FPD was formed after Proposition 13, and has never been at pre-Proposition 13 levels.

Commissioner Wootton indicated that Master Property Tax Transfer Agreement inequities throughout city reorganizations act as a deterrent to annexations except for development-related annexations, where the city gains with increased property taxes.

The following individuals addressed the Commission, indicating their support of staff's recommendation: Jay Petrek, City of Escondido (annexing agency), Tom Zanic (New Urban West), Blanch von Seggren, Lt. Col. Al Sarno, and Bill VerWeire. The following individuals did not speak, but registered their support of staff's recommendation: Suzanne Berry, Kathleen Humphreys, Bob Brewbaker, and Jo Sarno.

Correcting the word "dissolution" to "reorganization" in Recommendation No. 4 of Item 6 on the agenda, on motion of Commissioner Wootton, seconded by Commissioner Horn, and carried unanimously by the Commissioners present, the Commission took the following action:

- (1) Certified that the information contained in the Mitigated Negative Declaration prepared by the City of Escondido has been reviewed and considered;
- (2) Directed the Executive Officer to draft a letter on behalf of the Commission to the Chair of the Task Force on Fire Protection and Emergency Medical Services recommending that the task force review the current property tax transfer procedures associated with city annexations, and to look into the issue of reciprocity and how services are provided and make recommendations to the Board of Supervisors; and
- (3) Adopted the form of resolution approving this reorganization for the reasons set forth in the Executive Officer's Report, delegating to the Executive Officer the responsibility for holding conducting authority proceedings subject to the following terms and conditions:

Payment of Local Agency Formation Commission and State Board of Equalization processing fees and City of Escondido annexation fees.

Item 7
Proposed "Gamboni Annexation" to the
Buena Sanitation District (DA01-16)

This item was removed from the Consent Agenda by the Executive Officer, and the Commission received a staff presentation on the item.

Ingrid Hansen presented a brief staff report on this item, which included a PowerPoint presentation. Ms. Hansen indicated staff is recommending the Commission establish a jurisdictional oversight committee to assist in resolving issues associated with the City of Vista's annexation moratorium.

Mr. Ott requested Chairwoman Jacob appoint three commissioners to serve on the new jurisdictional oversight committee. He suggested the immediate past Chairman be appointed to the Committee, along with two or three additional commissioners.

Chairwoman Jacob requested volunteers from the Commission, and appointed the following commissioners to the Jurisdictional Oversight Committee: Commissioner Wootton, Commissioner Horn, and Commissioner Vanderlaan.

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

- (1) Certified that the information contained in the Negative Declaration prepared by the County of San Diego has been reviewed and considered;
- (2) Adopted the form of resolution approving this annexation for the reasons set forth in the Executive Officer's Report, waiving the Conducting Authority proceedings according to Government Code Section 56663(c), and ordering the annexation;
- (3) Established a Jurisdictional Oversight Committee to assist in resolving issues associated with the City of Vista's annexation moratorium consisting of Commissioners Wootton, Horn and Vanderlaan; and
- (4) Directed the jurisdictional oversight committee members to provide an update of their findings at the first available commission meeting.

Item 8A
Adoption of an Amendment to the
Sewer Service Sphere of Influence
for Olivenhain Municipal Water District (SA02-23)

Item 8B
Proposed "Escondido Creek Latent
Sewer Powers Expansion" to the
Olivenhain Municipal Water District (LP02-23)

Item 8C
Proposed "Escondido Creek
Detachment" from the Rancho Santa Fe
Community Services District (DD02-23)

Chairwoman Jacob opened the public hearing. The Commission waived the staff report on this item.

With no members of the public wishing to speak in support or in opposition of the item, on motion of Commissioner Vanderlaan, seconded by Commissioner Pocklington, and carried unanimously by the commissioners present, the Commission closed the public hearing, and took the following actions:

- (1) Certified pursuant to Section 15091 of the State CEQA Guidelines, that the mitigation measures included in the attached resolution of approval of the County of San Diego for the impacts identified in the attached EIR have been adopted by the County of San Diego, and that the mitigation is within the jurisdiction of the County of San Diego and not LAFCO because the affected resources and services are within the unincorporated area of the County;

- (2) Amended the sewer service sphere of influence for the Olivenhain Municipal Water District to include the territory as shown on the attached map, and adopt the written Statement of Determinations as proposed in Exhibit A; and
- (3) Adopted the form of resolution approving the expansion of sewer latent powers of the Olivenhain Municipal Water District and the detachment of territory from the Rancho Santa Fe Community Services District for the reasons set forth in the Executive Officer's Report, waiving conducting authority proceedings according to Government Code Section 56663(d) and ordering the latent powers expansion and district detachment subject to the following conditions:
 - (a) A sewer master plan acceptable to the Olivenhain MWD must be completed. Escondido Creek Development, Inc. will pay a pro-rata share for this sewer master plan;
 - (b) Escondido Creek Development, Inc. is required to pay all applicable sewer capacity fees and all other fees and charges of Olivenhain MWD in accordance with Olivenhain MWD's Rules and Regulations;
 - (c) Escondido Creek Development, Inc. will be required to provide all fee sites and easements as required for construction of on-site and off-site facilities as required by Olivenhain MWD, in its sole discretion;
 - (d) Escondido Creek Development, Inc. is required to construct all on-site and off-site sewer facilities as required by Olivenhain MWD, in its sole discretion;
 - (e) Certification of a final Environmental Impact Report and no challenge within the time authorized by law or, if there is a challenge, the final environmental Impact Report is upheld by a court of competent jurisdiction;
 - (f) Escondido Creek Development, Inc. will be required to comply with all Local Agency Formation Commission's terms and conditions, to pay all Local Agency Formation Commission fees and charges, and to pay Olivenhain MWD for all staff time, engineer time, attorney's fees and consulting fees and costs incurred in an effort to obtain this approval;
 - (g) An amendment to the Rancho Cielo Specific Plan or an amendment of the County General Plan to permit the project must be approved, if required by the County;
 - (h) Escondido Creek Development, Inc. must secure an approved Final Map; and
 - (i) Annexation fees must be paid in accordance with Article 24 (as amended) of Olivenhain MWD's Administrative Code.

Item 9A
Adoption of an Amendment to the Sphere of Influence for the Spring Valley Sanitation District (SA02-25)

Item 9B
Proposed “Behl Annexation” to the Spring Valley Sanitation District (DA02-25)

Chairwoman Jacob opened the public hearing. The Commission waived the staff report on this item.

With no members of the public wishing to speak in support or in opposition of the item, on motion of Commissioner Vanderlaan, seconded by Commissioner Pocklington, and carried unanimously by the commissioners present, the Commission closed the public hearing, and took the following actions:

- (1) Found in accordance with the Executive Officer's determination that, pursuant to Section 15319(a) of the State CEQA Guidelines, this annexation is not subject to the environmental impact evaluation process because the proposal area contains an existing structure and is developed to the density of the gaining governmental agency, and any utility extension would only have the capacity to serve the existing structure;
- (2) Amended the sphere of influence for the Spring Valley Sanitation District to include the territory as shown on the attached map, and adopt the written Statement of Determinations as proposed in Exhibit A; and
- (3) Adopted the form of resolution approving this annexation for the reasons set forth in the Executive Officer's Report, waiving conducting authority proceedings according to Government Code Section 56663(d) and ordering the annexation subject to the following conditions:

Payment of Spring Valley Sanitation District, Local Agency Formation Commission, and State Board of Equalization processing fees.

Item 10A
Adoption of an Amendment to the Sphere of Influence for the Vallecitos Water District (SA02-31)

Item 10B
Proposed “Gene Mallin / Pasto, Inc. Annexation” to the Vallecitos Water District (DA02-31)

Chairwoman Jacob opened the public hearing. The Commission waived the staff report on this item.

With no members of the public wishing to speak in support or in opposition of the item, on motion of Commissioner Vanderlaan, seconded by Commissioner Pocklington, and carried unanimously by the commissioners present, the Commission closed the public hearing, and took the following actions:

- (1) Certified that the information contained in the Negative Declaration prepared by the City of San Marcos has been reviewed and considered;
- (2) Amended the sphere of influence for the Vallecitos Water District to include the territory as shown on the attached map, and adopt the written Statement of Determinations as proposed in Exhibit A; and
- (3) Adopted the form of resolution approving the sphere amendment and annexation for the reasons set forth in the Executive Officer's Report, waiving the Conducting Authority proceedings according to Government Code Section 56663(c), and ordering the annexation, subject to the following terms and conditions:
 - (a) Payment of an annexation fee to the District of \$13,373.49;
 - (b) Payment of the State Board of Equalization Fee;
 - (c) Annexation into Sewer Improvement Districts 1, 2, 6 & "A" for sewer service only;
 - (d) No construction of or connection to any sewer mains will be allowed until completion of the annexation, approval from LAFCO, payment of annexation fees and payment of all current fees and charges, and acceptance of all sewer facilities required for the project; and
 - (e) Grant the Vallecitos Water District a minimum 20-foot drivable easement for sewer main extension; any easement required shall be granted to the District prior to installation of the sewer main extension.

Item 11
Second Quarter Budget Update
FY 2002-03 and Transfer of Funds

Mr. Ott presented a brief staff report.

On motion of Commissioner Vanderlaan, seconded by Commissioner Davis, and carried unanimously by the commissioners present, the Commission closed the public hearing, and took the following actions:

- (1) Received the second quarter budget update; and
- (2) Authorized the Executive Officer to transfer up to \$15,000 of undedicated salaries and benefits and services and supplies appropriations to LAFCO's fixed asset account.

Item 12
Quarterly Self-Approved Expense Claims Report

This was an information item and no action was required.

There being no further business to come before the Commission, the meeting adjourned at 10:45 a.m. to the March 3, 2003 meeting, in Rooms 302-303, County Administration Center.

JAN BRYSON
Executive Assistant