

**APPROVED MINUTES  
SAN DIEGO LAFCO  
October 1, 2018 REGULAR MEETING**

**CALL TO ORDER**

There being a quorum present, the meeting was convened at 9:00 a.m. by Chair MacKenzie.

**ROLL CALL**

The Commission Clerk performed the roll call for the October 1, 2018 meeting. Roll was recorded as follows:

Regulars Present: Catherine Blakespear, City of Encinitas  
Bill Horn, County of San Diego  
Dianne Jacob, County of San Diego  
Jo MacKenzie, Vista Irrigation District (CHAIR)  
Ed Sprague, Olivenhain Municipal Water District (VICE CHAIR)  
Andy Vanderlaan, Public  
Lorie Zapf, City of San Diego

Alternates Present: Lorie Bragg, City of Imperial Beach (Voting)  
Judy Hanson, Leucadia Wastewater District  
Harry Mathis, Public

Members Absent: Bill Wells, City of El Cajon  
Chris Cate, City of San Diego – Alternate  
Greg Cox, County of San Diego – Alternate

Additionally, the following staff members were present at the dais during roll call: Executive Officer Keene Simonds; Commission Counsel Holly Whatley; Chief Policy Analyst Robert Barry; and Executive Assistant Tamaron Lockett.

Commissioner Zapf arrived at 9:05 a.m.

**PLEDGE OF ALLEGIANCE**

Commissioner Jacob led the Commission in the Pledge of Allegiance.

**AGENDA REVIEW**

Chair MacKenzie asked the Executive Officer if there were requests to remove or rearrange items on the agenda. The Executive Officer noted no agenda revisions were needed. Chair MacKenzie announced the Commission would proceed with the agenda as presented.

## **PUBLIC COMMENT**

Chair MacKenzie asked the public seated in audience if anyone would like to address the Commission on an item that is not related to agenda. Without any speaker slips or seeing anyone approach the dais Chair MacKenzie ended the public comment period.

## **CONSENT ITEMS**

### **Item 1**

#### **Approval of Meeting | August 6, 2018 and September 10, 2018**

Item presented on the consent calendar for action. Item involves draft minutes prepared for the Commission's August 6<sup>th</sup> and September 10<sup>th</sup> meetings. Recommendation to approve.

### **Item 2**

#### **Commission Ratification | Recorded Payments for July and August 2018**

Item presented on the consent calendar for action. Item involves ratification of recorded financial payments received and distributed for July 1<sup>st</sup> through August 31<sup>st</sup>. Payments totaled \$257,943. Recommendation to approve.

### **Item 3**

#### **End of Year Budget Report for Fiscal Year 2017-2018**

Item presented on the consent calendar for action. Item involves end of year budget report and transactions for 2017-2018. Report identifies LAFCO finished the fiscal year with an operating surplus of \$150,011 while also cancelling the budgeted use of reserves in the amount of \$220,000; resulting in a net savings of \$370,011. Recommendation to approve.

### **Item 4**

#### **Proposed "Camino Largo 8 Reorganization" | Concurrent Annexation to City of Vista and Detachment from the Vista Fire Protection District | RO18-08**

Item presented on the consent calendar for action. Item involves a proposal by the City of Vista to annex 9.3 acres with a concurrent detachment from the Vista Fire Protection District. The affected territory comprises one residential parcel identified as 59-240-07. Recommendation to approve without modifications and with standard terms.

### **Item 5**

#### **Proposed "Austin Drive-Moth Change of Organization" | Annexation to the San Diego County Sanitation District | DA18-12**

Item presented on the consent calendar for action. Items involves a landowner proposal to annex 0.90 acres to the San Diego County Sanitation District comprising one residential parcel identified as 504-241-13 and a portion of the adjacent right-of-way on Montemar Drive in Spring Valley. Recommendation to approve with a modification to add a 0.10-acre portion of the adjacent public-right-away on Austin Drive. Standard terms also recommended.

## CONSENT ITEMS CONTINUED...

### Item 6

#### **Policy Adoption | Conduct of Protest Hearings**

Item presented on the consent calendar for action. Item involves establishing a policy for conducting protest proceedings and includes discretionary standards and allowances in delegating responsibilities to the Executive Officer as well as receiving and valuing written protests. Recommendation to approve.

### Item 7

#### **Progress Report on 2018-2019 Workplan**

Item presented on the consent calendar for action. Item involves progress of specific projects established as part of the adopted workplan for 2018-2019. The report identifies projects that LAFCO have initiated or underway. Recommendation to receive and file.

### Item 8

#### **Current Proposals and Related Activities**

Item presented on the consent calendar for information only. Item summarizes an update on active and pending proposals on file with the Commission and other related matters pending before LAFCO. No action; information only.

### Item 9

#### **Legislative Report**

Item presented on the consent calendar for information only. Item summarizes a report on the pending close of the legislative session with respect to bills that directly or indirectly impact LAFCOs. No action; information only.

Commissioner Sprague motion to approve staff recommendation for consent items No. 1 through 9. Commissioner Bragg second.

Chair MacKenzie asked for a roll call of vote for the motion on Items 1 through 9.

The Commission Secretary recorded the following votes:

AYES: Blakespear, Bragg, Horn, Jacob, MacKenzie, Sprague, Vanderlaan and Zapf  
NOES: None  
ABSENT: Cate, Cox, and Wells  
ABSTAIN: None

The Secretary confirmed the motion was approved 8-0.

## **PUBLIC HEARING ITEMS**

### **Item 10**

#### **Proposed Reorganizations and Associated Sphere Amendments | (a) County Service Area No. 115 Reorganization No. 1 for San Miguel Consolidated Fire Protection District and (b) County Service Area No. 115 Reorganization No. 2 for Lakeside Fire Protection District | RO14-12 et al. and RO14-13 et al.**

Chair MacKenzie introduced the proposal. The Executive Officer summarized the two distinct proposals filed by Lakeside Fire Protection District and San Miguel Consolidated Fire Protection District underlying the combined public hearing. The Executive Officer noted the reorganization proposals were initially filed as competing actions to dissolve County Service Area (CSA) No. 115 and annex the approximate 441 acre unincorporated affected territory to their respective agencies in step with assuming fire protection and emergency medical service responsibilities. The Executive Officer stated LAFCO staff has administratively combined the two proposals for processing with the concurrence of both applicants and their subsequent agreement to modify and coordinate the proposals to divide the annexation into equal halves based on assessed value. The resulting combined reorganization proposal generally divides the annexation along Pepper Drive with lands to the north going to Lakeside Fire Protection District and lands to the south going to San Miguel Consolidated Fire Protection District. The Executive Officer recommended the Commission proceed with the modified action as described along with conforming sphere of influence amendments and specified terms as provided in a revised resolution presented on the dais and made available to the audience. The Executive Officer added protest proceedings would apply should the Commission approve the modified action.

Commission Counsel followed the Executive Officer's overview and addressed the revised resolution and confirmed both applicants were notified and accepted the revisions.

Chair MacKenzie opened the public hearing and noted two speaker slips were received from the applicants.

San Miguel Consolidated Fire Protection District Fire Chief Don Butz and Lakeside Fire Protection District Fire Chief Criss Brainard sequentially addressed the Commission and outlined their support for the staff recommendation to approve the modified action. Both speakers thanked the Commission's Ad Hoc Committee members Jacob, Vanderlaan, Sprague, and MacKenzie for their leadership in helping moving this project forward as well as recognizing the contributions of former LAFCO staff members Mike Ott and Joe Serrano. Both also confirmed their counsels had reviewed the revised resolution and were agreeable to the changes presented.

Chair MacKenzie invited anyone else in the audience to address the Commission on this matter.

## **PUBLIC HEARING ITEMS CONTINUED...**

County Fire Chief Tony Mecham approached the dais and stated the County supports the reorganization.

Seeing no others approach the dais, Chair MacKenzie closed the public hearing and asked if there was any discussion from the Commission.

Commissioner Jacob commented the item has come a long way and she is pleased to see Lakeside and San Miguel Consolidated Fire Protection Districts now collaborating and coming to an agreement in assuming fire protection and emergency medical services for the affected territory. Commissioner Jacob added her appreciation to LAFCO staff for the report and stated it is important for LAFCO to continue to do its job and revisit service conditions within the affected territory as part of the next scheduled municipal service review of the agencies in Fiscal Year 2023. Commissioner Jacob added Measure “A” is on the ballot this November to lock in the Fire Authority in the County Charter and is another step in demonstrating the County’s commitment in providing fire protection to the unincorporated areas

Commissioner Jacob concluded her comments by making a motion to approve the revised resolution and the staff recommendation for Alternative One. Commissioner Vanderlaan second.

Seeing no others approach the dais or further discussion from the Commission, Chair MacKenzie closed the public hearing and asked for a roll call of vote for the motion.

The Commission Secretary recorded the following votes:

AYES: Blakespear, Bragg, Horn, Jacob, MacKenzie, Sprague, Vanderlaan and Zapf  
NOES: None  
ABSENT: Cate, Cox, and Wells  
ABSTAIN: None

The Secretary confirmed the motion was approved 8-0.

Commissioner Vanderlaan asked the Chair for indulgence to make a few final comments with the item now completed. Commissioner Vanderlaan extended his appreciation to Commissioners Jacob and Horn and the rest of the County Board of Supervisors for their leadership in improving fire protection in the unincorporated areas. Commissioner Vanderlaan added his appreciation to County Fire Authority Director Herman Reddick and his team for implementing the Board of Supervisor’s vision as well as the contributions of LAFCO’s own John Traylor.

## **PUBLIC HEARING ITEMS CONTINUED...**

### **Item 11**

#### **Proposed “North Avenue Estates Reorganization” | Annexation to City of Escondido and Concurrent Detachments from County Service Area No. 135 (regional communications) and the Deer Springs Fire Protection District | RO18-06 et al.**

Chief Policy Analyst Robert Barry summarized the reorganization proposal filed by the City of Escondido to annex approximately 17.9 acres of unincorporated territory with concurrent detachments from Deer Springs Fire Protection District and County Service Area No. 135 (regional communications). Mr. Barry stated the primary purpose of the reorganization is to facilitate a planned 34-lot residential subdivision known as North Avenue Estates. Mr. Barry noted an earlier version of the proposal had been conditionally approved by the Commission in August 2008, but subsequently terminated before recordation as a result of Escondido objecting to a special approval term to address potential development impacts on adjacent septic systems along Laurashawn Lane. Mr. Barry added changes to the current development plan include sufficient revisions to remedy the earlier concerns and staff is recommending approval of the reorganization without modifications or special terms. Mr. Barry detailed Deer Springs Fire Protection District opposes the reorganization with representatives in attendance to speak to their concerns. Mr. Barry also detailed several adjacent landowners on Laurashawn Lane have submitted written objections given continued concerns about grading impacts on their septic systems.

Commissioner Sprague asked about the grading approval plans along the portion of Laurashawn Lane. Mr. Barry noted the project is 40 feet away from the property lines.

City of Escondido Planning Director Bill Martin approached the dais at Chair MacKenzie’s request and added no grading will occur along the open space area created as a buffer between the planned development and the property lines along Laurashawn Lane. Chair MacKenzie asked who is responsible of the maintenance in the open space area. Mr. Martin noted it is the responsibility of the homeowners’ association per the City’s own approval

Chair MacKenzie opened the public hearing and noted ten speaker slips were received from the members of the audience.

The following speaker representing an organization or group addressed the Commission:

- Robert E. Osby, President, Deer Springs Fire Protection District; opposes the reorganization

## **PUBLIC HEARINT ITEMS CONTINUED...**

The following individual speakers addressed the Commission:

- Casey Johnson, developer and real party of interest; supports the reorganization
- David Ferguson, developer and real party of interest; supports the reorganization
- Rodney Jones, Homeowner; supports the reorganization but concerned about impacts to septic systems along Laurashawn Lane
- Robert Scolomayer; supports the reorganization

Having no more speaker slips, Chair MacKenzie noted for the record LAFCO received five speaker slips of individuals in the audience that did not wish to speak but did want to register their positions in favor of the reorganization.

Seeing no others approach the dais Chair MacKenzie closed the public hearing.

Chair MacKenzie invited comments from the Commission.

Commissioner Jacob noted that it has been ten years and property owner Mr. Jones raised some issues about the septic systems and what will occur with the development and these issues were addressed to the Commission. Commissioner Jacob asked if it's within LAFCOs authority to provide protection to the homeowners along Laurashawn Avenue if issues occur with the septic systems or if the developer could assist with fees to be drawn upon to extend the sewer line. Commission Counsel noted the options are within the City's planning land use and development for an agreement and LAFCO has no direct authority.

Commissioner Horn reminded the Commission was only approving the reorganization and not the project itself; Escondido is responsible for addressing the details of the development and grading-related issues. Commissioner Horn added he understands that Deer Springs Fire Protection District will be losing money with the detachment, but he is more concerned about public safety and concurs with the staff report that Escondido is best positioned to serve the affected territory going forward. Commissioner Horn stated he supports the staff recommendation to approve the reorganization as presented and encouraged the adjacent landowners on Laurashawn to work with the City of Escondido on a long-term solution to establish wastewater services for their homes.

Commissioner Horn made a motion to approve the staff recommendation to approve the reorganization. Commissioner Vanderlaan second.

Commissioner Vanderlaan thanked Mr. Obsy for his comments and noted the financial hardship faced by Deer Springs Fire Protection District as a result of the reorganization is unfortunate, but is unavoidable given the local conditions noted in the report.

## **PUBLIC HEARING ITEMS CONTINUED...**

Commissioner Sprague noted he supports staff recommendation and asked if the residents along Laurashawn Lane have failing septic systems can LAFCO administratively assist the residents. Mr. Barry noted LAFCO have a process for landowners for failing septic system issues which LAFCO can administratively approve or provide a contractual service agreement.

Seeing no other comments from the Commission, Chair MacKenzie called for a vote.

The Commission Secretary recorded the following votes:

AYES: Blakespear, Bragg, Horn, Jacob, MacKenzie, Sprague, Vanderlaan, and Zapf  
NOES: None  
ABSENT: Cate, Cox, and Wells  
ABSTAIN: None

The Secretary confirmed the motion was approved 8-0.

## **BUSINESS ITEMS**

### **Item 12**

#### **Designation of Labor Negotiators**

Item presented on the business calendar for action. Commission Counsel summarized the item as procedural and need for the Commission to designate representatives for purposes of negotiating the salary and benefits for the Executive Officer should the Commission proceed into closed session. Commission Counsel recommended Chair MacKenzie and Commissioner Vanderlaan be designated as the labor negotiators given they have overseen the performance review of the Executive Officer to date.

Commissioner Jacob motion to approve the recommendation as presented by Commission Counsel. Commissioner Sprague second.

Chair MacKenzie asked for a roll call of vote for the motion on Item 12.

The Commission Secretary recorded the following votes:

AYES: Blakespear, Bragg, Horn, Jacob, MacKenzie, Sprague, Vanderlaan, and Zapf  
NOES: None  
ABSENT: Cate, Cox, and Wells  
ABSTAIN: None

The Secretary confirmed the motion was approved 8-0.



## **BUSINESS ITEMS CONTINUED...**

### **Item 13**

#### **Executive Officer Compensation**

Item presented on the business calendar for action. Commission Counsel advised the Commission they could immediately take up the item or return to it after closed session

Commissioner Sprague suggested the Commission proceed with the item and stated he was prepared to make a motion. Commissioner Jacob agreed.

Commission Sprague motioned for the Commission to approve the Executive Officer's request for a 5% increase in salary retroactive to August 6, 2018. Commissioner Vanderlaan second.

Chair MacKenzie noted the Executive Officer was also seeking an adjustment to this vacation accrual to be consistent with the benefit package provided to County management.

Commissioner Sprague amended his motion to include both the 5% salary increase and vacation accrual adjustment consistent with County management retroactive to August 6<sup>th</sup>. Commissioner Vanderlaan agreed and seconded the amended motion.

Commissioner Blakespear requested discussion. Commissioner Blakespear noted she supports the adjustments to the Executive Officer's compensation, but wanted to convey the need for the Executive Officer to be mindful of operational costs going forward.

Commissioner Jacob commended the Executive Officer for his services and accomplishments over the last year in helping raise LAFCO to the next level, and supports the compensation adjustments. Other Commissioners followed with similar comments.

Chair MacKenzie asked for a roll call of vote for the motion on Item 13.

The Commission Secretary recorded the following votes:

AYES: Blakespear, Bragg, Horn, Jacob, MacKenzie, Sprague, Vanderlaan, and Zapf  
NOES: None  
ABSENT: Cate, Cox, and Wells  
ABSTAIN: None

The Secretary confirmed the motion was approved 8-0.

Commission Counsel Whatley noted that a formal contractual amendment will be presented on the consent calendar at the next meeting memorializing the approved changes.

## **CLOSED SESSION**

Chair MacKenzie adjourned the regular meeting to closed session at 10:40 a.m. to discuss items 14 and 15 as specified in the agenda with the other two – 16 and 17 – no longer needed.

### **Item 14**

#### **Conference with Legal Counsel – Existing Litigation:**

Pursuant to Government Code Section 54956.9(d)(1): Southcott et al. v. Julian-Cuyamaca Fire Protection District, et al., San Diego Superior Court Case No. 37-2018-0023393-CU-WM-CTL; Fourth District Court of Appeal Case No. D074324.

### **Item 15**

#### **Conference with Legal Counsel – Anticipated Litigation:**

Pursuant to Government Code Section 54956.9(d)(2): Significant expose to litigation involving one case.

### **Item 16**

#### **Public Employee Performance Evaluation**

Pursuant to California Government Code Section 54957(b)  
Employee: Keene Simonds, Executive Officer

### **Item 17**

#### **Conference with Labor Negotiators**

Pursuant to California Government Code Section 54957.6  
Agency designated representatives: Jo MacKenzie and Andrew Vanderlaan  
Unrepresented Employee: Executive Officer

The Commission reconvened into open session at 10:45 a.m. with Commission Counsel reporting no actions were taken on items 14 and 15. (Items 16 and 17 were dropped. Also Commissioner Zapf was excused and did not participate in the closed session items.)

## **EXECUTIVE OFFICER REPORT**

The Executive Officer made the following comments:

- LAFCO will be holding protest proceedings for the approved reorganization of the Julian-Cuyamaca Fire Protection District on Tuesday, October 16, 2018 at 10:00 a.m. at the County Operations Center.
- Several members of LAFCO will be attending the CALAFCO Annual Conference in Yosemite scheduled for October 3-5<sup>th</sup> and will report back at the next meeting.

### **COMMISSIONER ANNOUNCEMENTS | REQUEST FOR FUTURE ITEMS**

No announcements or requests for future items were made from the Commissioners.

### **ADJOURNMENT TO NEXT REGULAR MEETING**

There being no further business to come before the Commission, the meeting was adjourned by Chair MacKenzie at 10:58 a.m. until December 3, 2018 upon approval by the Commission.

**Attested**  
**TAMARON LUCKETT**  
**EXECUTIVE ASSISTANT**

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