



San Diego County Local Agency Formation Commission

Regional Service Planning | Subdivision of the State of California

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AGENDA REPORT Consent | Action

May 6, 2019

TO: Commissioners
FROM: Tameron Lockett, Executive Assistant
SUBJECT: **Approval of Meeting Minutes | Monday, April 8, 2019**

SUMMARY

The San Diego Local Agency Formation Commission (LAFCO) will receive minutes prepared for the special meeting held on Monday, April 8, 2019. The minutes are in draft-form and being presented for formal approval with any desired corrections or clarifications as requested by the Commission.

BACKGROUND

The Ralph M. Brown Act was enacted by the State Legislature in 1953 and established standards for the public to attend and participate in meetings of local government bodies. The “Brown Act” requires – and among other items – public agencies to maintain written minutes for qualifying meetings.

DISCUSSION

This item is for San Diego LAFCO to consider approving summary minutes for the April 8, 2019 special meeting. The attendance record for the meeting follows.

- All members were present on April 8th with the exception of Catherine Blakespear, Chris Cate (alternate), and Greg Cox (alternate).

Administration

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Jim Desmond
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Mary Casillas Salas
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Mark Kersey
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Chair Jo MacKenzie
Vista Irrigation

Andy Vanderlaan
General Public

Dianne Jacob
County of San Diego

Bill Wells
City of El Cajon

Chris Cate, Alternate
City of San Diego

Barry Willis
Alpine Fire Protection

Harry Mathis, Alternate
General Public

Greg Cox, Alternate
County of San Diego

Serge Dedina, Alternate
City of Imperial Beach

Erin Lump, Alternate
Rincon del Diablo MWD

ANALYSIS

The attached summary minutes for the April 8, 2019 special meeting accurately reflect San Diego LAFCO's actions as recorded by staff. An audio recording of the meeting has also been posted on the Commission's website.

RECOMMENDATION

It is recommended San Diego LAFCO approve the draft minutes prepared for the April 8, 2019 special meeting as presented. This recommendation is consistent with Alternative One in the proceeding section.

ALTERNATIVES FOR ACTION

The following alternatives are available to San Diego LAFCO through a single motion:

Alternative One (recommended):

Approve the draft minutes prepared for the April 8, 2019 special meeting with any desired corrections or clarifications.

Alternative Two:

Continue to the next regular meeting and provide direction to staff as needed.

PROCEDURES

This item has been placed on San Diego LAFCO's agenda as part of the consent calendar. A successful motion to approve the consent calendar will include taking affirmative action on the staff recommendation as provided unless otherwise specified by the Commission.

Respectfully,



Tamaron Luckett
Executive Assistant

Attachment:

- 1) Draft Meeting Minutes for April 8, 2019

**DRAFT MINUTES
SAN DIEGO LAFCO
April 8, 2019 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 April 8, 2019 meeting. Roll was recorded as follows:

Regulars Present: Jim Desmond, County of San Diego
Dianne Jacob, County of San Diego
Mark Kersey, City of San Diego
Jo MacKenzie, Vista Irrigation District (CHAIR)
Ed Sprague, Olivenhain Municipal Water District (VICE CHAIR)
Andy Vanderlaan, Public
Bill Wells, City of El Cajon

Alternates Present: Serge Dedina, City of Imperial Beach (voting)
Judy Hanson, Leucadia Wastewater District
Harry Mathis, Public

Members Absent: Catherine Blakespear, City of Encinitas – Regular
Chris Cate, City of San Diego – Alternate
Greg Cox, County of San Diego – Alternate

The following staff members were also present at the dais during roll call: Executive Officer Keene Simonds; Commission Counsel Holly Whatley; Chief Policy Analyst Robert Barry; Local Government Analyst I Linda Zambito and Executive Assistant Tamaron Lockett.

PLEDGE OF ALLEGIANCE

Commissioner Kersey led the Commission in the Pledge of Allegiance.

INTRODUCTION OF NEW COMMISSIONER

Chair MacKenzie introduced new Commissioner Serge Dedina with the City of Imperial Beach. Commissioner Dedina thanked the Chair for the welcoming and commented he is looking forward to contributing to the Commission's work in San Diego County.

AGENDA REVIEW

Chair MacKenzie asked the Executive Officer if there were requests to remove or rearrange items on the agenda. 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 the audience if anyone would like to address the Commission on an item that is not related to the 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 Minutes | March 4, 2019

Item presented on the consent calendar for action and involves draft minutes prepared for the Commission's March 4, 2019 meeting. Recommendation to approve.

Item 2

Commission Ratification | Recorded Payments for February 2019

Item presented on the consent calendar for action and involves ratification of recorded financial payments received and distributed between February 1st and February 28th. Payments totaled \$155,422. Recommendation to approve.

Item 3

Proposed Eolus Avenue-Ryan Diaz Change of Organization | Annexation to the Leucadia Wastewater District [DA18-18]

Item presented on the consent calendar for action and involves a proposal by Leucadia Wastewater District requesting the annexation of 0.69-acres of incorporated territory consisting of a single parcel within its sphere of influence. Proposal purpose is to extend public wastewater service in conjunction with allowing the landowner to proceed and subdivide the parcel into two lots. Recommendation to approve with modification to add 0.06 acres of adjacent public right-of-way as well as apply standard terms. The subject parcel is identified by the County Assessor as 254-391-10.

Item 4

Protest Results for the Alpine Islands Reorganization | Annexation to the Alpine Fire Protection District and Concurrent Service Divesture from County Service Area No. 135 [RO16-15 et al.]

Item presented on the consent calendar for information and summarizes the results of the protest hearing held by the Executive Officer on March 13th for the earlier-approval of the "Alpine Islands Reorganization." No protest was received and as such the proposal to transfer fire protection and emergency medical services within the affected territory from the County of San to Alpine Fire Protection District will proceed.

CONSENT ITEMS CONTINUED...

Item 5

Protest Results for the County Service Area No. 135 Islands Reorganization | Concurrent Latent Power Area Expansion for County Service Area No. 135 and Annexations to Fire Protection Districts [RO16-20 et al.]

Item presented on the consent calendar for information and summarizes the results of the protest hearing held by the Executive Officer on March 13th for the earlier-approval of the “County Service Area No. 135 Islands Reorganization.” No protest was received and as such the proposal to establish formal fire protection and emergency medical services within the affected territory and divided among the five subject agencies will proceed.

Item 6

Progress Report on 2018-2019 Workplan

Item presented on the consent calendar for action and involves an update on staff progress in completing projects established as part of the 2018-2019 workplan. This includes noting four-fifths of all projects are underway with most high and moderate priority activities completed or nearing completion. Recommendation to receive and file.

Item 7

Current Proposals and Related Activities

Item presented on the consent calendar for information and summarizes active and pending proposals on file with the Commission. Item also satisfies LAFCO’s reporting requirement for special district proposals initiated by landowner/voter by petition. Information only.

Item 8

Updated Roster for the Special Districts Advisory Committee

Item presented on the consent calendar for information and summarizes recent roster changes on the Special Districts Advisory Committee. This includes the addition of Sheryl Landrum with Resource Conservation District of Greater San Diego County and Larry Converse Ramona Municipal Water District. Information only.

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Commissioner Sprague motioned to approve the consent calendar as recommended by staff in the associated agenda reports with a second from Commissioner Jacob.

Roll call requested and the Commission Secretary recorded the following votes:

AYES: Dedina (voting), Desmond, Jacob, Kersey, MacKenzie, Sprague, Vanderlaan, and Wells
NOES: None
ABSENT: Blakespear (Dedina voting in place), Cate, and Cox
ABSTAIN: None

The Secretary confirmed the motion was approved 8-0.

PUBLIC HEARING ITEMS

Item 9

Adoption of Final Workplan and Budget for 2019-2020

Item presented on the public hearing calendar for action with the Executive Officer providing a verbal report on the proposed final workplan and budget for 2019-2020. The Executive Officer noted both items return from the February's meeting and subsequent public review with limited and non-substantive changes. Summary of key aspects of both items was provided and marked by the Executive Officer recommending the budget increase by 0.5% to \$1,916,300.

Chair MacKenzie opened the public hearing and asked the Commission if there were any questions for staff.

Commissioner Desmond asked for clarification on whether the recommended budget and use of reserves as offsetting revenue impacts the Commission's current review of the Fund Balance Policy. The Executive Officer responded the budgeted amount of reserves reflected in the recommended budget is consistent with the estimates that have been incorporated into the policy review to date and would not impact prior discussions. The Executive Officer added the review of the Fund Balance Policy will return to the Commission in May.

Commissioner Dedina commented the recommended workplan and budget was well presented for the public to review and understand LAFCO operations going into 2019-2020 and thanked staff for these efforts.

Chair MacKenzie asked for clarification on the recommended budget with respect to several line items titled reimbursement. The Executive Officer noted these line-items are directly tied to various services provided by the County and generally incorporate cost-recovery formulas applied to all departments. The Chair also noted the recommended workplan includes updating the LAFCO application packet and suggested it would be good to incorporate a policy discussion on authorizing staff to proceed with terminating proposals that become dormant.

With no further discussion or comments from the Commission, Chair MacKenzie asked if there were any audience members wanting to speak on this item. None approached the podium. Chair MacKenzie closed the public hearing.

Commissioner Desmond motioned to approve the staff recommendation as provided in the agenda report with a second from Commissioner Kersey.

Roll call requested and the Commission Secretary recorded the following votes:

PUBLIC HEARING ITEMS CONTINUED...

AYES: Dedina (voting), Desmond, Jacob, Kersey, MacKenzie, Sprague, Vanderlaan, and Wells
NOES: None
ABSENT: Blakespear (Dedina voting in place), Cate, and Cox
ABSTAIN: None

The Secretary confirmed the motion was approved 8-0.

Item 10

Proposed Carmichael Drive-Wyman Service Agreement and Sphere of Influence Amendment | Outside Wastewater Service Extension by the City of La Mesa [SA/OAS18-07]

Item presented on the public hearing calendar for action with a verbal presentation provided by Chief Policy Analyst Robert Barry. Mr. Barry noted the proposal involves a request to approve a contractual wastewater service agreement to 0.73 acres of unincorporated territory between the City of La Mesa and the landowner with a conforming sphere of influence amendment. The purpose of the request is to facilitate the development of an accessory structure that would otherwise be prohibitive given impacts to the septic system and related lot limitations. Mr. Barry added staff recommends approval of the request as an alternative to annexation given local conditions as detailed.

Chair MacKenzie opened the public hearing and asked the Commission if there were any questions for staff. Without any questions Chair MacKenzie proceeded to invite any members of the audience to address the Commission on this topic. Comments were received by the following individual.

- Nate Wyman landowner, support

With no further comments, Chair MacKenzie closed the public hearing.

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Commissioner Desmond motioned to approve the staff recommendation as provided in the agenda report with a second from Commissioner Kersey.

Roll call requested and the Commission Secretary recorded the following votes:

AYES: Dedina (voting), Desmond, Jacob, Kersey, MacKenzie, Sprague, Vanderlaan, and Wells
NOES: None
ABSENT: Blakespear (Dedina voting in place), Cate, and Cox
ABSTAIN: None

The Secretary confirmed the motion was approved 8-0.

BUSINESS ITEMS

Item 11

Results of Special Election and Next Steps |

Julian-Cuyamaca Fire Protection District Reorganization [RO18-09 et al.]

Item presented on the business calendar for action to formally receive the results of the special election held on March 19, 2019 for voters to confirm the Commission's approval of the Julian-Cuyamaca Fire Protection District (FPD) Reorganization. The Executive Officer summarized the item and noted the reorganization has been approved by voters with 54% in favor with 46% opposed. The Executive Officer stated the results necessitate formal filing by the Commission consistent with Election Code. The Executive Officer added he was seeking feedback from the Commission in proceeding with setting the effective date of the reorganization and specifically dissolving the Julian-Cuyamaca FPD and transferring service responsibilities to the County Fire Authority through County Service Area No 135. The Executive Officer stated it was his recommendation the effective date be set immediately for April 8th and corresponds with the County attesting it is prepared to immediately assume service responsibilities. The Executive Officer concluded his opening remarks by noting the Commission had received late correspondence from the Kumeyaay Diegueno Land Conservancy on a topic Commission Counsel is prepared to address as needed.

Chair MacKenzie asked for initial questions from the Commissioners. Seeing none the Chair invited representatives from the two subject agencies – Julian-Cuyamaca FPD and County Fire Authority – to address the Commission on the topic of setting the effective date for the reorganization. The Chair also invited interested members of the audience to submit speaking cards if interested in addressing the Commission.

Comments were received by the following individuals.

- Attorney Cory Briggs with the Julian-Cuyamaca FPD addressed the Commission and summarized the District's objections to LAFCO proceeding with the reorganization. Mr. Briggs noted the proceedings have no legal standing as of April 5th given a court action rescinding the initiating resolution of application filed by Julian-Cuyamaca FPD due to a Brown Act violation. Mr. Briggs added all subsequent actions tied to the resolution of application – including the special election – are voided.
- County Fire Authority Chief Tony Mecham addressed the Commission and stated support for the Executive Officer's recommendation for LAFCO to set the reorganization's effective date immediately for April 8th. Mr. Meacham summarized the timeline of key events over the last year plus underlying the reorganization and noted all associated approval terms have been satisfied. Mr. Mecham stated County Counsel was available in the audience to address any questions.
- Julian resident Jacqueline Egan-Barry addressed the Commission in opposing the reorganization.

BUSINESS ITEMS CONTINUED...

- Julian resident Ken Rice addressed the Commission in opposing the reorganization.
- Julian resident Lori Foss addressed the Commission in opposing the reorganization and noted concerns about a recent call-drop and voter fraud in the special election.

With no additional speaker slips, Chair MacKenzie asked for discussion and direction from the Commission.

Commissioner Jacob asked Commission Counsel to address comments received from the speakers regarding voter fraud as well as objections raised by Mr. Briggs. Counsel Whatley stated any concerns regarding voter fraud should be directed to the Registrar of Voters and the courts as needed and is outside the scope of the Commission. Counsel Whatley stated Mr. Briggs' comments on Julian-Cuyamaca FPD rescinding its resolution of application to LAFCO has no direct tie to the item before the Commission and added LAFCO has obligations under statute to complete the reorganization.

Commissioner Jacob asked County Fire Authority Chief Tony Mecham to address the comments made by the speakers. Chief Mecham responded by noting Fire Authority was not aware of the specific incident from the past weekend described by Ms. Foss, and added all County vehicles have automatic vehicle locators and tracking technology to record times.

Commissioner Jacob commented the reorganization process undertaken at LAFCO has been the subject of a lot of discussion in the community over the last year and it was uniformly desired in all of the comments received that the residents have final say in the outcome. Commissioner Jacob added a vote has been taken, and while some might not like the results, the majority of residents have approved the reorganization.

Commissioner Desmond asked Commission Counsel to address the letter from Kumeyaay Diegueno Land Conservancy. Counsel Whatley noted she disagrees with the Conservancy's claims that the land housing Fire Station No. 56 reverts to their ownership should LAFCO proceed with the reorganization. Counsel Whatley added this topic was reviewed and addressed ahead of the Commission approving the reorganization on September 10, 2018.

Commissioner Desmond asked County Fire Authority Chief to return to podium and asked about the process for Julian-Cuyamaca FPD's volunteer firefighters to join the County Reserves. Mr. Mecham outlined the process and stated all current volunteers are welcome to apply and can join the County Reserves subject to meeting basic testing standards. Mr. Mecham added as of date 11 volunteers have already applied and others are encouraged to do so but they must initiate the process by submitting an application.

BUSINESS ITEMS CONTINUED...

Commissioner Kersey asked for clarification on voter eligibility to participate in the special election. Counsel Whatley responded the special election was specific to registered voters within the Julian-Cuyamaca FPD jurisdictional boundary.

Commissioner Kersey asked staff to confirm the action before the Commission to receive and file the results of the special election is procedural. The Executive Officer confirmed the action before the Commission to receive and file the election results is procedural and the lone discretionary issue left is to provide feedback in setting the effective date.

Commissioner Kersey motioned to approve staff recommendation and Vanderlaan second the motion.

Commissioner Jacob asked a question on the motion with respect to clarifying the direction to the Executive Officer in setting the effective date of the reorganization.

Commissioner Kersey clarified the motion is to proceed with Alternate One in the agenda report to receive and file the election results and provide direction to the Executive Officer to set the effective date for the reorganization to April 8th.

Chair MacKenzie asked Commissioners if there were any questions before proceeding with the motion.

Commissioner Wells asked if proceeding with the motion creates any new legal challenges for the Commission. Counsel Whatley responded that it seems likely the opponents of the reorganization will challenge LAFCO irrespective of when the Commission proceeds.

Commissioner Vanderlaan asked whether proceeding to set the effective date for the reorganization on April 8th causes any issues with respect to ensuring services are being provided in the community. The Executive Officer responded the County Fire Authority has attested it is ready to assume all service responsibilities beginning today. With the invitation of the Chair, County Fire Chief Tony Mecham noted the County has a transition plan and this includes taking the next week or two to review the status of equipment and facilities assumed from the Julian-Cuyamaca FPD and will utilize the adjacent CALFIRE station in the interim as needed.

Commissioner Desmond followed up with Mr. Mecham and asked to confirm whether the County is ready to serve the community. Chief Mecham respond “unequivocally yes.”

With permission from Chair MacKenzie, Mr. Briggs asked the Commission to consider postponing the item and allowing more time for the attorneys to address the item.

BUSINESS ITEMS CONTINUED...

Chair MacKenzie asked Commission Counsel for any additional comments before taking up the motion. Counsel Whatley responded there is no reason to delay taking action on the motion for legal purposes.

With no further discussion or comments from the Commission or the audience, Chair MacKenzie asked for a roll call of vote.

Commissioner Kersey motioned to approve Alternative One as provided in the agenda report with direction to the Executive Officer set the effective date of the reorganization to April 8, 2019 with a second from Commissioner Vanderlaan.

Roll call requested and the Commission Secretary recorded the following votes:

AYES: Dedina (voting), Desmond, Jacob, Kersey, MacKenzie, Sprague, Vanderlaan, and Wells
NOES: None
ABSENT: Blakespear (Dedina voting in place), Cate, and Cox
ABSTAIN: None

The Secretary confirmed the motion was approved 8-0.

Item 12

Draft Municipal Service Review on the Julian Region

Item presented on the business calendar for discussion with initial comments from the Executive Officer followed by presentation from Local Government Analyst I Linda Zambito. Ms. Zambito noted the municipal service review on the Julian region is being presented in draft-form and ahead of initiating formal public review before returning for action in June. Ms. Zambito proceeded to summarize the key conclusions and recommendations in the draft and invited comments from the Commission.

Chair MacKenzie asked the Commission if there were any questions for staff.

Commissioner Jacob thanked Ms. Zambito for the draft and noted she looked forward to hearing comments from the agencies and residents.

Chair MacKenzie requested staff make a slide as part of the final presentation in May that shows each district's key financial indicators.

Chair MacKenzie invited any members of the audience to address the Commission on this topic. Comments were received by the following individual.

BUSINESS ITEM CONTINUED...

- Julian resident Ken Rice expressed concern regarding the recommendation in the draft for LAFCO to work with the four water districts in the region in exploring consolidation opportunities.

Commissioner Jacob asked the Executive Officer to respond to the comment. The Executive Officer noted the municipal service review is a mandate on the Commission to independently assess the availability, level, and performance of governmental services relative to community needs, and it directs consideration of certain topics, such as consolidations. The Executive Officer added the recommendation for LAFCO to explore consolidation opportunities with the four water districts includes both functional and political options, and premised only if there is interest from the agencies.

Commissioner Dedina thanked Ms. Zambito for the draft and commented these type of independent evaluations are important in helping to inform the community.

No action taken; feedback only.

CLOSED SESSION

Counsel Whatley reported no need for closed session as provided in the agenda with respect to Items 13 and 14.

Item 13

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 14

Conference with Legal Counsel – Initiation of Litigation:

Pursuant to Government Code Section 54956.9(d)(4): One potential case

EXECUTIVE OFFICER REPORT

- The Executive Officer noted staff is testing the electronic tablets at this meeting with the expectation of having a trial run with the Commission at the next meeting.

COMMISSION ANNOUNCEMENTS | REQUESTS FOR FUTURE ITEMS

Chair MacKenzie provided a brief update on CALAFCO and related legislative items.

ADJOURNMENT TO NEXT REGULAR MEETING

There being no further business to come before the Commission, the meeting was adjourned by Chair MacKenzie at 10:30 a.m. until May 6, 2019.

ATTEST,

Tamaron Lockett
Executive Assistant

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