

**APPROVED MINUTES  
SAN DIEGO LAFCO  
May 6, 2019 REGULAR MEETING**

**CALL TO ORDER**

The meeting was called to order at 9:02 a.m. in Room 302 of the County of San Diego Administration Center by Chair MacKenzie.

**ROLL CALL**

The Commission Clerk performed the roll call with the following attendance recorded.

Regulars Present: Dianne Jacob, County of San Diego  
Jo MacKenzie, Vista Irrigation District (CHAIR)  
Mary Casillas Salas, City of Chula Vista  
Barry Willis, Alpine Fire Protection District  
Andy Vanderlaan, Public

Alternates Present: Greg Cox, County of San Diego (voting)  
Serge Dedina, City of Imperial Beach (voting)  
Erin Lump, Rincon del Diablo Municipal Water District

Members Absent: Jim Desmond, County of San Diego  
Mark Kersey, City of San Diego  
Bill Wells, City of El Cajon  
Chris Cate, City of San Diego (alternate)  
Harry Mathis, Public (alternate)

The Commission Clerk confirmed a quorum was present. Also present along the dais were the following staff members: Executive Officer Keene Simonds; Commission Counsel Holly Whatley; Chief Policy Analyst Robert Barry; Local Government Analyst I Linda Zambito; Local Government Analyst I Alex Vidal; and Executive Assistant Tamaron Lockett serving as Commission Clerk.

**PLEDGE OF ALLEGIANCE**

Commissioner Cox led the Commission in the Pledge of Allegiance.

**INTRODUCTION OF NEW COMMISSIONERS**

Chair MacKenzie welcomed new Commissioners Mary Casillas Salas with City of Chula Vista, Barry Willis with Alpine Fire Protection District, and Erin Lump with Rincon del Diablo Municipal Water District. Each new Commissioner provided a brief self-introduction.

## **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 | April 8, 2019**

Item presented for action to approve draft minutes prepared for the Commission's April 8, 2019 special meeting. Recommendation to approve.

### **Item 2**

#### **Commission Ratification | Recorded Payments for March 2019**

Item presented for action to ratify recorded payments made and received between March 1<sup>st</sup> and March 31<sup>st</sup>. Recommendation to approve.

### **Item 3**

#### **Budget Update or 2018-2019 |**

#### **3<sup>rd</sup> Quarter Actuals with Year-End Projections and Related Budget Amendments**

Item presented for action to receive the third quarter budget report for 2018-2019 through March 31<sup>st</sup> and approve correcting amendments to address a projected deficit of (\$107,186). Recommendation to approve.

Item pulled for clarification. At the request of Commissioner Jacob, the Executive Officer detailed the reasons for the projected deficit and noted it was largely the result of costs associated with the "Julian-Cuyamaca Fire Protection District Reorganization" and marked by funding a special election.

### **Item 4**

#### **Commission Compensation | Amending Rules to Expand Per Diem**

Item presented for action to approve amendments to the existing rules to expand per diem payments to include Commissioner attendance for standing and ad hoc committee meetings as well as meetings associated with other LAFCOs. Recommendation to approve.

## CONSENT ITEMS CONTINUED...

### Item 5

#### **Electronic Tablets | Establishing Rules for Commissioner Tablet Usage**

Item presented for action to approve new rules covering the issuance and use of electronic tablets as part of the Commission's transition towards paperless agenda packets per the workplan. Recommendation to approve.

### Item 6

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

Item presented for action to review the status of projects established as part of the 2018-2019 workplan. Recommendation to receive and file.

### Item 7

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

Item presented for information regarding active proposals on file with the Commission along with pending submittals. Information only.

Item pulled for discussion. Chair MacKenzie suggested it would be appropriate to close proposals that have been on file for an extended time that do not appear to be advancing towards hearing. The Executive Officer responded the issue of closing dormant proposals is part of a larger policy topic that will be revisited in 2019-2020.

### Item 8

#### **Local Agency Apportionments | Final Calculations for 2019-2020**

Item presented for information identifying local agency apportionments calculated for 2019-2020 based on the approval of a final budget at the April meeting. Information only.

Item pulled for clarification. At the request of Chair MacKenzie, the Executive Officer addressed the formula used for determining special district apportionments and reasons therein why Tri-City Healthcare Districts is not being billed for 2019-2020.

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Commissioner Vanderlaan motioned to approve the consent calendar as recommended in the associated agenda reports with a second from Commissioner Jacob. Roll call requested and the Commission Clerk recorded the following votes:

AYES: Cox (voting), Dedina (voting), Jacob, MacKenzie, Salas, Vanderlaan, and Willis  
NOES: None  
ABSENT: Cate, Desmond (Cox voting in place), Kersey, Mathis, and Wells (Dedina voting in place)  
ABSTAIN: Cox and Salas for approval of minutes

The Commission Clerk confirmed the motion was approved 7-0.

## PUBLIC HEARING ITEMS

### Item 9

#### **Proposed “Pala Band of Mission Indians Change of Organization” and Associated Sphere Amendment | Detachment from San Luis Rey Municipal Water District (CO18-10 et al.)**

Item presented for action with a verbal presentation provided by Chief Policy Analyst Robert Barry. Mr. Barry noted the proposal involves a landowner request to detach 338.0 acres of unincorporated territory from the San Luis Rey Municipal Water District. The purpose of the proposal is to provide cost-savings to the landowner and follows recent legislation delegating groundwater management responsibilities previously held exclusively by the San Luis Rey Municipal Water District to now include the Pauma Valley Groundwater Sustainability Agency. Mr. Barry added staff was recommending approval of the proposal with a conforming sphere of influence amendment along with standard terms.

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

Commissioner Willis asked if any communication had been received from the San Luis Rey Municipal Water District. Mr. Barry responded no direct communication had been received from the San Luis Rey Municipal Water District. Mr. Barry added staff had been copied on a letter from the attorney representing the San Luis Rey Municipal Water District to the applicant regarding the existence of a detachment fee, but there was no follow up communication, including any formal requesting action by the District Board.

Chair MacKenzie opened the public hearing and invited comments from the audience. The following speaker addressed the Commission.

- General Manager Tom Kennedy with Rainbow Municipal Water District commented on historical service arrangements in the region.

Seeing no other audience member approaching the podium the Chair closed the public hearing and asked the Commission for a motion.

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Commissioner Vanderlaan motioned to approve the staff recommendation as provided in the agenda report with a second from Commissioner Willis. Roll call requested and the Commission Clerk recorded the following votes:

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

The Commission Clerk confirmed the motion was approved 7-0.

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

### **Item 10**

#### **Proposed “Stonemark Estates Reorganization” and Associated Sphere Amendment | Annexation to the City of Vista and Concurrent Detachments from Vista Fire Protection District and Buena Sanitation District (RO18-16 et al.)**

Item presented for action with a verbal presentation provided by Chief Policy Analyst Robert Barry. Mr. Barry noted the proposal involves a request filed by the City of Vista to annex 33.0 acres of unincorporated territory with concurrent detachments from Vista Fire Protection District and Buena Sanitation District. The purpose of the request is to facilitate the development of one vacant property into a 19-lot residential subdivision titled as “Stonemark Estates.” Mr. Barry added the proposal was unique given it involved splitting an existing unincorporated island into three smaller islands. Mr. Barry concluded by noting staff recommends approval of the proposal and a conforming sphere of influence amendment to the Vista Fire Protection District along with making special waiver findings given the referenced creation of new islands under statute.

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

Commissioner Jacob inquired about the creation of the new islands. Mr. Barry clarified the status of the existing island and detailed the statutory considerations required to waive the prohibition in creating new islands.

Chair MacKenzie opened the public hearing and invited comments from the audience. The following speaker addressed the Commission.

- Community Development Director with the City of Vista John Conley addressed the Commission on the proposal and confirmed support for the staff recommendation.

Seeing no other audience approaching the podium the Chair closed the public hearing and asked the Commission for a motion.

**\*\***

Commissioner Willis motioned to approve the staff recommendation as provided in the agenda report with a second from Commissioner Salas. Roll call requested and the Commission Clerk recorded the following votes:

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

The Commission Clerk confirmed the motion was approved 7-0.

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

### **Item 11**

#### **Proposed “Bonsignore-Guava Lane Change of Organization” and Associated Sphere Amendment | Annexation to Otay Water District (DA19-03)**

Item presented for action with a verbal presentation provided by Local Government Analyst I Linda Zambito. Ms. Zambito noted the proposal involves a landowner request to annex 0.98 acres of unincorporated territory into the Otay Water District. The purpose of the proposal is to extend public wastewater service to the affected territory and replace an aging septic system. Ms. Zambito added staff recommends approval of the request with a conforming sphere of influence amendment involving the Otay Water District.

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

Without any questions from the Commission, Chair MacKenzie proceeded to open the public hearing and invite any members of the audience to address the Commission on this topic. Comments were received by the following speaker:

- Landowner and applicant Cynthia Bonsignore addressed the Commission regarding the need for public wastewater service and asked for approval as recommended by staff.

Seeing no other audience member approaching the podium the Chair closed the public hearing and asked the Commission for a motion.

Commissioner Dedina commented ahead of a motion his appreciation for the applicant to come forward and proactively seek connection to the public wastewater system.

**\*\***

Commissioner Jacob motioned to approve the staff recommendation as provided in the agenda report with a second from Commissioner Willis. Roll call requested and the Commission Clerk recorded the following votes:

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

The Commission Clerk confirmed the motion was approved 7-0.

## **BUSINESS ITEMS**

### **Item 12**

#### **Scheduled Policy Updates and Related Actions | Fund Balance and Agricultural Preservation Policies**

Item presented for action and involved the continuation of two separate policy updates initially forwarded to the Commission in March involving the Fund Balance Policy and Preservation of Open-Space and Agricultural Lands Policies. The Executive Officer summarized the item and noted both updates had been revised since their initial presentation in March consistent with the feedback from the Commission. The Executive Officer added the revised update to the Fund Balance was being presented for approval along with associated reserve designations for 2019-2020 with details provided. The Executive Officer noted the revised update to the Preservation of Open-Space and Agricultural Lands Policy remains a work in progress with a recommendation the Commission pause and return to the item as part of a future workplan.

Chair MacKenzie asked if any Commissioners had questions or comments on the item and recommendation by the Executive Officer.

At the request of Commissioner Willis, the Executive Officer noted reserve policies of other LAFCOs vary with most focusing on setting minimum reserve levels. The Executive Officer added the proposed minimum and maximum reserve levels of four to six months, respectively, reflect San Diego LAFCO's budget practices and consistent with the feedback provided by the Commission in March.

Commissioner Jacob commented her support for the addition of the two new commitment categories– stabilization and opportunity – added to the update since March. Commissioner Jacob added it is important for LAFCO to use these categories similar to past practice and fund proposals that improve service delivery that otherwise would not come forward due to costs.

Commissioners Salas, Vanderlaan, Dedina, Cox, and Lump separately addressed the proposed update to the Fund Balance and conveyed their support in proceeding forward.

Chair MacKenzie noted this was not a public hearing but invited any interested members of the audience to address the Commission. No comments were received.

Chair MacKenize asked for the Commission to take up the item in two separate motions with the first involving the Fund Balance Policy and the second involving the Preservation of Open-Space and Agricultural Lands Policy.

**\*\***

Commissioner Salas motioned to approve the staff recommendation as provided in the agenda report specific to approving the proposed update for the Fund Balance Policy and associated reserve designations for 2019-2020 with a second from Commissioner Dedina. Roll call requested and the Commission Clerk recorded the following votes:

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

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

The Commission Clerk confirmed the motion was approved 7-0.

Commissioner Willis motioned to approve the staff recommendation as provided in the agenda report specific to tabling the Preservation of Open-Space and Agricultural Lands Policy with a second from Commissioner Cox. Commissioner Jacob asked for discussion and the maker of the motion (Willis) subsequently agreed to a modification with concurrence from the second (Cox) to table the item to the next meeting and receive a plan from the Executive Officer in proceeding forward with the update process with stakeholder input. Roll call requested and the Commission Clerk recorded the following votes:

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

The Commission Clerk confirmed the motion was approved 7-0.

### **Item 13**

#### **Legislative Report and Related Actions**

Item presented for action and involves receiving a report on current legislation impacting LAFCOs with recommendation on bill positions. The Executive Officer provided a verbal report and noted the session is proving generally quiet for LAFCOs with no significant changes under consideration by the Legislature. The Executive Officer added two CALAFCO sponsored bills from the Assembly – 1822 and 1253 – propose subtle but nonetheless helpful changes and highlighted by establishing grant-funding opportunities for LAFCOs under certain conditions, and as such merit formal support positions by the Commission.

Chair MacKenize asked if there were any questions from the Commission. Seeing none, the Chair proceed to ask for a motion on the item.

**\*\***

Commissioner Vanderlaan motioned to approve the staff recommendation as provided in the agenda report with a second from Commissioner Salas. Roll call requested and the Commission Clerk recorded the following votes:



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

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

The Commission Clerk confirmed the motion was approved 7-0.

### **Item 14**

#### **Vice Chair Appointment**

Item presented for action to appoint a Vice Chair for the remainder of the calendar year.

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Commissioner MacKenzie motioned to appoint Commissioner Jacob as Vice Chair for the remainder of the calendar year with a second from Commissioner Vanderlaan. Roll call requested and the Commission Clerk recorded the following votes:

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

The Commission Clerk confirmed the motion was approved 7-0.

### **Item 15**

#### **Report on Attendance at the 2019 CALAFCO Staff Workshop**

Item presented for discussion with Analyst I Alex Vidal summarizing staff overnight attendance at the CALAFCO Staff Workshop held in San Jose on April 10<sup>th</sup> – 12<sup>th</sup>, 2019. Brief discussion followed by the Commission.

## **CLOSED SESSION**

Chair MacKenzie announced the Commission would proceed into closed session at 10:15 a.m. for the following four items as provided on the agenda.

### **Item 16**

#### **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

## **CLOSED SESSION ITEMS CONTINUED...**

### **Item 17**

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

Pursuant to Government Code Section 54956.9(d)(1): Julian-Cuyamaca Fire Protection District, et al. v. San Diego LAFCO et al., San Diego Superior Court Case No. 37-2019-00018076-CU-M C-TL

### **Item 18**

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

Pursuant to Government Code Section 54956.9(d)(1): Julian Fire Company Association, et al. v. Julian-Cuyamaca Fire Protection District, et al., San Diego Superior Court Case No. 37-2018-00020015-CU-WM-CTL

### **Item 19**

#### **Conference with Legal Counsel – Initiation of Litigation:**

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

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The Commission reconvened open session at 10:42 a.m. with Chair MacKenzie announcing there were no reportable actions taken in closed session with concurrence provided by Commission Counsel Holly Whatley.

## **EXECUTIVE OFFICER REPORT**

None to report.

## **COMMISSION ANNOUNCEMENTS | REQUESTS FOR FUTURE ITEMS**

None

## **ADJOURNMENT TO NEXT REGULAR MEETING**

There being no further business to come before the Commission, the meeting was adjourned by Chair MacKenzie at 10:44 a.m. until June 3, 2019.

ATTEST,

Tamaron Luckett  
Executive Assistant