

**APPROVED MINUTES
SAN DIEGO LAFCO
June 3, 2019 REGULAR MEETING**

CALL TO ORDER

The meeting was called to order at 9:00 a.m. by Chair MacKenzie in the County of San Diego Administration Center, 1600 Pacific Highway, Room 302, San Diego.

ROLL CALL

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

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

Alternates Present: Chris Cate, City of San Diego (voting)
Erin Lump, Rincon del Diablo Municipal Water District
Harry Mathis, Public

Members Absent: Mark Kersey, City of San Diego
Bill Wells, City of El Cajon
Greg Cox, County of San Diego (alternate)
Serge Dedina, City of Imperial Beach (alternate)

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

Commissioner Salas left the meeting at 9:49 a.m.

PLEDGE OF ALLEGIANCE

Commissioner Desmond 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. 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 | May 6, 2019

Item presented for action to approve draft minutes prepared for the Commission's May 6, 2019 regular meeting. Recommendation to approve.

Item 2

Commission Ratification | Recorded Payments for April 2019

Item presented for action to ratify recorded payments made and received between April 1st and April 30th. Payments totaled \$145,956. Recommendation to approve.

Item 3

Service Commendations | Former Commissioners Blakespear, Sprague, and Hanson

Item presented for action for service recognition for three former Commission members – Catherine Blakespear (regular), Ed Sprague (regular) and Judy Hanson (alternate). Recommendation to adopt the resolutions of commendations for presentation off dais.

Item 4

Progress Report on 2018-2019 Workplan

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

Item 5

Proposed Amendments to 2019-2020 Workplan

Item presented for action to add four active and high priority projects to the workplan for 2019-2020. Recommendation to approve.

Item 6

Ratification of an Administrative Approval | "Rains-Acacia Avenue Outside of Agency Wastewater Service Agreement-San Diego County Sanitation District" (OAS19-07)

Item presented for action to ratify an administrative approval of an outside of agency wastewater agreement authorizing San Diego County Sanitation District to provide service to 4392 Acacia Avenue in unincorporated Bonita. Recommendation to ratify.

Item 7

Informational Report on Senate Bill 1266 | Joint Power Filings with San Diego LAFCO

Item presented as an update on joint-power authority agreement and amendment filings made with the Commission in accordance with Senate Bill 1266. Information only.

CONSENT ITEMS CONTINUED...

Item 8

Current Proposals and Related Activities

Item presented as an update on active and pending proposals on file with the Commission. Information only.

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

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

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

PUBLIC HEARING ITEMS

Item 9

Final Report and Related Actions | Municipal Service Review on the Julian Region

Item presented for action with a presentation provided by Local Government Analyst I Linda Zambito on the final report and related municipal service review actions involving six local agencies in the Julian region: Cuyamaca Water District; Julian Community Services District; Julian-Cuyamaca Fire Protection District; Lake Cuyamaca Recreation and Park District; Majestic Pines Community Services District; and Wynola Water District. Ms. Zambito summarized the central conclusions and recommendations of the final report. This includes a recommendation calling for LAFCO to dedicate resources to work with the four water agencies in the region in exploring consolidation opportunities if interest exists among the agencies and/or their constituents. Ms. Zambito completed her presentation noting the staff recommendation is for the Commission to formally accept the final report and adopt the accompanying resolution making certain determinations as required under statute.

Chair MacKenzie invited questions from the Commission.

Commissioner Jacob asked for details on the type of outreach performed in communicating the report's recommendations. Commissioner Jacob also asked for clarification on whether any of the four water agencies in the Julian region supported the recommendation to pursue functional or political consolidations. Commissioner Jacob added it would be her preference not to proceed with approving a recommendation that promotes consolidation without support from the affected agencies.

PUBLIC HEARING ITEMS CONTINUED...

Ms. Zambito responded that all affected agencies in the Julian region were provided an opportunity to review and formally comment on the report. Ms. Zambito added only technical comments and/or clarifications were provided by the agencies ahead of the publication date for the agenda packet. Staff also clarified the referenced recommendation in the final report for LAFCO involving consolidations is premised on the water agencies taking the first step in affirmatively responding to LAFCO; if the agencies do not approach the Commission no further inquiries will be made by staff at this time.

Commissioner Jacob responded the clarification from staff addressed her primary concern with the final report and she would be agreeable to proceeding with approval pending comments from other Commissioners and the audience.

Commissioner Desmond asked for additional details on the report's recommendation for the four water agencies to pool their resources and contract with a hydrologist to assess groundwater reliability. Commissioner Desmond specified his interest is whether making this type of recommendation is appropriate for LAFCO with respect to directing how local agencies spend local resources. Commissioner Desmond relatedly asked about possible outcomes if the agencies choose not to follow the LAFCO recommendation.

Executive Officer Simonds responded to Commissioner Desmond that the recommendation for the four water agencies to pool their resources was appropriate given LAFCO's task with facilitating the orderly growth and sustainability of cities and districts, and the lack of information on the reliability of local groundwater supplies raises concerns. Executive Officer Simonds added there is no direct consequence to the agencies if they choose not to follow up with a recommendation, but noted it would become consequential should one or more the agencies seek a boundary change with LAFCO.

Commissioner Salas complimented staff for the report and the discussion on the agencies' financial standing. Commissioner Salas suggested expanding and/or otherwise improving LAFCO's ability to engage the general public in preparing these documents would be helpful to ensure citizens are more fully engaged in the study process.

Commissioner Willis also complimented staff for the report and asked for clarification on whether LAFCO would be performing an update on the Julian region in five years. Ms. Zambito responded an update will be performed at some point during the next five-year study schedule and based on inclusion in a future workplan.

With no additional questions from Commissioners, Chair MacKenzie proceeded to open the public hearing and invited comments from the audience. With no audience members approaching the podium, the Chair closed hearing and asked the Commission for a motion.

PUBLIC HEARING ITEMS CONTINUED...

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

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

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

Item 10

Proposed Sphere of Influence Updates for the Julian Region

Item presented for action as a direct follow up to the preceding municipal service review on the Julian region. Executive Officer Simonds provided a brief overview of the item and the staff recommendation to proceed with updating and affirming the spheres of influence for all five active special districts in the region – Cuyamaca Water District, Julian Community Services District, Lake Cuyamaca Recreation and Park District, Majestic Pines Community Serves District and Wynola Water District – without any changes. The Executive Officer added the substantive result of this recommendation is to reaffirm a current LAFCO policy statement that no jurisdictional changes for any of the five agencies is expected and/or otherwise encouraged in the proceeding 60-month period.

Chair MacKenzie asked the Commission if there were any questions for staff. Without any questions from Commissioners, the Chair proceeded to open the public hearing and invited comments from the audience. Seeing no audience members approaching the podium, the Chair closed the public hearing and asked for a motion.

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

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

BUSINESS ITEMS

Item 11

Draft Municipal Service Review | San Diego County Sanitation District

Item presented for discussion with a verbal presentation provided by Local Government Analyst I Linda Zambito. Ms. Zambito noted this is a draft of the municipal service review for the San Diego County Sanitation District and represents an independent assessment of availability, need, and adequacy of the District's public wastewater services within seven distinct service areas throughout central and east San Diego County. Ms. Zambito added this is the first opportunity for LAFCO to revisit the San Diego County Sanitation District since the Commission approved its formation as part of a multi-entity reorganization in 2011. Main conclusions and recommendations in the draft document were summarized with an invitation to the Commission to identify any areas or topics it would like covered in a final version to be presented following a public review and comment period at the August meeting.

Chair MacKenzie invited comments or questions from the Commission.

Commissioner Jacob suggested staff further review the East County Advanced Water Purification Program and the role therein of the San Diego County Sanitation District.

General Commission discussion followed. No action.

Item 12

Preview of New LAFCO Website

Item presented for discussion with a verbal presentation from Geographic Analyst Dieu Ngu. Mr. Ngu provided a demonstration of the new LAFCO website under development and noted a secure link would be provided to all Commissioners offline with the invitation for members to submit comments ahead of the site going live as early as August.

General Commission discussion followed. No action.

Item 13

Report from CALAFCO Board Meeting

Item presented for discussion with a verbal report from Chair MacKenzie summarizing attendance at the CALAFCO Board meeting held in Sacramento on May 10th.

General Commission discussion followed. No action.

CLOSED SESSION

Chair MacKenzie announced the Commission would proceed into closed session at 10:03 a.m. for the following four items as provided on the agenda.

CLOSED SESSION ITEMS CONTINUED...

Item 14

Conference with Legal Counsel – Existing Litigation:

Pursuant to Government Code 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 15

Conference with Legal Counsel – Existing Litigation:

Pursuant to Government Code 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 16

Conference with Legal Counsel – Initiation of Litigation:

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

Item 17

Conference with Legal Counsel – Anticipated of Litigation:

Pursuant to Government Code 54956.9(d)(2): Significant expose to litigation pursuant to paragraph 92) of subdivision (d) of Section 54956.9. Two cases

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The Commission reconvened open session at 10:40 a.m. with Commission Counsel Holly Whatley announcing there were no reportable actions taken in closed session.

EXECUTIVE OFFICER REPORT

Executive Officer noted LAFCO will be dark in July and congratulated Executive Assistant Ruth Arellano for her ten-year anniversary with LAFCO.

COMMISSIONER ANNOUNCEMENTS | REQUESTS FOR FUTURE ITEMS

Commissioner Desmond requested LAFCO staff contact his office to discuss the contents of a letter provided on the dais for information from the San Luis Rey Municipal Water District.

ADJOURNMENT TO NEXT REGULAR MEETING

With no further business the Chair adjourned at 10:41 a.m. until August 5, 2019.

ATTEST,

Tamaron Lockett
Executive Assistant

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