



San Diego County Local Agency Formation Commission

Regional Service Planning | Subdivision of the State of California

5a

AGENDA REPORT
Consent | Action

December 2, 2019

TO: Commissioners

FROM: Tamaron Lockett, Executive Assistant

SUBJECT: Approval of Meeting Minutes for November 4, 2019

SUMMARY

The San Diego County Local Agency Formation Commission (LAFCO) will consider draft minutes prepared for the special meeting held on Monday, November 4, 2019. The minutes are in action-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 – among other items – requires public agencies to maintain written minutes for qualifying meetings.

DISCUSSION

This item is for San Diego LAFCO to consider approving action minutes for the November 4, 2019 special meeting. The attendance record for the meeting follows.

- All members were present except Commissioners Dianne Jacob (regular), Bill Wells (regular), Chris Cate (alternate), and Greg Cox (alternate).

Administration

Keene Simonds, Executive Officer
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Jim Desmond
County of San Diego

Dianne Jacob, Vice Chair
County of San Diego

Greg Cox, Alternate
County of San Diego

Mary Casillas Salas
City of Chula Vista

Bill Wells
City of El Cajon

Paul McNamara, Alternate
City of Escondido

Mark Kersey
City of San Diego

Chris Cate, Alternate
City of San Diego

Jo MacKenzie, Chair
Vista Irrigation

Barry Willis
Alpine Fire Protection

Erin Lump, Alternate
Rincon del Diablo MWD

Andy Vanderlaan
General Public

Harry Mathis, Alternate
General Public

ANALYSIS

The attached draft minutes for the November 4, 2019 special meeting accurately reflect San Diego LAFCO's actions as recorded by staff. Audio and video recordings of the meeting have also been posted on the Commission's website (www.sdlafco.org).

RECOMMENDATION

It is recommended San Diego LAFCO approve the draft minutes prepared for the November 4, 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 November 4, 2019, special meeting with any desired corrections or clarifications.

Alternative Two:

Continue item 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 Lockett
Executive Assistant

Attachment:

- 1) Draft Meeting Minutes for November 4, 2019

**DRAFT MINUTES
SAN DIEGO LAFCO
November 4, 2019 SPECIAL MEETING**

1. CALL TO ORDER | ROLL CALL

The special 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 358, San Diego.

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

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

Alternates Present: Erin Lump, Rincon del Diablo Municipal Water District
Harry Mathis, Public
Paul McNamara, City of Escondido (Voting)

Members Absent: Chris Cate, City of San Diego (alternate)
Greg Cox, County of San Diego (alternate)
Dianne Jacob, County of San Diego (VICE CHAIR)
Bill Wells, City of El Cajon (regular)

The Commission Clerk confirmed a quorum was present with seven voting members with Commissioner McNamara voting in place of Commissioner Wells. Also present at the dais: Executive Officer Keene Simonds; Commission Counsel Carmen Brock; Chief Policy Analyst Robert Barry; Analyst Linda Zambito; and Executive Assistant Tamaron Luckett serving as Commission Clerk.

Commissioner Salas arrived at 10:08 a.m. after roll call was recorded.

2. PLEDGE OF ALLEGIANCE

Commissioner McNamara led the Commission in the Pledge of Allegiance.

3. AGENDA REVIEW

Chair MacKenzie asked the Executive Officer if there were requests to remove or rearrange items on the agenda. Executive Officer stated no changes to the agenda were needed and recommended the Commission proceed as planned.

Commissioner Desmond motioned to approve and proceed with the agenda as presented with a second from Commissioner Vanderlaan. Roll call requested:

AYES: Desmond, Kersey, MacKenzie, McNamara (voting), Vanderlaan, and Willis
NOES: None
ABSENT: Cate, Cox, Jacob, Salas, and Wells
ABSTAINING: None

The Commission Clerk confirmed the motion was approved 6-0.

4. PUBLIC COMMENT

Chair MacKenzie asked the public if anyone would like to address the Commission on any item not related to the agenda. The following speaker addressed the Commission:

- Sandra Farrell addressed the Commission regarding the upcoming sphere of influence update for the City of San Marcos.

Seeing no others approach the dais Chair MacKenzie ended the public comment period.

5. CONSENT ITEMS

Item 5a

Approval of Meeting Minutes for October 7, 2019

Item presented for action to approve draft action minutes prepared for the Commission's October 7, 2019 regular meeting. Recommendation to approve.

Item 5b

Budget Update for 2019-2020 | 1st Quarter Actuals with Year-End Projections

Item presented for action to accept and file a quarterly report comparing budgeted and actual expense and revenue transactions for 2019-2020 through September 30th. Recommendation to accept and file.

Item 5c

Commission Ratification | Recorded Payments for September 2019

Item presented for action to ratify recorded payments made and received for the month of September 2019. Recommendation to approve.

CONSENT ITEMS CONTINUED...

Item 5d

Proposed “Rains-Acacia Avenue Change of Organization” | Annexation to the San Diego County Sanitation District (CO19-07)

Item presented for action to consider a change of organization proposal filed by an interested landowner to annex 0.5 unincorporated acres to the San Diego County Sanitation District. The proposal’s purpose is to provide permanent public wastewater service to an existing single-family residence and in doing so replace an emergency out-of-agency service agreement approved by LAFCO due to a failing septic system. Recommendation to approve the proposal without modifications along with standard terms and waive protest proceedings.

Item 5e

Commission Counsel Services | Proposed New Agreement with Colantuono, Highsmith & Whatley

Item presented for action to consider a proposed new agreement for legal services with Colantuono, Highsmith & Whatley. The new agreement resets the term through June 30, 2022 along with updated billing rates and designate firm employees to file an annual conflict of interest statement. Recommendation to approve.

Item 5f

Progress Report on 2019-2020 Workplan

Item presented for action to review the current progress of projects established as part of the 2019-2020 workplan. Recommendation to accept and file.

Item 5g

Current Proposals and Related Activities

Item presented for information summarizing current proposals on file with LAFCO.

Chair MacKenzie identified the items listed on the consent calendar and asked if any Commissioners would like to pull an item, and if not to make a motion.

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Commissioner Desmond motioned to approve the consent calendar as recommended in the agenda reports with a second from Commissioner Kersey. Roll call requested:

AYES: Desmond, Kersey, MacKenzie, McNamara (voting), Vanderlaan, and Willis
NOES: None
ABSENT: Cate, Cox, Jacob, Salas, and Wells
ABSTAINING: None

The Commission Clerk confirmed the motion was approved 6-0.

6. PUBLIC HEARING ITEMS

Item 6a

Proposed “San Marcos Highlands Reorganization” (CONTINUED) | Concurrent Annexations to the City of San Marcos, San Marcos Fire Protection District, and Vallecitos Water District and Detachments from the Vista Fire Protection District and Vista Irrigation District with Associated Sphere of Influence Amendments (RO17-07 et. al)

Item presented for action to consider a reorganization proposal continued from October 7, 2019. The proposal has been initiated by an interested landowner with the principal request to annex 124.9 unincorporated acres to the City of San Marcos. Additional boundary changes involving portions of the affected territory are also proposed and involve concurrent annexations to the San Marcos Fire Protection District and Vallecitos Water District and detachments from Vista Fire Protection District and Vista Irrigation District. The purpose of the proposal is to facilitate the development of the affected territory as part of a 189-lot residential development tentatively approved by the City of San Marcos and titled “San Marcos Highlands.” Recommendation to approve the proposal without modifications along with standard terms and conforming sphere of influence amendments. Recommendation to also waive protest.

Chief Policy Analyst Robert Barry presented the item.

Commission discussion.

Chair MacKenzie opened the public hearing on the item and invited comments from the audience. Comments were received from the following persons:

- Matt Simmons on behalf of the applicant (support)
- Steve Abbott with San Diego County Fire Districts Association (support)
- Sandra Farrell (oppose)
- Mary Clarke with Sierra Club San Diego (oppose)
- George Courser with Sierra Club San Diego (oppose)
- Tom Kamura (oppose)
- Heinz Hafner (oppose)

Chair MacKenize noted the following persons submitted speaker cards to record a position but do not wish to speak:

- Chris Brown (support)
- Frank Kubba (support)

Chair MacKenzie closed the public hearing.

Additional Commission discussion and comments.

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PUBLIC HEARING ITEMS CONTINUED...

Item 6a Continued

Commissioner Desmond motioned to approve the staff recommendation as provided in the agenda report with a second from Commissioner Willis. Roll call requested:

AYES: Desmond, Kersey, MacKenzie, McNamara (voting), Vanderlaan, and Willis
NOES: None
ABSENT: Cate, Cox, Jacob, Salas, and Wells
ABSTAINING: None

The Commission Clerk confirmed the motion was approved 6-0.

Commissioner Desmond left following the approved motion at 10:03 a.m.

Item 6b

Proposed “Hollow Glen Change of Organization” | Annexation to Julian Community Services District with Associated Sphere of Influence Amendment (DA19-14 et al.)

Item presented for action to consider a change of organization proposal filed by the Julian Community Services District to annex 0.65 acres of unincorporated territory. The proposal purpose is to extend public water service to the affected territory to enable the operation of fire sprinklers. Recommendation to approve the proposal with a modification to expand the annexation to include an additional 0.5 acres adjacent public right-of-way. Recommendation also includes approval of a conforming sphere of influence amendment and standard terms as well as waiver of protest proceedings.

Analyst Linda Zambito presented the item.

Chair MacKenzie opened the public hearing and invited comments from the public. No comments were received, and the Chair proceeded to close the public hearing.

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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:

AYES: Kersey, MacKenzie, McNamara (voting), Vanderlaan, and Willis
NOES: None
ABSENT: Cate, Cox, Desmond, Jacob, Salas, and Wells
ABSTAINING: None

The Commission Clerk confirmed the motion was approved 5-0.

7. BUSINESS ITEMS

Item 7a

Report on Attendance at the 2019 CALAFCO Annual Conference

Item presented for verbal report from the attendees of the 2019 CALAFCO Annual Conference held on October 30th – November 1st in Sacramento. Commission discussion.

Commissioners MacKenzie, Vanderlaan, and Willis collectively presented the item.

Commission discussion.

8. EXECUTIVE OFFICER REPORT

Executive Officer Keene Simonds advised the Commission on the following items:

- Longtime LAFCO Consultant John Traylor has relocated out of state but will continue to advise through the end of the calendar year on fire service-related items.
- Analyst Alex Vidal's last day at LAFCO was on October 10th and the Executive Officer has retained Planwest Partners in the interim to provide contract staffing ahead of initiating a new analyst recruitment.
- Incorporation proponents for La Jolla have initiated work on a draft fiscal analysis as required under LAFCO policy with the expectation the document will be completed within the next six months.

9. COMMISSION ANNOUNCEMENTS | REQUESTS FOR FUTURE ITEMS

None

10. CLOSED SESSION

Commission Counsel Carmen Brock advised the Commission would adjourn into closed session to discuss agenda items (a), (b), and (d); (c) would not be discussed.

Item 10a

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

CLOSED SESSION ITEMS CONTINUED...

Item 10b

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 10d

Conference with Legal Counsel--Anticipated Litigation:

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

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Chair MacKenzie reconvened into open session at 10:40 a.m. with Commission Counsel Carmen Brock announcing there were no reportable actions.

11. ADJOURNMENT TO NEXT REGULAR MEETING

With no further business the Chair adjourned the meeting at 10:41 a.m.

I hereby attest the minutes above accurately reflect the deliberations of the Commission at its November 4, 2019 meeting.

ATTEST,

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Tamaron Lockett
Executive Assistant

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A video and audio recording of the November 4, 2019 special meeting is also available online at www.sdlafco.org or by contacting LAFCO staff at 858-614-7755.

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