

**SAN DIEGO LAFCO
MINUTES OF THE REGULAR MEETING
DECEMBER 6, 2004**

There being a quorum present, the meeting was convened at 9:05 a.m. by Chairwoman Patty Davis. Also present were: Regular Commissioners - Supervisor Bill Horn, Supervisor Dianne Jacob, Bud Pocklington, and Andrew Vanderlaan; Alternate Commissioners – Harry Mathis, Andrew Menshek, and Betty Rexford; LAFCO and County Staff - Executive Officer Michael Ott; Chief, Policy Research Shirley Anderson; and LAFCO Legal Counsel, William Smith. Absent were: Regular Commissioner - Councilmember Donna Frye; Alternate Commissioner - Supervisor Greg Cox.

Item 1
Approval of Minutes
of Meeting Held November 1, 2004

A motion was made and seconded, and carried unanimously by the commissioners present, to dispense with reading the minutes of November 1, 2004, and approved said minutes.

Item 2
Executive Officer's Recommended Agenda Revisions

Michael Ott indicated there were no revisions to the agenda.

Item 3
Commissioner/Executive Officer Announcement

Michael Ott announced that Alternate Commissioners Menshek and Rexford would be voting members for the Commission due to the vacant positions of Ronald Wootton and Jill Greer.

Mr. Ott presented a plaque to Ronald Wootton in appreciation of his dedicated services as a Special Districts representative on the San Diego Local Agency Formation Commission. Each member of the Commission thanked Mr. Wootton for his dedicated services and expressed how much they have enjoyed working with him. Mr. Ott also announced that Jill Greer resigned from the Commission in August 2004 and that LAFCO will send her plaque of appreciation via mail.

In appreciation for Legal Counsel Bill Smith's dedicated services to LAFCO for the past 20 years, Michael Ott presented him a plaque.

Item 4
Public Comment

No members of the public requested to speak.

Item 5
Proposed “Pira Reorganization”
(City of Vista) (RO04-31)

On motion of Commissioner Pocklington, seconded by Commissioner Jacob, and carried unanimously by the commissioners present, the Commission took the following actions:

- (1) Certified that the determination by the City of Vista that this reorganization is exempted by Section 15319 of the State CEQA Guidelines has been reviewed and considered; and
- (2) Adopted the form of resolution approving this reorganization for the reasons set forth in the Executive Officer’s Report, and delegating to the Executive Officer of the Local Agency Formation Commission the responsibility for holding conducting authority proceedings subject to the following term and condition:

Payment to the City of Vista of a deficit offset payment of \$9,705.39.

Item 6
Proposed “Ridge Road Reorganization”
(City of Vista) (RO04-32)

On motion of Commissioner Pocklington, seconded by Commissioner Jacob, and carried unanimously by the commissioners present, the Commission took the following actions:

- (1) Certified that the determination by the City of Vista that this reorganization is exempted by Section 15319 of the State CEQA Guidelines has been reviewed and considered; and
- (2) Adopted the form of resolution approving this reorganization for the reasons set forth in the Executive Officer’s Report, and delegating to the Executive Officer of the Local Agency Formation Commission the responsibility for holding conducting authority proceedings.

Item 7
Proposed “Alta Mira/Hauk Annexation” to the
Spring Valley Sanitation District (DA04-36)

On motion of Commissioner Pocklington, seconded by Commissioner Jacob, and carried unanimously by the commissioners present, the Commission took the following actions:

- (1) Found in accordance with the Executive Officer’s determination, that pursuant to Section 15303 of the State CEQA Guidelines, the annexation is not subject to the environmental impact evaluation process because the proposal area involves construction of one single-family residence in a residential zone; and

- (2) Adopted the form of resolution approving this annexation for the reasons set forth in the Executive Officer’s Report, waiving the Conducting Authority proceedings according to Government Code Section 56663(c), and ordered the annexation subject to the following term and condition:

Payment by the property owner of District annexation fees, San Diego Local Agency Formation Commission processing fees, and State Board of Equalization charges.

Item 8
Proposed “Slaven Sewer Service Latent Powers Expansion”
(Fallbrook Public Utility District) (LP04-02)

At the request of Michael Ott, the Commission waived the staff report.

Chairwoman Davis opened the public hearing.

With no members of the public wishing to speak in support or in opposition of the item, and no discussion from the Commission, Chairwoman Davis closed the public hearing.

On motion of Commissioner Horn, seconded by Commissioner Vanderlaan, and carried unanimously by the commissioners present, the Commission took the following actions:

- (1) Found in accordance with the Executive Officer’s determination that pursuant to Section 15319(b) of the State CEQA Guidelines, the proposal area is undeveloped, but is of the minimum size for the construction/installation of new small facilities as defined by Section 15303;
- (2) Expanded the latent powers sewer service area for the Fallbrook PUD to include the territory shown on the attached map; and
- (3) Adopted the form of resolution approving the expansion of latent powers for sewer service for the reasons set forth in the Executive Officer’s Report, and ordered the expansion, subject to the following term and condition:

Payment by property owner of all LAFCO and processing fees.

Item 9A
Adoption of an Amendment to the Sphere of Influence
for the Vallecitos Water District (SA04-33)

Item 9B
Proposed "Raigy Annexation" to the
Vallecitos Water District (DA04-33)

At the request of Michael Ott, the Commission waived the staff report.

Chairwoman Davis opened the public hearing.

With no members of the public wishing to speak in support or in opposition of the item, and no discussion from the Commission, Chairwoman Davis closed the public hearing.

On motion of Commissioner Horn, seconded by Commissioner Vanderlaan, and carried unanimously by the commissioners present, the Commission took the following actions:

- (1) Found in accordance with the Executive Officer's determination, that pursuant to Section 15319(a) of the State CEQA Guidelines, this minor sphere amendment and annexation are not subject to the environmental impact evaluation process because the proposal area contains an existing structure and is developed to the density allowed by the current zoning, and the extension of the utility service to the existing facility would have a capacity to serve only the existing facility;
- (2) Amended the sphere of influence for the Vallecitos Water District to include the territory shown on the attached map and adopted the written Statement of Determinations, as shown in Exhibit A; and
- (3) Adopted the form of resolution approving the minor sphere amendment and annexation for the reasons set forth in the Executive Officer's Report, waiving the Conducting Authority proceedings according to Government Code Section 56663(c), and ordered the annexation, subject to the following terms and conditions:
 - (a) Annexation into Sewer Improvement Districts 1, 2, 6, & "A" for sewer service only;
 - (b) Payment of sewer annexation fee of \$1,326.74;
 - (c) Payment of State Board of Equalization fee of \$300.00;
 - (d) Submittal of copy of title report showing ownership with metes and bounds legal description of the property; and
 - (e) No construction of or connection to any sewer mains will be allowed until completion of the annexation, payment of all annexation fees, acceptance of all sewer facilities required for the project and payment of all current fees and charges.

Item 10

Status Report on LAFCO's Regional Fire Protection Study

Michael Ott provided a PowerPoint presentation to the Commission regarding an update on LAFCO's Regional Fire Protection Study and the initiation process for consolidation. He said that a letter from the Board of Supervisors, dated November 30, 2004, was sent to the Commission via mail regarding the initiation of consolidation proceedings. Also provided to the Commission was a letter from Executive Director John Traylor of the Task Force on Fire Protection and Emergency Medical Services dated December 3, 2004. Mr. Ott said that the letter included a request for LAFCO to initiate the consolidation process in addition to some conditions. Mr. Ott indicated that both letters support LAFCO's consolidation review process that will officially commence at the February 7, 2005 meeting after certain legal procedures

are conducted. He said that at the February 2005 meeting, the Commission is scheduled to review the Municipal Service Review (MSR) and the Sphere of Influence update for the fire agencies serving the unincorporated areas. He reported that LAFCO staff has been meeting with all fire agencies to discuss the consolidation process and said that a meeting with the Fire Chief's Association will take place in January 2005. He also reported that staff has been meeting on a regular basis with a special coalition of fire officials and government managers.

In response to a question from Commissioner Rexford, Michael Ott said that LAFCO staff has been meeting with city managers as an organization, as well as three city managers on the special coalition.

Shirley Anderson provided the Commission a breakdown of a number of agencies involved in the consolidation process. Ms. Anderson reported that a survey was sent to all agencies, which is due December 17. She said that determinations for the unincorporated area would be presented to the Commission on February 7, 2005, which would allow the Commission to receive and approve the Municipal Service Review and provide LAFCO staff with any direction they would like to move forward.

John Traylor reported that the Task Force on Fire Protection and Emergency Medical Services held a meeting on December 3, 2004. He said the Task Force directed him to send a written request to the Commission to initiate the consolidation process beginning with the Phase One agencies which include: Alpine Fire Protection District, East County Fire Protection District, Lakeside Fire Protection District, Pine Valley Fire Protection District, San Diego Rural Protection District, San Miguel Consolidated Fire Protection District, CSA 111 (Boulevard), and CSA 112 (Campo); and that the County of San Diego assures a source of on-going funding.

In response to a question from Commissioner Rexford, John Traylor said that the Task Force is asking the County of San Diego to take a leadership role in securing funds and suggested that the funds come from either property taxes going to the State of California, Proposition 172, Proposition 1A or any other revenue sources the County may choose.

In response to a question from Commissioner Pocklington, John Traylor said that there is some fire protection districts that are collaborating with one another to initiate the consolidation process.

Steve Kramer, representative from the Alpine Fire Protection District, indicated that the District supports the consolidation process on the condition that adequate and on-going funds are provided. He asked that the Commission consider a Joint Powers Authority, which would allow fire districts to partner with cities and tribal agencies.

Commissioner Jacob said that one of the options that the Board of Supervisors is considering for long-term on-going funding is the use of existing tax dollars. She provided a handout to the Commission of the election results for Proposition C, and said that it is very important that the Commission carry out the will of the people.

Commissioner Jacob placed a motion to have LAFCO staff provide the Commission – at the February 7, 2005 meeting – the MSR Study and Sphere Update for the unincorporated area and other necessary documents to initiate the consolidation process. Commissioner Menshek seconded the motion with further discussion.

Commissioner Rexford said that the MSR Study for consolidation should include funding source information.

In response to a question from Commissioner Menshek regarding protest provisions, Michael Ott said that LAFCO's Legal Counsel would review the provisions further and provide additional clarification to the Commission at the February 7, 2005 meeting. In regards to election costs, Michael Ott said that if reorganization or consolidation were successful with a vote, it would be the responsibility of the affected agencies to pay for the fees; if it were unsuccessful, county government would be required to pay for the election costs. Michael Ott indicated that LAFCO staff and Legal Counsel would conduct further research to look into the possibility of County government being responsible for election costs, regardless of the outcome of the election.

In response to a question from Commissioner Rexford, Michael Ott said that after the MSR Study and Sphere Updates have been presented to the Commission in February 2005, recommendations and deliberations for funding sources would take place.

In response to a question from Commissioner Mathis, Michael Ott said that the MSR Study – that will be presented to the Commission in February 2005 – would address some opportunities of funding resources. He said that after the February 2005 meeting, specific recommendations for various funding options would be presented to the Board of Supervisors, local agencies, and any interested parties.

On motion of Commissioner Jacob, seconded by Commissioner Menshek, and carried unanimously by the commissioners present, the Commission took the following action:

Directed LAFCO staff to provide the Commission, at the February 7, 2005 meeting, the MSR Study and Sphere Updates for fire protection agencies, as well as necessary documents to initiate the consolidation process.

Item 11

Selection of 2005 LAFCO Chair and Vice Chair

On motion of Chairwoman Davis, seconded by Commissioner Horn, and carried unanimously by the commissioners present, the Commission took the following action:

Appointed Commissioner Pocklington (District Member) as the 2005 LAFCO Chair, effective January 1, 2005.

On motion of Commissioner Pocklington, seconded by Commissioner Jacob, and carried unanimously by the commissioners present, the Commission took the following action:

Appointed Commissioner Vanderlaan (Public Member) as the 2005 LAFCO Vice Chair, effective January 1, 2005.

Item 12

Holiday Office Closure / Cancellation of January 3, 2005 Meeting

The Commission waived the staff report on this item and indicated the LAFCO office will be closed from December 20 through 24, 2004, and approved the cancellation of the January 3, 2005 LAFCO meeting.

There being no further business to come before the Commission, the meeting adjourned at 10:12 a.m. to the February 7, 2005 meeting, in Rooms 302-303, County Administration Center.

**TITA JACQUE CAYETANO
Administrative Assistant**