



San Diego County
Local Agency Formation Commission
 Regional Service Planning | Subdivision of the State of California

5a

AGENDA REPORT
 Consent | Action

March 7, 2022

TO: Commissioners

FROM: Tamaron R. Lockett, Commission Clerk

SUBJECT: **Approval of Meeting Minutes |
 Special Meeting of January 5, 2022 and Regular Meeting of February 7, 2022**

SUMMARY

The San Diego County Local Agency Formation Commission (LAFCO) will consider draft minutes prepared for meetings held on January 5, 2022 and February 7, 2022. The minutes are in action-form and being presented for formal Commission approval.

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 two most recent meetings of the Commission held on January 5, 2022 and February 7, 2022. Attendance for the two meetings follow.

<p>Administration Keene Simonds, Executive Officer 2550 Fifth Avenue, Suite 725 San Diego, California 92103 T 619.321.3380 www.sdlafco.org</p>	<p>Joel Anderson County of San Diego</p> <p>Chair Jim Desmond County of San Diego</p> <p>Nora Vargas, Alt. County of San Diego</p>	<p>Vice Chair Paul McNamara City of Escondido</p> <p>Mary Casillas Salas City of Chula Vista</p> <p>Kristi Becker, Alt. City of Solana Beach</p>	<p>Chris Cate City of San Diego</p> <p>Marni von Wilpert, Alt. City of San Diego</p>	<p>Jo MacKenzie Vista Irrigation</p> <p>Barry Willis Alpine Fire Protection</p> <p>David Drake, Alt. Rincon del Diablo</p>	<p>Andy Vanderlaan General Public</p> <p>Harry Mathis, Alt. General Public</p>
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January 5, 2022

- All regular Commissioners were present except Jo MacKenzie (Vista Irrigation), Mary Casillas Salas (City of Chula Vista) and Nora Vargas (County of San Diego).
- All alternate Commissioners were present except Harry Mathis (Public) and Marni von Wilpert (City of San Diego).

February 7, 2022

- All regular Commissioners were present.
- All alternate Commissioners were present except Nora Vargas (County of San Diego) and Marni von Wilpert (City of San Diego).

The County of San Diego Board of Supervisors took action in between the two San Diego LAFCO meetings to make Supervisor Joel Anderson one of its two regular members on the Commission along with Supervisor Jim Desmond. Supervisor Nora Vargas concurrently transitioned to an alternate member on the Commission.

ANALYSIS

The attached draft minutes for the January 5, 2022 special meeting and the February 7, 2022 regular meeting accurately reflect San Diego LAFCO's deliberations as recorded by the Commission Clerk. A video recording of the meetings 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 January 5, 2022 special meeting and February 7, 2022 regular meeting as presented. This recommendation is consistent with Alternative One outlined in the proceeding section.

ALTERNATIVES FOR ACTION

The following alternatives are available to San Diego LAFCO:

Alternative One (recommended):

Approve the draft minutes prepared for the January 5, 2022 as Attachment One and for February 7, 2022 as Attachment Two 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
Commission Clerk

Attachments:

- 1) Draft Meeting Minutes for January 5, 2022
- 2) Draft Meeting Minutes for February 7, 2022

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**DRAFT MINUTES
SAN DIEGO LAFCO
January 5, 2022 SPECIAL MEETING**

Via Videoconference Only

1. CALL TO ORDER | ROLL CALL

The special meeting was called to order remotely by videoconference at 10:00 a.m. by Chair Vanderlaan.

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

Regulars Present: Chris Cate, City of San Diego
Jim Desmond, County of San Diego (VICE CHAIR)
Paul McNamara, City of Escondido
Andy Vanderlaan, Public (CHAIR)
Barry Willis, Alpine Fire Protection District

Alternates Present: Joel Anderson, County of San Diego (voting)
Kristi Becker, City of Solana Beach (voting)
David Drake, Rincon del Diablo (voting)

Members Absent: Mary Casillas Salas, City of Chula Vista (regular)
Harry Mathis, Public (alternate)
Jo MacKenzie, Vista Irrigation District (regular)
Nora Vargas, County of San Diego (regular)
Marni von Wilpert, City of San Diego (alternate)

The Commission Clerk confirmed a virtual quorum was present with eight voting members – including – Alternate Commissioners Becker voting in place of Salas, Drake voting in place of MacKenzie, and Anderson voting in place of Vargas. Also present: Executive Officer Keene Simonds, Commission Counsel Holly Whatley, Executive Assistant Erica Blom, and Commission Clerk Tamaron Lockett.

2. PLEDGE OF ALLEGIANCE

Chair Vanderlaan led the Pledge of Allegiance.

3. AGENDA REVIEW AND COMMISSIONER DISCLOSURES

Chair Vanderlaan asked the Executive Officer if there were requests to remove or rearrange items on the agenda. The Executive Officer stated no changes to the agenda were needed and recommended the Commission proceed as planned. The Executive Officer also noted the meeting was being live-streamed on LAFCO's YouTube page and instructions for the general public to participate and provide comments are provided on the agenda. There were no disclosures by the Commission.

4. PUBLIC COMMENT

Chair Vanderlaan invited anyone from the public to address the Commission on a matter not directly related to an agenda item. The Commission Clerk confirmed there were no comments from the chambers or pre-registered speakers. The Executive Assistant also confirmed there were no live e-mail comments.

5. CONSENT ITEMS

There were no consent items heard by the Commission.

6. PUBLIC HEARING ITEMS

There were no public hearing items heard by the Commission.

7. BUSINESS ITEMS

Item 7a

Authorization to Continue to Conduct Remote/Hybrid Meetings

Item present to consider a resolution making findings in accordance with AB 361 authorizing LAFCO to continue to conduct all meetings – including standing and ad hoc committees – through a combination of in-person and remote participation or entirely by remote as circumstances warrant. Recommendation to approve.

Executive Officer Keene Simonds provided brief comments.

Chair Vanderlaan invited comments from the public. The Commission Clerk confirmed there were no pre-registered speakers. The Executive Assistant also confirmed there were no live e-mail comments.

Chair Vanderlaan invited initial Commission comments or questions. No comments from the Commission.

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

AYES:	Anderson (voting), Becker (voting), Cate, Desmond, Drake (voting), McNamara, Vanderlaan and Willis
NOES:	None
ABSENT:	MacKenzie, Mathis, Salas, Vargas and Von Wilpert
ABSTAINING:	None

The Commission Clerk confirmed the motion was approved 8-0.

8. EXECUTIVE OFFICER REPORT

- Executive Officer Simonds announced Executive Assistant Ruth Arellano officially retired in December after 32 years of combined service with the County and LAFCO. Executive Officer added Analyst Linda Heckenkamp has resigned from LAFCO after four years to relocate back home in Florida to be closer to family.
- Executive Officer noted COVID related illnesses within the LAFCO office have delayed some projects and will be discussed as part of the next quarterly update on the workplan set for the February meeting.

9. COMMISSIONER ANNOUNCEMENTS | REQUESTS FOR FUTURE ITEMS

There were no Commissioner announcements or request for future items.

10. CLOSED SESSION

None

11. ADJOURNMENT TO NEXT MEETING

With no further business the Chair adjourned the hybrid/videoconference meeting at 10:11 a.m.

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I hereby attest the minutes above accurately reflect the deliberations of the Commission at its January 5, 2022 videoconference meeting.

ATTEST,



Tameron R. Lockett
Commission Clerk

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**DRAFT MINUTES
SAN DIEGO LAFCO
February 7, 2022 REGULAR MEETING**

1. CALL TO ORDER | ROLL CALL

The regular meeting was called to order at 9:00 a.m. by Chair Vanderlaan via a virtual/hybrid format. In person attendance was held in the County of San Diego Administration Center, 1600 Pacific Highway, Room 302, San Diego.

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

Regulars Present: Joel Anderson, County of San Diego*
 Chris Cate, City of San Diego
 Jim Desmond, County of San Diego (VICE CHAIR)*
 Jo MacKenzie, Vista Irrigation District
 Paul McNamara, City of Escondido*
 Mary Casillas Salas, City of Chula Vista*
 Andy Vanderlaan, Public (CHAIR)*
 Barry Willis, Alpine Fire Protection District

Alternates Present: Kristi Becker, City of Solana Beach*
 David Drake, Rincon del Diablo
 Harry Mathis, Public*

Members Absent: Nora Vargas, County of San Diego (alternate)
 Marni von Wilpert, City of San Diego (alternate)

The Commission Clerk confirmed a virtual/hybrid quorum was present with eight voting members. Also present at the virtual/hybrid dais were Executive Officer Keene Simonds, Commission Deputy Legal Counsel Aleks R. Giragosian*, Local Government Analyst I Priscilla Allen, Local Government Analyst I Carolanne Ieromnimon, Executive Assistant Erica Blom*, and Commission Clerk Tamaron Lockett.

* Attending by videoconference.

2. PLEDGE OF ALLEGIANCE

Commissioner McNamara led the Pledge of Allegiance.

3. AGENDA REVIEW AND COMMISSIONER DISCLOSURES

Item 3a

Requests to Remove or Rearrange Items

Chair Vanderlaan asked the Executive Officer if there were requests to remove or rearrange items on the agenda. The Executive Officer confirmed there were no changes.

AGENDA REVIEW AND COMMISSIONER DISCLOSURES CONTINUED...

Item 3a Continued

However, the Executive Officer noted there are changes in the recommended procedures for the two public hearing items – 6a and 6b – to start but continue both to the next meeting with additional details to be provided as part of the staff presentations.

Item 3b

Commission Disclosures

There were no disclosures by the Commission.

4. PUBLIC COMMENT

Chair Vanderlaan invited anyone from the public to address the Commission on a matter not directly related to an agenda item. The Commission Clerk confirmed there were no comments from the chambers or pre-registered speakers. The Executive Assistant also confirmed there were no live e-mail comments received.

5. CONSENT ITEMS

Item 5a

Approval of Meeting Minutes for December 6, 2021

Item presented to approve draft action minutes prepared for the Commission's December 6, 2021 regular meeting. Recommendation to approve.

Item 5b

Commission Ratification | Recorded Payments for November and December 2021

Item presented to ratify recorded payments made and received by the Executive Officer for the months of November and December 2021. Recommendation to ratify.

Item 5c

Proposed "Aldern-Eolus Avenue Change of Organization | Annexation to the Leucadia Wastewater District (CO21-10)

Item presented to consider a change of organization proposal filed by the Leucadia Wastewater District to annex 0.5 acres consisting of one entire parcel developed with a single-family residence within the City of Encinitas. The proposal purpose is to extend public wastewater service as a preventive measure to replace an aging septic system. Staff recommends conditional approval of the proposal with a modification to include the adjacent public right-of-way on Eolus Avenue to the centerline along with waiving protest proceedings.

Item 5d

Proposed Update to Rule No. 2 | Commissioner Per Diem

Item presented to consider approving an amendment to Rule No. 2 involving per diems to increase payments from \$200 to \$250. Recommendation to approve.

CONSENT ITEMS CONTINUED...

Item 5e

Budget Update for 2021-2022 | 2nd Quarter Actuals with Year-End Projections

Item presented to review a report comparing budgeted and actual transactions through the second quarter of 2021-2022 and related analysis. The report projects LAFCO finishing with an operating surplus of \$0.056 million or 2.9%. Recommendation to receive and file.

Item 5f

Current Proposals and Related Activities

Item presented to receive a report identifying active proposals on file as well as a summary of pending proposal submittals. Information only.

Item 5g

Authorizing Continued Hybrid or Fully Teleconferenced Meetings

Item presented to consider authorizing the ongoing use of hybrid and/or fully teleconferenced meetings for a 30-day period as allowed under Assembly Bill 361. Approval would retroactively extend the Commission's previous authorization for hybrid and/or fully remote meetings through March 4, 2022. Recommendation to approve.

Item 5h

Proposed Term Revision for "Bear Valley Parkway Outside of Agency Service Agreement" – City of Escondido (OAS21-07)

Item presented to consider a proposed revision for a term applied to its October 2021 approval of an outside wastewater service extension between the City of Escondido and the landowner at 450 Bear Valley Parkway (239-060-05). The proposed revision would no longer require the landowner to complete annexation proceedings within one calendar year and instead require the landowner to enter an irrevocable offer to annex should it be proposed in the future. Recommendation to approve.

Chair Vanderlaan asked if the Commissioners would like to pull any consent items for discussion. Commissioner Willis requested Item 5h be pulled for discussion.

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Commissioner MacKenzie motioned with a second from Commissioner Willis to approve the balance of the consent calendar and staff recommendations as presented for Items 5a-5g as Alternatives One with 5h pulled for discussion. Roll call requested:

AYES: Anderson, Cate, Desmond, MacKenzie, McNamara, Salas, Vanderlaan, and Willis
NOES: Desmond (only Item 5g)
ABSENT: Vargas and von Wilpert
ABSTAINING: None

The Commission Clerk confirms the motion was approved 8-0 with the exception of Commissioner Desmond voting no on Item 5g (Desmond aye on all others).

CONSENT ITEMS CONTINUED...

Item 5h Continued

Commissioner Willis asked for clarification regarding the term being waived for Item 5h. Analyst Allen summarized the item to Commissioner Willis' satisfaction.

**

Commissioner Willis motioned with a second from Commissioner MacKenzie to approve agenda item 5h and staff recommendations as presented as Alternative One. Roll call requested:

AYES: Anderson, Cate, Desmond, MacKenzie, McNamara, Salas, Vanderlaan, and Willis
NOES: None
ABSENT: Vargas, and von Wilpert
ABSTAINING: None

The Commission Clerk confirms the motion was approved 8-0.

6. PUBLIC HEARING ITEMS

Item 6a

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

Item presented to receive a final report prepared as part of the scheduled municipal service review on the Fallbrook region. The report addresses the Commission's task in statute to independently evaluate public services in the region with specific focus on the principal local government agencies subject to its oversight – Fallbrook Public Utility District, Rainbow Municipal Water District, North County Fire Protection District, and County Service Area No. 81. The report returns to the Commission from its draft presentation in December 2021 and subsequent public review substantively intact with exceptions detailed.

Executive Officer Simonds advised the Commission of a revised recommendation to receive the staff presentation on the item in step with opening the hearing but to continue deliberations to the next meeting consistent with a request by the County Water Authority. This revision would be consistent with Alternative Two in the agenda report.

Chair Vanderlaan confirmed with the Commission to proceed consistent with the revised recommendation from the Executive Officer.

Analyst Allen provided the formal staff presentation on the item and highlighted the final report's key conclusions and recommendations.

Chair Vanderlaan opened the public hearing and invited comments by pre-registered attendees and live e-mail. The Commission Clerk confirmed there were pre-registered speakers to address the Commission. Comments were received from the following persons:

PUBLIC HEARING ITEMS CONTINUED...

Item 6a Continued

- Jack Bebee, General Manager with Fallbrook Public Utility District
- Paula de Sousa, Representative with Fallbrook Public Utility District
- Claire Collins, Special Counsel with County Water Authority

Chair Vanderlaan invited Commissioner comments or questions.

Commission discussion followed.

**

Commissioner Desmond motioned to approve the staff recommendation for Alternative Two as restated by the Executive Officer and the public hearing to remain open until March 7th with a second from Commissioner McNamara. Roll call requested:

AYES: Anderson, Cate, Desmond, MacKenzie, McNamara, Salas, Vanderlaan, and Willis
NOES: None
ABSENT: Vargas and von Wilpert
ABSTAINING: None

The Commission Clerk confirms the motion was approved 8-0.

Item 6b

Sphere of Influence Updates for the Fallbrook Region | Fallbrook Public Utility District, Rainbow Municipal Water District, North County Fire Protection District, and County Service Area No. 81

Item presented to consider approving sphere of influence updates for the four affected agencies in the unincorporated Fallbrook region directly subject to the Commission's oversight. The updates draw on information included in a recently prepared municipal service review on the region and recommends the Commission proceed to affirm the spheres for all four affected agencies – Fallbrook Public Utility District, Rainbow Municipal Water District, North County Fire Protection District (FPD) and County Service Area No. 81 – without changes.

Executive Officer Simonds advised similarly to the preceding item staff was recommending a revised recommendation to receive the staff presentation in step with opening the hearing but to continue deliberations to the March 7th meeting. This revision would be consistent with Alternative Two in the agenda report.

Analyst Allen provided the formal staff presentation on the item and highlighted the recommendation to create a special study area involving North County FPD and lands immediately north of its sphere within Riverside County.

PUBLIC HEARING ITEMS CONTINUED...

Item 6b Continued

Chair Vanderlaan proceeded to open the public hearing and invited comments by pre-registered attendees and live e-mail. The Commission Clerk confirmed there were no pre-registered comments. The Executive Assistant confirmed also there were no live e-mail comments.

Chair Vanderlaan invited Commissioner comments or questions.

Commission discussion followed. Commissioner Desmond requested staff reach out to colleagues in Riverside County to help ensure they are aware of the recommendation to establish a special study area for North County FPD.

**

Commissioner Desmond motioned to approve the staff recommendation for Alternative Two as restated by the Executive Officer and the public hearing remain open until March 7th with a second from Commissioner Willis. Roll call requested:

AYES:	Anderson, Cate, Desmond, MacKenzie, McNamara, Salas, Vanderlaan, and Willis
NOES:	None
ABSENT:	Vargas and von Wilpert
ABSTAINING:	None

The Commission Clerk confirms the motion was approved 8-0.

7. BUSINESS ITEMS

Item 7a

Proposed Policy on Environmental Justice

Item presented to consider a proposed policy establishing baseline standards with respect to addressing environmental justice as part of its regulatory and planning activities. This includes expanding the scope of municipal service reviews to disclose existing pollution burdens and proximity to disadvantaged communities and relatedly informing the evaluation of subsequent jurisdictional changes.

Local Government Analyst Ieromnimon provided a formal presentation on the environmental justice policy – including addressing key conclusions and recommendations.

Chair Vanderlaan noted this was not a public hearing but asked staff if there was any comments from members of the public. The Commission Clerk responded there were no pre-registered comments for the item. The Executive Assistant also confirmed there were no live e-mail comments for the item.

BUSINESS ITEMS CONTINUED...

Item 7a Continued

Commissioner Willis motioned to approve the staff recommendation for Alternative Two as provided in the agenda report in order to continue the item until the next meeting with a second from Commissioner MacKenzie.

Chair Vanderlaan asked for discussion on the motion and asked Commissioner Willis the reason for requesting the item be continued.

Commissioner Willis responded that he wanted more information on how the policy would be implemented and its impact on applicants.

Additional Commission discussion followed along with responses from the Executive Officer.

A roll call was called by the Chair on the motion on the floor paused at the request of Commissioner Desmond to request guidance from Deputy Commission Counsel Giragosian on options to make a substitute motion. Counsel Giragosian advised the Commission it would first need to approve a motion to suspend Rosenberg's Rules of Order to allow for a substitute motion to supersede the completion of the current roll call.

**

Commissioner Desmond motioned to suspend Rosenberg's Rules of Order with a second from Commissioner Cate to allow for a substitute motion. Roll call requested:

AYES: Anderson, Cate, Desmond, MacKenzie, McNamara, Salas, Vanderlaan, and Willis
NOES: Salas
ABSENT: Vargas and von Wilpert
ABSTAINING: None

The Commission Clerk confirms the motion was approved 7-1.

**

Commissioner Desmond substituted a motion to approve Alternative One as detailed in the staff report with a second from Commission Cate. Roll call requested:

AYES: Anderson, Cate, Desmond, MacKenzie, McNamara, Salas and Vanderlaan
NOES: Willis
ABSENT: Vargas and von Wilpert
ABSTAINING: None

The Commission Clerk confirms the motion was approved 7-1.

Commissioner Salas left the videoconference at 10:15 a.m.

BUSINESS ITEMS CONTINUED...

Item 7b

Second Quarter Update on the Adopted Workplan & Proposed Amendments

Item presented to receive a quarterly update on the adopted annual workplan as well as approve proposed amendments for 2021-2022.

Executive Officer Simonds provided the staff presentation and focused on workplan projects that are expected to be a focus during the third quarter. Simonds also outlined the proposed amendments to the workplan and highlighted by the addition of a new project to sponsor and/or facilitate changes the municipal service review statute to establish a clear communication loop between LAFCOs and the affected agencies.

Chair Vanderlaan invited initial Commission comments or questions.

Commission discussion followed.

Commissioner MacKenzie noted the proposed amendments were appropriate with the reminder from earlier Commission discussions that a local policy addressing community engagement practices in preparing municipal service reviews was needed. Simonds stated the referenced policy project would be included in the draft workplan for FY2023.

**

Commissioner Cate motioned to approve the staff recommendations as provided in the agenda report as Alternative One with a second from Commissioner Willis. Roll call requested:

AYES: Anderson, Becker (voting), Cate, Desmond, MacKenzie, McNamara, Willis, and Vanderlaan
NOES: None
ABSENT: Vargas and von Wilpert
ABSTAINING: None

The Commission Clerk confirms the motion was approved 8-0.

Item 7c

Chair and Vice Chair Appointments

Item to consider making officer appointments and select a chair and vice chair consistent with adopted policy. Recommendation to approve.

Chair Vanderlaan made opening remarks and asked the Commission to support the ongoing practice at LAFCO to promote Vice Chair Desmond to Chair as well as make Commissioner and City Member McNamara as Vice Chair for the balance of the calendar year.

**

BUSINESS ITEMS CONTINUED...

Item 7c Continued

Commissioner Vanderlaan motioned to appoint Commissioners Demond and McNamara as Chair and Vice Chair, respectively. Roll call requested:

AYES: Anderson, Becker (voting), Cate, Desmond, MacKenzie, McNamara, Willis, and Vanderlaan
NOES: None
ABSENT: Vargas and von Wilpert
ABSTAINING: None

The Commission Clerk confirms the motion was approved 8-0.

Chair Vanderlaan thanked LAFCO staff for allowing him to serve as the Chair.

Commissioners thanked Chair Vanderlaan for his service.

8. EXECUTIVE OFFICER REPORT

- Executive Officer Simonds thanked Chair Vanderlaan for his services serving as the LAFCO Chair and noted his appreciation for helping with much appreciated continuity given all of the recent turnover with Commissioners and staff over the last year.
- Executive Officer announced the next Fallbrook-Rainbow Ad Hoc meeting will be held on February 17, 2022 and will include a presentation from Michael Hanemann on this final report addressing several pertinent topics – including potential exit fees.

9. COMMISSIONER ANNOUNCEMENTS | REQUESTS FOR FUTURE ITEMS

- Commissioner MacKenzie provided a brief report on CALAFCO.

10. CLOSED SESSION

None

11. ADJOURNMENT TO NEXT MEETING

With no further business the Chair adjourned the hybrid/videoconference meeting at 10:38 a.m.

**

I hereby attest the minutes above accurately reflect the deliberations of the Commission at its March 7, 2022 hybrid/videoconference meeting.

ATTEST,

A handwritten signature in black ink, appearing to read 'TL', is positioned above the printed name of the Commission Clerk.

Tamaron R. Lockett
Commission Clerk