

**APPROVED MINUTES
SAN DIEGO LAFCO
March 7, 2022 REGULAR MEETING**

1. CALL TO ORDER | ROLL CALL

The regular meeting was called to order at 9:00 a.m. by Chair Desmond 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 (CHAIR)*
 Jo MacKenzie, Vista Irrigation District
 Paul McNamara, City of Escondido* (VICE CHAIR)
 Mary Casillas Salas, City of Chula Vista*
 Andy Vanderlaan, Public*
 Barry Willis, Alpine Fire Protection District*

Alternates Present: Kristi Becker, City of Solana Beach*
 David Drake, Rincon del Diablo Municipal Water District
 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 Counsel Holly Whatley, Local Government Analyst I Carolanne Ieromnimon, Executive Assistant Erica Blom*, and Commission Clerk Tamaron Luckett.

Commissioner Salas arrived at 9:09 a.m.

Commissioner Anderson arrived at 9:13 a.m.

* Attending by videoconference.

2. PLEDGE OF ALLEGIANCE

Chair Desmond led the Pledge of Allegiance.

3. AGENDA REVIEW AND COMMISSIONER DISCLOSURES

Item 3a

Requests to Remove or Rearrange Items

Chair Desmond asked the Executive Officer if there were requests to remove or rearrange items on the agenda. The Executive Officer requested an adjustment to the order of the agenda to advance Item No. 7c involving the update on the Fallbrook-Rainbow Ad Hoc Committee to immediately follow Item No. 6b to accommodate public attendees' schedules.

Item 3b

Commission Disclosures

Disclosures were reported by the following Commissioners:

- Commissioner Desmond on Item 7c
- Commissioner Vanderlaan on Item 7c
- Commissioner MacKenzie on Item 7c
- Alternate Commissioner Drake on Item 7c
- Commissioner Willis on Item 7c

4. PUBLIC COMMENT

Chair Desmond invited anyone from the public to address the Commission on a matter not directly related to an agenda item. The Commission Clerk confirmed there was one speaker from the Chambers to address the Commission with comments received from the following:

- Mike Appleman, regarding the Jacumba Community Services District

The Executive Assistant confirmed there were no live e-mail comments received.

5. CONSENT ITEMS

Item 5a

Approval of Meeting Minutes for January 5th and February 7th 2022

Item presented to approve draft action minutes prepared for the Commission's January 5, 2022 special meeting and February 7, 2022 regular meeting. Recommendation to approve.

Item 5b

Commission Ratification | Recorded Payments for January 2022

Item presented to ratify recorded payments made and received by the Executive Officer for the month of January 2022. Recommendation to ratify.

Item 5c

Social Media Guidelines

Item presented to receive proposed guidelines addressing staff's delegated task to use social media to communicate LAFCO activities based on a review of best practices employed by other local agencies. Recommendation to receive and file.

CONSENT ITEMS CONTINUED...

Item 5d

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 April 3, 2022. Recommendation to approve.

Item 5e

Progress Report on Workplan Projects

Item presented to receive a progress report on accomplishing specific projects as part of the adopted 2021-2022 workplan. 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.

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

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

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

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

Item 5d

Chair Desmond noted he does not support the hybrid/in-person meeting format on the premise of needing to make a public health finding. Commission Counsel Holly Whatley explained the staff recommendations and that Alternative One is the option to vote to continue they hybrid/in-person meeting for an additional 30-days.

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Commissioner Salas motioned with a second from Commissioner Anderson to approve Item 5d and staff recommendations as presented as Alternative One. Roll call requested:

CONSENT ITEMS CONTINUED...

Item 5d Continued

Authorizing Continued Hybrid or Fully Teleconferenced Meetings

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

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

6. PUBLIC HEARING ITEMS

Item 6a

CONTINUED | Final Report and Related Actions:

Municipal Service Review on the Fallbrook Region

Item continued from the February 7th meeting involving the Commission's scheduled municipal service review on the Fallbrook region and the four local agencies under LAFCO oversight: Fallbrook Public Utility District, Rainbow Municipal Water District, North County Fire Protection District, and County Service Area No. 81. Recommended the Commission accept the final report prepared by staff on the municipal service review as well as adopt the associated determinations by resolution.

Executive Officer Simonds provided the staff presentation and referenced the detailed presentation provided by Analyst Priscilla Allen at the February 7th meeting on the report's key conclusions and recommendations. Simonds noted the Commission continued the item at the request of the San Diego County Water Authority to provide additional time to submit comments in conjunction with vetting topics with the Fallbrook-Rainbow Ad Hoc Committee and its meeting on February 17th. Simonds confirmed comments from the Water Authority were received and have been addressed by staff as part of a supplemental memorandum. Simonds concluded it would be appropriate for the Commission to proceed as recommended with delegation to LAFCO staff to prepare an addendum to address items raised by the Water Authority as well as potential other topics raised by the Ad Hoc Committee.

Chair Desmond returned to the opened 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:

- Tom Kennedy, General Manager with Rainbow Municipal Water District
- Claire Collins, Special Counsel with County Water Authority
- Jason Kendall, Owner with Kendall Farms
- Jennifer Jeffries, Resident
- Charles Wolk, Board Representative with Fallbrook Public Utility District
- Chief Keith McReynolds, North County Fire Protection District

The Executive Assistant confirmed there were live e-mail comments. Comments were received from the following persons:

PUBLIC HEARING ITEMS CONTINUED...

Item 6a Continued

- Lila McDonald, CEO with Fallbrook Chambers of Commerce
- Roy Moosa, President with Fallbrook Chambers of Commerce
- Dave Baxter, President with Fallbrook Public Utility District

Chair Desmond invited Commissioner comments or questions.

Commission discussion followed.

Chair Desmond proceeded to close the public hearing.

**

Commissioner Willis motioned to approve the staff recommendation Alternative One as listed in the agenda report with a second from Commissioner Vanderlaan. Roll call requested:

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

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

Item 6b

CONTINUED | Proposed 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 continued from the February 7th meeting involving the Commission's scheduled 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, and County Service Area No. 81 – without changes. A special study area is also recommended for North County Fire Protection District involving close to 2,000 acres immediately north of the current sphere in Riverside County to allow for continued discussions among stakeholders.

Executive Officer Simonds advised staff was available to address any questions.

Chair Desmond returned to the opened hearing and invited comments by pre-registered attendees and live e-mail. The Commission Clerk confirmed the one registered speaker – Tom Kennedy with Rainbow Municipal Water District – waived speaking in favor of confirming support for the staff recommendation.

The Executive Assistant confirmed there were no live e-mail comments.

PUBLIC HEARING ITEMS CONTINUED...

Item 6b Continued

Chair Desmond invited Commissioner comments or questions.

Commission discussion followed.

Chair Desmond proceeded to close the public hearing.

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

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

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

Item 6c

Draft Workplan and Budget for 2022-2023

Item presented to consider recommendation from the Executive Officer in adopting a draft workplan and budget for 2022-2023. The draft workplan outlines 30 specific projects in priority order with several continued from the current fiscal year and highlighted by ongoing municipal service reviews along State Route 78. The draft budget workplan tallies \$2.021 million in total expenses and represents a net increase of 4.1%. Recommendation to approve.

Executive Officer Simonds provided the staff presentation and added approvals of the draft documents would proceed a formal 45-day public comment period with notices provided to each of LAFCO's funding agencies with the expectation of returning for final action in May.

Chair Desmond 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 speakers. The Executive Assistant also confirmed there were no live e-mail comments.

Chair Desmond invited Commissioner comments or questions.

Commission discussion followed with consensus to reorder the workplan and switch the placement of No. 11 (Legislative Proposal on G.C. Section 56133) with No. 17 (SALC Grant).

Chair Desmond proceeded to close the public hearing.

PUBLIC HEARING ITEMS CONTINUED...

Item 6c Continued

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Commissioner Desmond motioned to approve the staff recommendation Alternative One as provided in the agenda report with the referenced change to the workplan to switch the placements of No. 11 and No. 17 with a second from Commissioner Willis. Roll call requested:

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

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

Commissioner Cate left the videoconference at 10:59 a.m.

Item 6d

Proposed “Sunray Lane Change of Organization” | Annexation to Otay Water District and Conforming Sphere Action (CO21-05)

Item presented to consider a change of organization proposal initiated by a landowner to annex 0.7 acres of unincorporated territory to the Otay Water District. The affected territory as submitted comprises one parcel developed with a single-family residence in Valle de Oro and outside the District’s sphere of influence. The proposal purpose is to extend public wastewater service to accommodate the planned construction of an accessory dwelling unit. Recommendation for the Commission to conditionally approve the proposal as submitted along with making the necessary findings for a conforming sphere of influence amendment. Recommendation to also wave protest hearings.

Executive Officer Simonds advised staff was available to address any questions.

Chair Desmond invited Commissioner questions. None received.

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

Chair Desmond proceeded to close the public hearing.

**

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

PUBLIC HEARING ITEMS CONTINUED...

Item 6d Continued

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

The Commission Clerk confirms the motion was approved 7-0 with no voting member from the City of San Diego present.

7. BUSINESS ITEMS

Item 7a

Proposed Policy on Ex Parte Communications

Item presented to consider a proposed policy on ex parte communications between Commissioners and project proponents and/or opponents. The proposed policy is premised on the dual interest to accommodate ex parte communications to enhance project decision-making while also ensuring an open and fair process. Recommendation to approve.

Commission Counsel Holly Whatley provided the staff presentation and detailed key provisions of the proposed policy.

Chair Desmond welcomed any comments from 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.

Chair Desmond invited Commissioner comments or questions.

Commission discussion followed.

**

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

AYES: Anderson, Becker (voting for Salas), Desmond, MacKenzie, McNamara, Vanderlaan and Willis
NOES: None
ABSENT: Cate and Salas
ABSTAINING: None

The Commission Clerk confirms the motion was approved 7-0 with no voting member from the City of San Diego present.

Commissioner Salas left the videoconference at 11:01 a.m.

BUSINESS ITEMS CONTINUED...

Item 7b

Request for Proposal Fee Waiver and Related Actions |

Proposal by Ramona Municipal Water District to Transfer Fire Protection and Emergency Medical Functions to San Diego County Protection District

Item presented to consider a request from the Ramona Municipal Water District (MWD) to waive all fees associated with a recently filed proposal to reorganize fire protection and emergency medical services in the Ramona region. The associated proposal involves the concurrent divestiture of these two service functions by Ramona MWD and annexation of 46,205 acre affected territory to San Diego County Fire Protection District. Estimated value of the fee waiver request identified at approximately \$25,000. Recommendation to approve.

Analyst Carolanne Ieromnimon provided the staff representation.

Chair Desmond welcomed any comments from the public starting with the applicant.

The Commission Clerk responded there were pre-registered comments for the item. Comments were received from the following persons:

- Craig Schmollinger, Interim General Manager with Ramona MWD
- Jeff Collins, Director with San Diego County Fire Protection District
- Jason Malneritch, Deputy Chief with San Diego County FPD

The Executive Assistant confirmed there were no live e-mail comments for the item.

Chair Desmond invited initial Commission comments or questions. No discussion followed.

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

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

The Commission Clerk confirms the motion was approved 7-0 with no voting member from the City of San Diego present.

BUSINESS ITEMS CONTINUED...

Item 7c*

Update on the Ad Hoc Advisory Committee on Fallbrook-Rainbow Reorganization

Item for information and discussion involving an update on the recent and pending activities of its Ad Hoc Advisory Committee for the Fallbrook Public Utility District (PUD) and Rainbow Municipal Water District (MWD) reorganization proposals. The update is timed with the recent completion of a consultant's report addressing specific topics requested by the Committee as part of its task to advise LAFCO staff in the proposal's administrative reviews.

Consultant Adam Wilson provided the staff presentation and addressed late communications received from the County Water Authority.

Chair Desmond noted this was an information item but asked staff if there were any comments from members of the public. The Commission Clerk responded there were pre-registered comments for the item. Comments were received from the following persons:

- Mark Hattam, Legal Counsel with San Diego County Water Authority
- Jack Bebee, General Manager with Fallbrook Public Utility District
- Tom Kennedy, General Manager with Rainbow Municipal Water District

Chair Desmond invited initial Commission comments or questions.

General comments follows.

Chair Desmond asked for clarification on rate impacts for end users when the proposals advance to the Commission. Chair Desmond also suggested staff return with an update to the Commission on any additional topics the Ad Hoc is asked by the Executive Officer to take up.

* This item was heard after public hearing item 6b.

8. EXECUTIVE OFFICER REPORT

None

9. COMMISSIONER ANNOUNCEMENTS | REQUESTS FOR FUTURE ITEMS

None

10. CLOSED SESSION

None

11. ADJOURNMENT TO NEXT MEETING

With no further business the Chair adjourned the hybrid/videoconference meeting at 11:15 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 'T. Lockett', written in a cursive style.

Tamaron R. Lockett
Commission Clerk

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