



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

SAN DIEGO COUNTY
LOCAL AGENCY FORMATION COMMISSION

REGULAR MEETING AGENDA
Monday, October 2, 2023

Doors Open: 8:00 A.M.

Meeting Starts: 8:15 A.M.

In-Person Participation

County Administration Center
 1600 Pacific Highway, Room 302
 San Diego, California

Video-Teleconference Participation

<https://www.zoom.us/join>

Meeting ID 895 6767 7168

Passcode 508649

(669) 900-9128

Video Viewing Only

YouTube Channel

@sandiegolafco9909

San Diego LAFCO		
Commissioner	Appointing Authority	Affiliation
Chair Jim Desmond	Board of Supervisors	County of San Diego
Vice Chair Stephen Whitburn	Mayor of the City of San Diego	City of San Diego
Joel Anderson	Board of Supervisors	County of San Diego
Kristi Becker	Cities Selection Committee	City of Solana Beach
Jo MacKenzie	Independent Special Districts	Vista ID
Andy Vanderlaan	Commission	General Public
Dane White	Cities Selection Committee	City of Escondido
Barry Willis	Independent Special Districts	Alpine FPD
Alternate David A. Drake	Independent Special Districts	Rincon del Diablo MWD
Alternate Harry Mathis	Commission	General Public
Alternative Nora Vargas	Board of Supervisors	County of San Diego
Alternate Marni von Wilpert	Mayor of the City of San Diego	City of San Diego
Alternate John McCann	Mayor of the City of Chula Vista	City of Chula Vista

Participation Instructions:

In person attendance by the public is welcomed. LAFCO meets in Room 302 in the County Administration Center (1600 Pacific Highway). Three-hour visitor parking is available using the Ash Street entrance. To provide comments on any item, please turn in a speakers slip to LAFCO staff before the item commences.

Remote participation by video or telephone is welcomed through Zoom by following these instructions.

Comments by Video	Comments by Telephone
1. Click or type the link found at the top of the agenda	1. Dial + 1-669-900-9128
2. Type the Meeting ID identified on the top of this agenda followed by the Passcode	2. Dial the Meeting ID identified at the top of the agenda followed by the Passcode
3. Click the raise hand icon	3. Dial *9 to raise your hand
4. LAFCO will announce your name as it appears when it is your turn to speak	4. LAFCO will call out the last 4 digits of your phone number when it is your turn to speak
5. Click the speaker icon to unmute to speak	5. Dial *6 to unmute yourself

Remote participation by e-mail is also welcomed by sending comments to Executive Assistant Erica Sellen at erica.sellen@sdcounty.ca.gov. All e-mails received before 4:00 P.M. one business day before the meeting will be forwarded to the Commission and posted online. These comments will also be referenced at the meeting. All e-mails received during the meeting and before the item concludes will be read into the record subject to standard time limitations and subsequently posted online.

All comments are limited to three minutes for individuals and five minutes for organizations.

The Chair may amend time allowances for public speakers at their discretion.

Public Accommodations:

Assistance for the disabled is available by contacting LAFCO staff. To the extent possible, accommodation requests should be submitted at least 72 hours in advance of the meeting.

Spanish language translation services are available at LAFCO meetings. Translation services covering other languages may be made available upon request at least 72 hours prior to the meeting.

Contact Information:

Erica Sellen
Executive Assistant / Acting Commission Clerk
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1. 8:15 A.M. – CALL TO ORDER BY CHAIR

a) Roll Call of Commissioners Present

b) Pledge of Allegiance

2. STATEMENT (JUST CAUSE) AND/OR CONSIDERATION OF A REQUEST TO PARTICIPATE REMOTELY (EMERGENCY CIRCUMSTANCES) BY A COMMISSIONER, IF APPLICABLE.

3. AGENDA REVIEW

The Executive Officer will summarize the agenda as well as to advise of any requested changes. The Chair will also consider requests from Commissioners.

4. PUBLIC COMMENT AND RELATED REQUESTS

Opportunity for members of the public to speak to the Commission on any subject matter within the Commission's growth management duties/interests but not an item listed on the agenda. Three-minute limit. This is also an opportunity for the public to request the Commission pull an item listed on the consent calendar for discussion.

5. CONSENT ITEMS

All items calendared as consent are considered ministerial and subject to a single motion approval. The Chair will entertain requests by Commissioners to pull any items for discussion.

a) Approval of Meeting Minutes for August 7, 2023 (action)

The Commission will consider action minutes prepared by the Executive Assistant for the August 7, 2023 meeting. Recommendation to approve as presented. (Pages 7-18)

b) Commission Ratification | Recorded Payments for July and August 2023 (action)

The Commission will review a report identifying all payments made and received for July and August 2023. Recommendation to ratify payments as presented. (Pages 19-26)

c) Proposed "Escondido North LLC-Stanley Avenue Reorganization" (Conway) | Annexation to the City of Escondido with Concurrent Detachment from County Service Area No. 135 and Related Actions (RO23-07-A) (action)

The Commission will consider a reorganization proposal initiated by landowner petition with the principal action to annex one legal parcel involving 2.01 unincorporated acres – developed with an existing single-family residence and accessory dwelling unit along Stanley Avenue – to the City of Escondido. A concurrent detachment from County Service Area No. 135 and its regional communication service function is also part of the reorganization. The affected territory is part of a 14.1 acre planned development site tentatively approved by the City for a 56-unit subdivision ("Conway Subdivision"). The purpose of the proposal accordingly is to accommodate the planned development by placing the entire site within the City. The affected parcel is identified by the County Assessor's Office as 224-141-24. (Pages 27-90)

CONSENT ITEMS CONTINUED...

d) Results of Protest Hearings |

Proposed “Fallbrook PUD & Rainbow MWD Wholesaler Reorganizations” – Annexations to Eastern Municipal Water District (RO20-05 and RO20- 04) (action)

The Commission will receive the results of protest hearings held for two coordinated reorganization proposals filed by Fallbrook Public Utility District and Rainbow Municipal Water District. The proposals were conditionally approved by the Commission in July 2023 and involve the transfer of wholesale water service responsibilities within the applicants’ jurisdictional boundaries from the San Diego County Water Authority to Eastern Municipal Water District. The noticed protest hearings were held on August 18, 2023 and marked the culmination of a 21-day period in which landowners and/or registered voters could file written objections to the annexations. No written protests were received for either proposal. The protest results are being presented to the Commission to formally file. (Pages 91-96)

e) Progress Report on the Adopted Workplan (action)

The Commission will receive a progress report on accomplishing the 30 projects included in the adopted workplan for 2023-2024. The report is being presented to the Commission to receive and file with the opportunity to identify potential amendments for future consideration. (Pages 97-102)

f) Approval of Independent Audit Expense for FY2022-2023 (action)

The Commission will consider approval of an independent audit expense in the amount of \$9,950 with O’Conner and Company covering 2022-2023. Staff recommends the Commission approve the expense with any related direction in proceeding with the audit. (Pages 103-112)

g) Report on Active Proposals and Related Activities (information)

The Commission will receive a status report on active proposals currently on file with LAFCO. Information only. (Pages 113-124)

6. PUBLIC HEARING ITEMS |

COMMISSIONER DISCLOSURE OF EX PARTE COMMUNICATIONS

Public hearing items require expanded public notification per provisions in State law or have been voluntarily scheduled by the Executive Officer to ensure opportunity for public input. All public hearing items require verbal disclosures by Commissions regarding any material communications.

a) CONTINUED |

Proposed “Camino de la Fuente-Wick Change of Organization” | Annexation to San Diego County Sanitation District and Conforming Sphere Change (CO22-20) (action)

The Commission will consider a change of organization initiated by a landowner to annex approximately 35.32 acres of unincorporated territory to the San Diego County Sanitation District. The affected territory as submitted comprises two legal parcels presently undeveloped with surface improvements tied to an existing use as a waiting lot for commercial trucks passing through a nearby land port of entry. The proposal purpose is to extend public wastewater service to facilitate the future placement and connection of a toilet trailer. Staff recommends conditional approval of the proposal as submitted with a conforming sphere amendment. Staff also recommends waiver of protest proceedings and exemption findings under the California Environmental Quality Act. The affected parcels are identified by the County Assessor’s Office as 648-040-42 and 648-040-40. (Pages 125-180)

7. BUSINESS CALENDAR

Business items involve regulatory, planning, or other items that do not require a noticed hearing.

a) Update to Draft Policy on Out-of-Agency Services (discussion)

The Commission will review an update to a draft policy governing outside service approvals for cities and special districts. The item is part of LAFCO's adopted workplan and responds to growing attention – and in some instances controversies – involving out-of-agency services due in part to increased communications with local agencies through the municipal service review program. The update incorporates earlier feedback from the Commission following, and subsequent to, reviewing an initial draft at its November 2022 meeting. The aim of the update is to formalize and expand existing practices in administering out-of-agency services activities and in doing so provide clear direction to local agencies to help ensure statutory compliance relative to Commission standards. (Pages 181-188)

b) Informational Report |

Property Tax Allocations and Exchanges in San Diego County (information)

The Commission will receive an informational report in the form of a brochure on property tax allocations and exchanges in San Diego County. The item has been prepared as an administrative holdover from the prior fiscal year workplan with a focus on the decision-making process with respect to whether property taxes will be reapportioned among local agencies in conjunction with LAFCO approving jurisdictional changes. The item is being presented for information with the opportunity for the Commission to provide feedback before staff finalizes the brochure for formal publication and distribution. (Pages 189-196)

c) Amendment to Employment Agreement for Executive Officer Keene Simonds (action)

The Commission will consider a recommendation by the Executive Officer Compensation Committee (Desmond, Whitburn, and Vanderlaan) to approve a fifth amendment to the employment agreement with Executive Officer Keene Simonds. This item may be taken up following closed session on the Executive Officer's performance review. (Pages 197-212)

8. EXECUTIVE OFFICER REPORT

9. COMMISSIONER ANNOUNCEMENTS & REQUESTS FOR FUTURE ITEMS

10. CLOSED SESSION

a) Conference with Legal Counsel; Existing Litigation

Government Code Section 54956.9(d)(1)

The Commission finds, based on advice from legal counsel, that discussion in open session will prejudice the position of the Commission in the litigation

San Diego County Water Authority v. San Diego County Local Agency Formation Commission et al. (San Diego County Superior Court Case No. 37-2023-000036018-CU-TT-CTL)

b) Public Employee Performance Evaluation

California Government Code Section 54957(b)

Employee: Keene Simonds

CLOSED SESSION ITEMS CONTINUED...

c) Conference with Labor Negotiators

California Government Code section 54957.6

Agency designated representatives: EO Compensation Committee (Chair Desmond; Vice-Chair Whitburn; Commissioner Vanderlaan)

Unrepresented Employee: Executive Officer

11. ADJOURNMENT

Attest to Posting:



Erica Sellen

Executive Assistant

Acting Commission Clerk