

**LOCAL AGENCY FORMATION COMMISSION
SPECIAL DISTRICTS ADVISORY COMMITTEE
AUGUST 21, 2009 MEETING**

There being a quorum present, the meeting was convened at 9:01 a.m., by Chairman Tom Pocklington (Bonita-Sunnyside FPD). Attending were: **Committee Members** – Gary Arant (Valley Center MWD), Gary Croucher (Otay Water District), Ron Fuller (Alpine FPD), Judy Hanson (Leucadia WD), Douglas Humphrey (Resource Conservation District of Greater San Diego County), Larry Jackman (San Miguel Consolidated FPD), Margarette Morgan (Vista Fire Protection District); John Pastore (Rancho Santa Fe CSD), Jim Poltl (Vallecitos Water District); Augie Scalzitti (Padre Dam MWD), Dennis Shepard (North County Cemetery District), Terry Thomas (South Bay Irrigation District); Kimberly Thorner (Olivenhain MWD); Richard Williamson (Borrego Water District). **Committee Members** – Absent: Diana Towne (Rincon del Diablo, MWD); Attending **LAFCO Staff** – Executive Officer, Michael D. Ott; LAFCO Consultant, Harry Ehrlich; and Local Governmental Analyst, Robert Barry.

Item

Approval of Minutes of June 19, 2009

Due to the number of members present at the time required for voting, the approval of the minutes for June 19, 2009, was trailed so there would be an adequate number of Committee members present for a consensus.

With Jim Poltl, Terry Thomas, Margarette Morgan and Richard Williamson abstaining, ON MOTION of Kimberly Thorner, and seconded by Larry Jackman, and unanimously approved by the remaining Committee members, the Committee dispensed with reading the June 19, 2009 minutes and approved said minutes.

Item 3

Consultant's Recommended Agenda Revisions

Harry Ehrlich indicated there are revisions to reverse the order of Items 6 and 7. Tom Pocklington indicated that the revision would be added to the agenda.

Item 4

Committee Member/Consultant's Announcements

Harry Ehrlich and Tom Pocklington introduced the three new Committee members: Terry Thomas, South Bay Irrigation District; Richard Williamson, Borrego Water District; and Margarette Morgan, Vista Fire Protection District. Mr. Pocklington asked each new member to give a brief description of their background to the Committee. Mr. Pocklington also asked for introductions from the audience: Lesley Dobalian, San Diego County Water Authority; and Mark Watton, Otay Water District.

Item 4

Committee Member/Consultant's Announcements (Cont.)

Tom Pocklington mentioned the parking restrictions at the County Administration Center site. He said if anyone needs to leave because of time constraints they are authorized to do so.

Mr. Pocklington requested the Committee members to exchange ideas on matters associated with their districts and areas of responsibility.

Item 5

Public Comment

No members of the public requested to speak.

Item 6 (*Originally Item 7*)

Review of Rincon Oaks Estates Reorganization

Harry Ehrlich provided the Committee with a staff presentation. He indicated this is a recent proposal involving important water issues affecting some North County districts.

During the presentation, Michael Ott, Executive Officer, San Diego LAFCO, made a few comments about Items 6 and 7: Rincon Oaks Estate Reorganization and discussion of legislative and regulatory guidelines. He requested input and guidance from the Committee. He asked Robert Barry, Local Governmental Analyst, San Diego LAFCO, to present a description of Item 6 to the Committee and what some of the conclusions were.

Mr. Barry presented a summary of Item 6 (Rincon Oaks Estates Reorganization). He also requested direction and discussion from the Committee on important issues that the Commission is required to examine. He described how LAFCO considers water supply and availability. Mr. Barry explained that the availability of water for each of the uses is somewhat different and the restrictions going forward in the drought circumstance are also different for several agencies. He explained this has been an evolving situation with the level 2 drought declaration that became effective in July 2009. Mr. Barry stated that part of LAFCO's responsibility when looking at proposals with jurisdictional changes relates to fifteen required factors covering a number of issues ranging from adequacy of services to land uses, growth, and impacts on adjacent areas. The two key factors for Item 6 are: 1) The integrity of agricultural land; and 2) The timely availability of adequate water supplies sufficient to serve this project. Mr. Barry again, requested the Committee to provide direction on the regional issues to ensure LAFCO is doing what is necessary to comply with State Laws.

Item 6 (Originally Item 7)
Review of Rincon Oaks Estates Reorganization (Cont.)

Tom Pocklington opened a round table discussion and asked for the Committee's input on the issues Michael Ott and Robert Barry presented.

Augie Scalzitti inquired about a regional moratorium and if this issue had been presented before. Harry Ehrlich said it had been discussed at a prior meeting and it will need to be returned to the LAFCO Commission for direction.

Douglas Humphrey inquired whether the proposed project can be developed without the annexation process. Mr. Humphrey also asked if the main motivation was because of the density increase contingent on obtaining a sewer connection. Robert Barry said that annexation to the City of Escondido is required because currently the County does not provide sewer service. Michael Ott said the primary purpose is based on development per the City's General Plan to achieve a higher density.

Kimberly Thorner agreed with Augie Scalzitti that the retail agencies providing the service have the expertise on decisions involving water supply. Her concern is that there may be a conflict between LAFCO's determination and the district's knowledge of the future plans and water availability. She suggested relying on the retail agencies information about availability.

In response to a comment from Margarette Morgan in Item 7 regarding contaminants, Robert Barry explained that the CEQA review was completed in advance of the drought circumstance, therefore the drought issues were not a factor at that time. He explained that LAFCO provides comments to the lead agency, in this case, the City of Escondido, who, under CEQA, is required to determine if there is any significant or potential impact.

Gary Arant suggested if a local water agency makes a determination on adequate water supply, annexation, etc., then LAFCO should accept that determination without any questions. He explained some of the reasons why districts make those determinations. He also suggested, instead of LAFCO focusing on some of the "boilerplate" language on PFA's or PFC's, they defer to the district's recommendations.

Mr. Arant then discussed the subject of prime agricultural soils. He said agricultural land is on the way out. He again recommended water related issues to be deferred to the water agencies and to let the districts make recommendations and for LAFCO to accept them because the districts have the expertise.

Mr. Ott responded to Mr. Arant's suggestions. He explained LAFCO's role and responsibility to ask for additional information when there is conflicting information. He said there may be disagreement on some determinations made; however that does not mean that any particular agency or individual has more expertise. He agreed that

Item 6 (Originally Item 7)
Review of Rincon Oaks Estates Reorganization (Cont.)

responses from retailers need to be more definitive rather than “boilerplate.” Mr. Ott stated that LAFCO needs to be able to answer tough questions about water issues in a public setting and cannot totally defer to local agency determinations per the suggestions made by Committee members Arant and Thorner.

Gary Croucher had some questions on the regional communication systems and Deer Springs FPD. Michael Ott informed Mr. Croucher that LAFCO would request a formal response from the agencies regarding these matters.

John Pastore agreed with Mr. Arant that the retail agency has the expertise and knowledge overall. He suggested using a detailed report from retail agencies that would provide the necessary information.

Michael Ott suggested that what is needed is a cooperative effort to receive specific responses to questions from the retail agencies that would allow LAFCO to defend its recommendations and provide accurate information to the public.

Dennis Shepard responded to these comments and agreed that LAFCO needs to provide the public with accurate information.

Tom Pocklington reiterated the importance of the Committee’s working relationship with LAFCO’s staff and the ability to provide them with essential information.

Kimberly Thorner suggested the possibility of forming a subcommittee to be able to communicate timely and accurate information in a more formal process.

Mr. Ott acknowledged the Committee’s expertise but emphasized the need for a proactive effort to request and receive information from agencies.

Mr. Pocklington recommended LAFCO staff to send direct e-mail to agencies when questions arise in the future.

Robert Barry requested direction from the Committee in reference to page 12 of Item 7, with the uncertainty on water supply and the boilerplate that is placed in the Facility Availability forms. He asked for clarification on what allows LAFCO to be in conformance with Govt. Code Section 56668 (n). He asked the Committee to provide input of what should be included in the report to the policymakers.

Douglas Humphrey responded by saying an important element in this decision is the need to preserve agricultural land and not to overshadow it with the water use issues.

Item 6 (Originally Item 7)
Review of Rincon Oaks Estates Reorganization (Cont.)

Richard Williamson, Margarett Morgan, Gary Croucher and Terry Thomas also made comments and had questions on urban sprawl and the importance of saving agricultural land.

Gary Croucher suggested adding a 4th bullet under LAFCO staff conclusion in order to provide updates.

Tom Pocklington asked for a consensus from the Committee, based on Gary Arant's information, that Valley Center has the allocation to serve the needs of the project. In addition, he mentioned looking at the policy issues with the other Item.

Mr. Pocklington asked for a consensus on the agriculture land issue. After much discussion, the Committee did not come to a consensus.

Michael Ott requested concurrence from the Committee to receive a concise statement from Valley Center Municipal Water District regarding the adequacy of water supply that will allow LAFCO to discharge its responsibility under Govt. Code Section 56668. He said such a statement would be helpful. The Committee by consensus supported Mr. Ott's request.

Kimberly Thorner asked for specifics on what LAFCO's responsibility is related to preserving agricultural land.

Mr. Ott responded, one of LAFCO's original roles was to preserve prime agricultural land and open space. He mentioned San Diego County is one of the top ten income-producing agricultural counties in the Nation. He stressed the importance of that business to our County. He indicated that it was clear that the Committee did not have a consensus on how to address the preservation of agricultural land.

Tom Pocklington concluded the open discussion and gave direction to increase collaboration between LAFCO staff and the Committee members on future water and agricultural issues.

Item 7 (Originally Item 6)
Discussion and input on Draft Legislative and Regulatory Guidelines: Water Supply and Availability

Harry Ehrlich provided a brief overview of Attachments A and B to the Committee. He stated once feedback is received from the Committee and Commission, policies will be developed. Currently, the focus is on a two part approach: Part One: Legislative Policy Development; and Part Two: Programmatic or Regulatory Policy Guidelines.

Item 7 (Originally Item 6)

Discussion and input on Draft Legislative and Regulatory Guidelines: Water Supply and Availability (Cont.)

Mr. Ehrlich encouraged comments from the Committee on proposed guidelines.

John Pastore asked if the County Water Authority is a special district. Michael Ott stated that it is, however, they are not considered a district for proceedings related to protest hearings.

There were some general comments from Lesley Dobalian, San Diego County Water Authority and Mark Watton, Otay Water District. Mr. Watton mentioned the importance of alternative water supplies. He also suggested more clarification on number 3, of what a “collaborative effort” will entail.

Dennis Shepard commented on needing more clarification of the “level of expertise” from the agencies.

Kim Thorner suggested LAFCO receiving water supply reliability through the line of the retail agency.

John Pastore questioned on what specific information LAFCO needs from special districts.

Michael Ott expressed to the Committee, the importance of the applications submitted to LAFCO and the ability to obtain supplemental information from the subject agency. He explained as more credence is being placed on water issues, the need for certifiable information will be essential.

Gary Croucher commented on the accountability held at the district level. Particularly, on the smaller development projects the agencies’ will have when signing the AB221 form. This may generate questions from districts for LAFCO because of legal liabilities involved.

Harry Ehrlich requested any additional comments to be sent to him and he will provide a revised draft of the guidelines to the Committee at the next meeting.

Mr. Ott said that LAFCO staff will consider a change to the wording reference of “collaborative effort” in the next version of the guidelines and will make other technical changes based on comments from the Committee.

Mark Watton requested a water supply update at the next meeting.

Item 8
Adjournment

Tom Pocklington requested volunteers who are willing to host a future meeting to contact staff. Judy Hanson, Leucadia Water District, volunteered to host the next meeting.

There being no further business to come before the Special Districts Advisory Committee, the meeting was adjourned at 10:50 a.m. to the tentatively scheduled meeting on October 23, 2009, if it is to be held.

Ruth Arellano
Administrative Assistant