

**APPROVED
SAN DIEGO LAFCO
MINUTES OF THE REGULAR MEETING
DECEMBER 2, 2013**

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There being a quorum present, the meeting was convened at 9:00 a.m. by Chairman Andrew Vanderlaan. Also present were: Regular Commissioners – Supervisor Dianne Jacob; Supervisor Bill Horn; Mayor Sam Abed; and Special District Member/Vice Chairman John Ingalls. Alternate Commissioners – Special District Member Jo MacKenzie, Public Member Harry Mathis and City Councilmember Lorraine Wood. LAFCO Staff – Executive Officer Michael Ott, Local Government Analyst Robert Barry, Chief, Governmental Services Ingrid Hansen, Local Government Consultant John Traylor, Legislative Research Director Harry Ehrlich and Legal Counsel Thomas Bosworth. Absent were: Regular Commissioners - Mayor Jim Janney; Councilmember Lorie Zapf; and Special District Member Bud Pocklington. Alternate Commissioners – Supervisor Greg Cox and Councilmember Sherri Lightner.

Item 1

Roll Call

The Commission Secretary performed the roll call for the December 2, 2013, LAFCO meeting. With the exception of Commissioners Janney, Pocklington and Zapf and Alternate Commissioners Cox and Lightner, all other commissioners were present. It was noted that Alternate Commissioner MacKenzie will vote in the absence of Commissioner Pocklington and Alternate Commissioner Wood will vote in the absence of Commissioner Janney.

Item 2

Approval of Minutes of Meeting Held November 4, 2013

On motion of Commissioner Horn, seconded by Commissioner Jacob, and carried unanimously by the Commissioners present; the Commission dispensed with reading the minutes of November 4, 2013 and approved said minutes.

Item 3

Executive Officer's Recommended Agenda Revisions

Chairman Andrew Vanderlaan asked the Executive Officer if there were any agenda revisions. Executive Officer Michael Ott indicated that there were no agenda revisions.

Item 4

Commissioner / Executive Officer Announcements

Chairman Vanderlaan asked the Commission and Executive Officer if there were any agenda announcements. Michael Ott responded that there were no announcements.

Item 5

Public Comments

Chairman Vanderlaan asked the public if anyone requested to speak on an item that is not related to the agenda. He indicated that there were no speakers slips received from members of the public for comments.

Item 6

Proposed “Sharp Hospice – Bonita House Annexation” to the San Diego County Sanitation District (1.11 acres) (DA13-40)

On motion by Commissioner Horn and seconded by Commissioner Jacob, to approve Item 6 and was carried unanimously by the commissioners present, the Commission took the following actions:

- (1) Find in accordance with the Executive Officer’s determination, that pursuant to Section 15319(b) of the State CEQA Guidelines, this annexation is not subject to the environmental impact evaluation process because the annexation area consists of individual small parcels of the minimum size for facilities exempted by Section 15303, New construction or conversion of Small Structures; and
- (2) Adopt 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 ordering the annexation subject to the following conditions:

Payment by the property owners of district capacity fees and sewer service fees, and State Board of Equalization charges.

Item 7

Proposed “Sanford Lane – Young Annexation” to the Leucadia Wastewater District (1.34 acres) (DA13-44)

On motion by Commissioner Horn and seconded by Commissioner Jacob, to approve Item 7 and was carried unanimously by the commissioners present, the Commission took the following actions:

- (1) Find in accordance with the Executive Officer’s determination, that pursuant to Section 15319(a) of the State CEQA Guidelines, this annexation is not subject to the environmental impact evaluation process because the proposal area contains existing public or private structures and is developed to the density allowed by current zoning or prezoning of either the gaining or losing governmental agency whichever is more restrictive, provided however that the extension of utility

services to the existing facilities would have a capacity to serve only the existing facilities; and

- (2) Adopt 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 ordering the annexation subject to the following conditions:

Payment by the property owners of district capacity fees and sewer service fees, and State Board of Equalization charges.

Item 8
Proposed "Vista Business Park Reorganization"
Vallecitos Water District (17.17 acres) (DA13-46)

On motion by Commissioner Horn and seconded by Commissioner Jacob, to approve Item 8 and was carried unanimously by the commissioners present, the Commission took the following actions:

- (1) Find that the Commission, acting as a responsible agency, has considered the environmental effects of the project as shown in the attached mitigated negative declaration prepared by the City of Vista. The mitigation is under the jurisdiction of the City and not LAFCO because the affected resources and the extension of public services will be within the city limits upon annexation; and
- (2) Adopt the form of resolution approving this reorganization for the reasons set for in the Executive Officer's Report, waiving the Conducting Authority proceedings according to Government Code Section 56663(c), and ordering the reorganization subject to the following conditions:

Vallecitos Water District

Payment by the property owners of water and sewer annexation fees, and State Board of Equalization charges.

Vista Irrigation District

Payment by the property owners of fees for the assignment of the right to use associated water facilities, plus documentation fees.

Chairman Vanderlaan opened the public hearing for Item 9.

Item 9

Five-Year Sphere of Influence and Service Review: Bonita-Sunnyside Fire Protection District (13-50) and Lower Sweetwater Fire Protection Districts (13-52).

John Traylor, LAFCO Consultant provided a brief presentation to the Commission on the Five-year Sphere of Influence and Service Review for the following two Fire Protection Districts (FPD): Bonita-Sunnyside FPD and Lower Sweetwater FPD with two recommendations: (1) affirm a larger-than-district sphere for Bonita-Sunnyside FPD; and (2) affirm a transitional sphere for the Lower Sweetwater FPD.

Chairman Vanderlaan closed the public hearing.

With no more speakers from the public and no further discussion from the Commission, on motion of Commissioner Horn, seconded by Commissioner Jacob, and carried unanimously by the commissioners present, the Commission took the following actions:

- (1) Find in accordance with the Executive Officer's determination that pursuant to Section 15061(b)(3) of the State CEQA Guidelines, sphere affirmations are not subject to the environmental impact evaluation process because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment and the activity is not subject to CEQA;
- (2) Find in accordance with the Executive Officer's determination that pursuant to Section 15306 of the State CEQA Guidelines, the service review is not subject to the environmental impact evaluation process because the service review consists of basic data collection, research, management, and resource evaluation activities that will not result in a serious or major disturbance to an environmental resource. This project is strictly for information gathering purposes as part of a study leading to an action which has not yet been approved, adopted, or funded;
- (3) For the reasons set forth in the *2012 Five-Year Sphere of Influence and Service Review*, adopt the written statements on file specifying the functions and classes of services and (1) affirm a *larger-than-district* sphere for the Bonita-Sunnyside FPD; and (2) affirm a *transitional sphere* for the Lower Sweetwater FPD; and
- (4) Adopt the written Statements of Determinations as shown in Exhibit A.

Item 10

Selection of 2013-14 LAFCO Chair and Vice Chair and Reappointment of Alternate Public Member Harry Mathis

Michael Ott provided information and options to the Commission regarding the status of the Commission's Chair and Vice-Chair positions for 2014 and the Alternate Commissioner/Public Member seat held by Harry Mathis scheduled for expiration on May 5, 2014.

On motion by Commissioner Abed and seconded by Commissioner Ingalls, and was carried unanimously by the commissioners present, the Commission reviewed and approved the following actions:

- (1) Extend the current terms of the Chairman (Andy Vanderlaan) and Vice Chairman (John Ingalls) for one year, effective January 1, 2014 to December 31, 2014, and
- (2) Reappoint Alternate Public Member Harry Mathis to a new four-year term beginning on May 5, 2014.

Item 11

2013 Sphere of Influence and Municipal Service Review Summary of Actions

Ingrid Hansen, Chief Governmental Services provided a brief presentation to the Commission about the updates to the annual publication, *2013 Sphere of Influence and Municipal Service Review Summary of Actions*.

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

Accept and approve the 2013 Sphere of Influence and Municipal Service Review Summary of Actions.

Item 12

2013 Annual Legislative Update Report

Harry Ehrlich, Legislative Director provided a brief report to the Commission regarding the year-end Annual Legislative Report. Mr. Ehrlich highlighted the following bills impacting LAFCO functions: AB1427 (The Assembly Omnibus Bill) Changes to Cortese-Knox-Hertzberg Act and Government Code; AB743 (Logue) Cortese-Knox-Hertzberg Act Island Annexation Sunset; and AB115 (Perea): Safe Drinking Water State Revolving Fund.

Commissioner Ingalls commented on AB115 and the importance of identifying disadvantaged communities throughout the state to help those areas solve some of their water service and infrastructure issues.

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

Receive and approve the December 2, 2013 Annual Legislative Report and authorize staff to continue to monitor legislative activity leading up to the second year of 2013-14 Legislative Session as it reconvenes on January 3, 2014.

Item 13

Disadvantaged Unincorporated Community Program: Municipal Service Review and Sphere of Influence Determinations Water Agencies: Borrego Water District (13-01); Canebrake Water District (13-57); Coachella Valley Water District (13-58); Cuyamaca Water District (13-02); Descanso Water District (13-31); Helix Water District (13-68); Lakeside Water District (13-71); Otay Water District (13-75); Vallecitos Water District (13-93); Wynola Water District (13-03); Fallbrook Public Utility District (13-66); Jacumba Community Services District (13-32); Julian Community Services District (13-33) and Majestic Pines Community Services District (13-34)

Robert Barry, Local Governmental Analyst, provided information to the Commission involving disadvantaged unincorporated community-related municipal service review and sphere of influence determinations. Mr. Barry presented 15 of the 30 special districts that primarily provide water services.

On motion of Commissioner Abed, seconded by Alternate Commissioner MacKenzie, and carried unanimously by the commissioners present, the Commission took the following action:

Review and accept the disadvantaged unincorporated community-related municipal service review and sphere of influence determinations for the Borrego WD, Canebrake WD, Coachella Valley WD, Cuyamaca WD, Descanso WD, Fallbrook PUD, Helix WD, Jacumba CSD, Julian CSD, Lakeside WD, Majestic Pines CSD, Otay WD, Vallecitos WD and Wynola WD.

Item 14

Cancellation of January 6, 2014 Meeting / Holiday Office Closure (December 23-31, 2013) and Approval of the 2014 LAFCO Meeting Calendar

Michael Ott provided a brief report to the Commission requesting closure of the LAFCO office during the holiday of December 23-31, 2013 and approval of the 2014 LAFCO Meeting Calendar.

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

Authorized the Executive Officer to cancel the January 6, 2014 meeting; close the LAFCO office from December 23 through December 31, 2013; and approve the 2014 Meeting Calendar.

Item 15A

Personnel Matter: Discuss the Recommendation of the Executive Officer's Performance/Compensation Review committee: adjourn to CLOSED SESSION IF NEEDED: PUBLIC EMPLOYEE PERFORMANCE EVALUATION (GOV. CODE § 54957) TITLE: EXECUTIVE OFFICER

Item 15B

Personnel Matter: Reconvene to Public Session if a Closed Session is called, and approve the Recommendations of the Executive Officer's Performance/Compensation Review Committee

Chairman Vanderlaan provided information and recommendations to the Commission on Items 15 A and B regarding the Executive Officer's performance and compensation review. Chairman Vanderlaan informed the Commission that he inquired of Tom Bosworth, Legal Counsel, if it was necessary to go into a closed session and was advised by Mr. Bosworth that a closed session will not be necessary if there are no performance issues to address.

Commissioner Abed commented on the committee's review of Mr. Ott's performance and indicated that he has performed in an outstanding manner and a recommendation to increase his compensation has been made. Commissioner Abed indicated that the Committee's recommendation is for a three percent (3%) base salary increase for 2013 and a one-time two percent (2%) lump sum payment, effective July 1, 2014.

Commissioner Jacob indicated she would be voting in opposition for an increase in Mr. Ott's salary based on comparable County Executive salaries.

Commissioner Horn indicated, although Mr. Ott's performance is outstanding, he agrees with Commissioner Jacob and will also vote in opposition to a salary increase.

Vice Chairman Ingalls commented that because Mr. Ott's performance review was delayed, he recommends and supports the 3% base salary increase to be effective July 1, 2013. Vice Chairman Ingalls commented that the Commission had included associated funds in the FY 2013-14 Budget.

On motion of Commissioner Abed, seconded by Alternate Commissioner Wood and carried in favor by the majority of commissioners present, the Commission took the following action:

(1) The Executive Officer, Michael Ott to receive a base salary increase of 3%, effective on July 1, 2013; and a one-time (lump sum) increase of 2% of his annual salary effective at the first available payroll period effective on July 1, 2014.

(2) Authorized LAFCO's Payroll Administrator (Ruth Arellano) to implement the Executive Officer's payroll changes.

AYES: Commissioner Ingalls, Alternate Commissioner Mackenzie
Commissioner Abed, Alternate Commissioner Wood; and
Commissioner Vanderlaan

NOES: Commissioner Jacob and Commissioner Horn

ABSENT: Commissioner Janney; Commissioner Pocklington; Commissioner Zapf; Alternate Commissioner Cox; and Alternate Commissioner Lightner

ABSTAINING: None

There being no further business to come before the Commission, the meeting adjourned at 9:44 a.m. to the February 3, 2014 meeting, in Room 302, County Administration Center.

Ruth Arellano
Administrative Assistant
Local Agency Formation Commission