

**APPROVED
SAN DIEGO LAFCO
MINUTES OF THE REGULAR MEETING
OCTOBER 6, 2014**

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; Mayor Sam Abed; Mayor Jim Janney; (Acting) Vice Chairman (Supervisor Bill Horn); Special District Member Bud Pocklington; Councilmember Lori Zapf. Alternate Commissioners – Public Member Harry Mathis; Special District Member Jo MacKenzie; City Councilmember Lorraine Wood. LAFCO Staff – Executive Officer Michael Ott; Local Government Analyst Robert Barry; LAFCO Consultant John E. Traylor; Legislative Consultant Harry Ehrlich; Special Legal Counsel Holly Whatley (Colantuono, Highsmith, and Whatley, PC); and Legal Counsel Rachel Witt. Absent were: Alternate Commissioners – Supervisor Greg Cox and Councilmember Sherri Lightner.

Item 1

Roll Call

The Commission Secretary performed the roll call for the October 6, 2014, LAFCO meeting. With the exception of Alternate Commissioners Supervisor Greg Cox and Councilmember Sherri Lightner, all other Commissioners present.

Item 2

Approval of Minutes of Meeting Held August 4, 2014

On motion of Commissioner Pocklington, seconded by Commissioner Jacob, and carried unanimously by the Commissioners present; the Commission dispensed with reading the minutes of August 4, 2014 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

- a. **Presentation of a Service Recognition Plaque to Thomas Bosworth recognizing his service as LAFCO's Legal Counsel.**
- b. **Presentation of a Service Recognition Plaque to former Vice Chairman John Ingalls recognizing his service as a special district member of LAFCO.**

Chairman Andrew Vanderlaan asked the Commission and Executive Officer if there were any announcements. Executive Officer Michael Ott indicated that there will be two recognition awards presented to LAFCO's Legal Counsel Thomas Bosworth and Vice Chairman John Ingalls.

Mr. Ott introduced to the Commission LAFCO's Special Legal Counsel Holly Whatley of Law Firm Colantuono, Highsmith & Whatley, P.C., and Legal Counsel Rachel Witt of County Counsel who will replace Thomas Bosworth.

Mr. Bosworth and Mr. Ingalls thanked LAFCO staff for their dedicated service and good work provided to the Commission.

Mr. Ott also thanked Alternate Commissioner Jo MacKenzie for speaking at the Coalition of LAFCO's regarding her leadership role serving as President of the California Special District Association. She discussed roles between LAFCO's and Special Districts.

Commissioner Bud Pocklington commented about water drought issues. He also provided an update regarding the projected date of completion for the Desalination plant in October 2015.

Item 5

Public Comments

Chairman Andrew Vanderlaan asked the public if anyone requested to speak on an item that is not related. He indicated that there was one speaker slip received from the public.

Tom Kennedy, General Manager, Rainbow Municipal Water District, introduced himself to the Commission as the new general manager of Rainbow Municipal Water District.

Item 6A

Adoption of an Amendment to the Spheres of Influence for the Otay Water District (SA11-04a) and the South Bay Irrigation District (SA11-04b)

Item 6B

**Proposed “South Bay Expressway Reorganization”
(Otay Water District; South Bay Irrigation District) (RO11-04)**

Chairman Vanderlaan opened the public hearing for Items 6A and 6B.

Michael Ott indicated that agenda Items 6A and 6B are related to the South Bay Expressway Reorganization that involves an annexation and a detachment to and from the Otay Water District and the South Bay Irrigation District. Mr. Ott said that Robert Barry will provide a brief presentation.

Robert Barry, Local Governmental Analyst, provided a PowerPoint presentation. Mr. Barry indicated that the reorganization consists of five areas within CALTRANS right-of-way that require a detachment of three areas from the South Bay Irrigation District with a concurrent annexation to the Otay Water District; and a detachment of two areas from the Otay Water District with a concurrent annexation to the South Bay Irrigation District. He said that this would allow the territory to conform to the District’s landscape irrigation system and jurisdictional boundary changes. He also said that there was no opposition related to this proposal.

Commissioner Pocklington asked since he represented the South Bay Irrigation District, if he could vote for the agenda item. Mr. Ott indicated that he can vote on the item.

Chairman Vanderlaan closed the public hearing and indicated that there were no speaker slips received regarding these items.

With no speaker slips received from the public and no further discussion from the Commission, on motion of Commissioner Pocklington, seconded by Jacob to approve Items 6A and 6B, and carried unanimously by the commissioners present, the Commission took the following actions:

- (1) Concur, in the determination by the South Bay Irrigation District that this reorganization is exempt from CEQA review pursuant to Section 15320 of the State CEQA Guidelines, because the proposal consists of changes in the organization or reorganization of local governmental agencies where the changes do not change the geographical area in which previously existing powers are exercised;

- (2) Find, in accordance with the Executive Officer's determination, that pursuant to Section 15061(b)(3) of the State CEQA Guidelines, the sphere of influence amendments 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;
- (3) Amend the sphere of influence of the Otay Water District and adopt the written Statement of Determinations as shown in Exhibit A;
- (4) Amend the sphere of influence of the South Bay Irrigation District and adopt the written Statement of Determinations as shown in Exhibit B;
- (5) Approve the reorganization involving detachment of Proposal Areas 1, 3, and 5 from the South Bay Irrigation District with concurrent annexation to the Otay Water District; and detachment of Proposal Areas 2 and 4 from the Otay Water District with concurrent annexation to the South Bay Irrigation District as shown on the attached map; and
- (6) Adopt the form of resolution approving these sphere amendments and reorganization 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 reorganization subject to the following conditions:

Payment by the property owners of district fees and State Board of Equalization charges.

Item 7A

Adoption of an Amendment to the Sphere of Influence for the City of Escondido (SA13-29)

Item 7B

**Proposed "Citracado Parkway Reorganization"
(City of Escondido) (RO13-29)**

Chairman Vanderlaan opened the public hearing for Items 7A and 7B.

Michael Ott indicated that agenda Items 7A and 7B involve a sphere amendment to the City of Escondido and are in association with Citracado Parkway Reorganization which will bring about transit and circulation improvements to I-15

and the SR78 corridors. Mr. Ott said that Robert Barry will provide a presentation.

Robert Barry indicated that this proposal involves annexation to the City of Escondido, with concurrent detachments from the County Service Area No. 135 (San Diego Regional Communications Systems); County Service Area No. 107 (Elfin Forest/Harmony Grove Volunteer Fire Protection Department); and San Marcos Fire Protection District that would avoid an overlap of service responsibility between the city and the districts. Mr. Barry said that the Citracado Parkway Reorganization would require a roadway extension to create a logical incorporated boundary change. He indicated that correspondence was received from several agencies regarding the proposal and that the City of Escondido would coordinate with these agencies regarding the project. Mr. Ott said that the supplemental letters were provided to the Commission.

Commissioner Sam Abed thanked LAFCO staff and the City of Escondido staff regarding the project. Mr. Abed indicated that the City would work with the landowner and groups to accommodate the project into the City's General Plan.

Chairman Vanderlaan closed the public hearing and indicated that there were no speaker slips received regarding these items.

With no speaker received slips from the public and no further discussion from the Commission, on motion of Commissioner Abed, seconded by Horn to approve Items 7A and 7B, and carried unanimously by the commissioners present, the Commission took the following actions:

- (1) Certify, pursuant to Section 15091 of the State CEQA Guidelines, that the Commission has reviewed and considered the attached EIR. The mitigation measures approved by the City of Escondido for the impacts identified in the attached EIR have been adopted by the City of Escondido, and that the mitigation is within 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;
- (2) Adopt, pursuant to Section 15096(h) of the State CEQA Guidelines, the Findings of Fact and Statement of Overriding Considerations previously adopted by the City of Escondido as lead agency, as shown in Exhibit B;
- (3) Amend the sphere of influence of the City of Escondido and adopt the written Statement of Determinations as shown in Exhibit A;

- (4) Approve the reorganization involving annexation to the City of Escondido and concurrent detachments from County Service Area No. 135 (San Diego Regional Communications System); County Service Area No. 107 (Elfin Forest/Harmony Grove Volunteer Fire Protection Department); and from San Marcos Fire Protection District; and
- (5) Adopt the form of resolution approving this sphere amendment and reorganization 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 reorganization subject to the following conditions:

Payment of City of Escondido fees and State Board of Equalization charges.

Item 8

Five-Year Sphere of Influence and Service Review:

San Marcos Fire Protection District (MSR13-89; SR13-89)

Chairman Vanderlaan opened the public hearing.

Michael Ott explained to the Commission that Item 8 involves a sphere of influence and municipal service review regarding structural fire protection and emergency medical services. Mr. Ott said that LAFCO Consultant John Traylor will provide a brief staff report.

John Traylor, LAFCO Consultant, provided a report to the Commission regarding the Five-Year Sphere of Influence and Service Review for the San Marcos Fire Protection District. He said that the San Marcos Fire Protection District is an "All Hazards" emergency response agency that provides structural fire protection and advance life emergency medical services to the City of San Marcos and the unincorporated area of San Marcos. He indicated that the existing transitional sphere should be affirmed.

Chairman Vanderlaan indicated that there was one speaker slip in support of the item.

Brett Van Wey, Fire Chief, San Marcos Fire Protection District, addressed the Commission, in support of the item.

Chairman Vanderlaan closed the public hearing.

With no further speakers from the public and no discussion from the Commission, on motion of Commissioner Horn, seconded by 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, the sphere affirmation is 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 affirm a transitional sphere for San Marcos Fire Protection District.

Item 9

Proposed "La Cuesta Drive-Gauthier Annexation to the San Diego County Sanitation District (SA14-11; DA14-11)

Michael Ott explained to the Commission that Item 9 was petitioned by the landowner to obtain public sewer service from the District.

This was an information item and no action was required by the Commission.

Item 10

Legislative Status Report

Harry Ehrlich, Director of Legislative Research provided an update to the Commission regarding current legislation. He informed the Commission the two new bills (AB 2156 and AB 2762) that were supported by the Commission have been signed by the Governor and Chaptered by the Secretary of State. Mr. Ehrlich said that 1,178 bills were introduced-138 bills were vetoed; and 2,180

new laws were passed during the Legislative Session. He also said that amendments were made to the SB 614 bill related to jurisdictional changes and infrastructure financing of disadvantaged unincorporated communities. The Commission received and accepted the report.

Item 10

Quarterly Self-Approved Expense Claims Report

Michael Ott indicated that there were no Quarterly Self-Approved Expense Claims to report.

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

Accepted and ratified the Quarterly Self-Approved Expense Claims Report.

There being no further business to come before the Commission, the meeting adjourned at 10:41 a.m. to the November 3, 2014 meeting, in Room 302, County Administration Center.

**Tamaron Lockett
Administrative Assistant
San Diego Local Agency Formaiton Commission**