

**APPROVED  
SAN DIEGO LAFCO  
MINUTES OF THE REGULAR MEETING  
NOVEMBER 4, 2013**

**2**

There being a quorum present, the meeting was convened at 9:00 a.m. by Chairman Andrew Vanderlaan. Also present were: Regular Commissioners – Supervisors Dianne Jacob and Bill Horn; Mayors Jim Janney and Sam Abed (arrived 9:05 a.m.); Special District Member/Vice Chairman John Ingalls; Special District Member Bud Pocklington and City Councilmember Lorie Zapf (arrived 9:10 a.m.). Alternate Commissioners – Special District Member Jo MacKenzie; Public Member Harry Mathis and City Councilmember Lorraine Wood. LAFCO Staff – Executive Officer Michael Ott; Assistant Executive Officer Shirley Anderson; Local Governmental Analyst III Robert Barry; Legislative Research Director Harry Ehrlich and Legal Counsel Thomas Bosworth. Absent were: Alternate Commissioners – Supervisor Greg Cox and City Councilmember Sherri Lightner.

**Item 1**

**Roll Call**

The Commission Secretary performed the roll call for the November 4, 2013, LAFCO meeting. With the exception of Commissioner Abed who arrived at 9:05 a.m. and Commissioner Zapf who arrived at 9:10 a.m., and Alternate Commissioners Cox and Lightner, all other commissioners were present.

**Item 2**

**Approval of Minutes of Meeting Held September 9, 2013**

On motion of Commissioner Pocklington, seconded by Commissioner Ingalls, and carried unanimously by the Commissioners present; the Commission dispensed with reading the minutes of September 9, 2013 and approved said minutes with the necessary corrections.

**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 revisions to the agenda.

**Item 4**

**Commissioner/Executive Officer Announcements:**

**(a) Service Recognition and Retirement Plaque: Shirley Anderson**

Chairman Vanderlaan asked the Commission and Executive Officer if there were any agenda announcements. Chairman Vanderlaan presented a service recognition and

retirement plaque to Assistant Executive Officer Shirley Anderson of her 25 years of dedicated service and contributions at LAFCO. Commissioners Vanderlaan and Jacob and Alternate Commissioner Mathis also thanked her for an outstanding well job she has done. Mr. Ott also congratulated LAFCO staff Tammy Luckett for receiving an award for "*Daughter of the Year*" from her Women's Auxiliary group affiliated with the Shriners.

Commissioner Pocklington commented about the Colorado River water facility and the usage of the water supply.

## **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 speaker slips received from members of the public for comments.

## **Item 6**

### **Disadvantaged Unincorporated Community Program Municipal Service Review and Sphere of Influence Determinations Wastewater Agencies: Buena Sanitation District (13-56); Lemon Grove Sanitation District (13-72); Pauma Valley Community Services District (13-36) and San Diego County Sanitation District (13-86)**

Michael Ott indicated that Robert Barry would provide a staff report regarding the Disadvantaged Unincorporated Community Program Municipal Service Review and Sphere of Influence Determinations associated with Wastewater Agencies.

Robert Barry provided a staff presentation to the Commission regarding the Disadvantaged Unincorporated Community Program. Mr. Barry indicated that Senate Bill No. 244 (Wolk) became effective on January 1, 2012 requiring LAFCO to collect information and apply determinations regarding disadvantaged unincorporated communities when updating or establishing spheres of influence for local agencies that provide fire protection, sewer, and/or water services. He said that the San Diego County Sanitation District is the only subject agency that qualified as a Disadvantaged Unincorporated Community Program due to the area located within or contiguous to the existing sphere of influence.

Commissioner Abed asked about the geographic size of a disadvantaged unincorporated community area. In response to the question, Robert Barry said that the households must be inhabited (12 or more registered voters).

Commissioner Jacob asked once the disadvantaged unincorporated area has been identified, what is the next process step. In response to the question, Michael Ott stated Senate Bill 244 (Wolk) is law the Commission and LAFCO is required to comply with the statute and identify the disadvantaged unincorporated areas of each district and city. Mr. Ott also explained that protest provisions still apply to disadvantaged communities.

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

Reviewed and accepted the disadvantaged unincorporated community – related municipal service review and sphere of influence determinations for the Buena Sanitation District, Lemon Grove Sanitation District, Pauma Valley Community Services District and San Diego County Sanitation District.

**Item 7**

**Proposed “Five-Year Sphere of Influence and Service Review: Alpine Fire Protection District (MSR/SR13-49) and Borrego Springs Fire Protection District (MSR/SR13-51)”**

Chairman Vanderlaan opened the public hearing item.

Michael Ott explained to the Commission that Item 7 involves a sphere of influence and municipal service review regarding structural fire protection and emergency medical services. Mr. Ott said that Shirley Anderson will provide a brief staff report.

Shirley Anderson, Assistant Executive Officer, provided a report to the Commission regarding the Five-Year Sphere of Influence and Service Review for the Alpine and Borrego Springs Fire Protection Districts. She said that the existing spheres should be affirmed. Alpine Fire Protection District has a larger-than-district sphere and Borrego Springs Fire Protection District has a coterminous sphere. She said that there is a pending annexation proposal for the Alpine Fire Protection District and that Borrego Springs Fire Protection District has not had any annexations in recent years. Ms. Anderson also said that the district spheres were both last affirmed in August 2007.

Chairman Vanderlaan closed the public hearing.

With no speakers from the public and no further discussion from the Commission, on motion of Commissioner Jacob, seconded by Horn, 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 Alpine Fire Protection District; and (2) affirm a coterminous sphere for Borrego Springs Fire Protection District.

- (4) Adopt the written Statements of Determinations as shown in Exhibit A.

#### **Item 8**

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

At the request of Michael Ott, the Commission waived the staff presentation.

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

#### **Item 9**

##### **Proposed “Vista Business Park Reorganization” to the (Vallecitos Water District) (RO13-46)**

At the request of Michael Ott, the Commission waived the staff presentation.

This was an information item and not action was required by the Commission.

#### **Item 10**

##### **November 2013 Legislative Update Report**

Harry Ehrlich, Director, Legislative Research provided an update to the Commission regarding the final state legislation bills that the Governor has signed or vetoed. He reported to the Commission that the activities of the bills are as follows: 2,540 bills were introduced; 1,099 bills passed; four (4) bills are dead; 930 bills were signed by the Governor; 48 bills were vetoed; 121 bills are waiting for a decision; and 1,237 bills would be carried forward for the second year. Mr. Ehrlich said that CALAFCO will be working on the Cortese-Knox-Hertzberg Act and that CALAFCO will also be reviewing the water supply next year.

On motion by the Commissioners present and carried unanimously, the Commission took the following actions:

Received and discussed, the November 4, 2013 Legislative Status Report and directed staff to continue to monitor legislative activity leading up to the second year of the 2013-14 Legislative Session as it convenes in January, 2013.

**Item 11****First Quarter FY 2013-14 Budget Update**

Michael Ott provided a brief presentation to the Commission. He reported that FY 2013-14 started with a deposit of \$319,452 in LAFCO's Special Project Trust Fund (Account 46726). Mr. Ott said that the apportionment revenues funds have been collected except from one local agency (Tri-City Healthcare District) and that he will be meeting with the Auditor's office to resolve the issue. He also said that the FY 2013-14 expenditure accounts are under budget and that there may be additional salaries and benefits savings due to a vacant position (Assistant Executive Officer). He indicated that the records management project would require additional monies in the amount of \$95,000 and that the monies should be transferred from the Special Project Trust Fund Account 46726 to help cover the associated County costs to accelerate completion of related software programming, server configuration, and project testing. Mr. Ott said that \$25,000 should also be allocated to support a pending fire agency reorganization that involves dissolution of County Service Area No. 107 (Elfin Forest/Harmony Grove) and annexation to Rancho Santa Fe Fire Protection District.

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

- (1) That the Commission receive, accept and ratify the First Quarter FY 2013-14 LAFCO Budget Update and authorize the Executive Officer to implement the following appropriations and Trust Fund adjustments and transfers:
  - a. Ratify the allocation of \$95,000 of unassigned Special Project Trust Fund monies from Account 46726 to support LAFCO's records management program. Increase LAFCO's Special Departmental appropriations (Account 52550.E) by the same amount as the trust fund allocation (\$95,000).
  - b. Ratify the allocation up to \$25,000 of Assigned Special Project Trust Fund monies from Account 46726 to support a fire agency reorganization involving the dissolution of County Service Area No. 107 (Elfin Forest/Harmony Grove) and annexation of the dissolved service area to Rancho Santa Fe Fire Protection District. Increase LAFCO's Professional Services appropriations (Account 52370.F) by the same amount as the trust fund allocation (\$25,000).

Frank Twohy, Fire Chief, County Service Area No. 107 (Elfin Forest/Harmony Grove) addressed the Commission and thanked LAFCO staff for their support and funding for the proposed reorganization with the Rancho Santa Fe Fire Protection District.

**Item 12****LAFCO 2013 Draft Procedures Guide Update**

Michael Ott provided a brief report to the Commission regarding the Draft 2013 LAFCO Procedures Guide. He said that the procedures guide has been reviewed by the Special Districts Advisory Committee and an ad hoc group of about 20 LAFCO professionals

and attorneys. He indicated that the procedures guide is a publication that was updated due to major statutory changes and that the procedures guide contains procedures for processing any type of jurisdictional changes and other information regarding spheres of influence and municipal service reviews.

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

Review, provide comments and adopt the Draft 2013 LAFCO Procedures Guide pursuant to Government Code Section 56300.

**Item 13**

**Quarterly Self-Approved Expense Claims Report**

Michael Ott provided a brief presentation to the Commission regarding reimbursement for travel and the CALAFCO Conference.

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 10:15 a.m. to the December 2, 2013 meeting, in Room 302, County Administration Center.

**Tamaron Luckett  
Administrative Assistant  
Local Agency Formation Commission**