

DRAFT
SAN DIEGO LAFCO
MINUTES OF THE REGULAR MEETING
OCTOBER 3, 2011
DRAFT

There being a quorum present, the meeting was convened at 9:00 a.m. by Chairman Carl Hilliard. Also present were: Regular Commissioners – Mayor Mark Lewis, Special District Member Bud Pocklington, Councilmember Lorie Zapf (arrived at 9:08 a.m.) and Public Member Andy Vanderlaan. Alternate Commissioners –Special District Member Jo MacKenzie. LAFCO Staff – Executive Officer Michael Ott, Assistant Executive Officer Shirley Anderson, and Local Governmental Analyst Robert Barry, LAFCO Consultant, Harry Ehrlich and LAFCO Legal Counsel Thomas Bosworth. Absent were: Vice Chairwoman, Supervisor Dianne Jacob, Supervisor Bill Horn, Special District Member John Ingalls, Alternate Commissioners – Public Member Harry Mathis and Mayor Jim Janney, Supervisor Greg Cox and Councilmember Sherri Lightner.

Item 1
Roll Call

The Commission Secretary performed the roll call for the October 3, 2011, LAFCO meeting. All regular commissioners were present with the exception of Vice Chairwoman, Supervisor Dianne Jacob, Supervisor Bill Horn, Special District Member John Ingalls, Alternate Commissioners – Public Member Harry Mathis and Mayor Jim Janney, Commissioners Greg Cox and Sherry Lightner.

Item 2
Approval of Minutes of Meeting Held August 1, 2011

On motion of Commissioner Bud Pocklington, seconded by Commissioner Andy Vanderlaan, and carried unanimously by the commissioners present; the Commission dispensed with reading the minutes of August 1, 2011 and approved said minutes.

Item 3
Executive Officer's Recommended Agenda Revisions

Chairman Carl Hilliard asked the Executive Officer if there are any agenda revisions. Michael Ott indicated that there were no agenda revisions.

Item 4

Commissioner / Executive Officer Announcements

Chairman Carl Hilliard asked the Commission and Executive Officer if there were any announcements. Executive Officer, Michael Ott indicated that there are no announcements.

Commissioner Vanderlaan, announced he, Michael Ott and Harry Ehrlich attended the September CALAFCO Annual Conference in Napa Valley, CA. Commissioner Vanderlaan spoke about some of the highlights of the conference: sustainability; water management; finances and service provision. The next annual conference will be in Monterey, CA.

Commissioner Pocklington gave a local water update to the Commission.

Item 5

Public Comments

Chairman Hilliard addressed the public asking if anyone requested to speak on an item that is not related to the agenda. Chairman Hilliard stated that there were no speaker slips received from the members of the public requesting to speak.

Item 6

"Rincon Oaks Estates Reorganization" (City of Escondido) – (RO08-26)

Michael Ott explained to the Commission that Item 6 is a continued public hearing item. This involves annexation to the City of Escondido, with several concurrent detachments, one from County Service Area No. 135 and the Deer Springs Fire Protection District. He indicated that Robert Barry, Local Governmental Analyst, will provide a staff report presentation and that a few people were in the audience to speak in support of this item.

Robert Barry, Local Governmental Analyst, provided a PowerPoint presentation to the Commission to review the proposed "Rincon Oaks Estates Reorganization" involving the City of Escondido. He mentioned this proposal was last presented to the Commission in November 2009. Mr. Barry said due to a number of unresolved issues, in 2009, the Commission moved to continue the item to a future hearing date.

Mr. Barry informed the Commission, since the last hearing, the City and landowner have worked together to resolve the following issues: City of Escondido environmental review with a mitigated negative declaration; Deer Springs Fire Protection District (FPD) detachment mitigation; water supply and availability; agricultural conversion; and County of San Diego coordination.

Mr. Barry indicated that the Commission should provide direction to staff regarding three potential options: 1) Determine that the identified issues have been adequately resolved and approve the proposed reorganization, with or without conditions; 2) Determine that the identified issues have not been adequately resolved and continue the proposal for further review/resolution; or, 3) Deny the proposed reorganization, with or without prejudice, and cite the reasons for denial.

Chairman Hilliard asked the Commission if they had any questions or comments regarding this item.

Commissioner Pocklington commented on the prior hearings on this proposal. He also acknowledged the area being in Supervisor Horn's district and that there was no opposition from his district on this proposal. Michael Ott replied, there was no opposition from Supervisor Horn regarding the reorganization.

Chairman Hilliard asked what the importance or effect of the parcels being within the sphere of influence of the City. Mr. Barry responded that a prerequisite of annexation is inclusion in the sphere. The primary issue is the territory is likely to receive services at some point in the future from the City of Escondido which facilitates the current proposal.

Commissioner Zapf asked if there were any particular projects planned in this area. Mr. Barry responded that there was a 41 unit residential development on this site. Commissioner Zapf also had some concerns regarding density. Mr. Barry indicated the parcels would consist of approximately 20,000 sq. ft. lots.

Alternate Commissioner Mackenzie asked if there were any requirements for General Plan amendments or pre-zoning. Barbara Redlitz, Community Development Director, City of Escondido, approached the podium and responded that an amendment to the General Plan was not necessary. Ms. Redlitz indicated this property was pre-zoned and included in the General Plan in 1990.

Chairman Hilliard called for a 5 minute recess at 9:27 a.m. for the proponent to decide if they want the Commission to vote on this item due to the need of five votes from the Commission. Mr. Ott was asked to explain what "denial without prejudice" and "denial with prejudice" means to the proponents and the Commission. The meeting was resumed after the recess and the proponent's decision was to proceed with Item 6.

Barbara Redlitz, Community Development Director, City of Escondido; Rich Miller, Consultant, MetroPlan LLC; Ed Domingue, Director of Engineer Services, City of Escondido; and Ed Bonanni, property owner; and Gary Arant, General Manager, Valley Center Water District, all spoke in favor of this item. Ms. Redlitz

and Mr. Bonanni thanked Executive Officer, Michael Ott and Local Governmental Analyst, Robert Barry for their support and assistance during the past few years regarding this proposal.

With no more speakers from the public and no further discussion from the Commission, to approve and adopt Option 1 of Item 6, on motion of Commissioner Pocklington, seconded by Commissioner Lewis, and carried unanimously by the commissioners present, the Commission took the following actions:

- (1) Find that the Commission, acting as a Responsible Agency under the California Environmental Quality Act, has considered the environmental effects of the project as shown in the attached Mitigated Negative Declaration, and Supplemental Mitigated Negative Declaration prepared by the city of Escondido. The mitigation measures for the impacts identified in the attached Mitigated Negative Declaration have been adopted by the City of Escondido, and mitigation is within the jurisdiction of the City of Escondido; and
- (2) Approve and adopt the form of resolution approving this reorganization for the reasons set forth in the Executive Officer's Report and determine that a timely availability of water supplies adequate for projected needs exists and the reorganization will have a minimal effect on maintaining the physical and economic integrity of agricultural lands, waiving the Conducting Authority proceedings according to Government Code Section 56663(c), and ordering the reorganization subject to the following conditions:

Payment by property owner of City annexation fees, State Board of Equalization charges, and a negotiated Deer Springs Fire Protection District service fee of \$5,105.00.

Item 7

Project/Staffing Update and November 7th Meeting Location

Michael Ott informed the Commission that the office move to 9335 Hazard Way, was successful and the new location will have conference and meeting facilities suitable for Commission meetings. He also requested direction from the Commission to approve the Chairman's request that an Open House be held at the new LAFCO headquarters on November 7th.

Michael Ott announced that staff is currently involved in the coordination of a special election. He mentioned that Alternate Commissioner Jo MacKenzie is on the ballot for a special district position on the Commission and there are also nine positions for the Special Districts Advisory Committee that are subject to

election. Mr. Ott informed the Commission that annexation of the Home Depot project to City of El Cajon occurred on August 30th, pursuant to California Appellate Court order. Mr. Ott also informed the Commission that his tenure as the Executive Officer/Director for CCL was completed and the new Executive Officer is Carolyn Emery of Orange County LAFCO. He said Commissioner Vanderlaan and Harry Ehrlich have been very involved in CCL.

Mr. Ott announced a recent LAFCO staff vacancy resulting from the departure of Claire Riley, Local Governmental Analyst. He informed the Commission that Ms. Riley had recently completed her Master's degree in Social Work and vacated her position in August to pursue a career in that field. He indicated the Analyst position she vacated may be filled later at a staff support level such as Records Clerk or Administrative Aide.

Mr. Ott requested approval and direction from the Commission of the Project/Staffing report and approve the November 7th meeting location to be held at the new LAFCO office facility. There will be an open house and LAFCO meeting at the San Diego LAFCO office at 9:30 a.m.

On motion, of Commissioner Pocklington, and seconded by Alternate Commissioner MacKenzie, all were in favor to accept the Executive Officers report and recommendations.

Item 8

Legislative Update

LAFCO Consultant, Harry Ehrlich provided a brief presentation to the Commission regarding several bills that LAFCO has been reviewing. He indicated that Governor Brown has until October 9th to sign pending bills. He provided an update on the following bills:

AB1430 – Cortese-Knox-Hertzberg Act (CKH). Approved. Rewrites and changes to definitions and sections of CKH. LAFCO was in support of this bill.

SB244 – Disadvantaged Communities. Still pending. Mr. Ehrlich informed the Commission that San Diego LAFCO and California Coalition of LAFCO's (CCL) sent two more letters in opposition to this bill.

AB392 – This bill was not approved. LAFCO's status was in opposition.

AB307 – Will be reviewed in January 2012. LAFCO has some concerns and are waiting on legal opinions.

Commissioner Vanderlaan complimented Harry Ehrlich's work efforts as the Vice Chair of the CALAFCO Legislative Committee. He also expressed appreciation

to San Diego LAFCO staff and their hard work and assistance they provide to the public. Commissioner Pocklington also gave praise to LAFCO staff for their excellent work. Chairman Hilliard also thanked LAFCO staff for their hard work. Alternate Commissioner MacKenzie commended the staff and said that San Diego LAFCO staff stands out over other LAFCOs in the State.

Item 9

Quarterly Self-Approved Expense Claims Report

Michael Ott informed the Commission that there were no self-approved reimbursement expense claims to report.

On motion, of Commissioner Vanderlaan, and seconded by Alternate Commissioner MacKenzie, all were in favor to accept and ratify the self-approved expense claims report.

There being no further business to come before the Commission, the meeting adjourned at 10:06 a.m. to the November 7, 2011 meeting, at 9:30 a.m. at the new San Diego LAFCO Office in Kearny Mesa located at 9335 Hazard Way, Suite 200, San Diego, CA, 92123.

**Ruth Arellano
Administrative Assistant
San Diego Local Agency Formation Commission**