

**DRAFT  
SAN DIEGO LAFCO  
MINUTES OF THE REGULAR MEETING  
AUGUST 2, 2010**

There being a quorum present, the meeting was convened at 9:00 a.m. by Chairman Bud Pocklington. Also present were: Regular Commissioners – Supervisor Dianne Jacob, Councilmember Carl Hilliard, Supervisor Bill Horn, Mayor Mark Lewis, Special District Member John Ingalls and Public Member Andy Vanderlaan. Alternate Commissioners – Special District Member Jo MacKenzie, Mayor Jim Janney and Public Member Harry Mathis. LAFCO Staff – Executive Officer Michael Ott, Local Governmental Analyst, Claire Riley, Legislative Director Harry Ehrlich and LAFCO Legal Counsel Karen Landers. Absent were: Regular Commissioner - Councilmember Donna Frye. Alternate Commissioners – Supervisor Greg Cox, and Councilmember Sherri Lightner.

**Item 1**  
**Roll Call**

The Commission Secretary performed the roll call for the August 2, 2010 LAFCO meeting. All regular commissioners were present with the exception of Council member Donna Frye.

**Item 2**  
**Approval of Minutes of Meeting Held May 3, 2010**

Carried unanimously by the Commissioners present, the Commission dispensed with the reading the minutes of May 3, 2010 and approved said minutes.

**Item 3**  
**Executive Officer's Recommended Agenda Revisions**

Michael Ott indicated that there were no revisions to the agenda.

**Item 4**  
**Commissioner / Executive Officer Announcements**

Executive Officer, Michael Ott announced that there will be a September 13, 2010 meeting. He informed the Commission that a major Item scheduled for the Agenda will involve the consolidation of all County Sanitation Districts.

Chairman Pocklington commented about the desalination project in the City of Carlsbad which is being developed by Poseidon Resources Corp. He also commented on LAFCO's responsibility with future water issues. Mr. Pocklington stressed the importance of implementing desalination projects in the future even though statistics indicate consumers have been reducing water usage over the past year.

**Item 5**  
**Public Comments**

Chairman Pocklington indicated there are no public comments.

**Item 6**  
**Proposed “Talwar Annexation” to the  
Spring Valley Sanitation District / Somit Talwar (DA09-12)**

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

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 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 terms and conditions:
  - (a) Payment of all District annexation fees to the Spring Valley Sanitation District.

**Item 7**  
**Proposed “Farhat Annexation” to the  
Otay Water District / Samir Farhat (DA10-03)**

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

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 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 terms and conditions:
  - (a) Payment of all State Board of Equalization fees.

**Item 8**

**Proposed "Meadows 3 Detachment" from the Leucadia Wastewater District (DD10-01)**

Chairman Pocklington indicated there was one speaker slip submitted for this item in support of Item 8. He informed the Commission that the speaker requested to speak only if the Commission has any questions.

Michael Ott indicated Claire Riley will provide a brief presentation.

Claire Riley gave a brief presentation to the Commission. Ms. Riley indicated that the Leucadia Wastewater District (WD) is requesting the detachment of 70 parcels totaling 32.52 acres. These properties also known as the La Costa Meadows Unit 3 subdivision include residential properties. She explained the sewer service issues and cost efficiency related to the proposed project. She indicated the City of Carlsbad and Leucadia WD have approved an agreement containing terms and conditions regarding the detachment of the La Costa Meadows Unit 3 area from Leucadia WD. Upon detachment, the City of Carlsbad will take over sewer service and ownership of the collection facilities.

Chairman Pocklington opened the public hearing.

There was no public comment.

Commissioner Pocklington closed the public hearing.

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, with 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 Carlsbad. 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 detachment; and

- (2) Adopt the form of resolution approving this detachment for the reasons set forth in the Executive Officer's Report, waiving the Conducting Authority proceedings according to Government Code Section 56663(d), and ordering the detachment, subject to the payment of State Board of Equalization Fees and terms and conditions listed in Attachment 1.

#### **Item 9**

#### **Administrative Approval of a Contractual Service Agreement: City of Escondido / "Wisehart Reorganization" (OAS10-05; RO10-05)**

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 10**

#### **Fourth Quarter Budget Update FY2009-10**

Michael Ott gave a brief Fourth Quarter budget update. He indicated a Fiscal Year net savings of \$15,000 would be realized. He indicated that LAFCO's fund balance from Fiscal Year 2009-10 would be encumbered to pay for an office rehabilitation project. This project will involve lead abatement and potentially asbestos abatement. Mr. Ott requested acceptance of this budget report and authority from the Commission to extend the transfer of funds from the Contingency Reserve Fund for this project in Fiscal Year 2010 and 2011.

On Motion of Commissioner Vanderlaan, seconded by Commissioner Ingalls, and carried unanimously by the commissioners present, the Commission accepted the Fourth Quarter Budget update and extended the authorization of funds for the office rehabilitation project in Fiscal Year 2010-11 and 2011-12.

#### **Item 11**

#### **2010 Legislative Update**

LAFCO Legislative Director, Harry Ehrlich provided a 2010 Legislative update to the Commission. He mentioned the Legislature was out of session during the month of July and is now in session as of August 2, 2010.

Mr. Ehrlich indicated that there are many bills currently being considered by the Legislature. Two of them are supported by LAFCO and CALAFCO: AB 2795 (Assembly Omnibus Bill) and AB 419 (Caballero) were passed and signed by the Governor on July 7, 2010. He added, the other bills in this report have been moving forward.

Harry Ehrlich explained the current status of AB 853 (Arambula) which is opposed by CALAFCO, League of Cities and CSAC. He said, it is on hold due to the language that is being defined by the author. CALAFCO recently took a "watch" position on this bill because of significant changes made. Mr. Ehrlich mentioned one of the concerns about this bill is an unfunded mandated issue.

He said that CSAC, the League of Cities, and the author are currently working on this matter. Mr. Ehrlich informed the Commission that a major component of the bill that was dropped pertained to the comprehensive infrastructure plans for every agency. Mr. Ehrlich advised the Commission to continue to remain in an “opposed” position for this bill.

Mr. Pocklington asked Mr. Ehrlich if he recommends that the Commission should send another letter in opposition to AB 853 or any of the other bills. Mr. Ehrlich responded that would not be necessary at this time.

## **Item 12**

### **Appointments/Nominations to CALAFCO and Coalition of California LAFCOs**

Michael Ott gave a brief update to the Commission regarding representation on CALAFCO. He indicated that this representation issue resulted in the formation of the Coalition of California LAFCOs (CCL) from the southern counties in California. He explained how in the past, the Southern California counties have had limited representation on CALAFCO; however, for the past several years there has been no representation on CALAFCO from Southern California. He indicated that the CALAFCO Executive Board developed a new governance plan that divides the state into four regions and allocates four board representatives to each region. On July 9, 2010, the CALAFCO membership voted on and approved the regional plan. While it addresses most of the concerns of the Southern California region, some LAFCOs are still concerned about a continued lack of representation given the fact that the southern region of the state contains the majority of the state’s population, but will only have four representatives on CALAFCO.

Mr. Ott also informed the Commission that he, Commissioner Vanderlaan, and Legislative Director Harry Ehrlich have attended all of the CCL meetings and have been contributing members of the organization. He conveyed that at a recent summit held at Lake Arrowhead, Commissioner Vanderlaan and Commissioner Hilliard both contributed valuable comments to the group. At the end of the summit, Bylaws, and Policies and Procedures for CCL were unanimously adopted.

Mr. Ott requested the Commission to accept and approve authorization for Commissioner Vanderlaan and Executive Officer Michael Ott to continue their roles as CCL voting member and alternate, respectively. He informed the Commission that a LAFCO staff member could be an alternate voting member on CCL.

Mr. Ott also recommended that the Commission nominate Commissioner Vanderlaan as a candidate for one of the Public Member seats on the CALAFCO Executive Board. Michael Ott indicated the election will be held in October at the CALAFCO Conference in Palm Springs, CA. He informed the Commission

that he (Michael Ott) and Commissioner Vanderlaan should also be designated as voting members at the annual conference.

Commissioner Vanderlaan thanked the Commission for considering him for these nominations. He commented on the concerns and issues within the structure and representation of CALAFCO. He thanked the Commission for considering him as a nominated public member representative of the southern region for both CALAFCO and CCL.

Commissioner Hilliard commented on the dynamics of group discussions held at the summit. He supports the nomination of Commissioner Vanderlaan as Public Member representative nominee for both organizations.

On Motion by Commission Hilliard and seconded by Commissioner Ingalls and carried unanimously by the commissioners present, the Commission accepted and approved the following recommendations:

- (1) Receive the CALAFCO and CCL report and authorize Commissioner Vanderlaan and the Executive Officer to continue in their roles as CCL voting member and alternate, respectively.
- (2) Nominate Commissioner Vanderlaan to seek one of the four seats (public member) on the reconstituted CALAFCO Executive Board and designate Commissioner Vanderlaan as primary voting member, and Michael Ott as alternate voting member at the CALAFCO Annual Conference.

There being no further business to come before the Commission, the meeting adjourned at 9:23 a.m. to the September 13, 2010 meeting, in Room 302, County Administration Center.

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