

**SAN DIEGO LAFCO
MINUTES OF THE REGULAR MEETING
FEBRUARY 2, 2009**

There being a quorum present, the meeting was convened at 9:00 a.m. by Chairman Bill Horn. Also present were: Regular Commissioners – Supervisor Dianne Jacob, Councilmembers Donna Frye, Carl Hilliard, and Betty Rexford; Andy Menshek and Bud Pocklington. Alternate Commissioners – Harry Mathis, John Ingalls, and Mayor Mark Lewis. LAFCO Staff – Executive Officer Michael Ott; Local Governmental Analyst Robert Barry; LAFCO Consultant John Traylor; and LAFCO Legal Counsel William Smith. Absent was: Alternate Commissioner – Supervisor Greg Cox.

Item 1
Roll Call

The Commission Secretary performed the roll call for the February 2, 2009 LAFCO meeting. All commissioners were present.

Item 2
Approval of Minutes of Meeting Held December 1, 2008

With Commissioners Menshek and Pocklington abstaining, ON MOTION of Commissioner Vanderlaan, seconded by Commissioner Frye, and carried unanimously by the commissioners present, the Commission dispensed with reading the minutes of December 1, 2008 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

Chairman Bill Horn presented plaques of appreciation to Andy Vanderlaan and John Traylor for their dedicated service to LAFCO. In addition, Chairman Horn said that Shirley Anderson would also receive a plaque of appreciation, but was not able to attend the meeting to receive it. Chairman Horn indicated that LAFCO staff would deliver the plaque to Ms. Anderson.

Item 5
Public Comment

There were no public comments.

Item 6
Proposed “Rancho Serena Road-Gessner Annexation” to the Rancho Santa Fe Community Services District (DA08-24)

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

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

- (1) Concurred in the determination by the Rancho Santa Fe Community Services District pursuant to Section 15319(b) of the State CEQA Guidelines, the annexation is not subject to the environmental impact evaluation process because the proposal involves annexation of individual small parcels of the minimum size for facilities exempted by Section 15303, New Construction or Conversion of Small Structures; and
- (2) Adopted the form of resolution approving this annexation for the reasons set forth in the Executive Officer’s Report, waived the Conducting Authority proceedings according to Government Code Section 56663(c), and ordered the annexation subject to the following condition:

Payment by property owner of Rancho Santa Fe CSD annual sewer service charges or standby charges, as applicable, and State Board of Equalization charges.

Item 7
Proposed “Tverdoch Annexation” to the Leucadia Wastewater District (DA08-27)

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

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

- (1) Concurred in the determination by the Leucadia Wastewater District that this annexation is exempt from CEQA pursuant to Section 15319(a) of the State CEQA guidelines, because the proposal area contains existing structures and is developed to the density allowed by current zoning/prezoning of either the gaining or losing governmental agency (whichever is more restrictive), and any utility extensions would only have the capacity to serve existing structures; and

- (2) Adopted the form of resolution approving this annexation for the reasons set forth in the Executive Officer's Report, waived the Conducting Authority proceedings according to Government Code Section 56663(c), and ordered the annexation, subject to the following term and condition:

Payment of State Board of Equalization fees.

Item 8

Proposed "Razoky Annexation" to the Spring Valley Sanitation District (DA08-28)

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

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

- (1) Found in accordance with the Executive Officer's determination by LAFCO that pursuant to Section 15319 (b) of the State CEQA guidelines, this annexation is not subject to the environmental impact evaluation process because the proposal area contains not more than three single-family residences to be constructed or converted as defined by Section 15303; and
- (2) Adopted the form of resolution approving this annexation for the reasons set forth in the Executive Officer's Report, waived the Conducting Authority proceedings according to Government Code Section 56663(c), and ordered the annexation, subject to the following term and condition:

Payment of all District annexation fees to Spring Valley Sanitation District.

Item 9

Proposed "Island Annexation" to the Alpine Fire Protection District (DA08-18)

Michael Ott provided a staff presentation to the Commission.

Chairman Horn opened the public hearing.

Since no speaker slips were submitted in opposition to this item, and there was no discussion from the Commission, on motion of Commissioner Jacob, seconded by Commissioner Rexford, and carried unanimously by the commissioners present, the Commission closed the public hearing, and took the following actions:

- (1) Concurred in the determination by the Alpine Fire Protection District that this annexation is exempt from CEQA pursuant to Section 15319(a) of the State CEQA guidelines, because the proposal area contains existing structures and is developed to the density allowed by current zoning/prezoning of either the gaining or losing governmental agency (whichever is more restrictive), and any utility extensions would only have the capacity to serve existing structures; and

- (2) Adopted the form of resolution approving the annexation for the reasons set forth in the Executive Officer's Report, and waived Conducting Authority proceedings according Government Code Section 56663(d), provided that written opposition from registered voters or landowners within the affected territory is not received prior to the conclusion of the commission hearing, and ordered the annexation subject to the following term and condition:

Imposition of district benefit fee, codes, and ordinances.

Item 10A

Adoption of a Minor Sphere Amendment to the Sphere of Influence for the Vista Irrigation District (SA08-22)

Item 10B

Proposed "Rose Mountain Road Reorganization" (Vista Irrigation District / Vallecitos Water District) (RO08-22)

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

Chairman Horn opened the public hearing.

Since no speaker slips were submitted in opposition to this item, and there was no discussion from the Commission, on motion of Commissioner Pocklington, seconded by Commissioner Vanderlaan, and carried unanimously by the commissioners present, the Commission closed the public hearing, and took the following actions:

- (1) Found in accordance with the Executive Officer's determination, that pursuant to Section 15319(a) of the State CEQA Guidelines, the reorganization is not subject to the environmental impact evaluation process because the proposal area involves annexation to a special district of an area containing existing private structures developed to the density allowed by the current zoning, and that the extension of utility services to the existing facilities would have a capacity to serve only the existing facilities; and
- (2) Amended the sphere of influence of the Vista Irrigation District and adopted the written Statement of Determinations as shown in Exhibit A; and
- (3) Adopted the form of resolution approving this minor sphere amendment and reorganization for the reasons set forth in the Executive Officer's Report, waived the Conducting Authority proceedings according to Government Code Section 56663(c), and ordered the reorganization subject to the following conditions:

Vista Irrigation District

1. The annexing land will enter Vista Irrigation district with full water rights.
2. Payment of all County, state and District administrative and other related fees shall be paid by the owners. Vista Irrigation District administrative

fees shall be paid by the owners in the amount of \$1,457.00, payable at time of initiation of Vista Irrigation District annexation proceedings.

3. Payment of an annexation fee which includes Imported Water Entitlement in the amount of \$5,466.00 per gross acre shall be paid by the owners payable at time of Vista Irrigation District annexation proceedings. (\$5,466.00 x 1.00/ac = \$5,466.00 total).
4. The owners shall execute
 - a. An Assignment of Water rights in favor of Vista Irrigation district covering, in general, the right to the delivery of water from the local water supply owned by the Vista Irrigation district; and
 - b. An Imported Water Entitlement document.
5. Temporary water service to the property will only be allowed by use of a temporary construction meter for a maximum period of one year from the date of the owner's application to LAFCO. Temporary construction meter expiration date shall expire on August 19, 2009.
6. No application for permanent water service shall be accepted until the LAFCO annexation is finalized.
7. The District has no obligation to pump any water to this property and the owner must execute a non-pumping agreement with the District prior to Annexation.
8. After annexation, the Vista Irrigation District does not guarantee that potable water service will be available to the annexing territory at the time it is requested. No commitment for water service is made to the property as a result of this annexation.
9. Completion of page 11 of LAFCO Change of Organization and Reorganization form.

Item 11

Proposed FY 2009-10 LAFCO Budget

Michael Ott provided a staff presentation to the Commission. He reported that the FY 2009-10 LAFCO Budget has been frozen and reduced in comparison to the prior fiscal year's budget. He said that the FY 2009-10 LAFCO Budget was circulated to all special districts, cities, and the County of San Diego for review. He indicated that the final FY 2009-10 LAFCO Budget will be considered by the Commission on March 2, 2009.

In response to a question from Commissioner Rexford, Michael Ott said that the County of San Diego is currently in labor negotiations. Mr. Ott said that LAFCO staff's salary and benefits are tied to county staff; so if there are any changes with the County's wage and benefit plan, those changes will apply to LAFCO staff. He stated that he will provide an update to the Commission, as necessary.

Commissioner Jacob thanked Michael Ott for the efficient management of LAFCO's budget.

Since no speaker slips were submitted in opposition to this item, and there was no discussion from the Commission, on motion of Commissioner Jacob, seconded by Commissioner Menshek, and carried unanimously by the commissioners present, the Commission closed the public hearing, and took the following actions:

- (1) Adopted the Proposed FY 2009-10 LAFCO Budget and directed the Executive Officer to prepare LAFCO's FY 2009-10 Final Budget; and
- (2) Authorized the Executive Officer to request the County Auditor to utilize the LAFCO budget adoption date as the basis for selecting the most recent edition(s) of the accounting publications used to prepare the LAFCO cost apportionment.

Item 12

Regular and Alternate Public Member Term Expiration and Appointment

Michael Ott provided a brief staff presentation to the Commission. Mr. Ott discussed the history of Commissioners Vanderlaan and Mathis and said that both commissioners have excellent attendance records, are active participants in LAFCO discussions, and are always available for briefings.

Chairman Bill Horn asked LAFCO's Legal Counsel Bill Smith if the Commission could re-appoint Commissioners Vanderlaan and Mathis to LAFCO.

Legal Counsel Bill Smith said yes.

Commissioner Pocklington said that Andy Vanderlaan and Harry Mathis are two excellent commissioners and placed a motion to re-appoint them as LAFCO Regular and Alternate Public Members, respectively.

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

Reviewed and discussed the appointment process summarized in the memorandum and directed the Executive Officer to complete the paperwork for the reappointment of regular public member Andy Vanderlaan to a new four-year term on LAFCO commencing on May 4, 2009, and a new four-year term for alternate public member Harry Mathis, commencing on May 3, 2010.

Item 13

2009 Special Districts Election for LAFCO Regular and Alternate Member Report

Michael Ott provided the staff presentation to the Commission. He said that Commissioner Menshek will not seek a new term on LAFCO. Mr. Ott reported that

LAFCO's incumbent alternate district member John Ingalls will seek the regular position being vacated by Commissioner Menshek. Mr. Ott indicated that John Ingalls will voluntarily resign at the conclusion of the LAFCO election in order to simplify the election process. He reported that a call for nominations was sent to special districts on January 16, 2009, and that the deadline for LAFCO's receipt of nominations is February 27, 2009.

Michael Ott said that LAFCO's Special Districts Advisory Committee also sent out a call for nominations on January 29, 2009 for two vacancies on the committee. Mr. Ott said that the deadline for the Committee's receipt of nominations is March 3, 2009. Mr. Ott reported that the Committee established a sub-committee who would review all nominations received and then appoint two individuals to fill the vacancies.

Commissioner Andy Menshek announced that the February 2, 2009 meeting would be the last meeting he attends. He thanked his colleagues and LAFCO staff for all their support since he began working with LAFCO in 1997. Mr. Menshek expressed his appreciation for Commissioners Jacob and Vanderlaan, LAFCO staff members Michael Ott and Shirley Anderson, and LAFCO Consultant John Traylor for their extra efforts with the fire reorganization project. Mr. Menshek said it has been a great opportunity to serve LAFCO, and gives his endorsement to John Ingalls to fill LAFCO's regular special district member position.

Michael Ott provided an update on term expiration dates for city members. Mr. Ott said that the Cities Selection Committee will appoint a new regular and alternate city member to LAFCO, effective May 2009.

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

Item 14
Quarterly Self-Approved Expense Claims Report

Michael Ott reported that there were no self-approved expense claims during the reporting period.

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

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

There being no further business to come before the Commission, the meeting adjourned at 9:27 a.m. to the March 2, 2009 meeting, in Room 302, County Administration Center.

Tita Jacque Mandapat
Administrative Assistant