

DRAFT
SAN DIEGO LAFCO
MINUTES OF THE REGULAR MEETING
DECEMBER 7, 2009

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There being a quorum present, the meeting was convened at 9:05 a.m. by Vice Chairman Bud Pocklington. Also present were: Regular Commissioners – Supervisor Dianne Jacob; Councilmember's Donna Frye and Carl Hilliard; Special District Member John Ingalls, Mayor Mark Lewis and Public Member Andy Vanderlaan. Alternate Commissioner – Public Member Harry Mathis. LAFCO Staff – Executive Officer Michael Ott, Local Governmental Analysts Robert Barry and Claire Riley, LAFCO Consultant Harry Ehrlich and LAFCO Legal Counsel William Smith. Absent were: Regular Commissioner: Supervisor Bill Horn. Alternate Commissioners – Supervisor Greg Cox, Mayor Jim Janney, Councilmember Sherri Lightner and Special District Member Jo MacKenzie.

Item 1
Roll Call

The Commission Secretary performed the roll call for the December 7, 2009 LAFCO meeting. All regular commissioners were present with the exception of Supervisor Bill Horn.

Item 2
Approval of Minutes of Meeting Held November 2, 2009

With Commissioner Bud Pocklington abstaining, ON MOTION of Commissioner Mark Lewis, seconded by Commissioner Donna Frye, and carried unanimously by the commissioners present, the Commission dispensed with reading the minutes of November 2, 2009 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

Michael Ott indicated that there were several announcements.

Mr. Ott announced that Legal Counsel, William Smith would be retiring and presented him with an award for his 26 years of service at LAFCO.

Legal Counsel, William Smith commented about his services working for LAFCO and thanked the Commission, Executive Officer, Michael Ott and staff for his award.

Mr. Ott said that Harry Ehrlich was appointed as Vice Chairman of the California Association's of LAFCO's for the Legislative Committee. He provided an update to the Commission about issues that pertained to CALAFCO.

Commissioner Pocklington thanked William Smith for his service with LAFCO. He announced that there will be a Water Facility tour sponsored by the County Water Authority on January 22nd – 23rd, 2010.

Commissioner Pocklington provided an update about the status of the desalination project in San Diego County. Commissioner Carl Hilliard inquired about the cost for each agency to subsidize the desalination facility. In response to the question, Commissioner Pocklington said the cost is an average of \$250 per acre foot based on a 25-year contract.

Item 5
Public Comment

There were no public comments.

Item 6
Proposed Legislative Policy L-107 – Jurisdictional Conflicts Associated with Proposed Development

Michael Ott, Executive Officer provided a brief report to the Commission about the Legislative Policy L-107–Jurisdictional Conflicts Associated with Proposed Development. Mr. Ott said that at the LAFCO meeting on November 2, 2009 the Commission directed LAFCO staff to develop a proposed policy. He indicated that LAFCO staff has proposed a draft policy that would establish a consultation procedure that will facilitate the identification and resolution of jurisdictional conflicts.

Mr. Ott explained that LAFCO staff has expanded the scope of the proposed policy to encompass all local agencies subject to LAFCO purview (e.g., county government, cities, and special districts).

Mr. Ott said the draft policy will be circulated for a public review period and return to the Commission for consideration in 2010.

Commissioner Mark Lewis inquired about the draft policy report that would be distributed to the agencies for review. He suggested that the Commission's comments be included along with the draft policy report. Michael Ott said the policy will be distributed to the local agencies for comment and that it would be possible to attach to the policy a summary of the related Commission discussion.

Commissioner Lewis expressed concern about the public review deadline for the agencies to respond. He suggested that a 45 or 60 day review time period would be sufficient to allow the agencies to research or consult with any issues, especially during the holiday period.

Commissioner Lewis asked about situations where local agencies are unable to resolve conflicts. In response to the question, Michael Ott said that the applicant would be responsible for demonstrating that a good faith effort was made to meet, confer, and resolve jurisdictional issues. Mr. Ott explained page 2 of the policy L-107 (referring to provision nos. 3 and 4) that if an agreement can not be reached then the application may be deemed incomplete; according, to provision no. 5 of the policy. Mr. Ott also

said that according to the language in no. 5 of the policy, LAFCO would be able to review an application without concurrence or an agreement among the agencies. However, it would be desirable if agreement was reached.

Commissioners Lewis and Hilliard expressed concern about the language in the policy for no. 5 of the report. The commissioners inquired about who will determine the proposal "*may be deemed incomplete*", if the parties can not reach an agreement.

Commissioner Harry Mathis commented on the policy procedure and explained that LAFCO does want the parties to get together and resolve their differences prior to the LAFCO hearing.

Mr. Ott explained the application process and stated that State Law is very clear in authorizing the Executive Officer to deem an application complete or incomplete. He also said that the Executive Officer determines whether an application is complete or not when a certificate of filing is issued to initiate LAFCO hearing proceedings.

Supervisor Dianne Jacob explained the need for a policy and why she requested the Commission to authorize the Executive Officer to draft Policy L-107. Supervisor Jacob said that the direction originated from problems that have occurred when applicants have not worked with county and city officials to reach an agreement on jurisdictional issues. She suggested that there be a written LAFCO policy to inform applicants of what is expected and the process to reach an agreement between the county and affected special districts and cities. Supervisor Jacob indicated that a written policy could also be considered a protection for local agencies and the property owner.

Supervisor Jacob placed a motion on the floor to approve the Executive Officer's report with the amendments from a 30-day public review to a 60-day public review for the agencies and include comments from the December 7, 2009 meeting and return to the Commission at its March meeting. She indicated she would not approve the policy without first receiving comments from the agencies involved.

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

- (1) Authorize the Executive Officer to circulate the proposed policy among affected local agencies for a 60-day comment period prior to returning to the Commission for ratification on March 1, 2010.
- (2) Include comments from the December 7, 2009 meeting in the Policy L-107 draft report that is distributed to the County, Special Districts and Cities.

Commissioner Andy Vanderlaan commented about the purpose of the policy and the efficiency of a process that would be established if the county – city – districts reach an agreement with the applicant regarding jurisdictional and service issues.

Commissioner John Ingalls commented about the policy and the need for it. He made comments about the application process and the commissioner's and staff's respective roles.

Supervisor Jacob stated that the policy codifies an existing practice and she welcomes comments from local agencies prior to adoption of a final policy.

Commissioner and acting Chairman Pocklington reiterated that the motion carried unanimously.

Item 7

Update of City and Special District Sphere of Influence and Municipal Service Review Summaries

Michael Ott waived the staff presentation to the Commission for this item.

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

Accepted and approved the 2009 City and Special Districts Sphere of Influence and Municipal Service Review Summaries.

Item 8

Selection of 2010 LAFCO Chair and Vice Chairman

Acting Chairman Bud Pocklington provided comments to the Commission about the current status of LAFCO's Chair and Vice Chairman.

Supervisor Dianne Jacob commented about LAFCO's guidelines for rotating of Commission officer positions, and that officers should be rotated among Commissioners, unless there have been major issues concerning proposed projects. She asked Mr. Ott to elaborate on this matter.

Michael Ott commented about the rotation of members and explained the reason of not rotating for the past three years. He summarized the options available to the Commission.

Supervisor Jacob placed a motion on the floor that we rotate the 2009 Chair and Vice Chair for 2010 and that Bud Pocklington and Carl Hilliard to serve as Chairman and Vice Chairman, respectively.

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

Appointed Bud Pocklington as LAFCO's 2010 Chairman and Councilmember Carl Hilliard as the 2010 Vice Chairman.

Item 9

**Cancellation of the January 4, 2010 Meeting/
Holiday Office Closure and 2010 Meeting Calendar**

Michael Ott provided a brief staff presentation to the Commission.

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

- (1) Authorized the Executive Officer to close the LAFCO office from December 21-25, 2010, and adjourned the December 7, 2009 meeting to February 1, 2009; and
- (2) Approved the cancellation of the January 4, 2010 meeting and the 2010 LAFCO Meeting Calendar.

Item 10

December 2009 Annual Legislative Report

LAFCO Consultant Harry Ehrlich provided a brief report to the Commission that discussed all the bills that LAFCO was tracking in 2009. He discussed the actions that were made by the Legislature in November regarding the water issues and the five bills that were approved.

Mr. Ehrlich also said that the controversial legislative bills have not been resolved and will be carried over until next year. He also said that due to the budget deficit and economic situation there may be some issues continuing related to these legislative bills in 2010.

Commissioner Pocklington commented about the water and bond issues.

Commissioner Frye commented about the bond issues and deficit impacts for the state and other jurisdictions.

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

There being no further business to come before the Commission, the meeting adjourned at 10:00 a.m. to the February 1, 2010 meeting, in Room 302, County Administration Center.

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