

**SAN DIEGO LAFCO
MINUTES OF THE REGULAR MEETING
APRIL 4, 2005**

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There being a quorum present, the meeting was convened at 9:05 a.m. by Chairman Bud Pocklington. Also present were: Regular Commissioners – Councilmember Patty Davis, Councilmember Donna Frye, Supervisor Bill Horn, Supervisor Dianne Jacob, Councilmember Betty Rexford, and Andrew Vanderlaan,; Alternate Commissioner – Andrew Menshek; LAFCO and County Staff - Executive Officer Michael Ott, and LAFCO Legal Counsel William Smith. Absent were: Alternate Commissioners – Supervisor Greg Cox and Harry Mathis.

Item 1A

**Approval of Minutes
of Meeting Held February 7, 2005**

Chairman Pocklington reported that LAFCO received several letters in opposition to the amendment of the February 7, 2005 minutes.

Chief Bill Metcalf addressed the Commission with several concerns regarding the change to the minutes. Chief Metcalf said that a successful reorganization would require the collaboration of three active participants: 1) fire service agencies; 2) LAFCO; and 3) County of San Diego, Board of Supervisors, as well as a commitment of sufficient funds.

Commissioner Patty Davis reported that after the ad hoc subcommittee reviewed the minutes, the subcommittee directed the Executive Officer to return to the April 4, 2005 Commission meeting and state that there will be a \$50,000 limitation for the macro study and that LAFCO staff is directed to return to the Commission on May 2, 2005 with a work program. She said that a letter from Michael Ott, dated March 22, 2005, provided an update on the subcommittee's conclusion of the minutes.

Alternate Commissioner Andy Menshek commented on several concerns regarding the amendment of the minutes and said that he is in opposition of the change. He indicated that the change to the minutes does not address the issues of funding and an opt-out alternative for fire services agencies.

In response to a question from Commissioner Donna Frye, Chairman Pocklington said that the completion of the macro study is needed in order to make subsequent decisions.

Commissioner Davis indicated that after the Commission reviews the macro study, they would direct LAFCO staff to move forward with a micro study once a funding commitment from the Board of Supervisors is in place. She indicated that the February 2005 minutes addresses an opt-out clause and funding commitment issues.

In response to Commissioners Frye and Rexford, Commissioner Dianne Jacob said that audiotapes and transcripts are available for review. She indicated that she moved approval of the staff recommendation on Items 8 and 9, with a revision to recommendation 6 in Item 9. Commissioner Jacob indicated that, in agreement with Michael Ott, the intent of the motion would read, "Direct the Executive Officer to return to the Commission after the completion of

the macro analysis for a status report on reorganization options and funding progress.” She indicated that the motion was clarified to address opt-out provisions and CEQA requirements of the February 7, 2005 meeting; and that the Board of Supervisors would take the lead on the long-term stable funding options. In addition, Commissioner Jacob said that a work program is needed to determine how the \$50,000 is being utilized.

Chairman Pocklington indicated that he supports the amendment to the February 7, 2005 minutes.

In response to a question from Commissioner Vanderlaan, Chief Metcalf said that key elements to the reorganization are partnership and sharing responsibility.

In response to a question from Alternate Commissioner Menshek, Commissioner Davis said that discussion of an opt-out alternative is discussed in the minutes, and said that it will not be part of any motion until the macro study is completed and reviewed. She indicated that if the Commission decides to move forward with a micro study, an opt-out alternative would be included in it.

In response to a question from Commissioner Rexford, Michael Ott said that LAFCO staff would be returning to the May 2005 meeting with a macro study work program that will include details of tasks associated with projecting different service level alternatives and assigning costs to them.

In response to a question from Commissioner Frye, Legal Counsel Bill Smith indicated that at the May 2, 2005 meeting (after the work program is presented to the Commission), it would be appropriate to place a motion to approve the work program with a \$50,000 limitation for the macro study.

Commissioner Frye said that she supports Commissioner Jacob’s motion to amend the February 7, 2005 minutes, and indicated that she shares concerns that Commissioner Menshek expressed to the Commission.

Commissioner Vanderlaan said that the key to a successful reorganization is the funding to adequately support it. He also said that once the reorganization process begins, fire agencies would have the opportunity to submit a similar proposal to reorganize/consolidate fire service agencies.

On motion of Commissioner Rexford, seconded by Commissioner Davis, and carried by the following commissioners, the Commission approved the amendment to the February 7, 2005 minutes:

AYES: Commissioners Davis, Frye, Horn, Jacob, Rexford, Vanderlaan

NOES: Alternate Commissioner Menshek

Item 1B
Approval of Minutes
of Meeting Held March 7, 2005

With Commissioner Horn abstaining, on motion of Commissioner Vanderlaan, seconded by Commissioner Davis, the commissioners dispensed with reading the minutes of March 7, 2005 and approved said minutes.

Item 2
Executive Officer's Recommended Agenda Revisions

Michael Ott indicated there were no revisions to the agenda.

Item 3
Commissioner/Executive Officer Announcement

Michael Ott indicated there were no Commissioner/Executive Officer announcements.

Item 4
Public Comment

No members of the public requested to speak.

Item 5
Proposed "Rockhaven Ranch Reorganization"
(City of El Cajon) (RO04-42)

On motion of Commissioner Jacob, seconded by Commissioner Frye, and carried unanimously by the commissioners present, the Commission continued the proposed "Rockhaven Ranch Reorganization" (City of El Cajon) (RO04-42) to the May 2, 2005 Commission meeting.

Item 6
Proposed "Abraham Annexation" to the
Leucadia Wastewater District (DA04-43)

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

- (1) Certified that the determination by the Leucadia Wastewater District that this annexation is exempted pursuant to Sections 15319 and 15303(a) and (d) of the State CEQA Guidelines has been reviewed and considered; 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 terms and conditions:

- (a) The annexed property is subject to capacity fees, sewer service fees, and all other district-wide Ordinance and Resolutions of Leucadia Wastewater District; and
- (b) Payment by the property owner of Leucadia Wastewater District fees, San Diego Local Agency Formation Commission processing fees, and State Board of Equalization charges.

Item 7A

Adoption of an Amendment to the Sphere of Influence for the Otay Water District (SA05-01)

Item 7B

Proposed "Hosmer Annexation" to the Otay Water District (DA05-01)

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

Chairman Pocklington opened the public hearing.

With no members of the public wishing to speak in support or in opposition of the item, and no discussion from the Commission, Chairman Pocklington closed the public hearing.

On motion of Commissioner Rexford, seconded by Commissioner Frye, and carried unanimously by the commissioners present, the Commission 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 annexation is not subject to the environmental impact evaluation process because the proposal area contains existing structures developed to the density allowed by the current zoning, and the extension of utility services to the existing facilities would have a capacity to serve only the existing facilities;
- (2) Amended the sphere of influence of the Otay Water District and adopted the written Statement of Determinations as proposed in Exhibit A; and
- (3) Adopted the form of resolution approving this minor sphere amendment and 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 District annexation fees, and State Board of Equalization charges.

Item 8A**Adoption of an Amendment to the Sphere of Influence for the Lakeside Sanitation District (SA05-03)****Item 8B****Proposed "Leon Reorganization " to the Lakeside Sanitation District (RO05-03)**

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

Chairman Pocklington opened the public hearing.

With no members of the public wishing to speak in support or in opposition of the item, and no discussion from the Commission, Chairman Pocklington closed the public hearing.

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

- (1) Found in accordance with the Executive Officer's determination, that pursuant to Section 15319(b) of the State CEQA Guidelines, the reorganization is not subject to the environmental impact evaluation process because the proposal area involves annexation of individual small parcels of the minimum size for facilities exempted by Section 15303;
- (2) Amended the sphere of influence of the Lakeside Sanitation District and adopted the written Statement of Determinations as proposed 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 condition:

Payment by property owner of Lakeside Sanitation District annexation fees, and State Board of Equalization charges.

Item 9**Administrative Approval of a Contractual Service Agreement:
Spring Valley Sanitation District / Ricardo and Tracy O'Rourke Salguero**

This was an information item and no action was required.

There being no further business to come before the Commission, the meeting adjourned at 9:44 a.m. to the May 2, 2005 meeting, in Rooms 302-303, County Administration Center.

**TITA JACQUE CAYETANO
Administrative Assistant**