

## Chair

Jo MacKenzie, Director  
Vista Irrigation District

## Vice Chair

Ed Sprague, Director  
Olivenhain Municipal Water

## Members

Catherine Blakespear, Mayor  
City of Encinitas

Bill Horn, Supervisor  
County of San Diego

Dianne Jacob, Supervisor  
County of San Diego

Andrew Vanderlaan  
Public Member

Bill Wells, Mayor  
City of El Cajon

Lorie Zapf, Councilmember  
City of San Diego

## Alternate Members

Lorie Bragg, Councilmember  
City of Imperial Beach

Chris Cate, Councilmember  
City of San Diego

Greg Cox, Supervisor  
County of San Diego

Judy Hanson, Director  
Leucadia Wastewater District

Harry Mathis  
Public Member

## Executive Officer

Keene Simonds

## Counsel

Michael G. Colantuono

# 1

## AGENDA REPORT Consent | Action

October 1, 2018

**TO:** San Diego Commissioners  
**FROM:** Tameron Luckett, Executive Assistant  
**SUBJECT:** **Approval of Meeting Minutes |  
August 6, 2018 and September 10, 2018**

### SUMMARY

The San Diego Local Agency Formation Commission (LAFCO) will receive minutes prepared for the last two meetings of the Commission held on Monday, August 6, 2018 and Monday, September 10, 2018. The minutes are being presented for formal approval with any desired corrections or clarifications as requested by the Commission.

### BACKGROUND

The Ralph M. Brown Act was enacted by the State Legislature in 1953 and established standards for the public to attend and participate in meetings of local government bodies. The “Brown Act” requires – and among other items – public agencies to maintain written minutes for qualifying meetings.

### DISCUSSION

This item is for San Diego LAFCO to consider approving summary minutes for the August 6, 2018 regular and September 10, 2018 special meetings as recorded by staff. Attendance at these meetings follows.

- All members were present on August 6<sup>th</sup> with the exception of Dianne Jacob, Chris Cate (alternate), and Greg Cox (alternate).
- All members were present on September 10<sup>th</sup> with the exception of Chris Cate (alternate) and Greg Cox (alternate).

**San Diego LAFCO**

October 1, 2018 Regular Meeting

Agenda Item No. 1 | Approval of Meeting Minutes for August 6, 2018 and September 10, 2018

**ANALYSIS**

The attached summary minutes for the August 6, 2018 regular and September 10, 2018 special meetings accurately reflect the Commission’s actions as recorded by staff.

**RECOMMENDATION**

It is recommended San Diego LAFCO approve the draft minutes prepared for the August 6, 2018 regular and September 10, 2018 special meetings with any desired corrections or clarifications. This action is provided as Alternative Action One in the proceeding section.

**ALTERNATIVES FOR ACTION**

The following alternatives are available to San Diego LAFCO under a single motion:

Alternative One (Recommended)

Approve the draft minutes prepared for the August 6, 2018 regular and the September 10, 2018 special meetings with any desired corrections or clarifications.

Alternative Two

Continue to the next regular meeting and provide direction as needed.

**PROCEDURES**

This item has been placed on the agenda as part of the consent calendar. Accordingly, a successful motion to approve the consent calendar will include taking affirmative action on the staff recommendation as provided unless otherwise specified by the Commission.

Respectfully,



Tamaron Lockett  
Executive Assistant

Attachments:

- 1) Draft Meeting Minutes for August 6, 2018
- 2) Draft Meeting Minutes for September 10, 2018

**DRAFT MINUTES  
SAN DIEGO LAFCO  
August 6, 2018 REGULAR MEETING**

**CALL TO ORDER**

There being a quorum present, the meeting was convened at 9:03 a.m. by Chair MacKenzie.

**ROLL CALL**

The Commission Clerk performed the roll call for the August 6, 2018 meeting. Roll was recorded as follows:

Regulars Present: Catherine Blakespear, City of Encinitas  
Bill Horn, County of San Diego  
Jo MacKenzie, Vista Irrigation District (CHAIR)  
Ed Sprague, Olivenhain Municipal Water District (VICE CHAIR)  
Andy Vanderlaan, Public  
Bill Wells, City of El Cajon  
Lorie Zapf, City of San Diego

Alternates Present: Lorie Bragg, City of Imperial Beach  
Judy Hanson, Leucadia Wastewater District  
Harry Mathis, Public – Alternate

Members Absent: Chris Cate, City of San Diego – Alternate  
Greg Cox, County of San Diego – Alternate  
Dianne Jacob, County of San Diego

Additionally, the following staff were present at the dais side during roll call: Executive Officer Keene Simonds; Commission Counsel Holly Whatley; Chief Policy Analyst Robert Barry; Local Government Analyst I Linda Zambito; and Executive Assistant Tamaron Lockett.

**PLEDGE OF ALLEGIANCE**

Commissioner Blakespear led the Commission in the Pledge of Allegiance.

**AGENDA REVIEW**

Chair MacKenzie asked the Executive Officer if there were requests to remove or rearrange items on the agenda. The Executive Officer noted Item 9 of the agenda report has been rescheduled for September 10, 2018 as part of a special meeting. With no other changes the Chair announced the Commission would proceed accordingly.

## **PUBLIC COMMENT**

Chair MacKenzie asked the public seated in audience if anyone would like to address the Commission on an item that is not related to the agenda. Without any speaker slips or seeing anyone approach the dais Chair MacKenzie ended the public comment period.

## **CONSENT ITEMS**

### **Item 1**

#### **Approval of Meeting Minutes | June 4, 2018**

Item presented on the consent calendar for action. Item involves draft minutes prepared for the Commission's June 4, 2018 meeting. Recommendation to approve.

### **Item 2**

#### **Commission Ratification | Recorded Payments for May and June 2018**

Item presented on the consent calendar for action. Item involves ratification of recorded financial payments received and distributed for May 1<sup>st</sup> through June 30<sup>th</sup>. Payments made totaled \$325,318. Recommendation to approve.

### **Item 3**

#### **Job Classification Changes and Related Actions | Establishing GIS Analyst Position**

Item presented on the consent calendar for action. Item involves establishing a Geographic Information Systems (GIS) Analyst position through the revision and update to the vacant Geographic Specialist position. Recommendation to approve.

### **Item 4**

#### **Progress Report on 2018-2019 Workplan**

Item presented on the consent calendar for action. Item involves specific projects established as part of the adopted workplan for 2018-2019. The report identifies projects that LAFCO have initiated or underway. Recommendation to receive and file.

### **Item 5**

#### **CALAFCO | Annual Conference Item**

Item presented on the consent calendar for action. Item involves Commission action to designate a delegate and alternate delegate for the CALAFCO Annual Conference set for October 3<sup>rd</sup>-5<sup>th</sup> in Yosemite as well as considering city or public member nominations for open seats on the CALAFCO Board. Recommendation to designate Commissioners MacKenzie and Vanderlaan as delegate and alternate, respectively. Recommendation to also authorize Chair to nominate an interested city or public member for the CALAFCO Board ahead of the September 4<sup>th</sup> filing deadline.

## CONSENT ITEMS CONTINUED...

### Item 6

#### **Results of Protest Proceedings | Harmony Grove Village Wastewater Reorganization**

Item presented on the consent calendar for information only. Item summarizes the protest hearing held on July 11<sup>th</sup> for the Harmony Grove Village Wastewater Reorganization. The report noted no written protests were received and the reorganization will proceed.

### Item 7

#### **Current Proposals and Related Activities**

Item presented on the consent calendar for information only. Item summarizes active proposals on file with the Commission as well as notable pending proposals that are expected to be submitted in the near term. Report noted one proposal was submitted since June 4, 2018.

### Item 8

#### **Memorandum | Enactment of Assembly Bill 1361**

Item presented on the consent calendar for information only. Item summarizes the enactment of AB 1361 (Garcia) and the special and expedited LAFCO approvals enacted therein for municipal water districts to provide outside water service to certain qualifying Indian lands by contract or agreement.

**MOTION:** On motion of Commissioner Wells, seconded by Commissioner Vanderlaan, and carried unanimously by the Commissioners present, the Commission took the following actions without discussion: approved recommendations for consent items No. 1 through 8.

## PUBLIC HEARING ITEMS

### Item 9

#### **RESCHEDULED FOR SEPTEMBER 10, 2018**

#### **Joint-Reorganization and Associated Sphere Amendments | Concurrent Dissolution of the Julian-Cuyamaca Fire Protection District and Latent Power Area Expansion of County Service Area No. 135 (County Fire Authority) | Ref. No. RO18-09 et al.**

The Executive Officer noted the item was rescheduled to a special meeting on Monday, September 10, 2018 for reasons detailed in the accompanying memo in the agenda packet.

Chair MacKenzie asked if there were any persons in the audience that would like to make a comment on the item with the understanding no action would be taken by the Commission. Seeing no one approach the dais the Chair ended discussion on the item.

**PUBLIC HEARING ITEMS CONTINUED...**

**Item 10**

**Pankey Contractual Wastewater Service Agreement and Sphere of Influence Amendment | Valley Center Municipal Water District | Ref. No. SA18-04 et al.**

The public hearing was opened by Chair MacKenzie.

Chief Policy Analyst Robert Barry summarized the item and recommendation for the Commission to approve the requested contractual wastewater service agreement between the landowners (Pankey) and Valley Center Municipal Water District as a means to avoid future construction septic impacts associated with an adjacent development (Meadowood).

Chair MacKenzie asked the Commission if there were any questions for staff.

Commissioner Horn asked for clarification on the party responsible for the cost of extending the public wastewater main to the landowners' property. Mr. Barry noted the developers of the property have agreed to cover all costs associated with the extension of services.

Chair MacKenzie asked about the status of the grading development plan for the adjacent development given it is the underlying impact necessitating the request to establish an outside wastewater connection for the landowners. Mr. Barry noted the condition of the permit approval for the grading is not final, but is expected and merits proceeding with the approval to help ensure limited impact to the landowners and use of their property.

Seeing no one approach the dais, the Chair closed the public hearing, and invited the Commission to make a motion.

Commissioner Horn motion to approve the staff recommendation for Alternative One. Commissioner Sprague second.

Chair MacKenzie asked for a roll call of vote for the motion on Item 10.

The Commission Secretary recorded the following votes:

AYES: Commissioners Blakespear, Horn, MacKenzie, Sprague, Vanderlaan, Wells and Zapf

NOES: None

ABSENT: Commissioners Cate, Cox, and Jacob

ABSTAINING: None

The Secretary confirmed the motion was approved 7-0 with one absent.

## **BUSINESS ITEMS**

### **Item 11**

#### **Request for Proposals Fee Wavier | Associated with Joint-Proposal to Transfer Fire Protection and Emergency Medical Services from Mootamai, Pauma, and Yuima Municipal Water Districts to County Service Area No. 135**

Item presented on the business calendar for action. Executive Officer summarized the item involves a request from the County of San Diego Fire Authority to waive fees associated with a joint-proposal involving the transfer of fire protection and emergency medical service responsibilities from (a) Mootamai, (b) Pauma, and (c) Yuima Municipal Water Districts to County Service Area No. 135 (Fire Authority). The Executive Officer added the approximate cost of the fee waiver – including the potential of holding an election if required – is \$130,000. The Executive Officer recommended approval given the joint-proposal’s consistency with an earlier LAFCO recommendation for the agencies to evaluate and pursue opportunities to unify fire protection services in the area.

Chair MacKenzie asked the Commission if there were any questions for staff.

Commissioner Horn asked for clarification on costs and whether an election was probable. The Executive Officer responded with an outline of key costs to LAFCO in processing the proposal, and noted an election is possible, but not necessarily probable.

Chair MacKenzie asked if there were any persons in the audience wanting to speak on the item. Seeing no one approach, the Chair asked the Commission for a motion.

Commissioner Wells motion to approve the staff recommendation for Alternative One. Commissioner Zapf second. Chair asked members to signify their vote on the motion with a “yes,” and the following members responded affirmatively: Blakespear; Horn; MacKenzie; Sprague; Vanderlaan; Wells; and Zapf. Chair responded by reporting the motion was unanimously approved.

Following the vote, Commissioner Vanderlaan acknowledged Herman Reddick in the audience as well as Supervisors Horn and Jacob and the other members of the Board of Supervisors for their dedication in establishing the County Fire Authority.

**(over)**

## **BUSINESS ITEMS**

### **Item 12**

#### **Legislative Report**

Item presented on the business calendar for information. Chief Policy Analyst Robert Barry summarized the item and noted the Legislature went into recess on July 6<sup>th</sup> and will reconvene on August 6<sup>th</sup>. Mr. Barry proceeded to summarize the status of the six bills the Commission had previously taken positions on as well as other legislative items of interest.

Commission discussion followed with the Chair concluding the item with direction for staff to return with an update at the next meeting.

## **CLOSED SESSION**

Chair MacKenzie adjourned the regular meeting to closed session at 9:30 a.m. to proceed with agenda items 13 through 15. The meeting was reconvened at 10:26 a.m. with Counsel Holly Whatley reporting no action was taken for agenda items 13 through 15.

## **EXECUTIVE OFFICER REPORT**

The Executive Officer made the following comments:

- Announced if any Commissioners are interested in attending the CALAFCO Annual Conference on October 3<sup>rd</sup>-5<sup>th</sup> can still register.
- Announced recruitments are still in the process for hiring another Analyst.

## **COMMISSIONER ANNOUNCEMENTS | REQUESTS FOR FUTURE ITEMS**

None

## **ADJOURNMENT TO NEXT REGULAR MEETING**

Executive Officer announced to the Commission and public the upcoming meetings.

- Special Meeting: September 10, 2018
- Regular Meeting: October 1, 2018

There being no further business to come before the Commission, the meeting was adjourned by Chair MacKenzie at 10:27 a.m.

**Attest:**  
**TAMARON LUCKETT**  
**EXECUTIVE ASSISTANT**



**DRAFT MINUTES  
SAN DIEGO LAFCO  
September 10, 2018 SPECIAL MEETING**

**CALL TO ORDER**

There being a quorum present, the meeting was convened at 9:04 a.m. by Chair MacKenzie.

**ROLL CALL**

The Commission Clerk performed the roll call for the September 10, 2018 LAFCO meeting. Roll was recorded as follows:

Regulars Present: Catherine Blakespear, City of Encinitas  
Bill Horn, County of San Diego  
Dianne Jacob, County of San Diego  
Jo MacKenzie, Vista Irrigation District (CHAIR)  
Ed Sprague, Olivenhain Municipal Water District (VICE CHAIR)  
Andy Vanderlaan, Public  
Bill Wells, City of El Cajon  
Lorie Zapf, City of San Diego

Alternates Present: Lorie Bragg, City of Imperial Beach  
Judy Hanson, Leucadia Wastewater District  
Harry Mathis, Public – Alternate

Members Absent: Chris Cate, City of San Diego – Alternate  
Greg Cox, County of San Diego – Alternate

Additionally, the following staff were present at the dais side during roll call: Executive Officer Keene Simonds; Commission Counsel Holly Whatley; Chief Policy Analyst Robert Barry; Local Government Analyst I Linda Zambito; Executive Assistant Tameron Lockett; GIS/IT Consultant Dieu Ngu; and Consultant John Traylor.

Commissioners Bragg and Zapf arrived at 9:10 a.m.

**PLEDGE OF ALLEGIANCE**

Commissioner Wells led the Commission in the Pledge of Allegiance.

**AGENDA REVIEW**

Chair MacKenzie asked the Executive Officer if there were requests to remove or rearrange items on the agenda. The Executive Officer noted no agenda revisions.

## **PUBLIC COMMENT**

Chair MacKenzie asked the public seated in audience if anyone would like to address the Commission on an item that is not related to agenda. Without any speaker slips or seeing anyone approach the dais Chair MacKenzie ended the public comment period.

## **PUBLIC HEARING ITEMS**

### **Item 9**

#### **RESCHEDULED FOR SEPTEMBER 10, 2018**

#### **Joint-Reorganization and Associated Sphere Amendments | Concurrent Dissolution of the Julian-Cuyamaca Fire Protection District and Latent Power Area Expansion of County Service Area No. 135 (County Fire Authority); File No. RO18-09 et al.**

Chair MacKenzie introduced the item before asking for an overview of the proposal and the staff recommendation from the Executive Officer.

The Executive Officer followed with a proposal summary and began by noting the underlying action under consideration is transferring fire protection and emergency medical service responsibilities from the Julian-Cuyamaca Fire Protection District (FPD) to the County of San Diego and its Fire Authority through County Service Area (CSA) No. 135. The Executive Officer proceeded to detail the staff recommendation to approve the joint-proposal citing four central considerations: consistency under State law; applicability to the Commission's earlier policy determinations in unifying fire services in the unincorporated area; ability to improve implementation through specified terms; and ability for the community to participate in the final decision making through protest proceedings.

The Executive Officer concluded his presentation and asked Commission Counsel to address a written request received on the preceding Friday from an attorney representing the Julian Fire Plugs Association requesting the Commission deny or continue the item. Commission Counsel Whatley followed with a summary of the legal issues raised by the attorney for the Julian Fire Plugs Association – including references to current litigation – and commented no issues were raised that would preclude LAFCO from taking action at the hearing.

Chair MacKenzie asked if there were any questions for staff. Seeing none, Chair MacKenzie stated LAFCO would now hear from the two applicants: Julian-Cuyamaca FPD and County Fire Authority followed by audience members. Chair MacKenzie stated each applicant would receive up to 15 minutes to make their presentation. Chair MacKenzie added audience members representing organizations or groups would be given up to seven minutes and individuals speaking for themselves having up to three minutes.

Julian-Cuyamaca FPD Board Members, President Jack Shelver, Aida Tucker, and Kristen Starlin sequentially addressed the Commission and outlined the District's support for the staff recommendation to approve the reorganization. These speakers collectively detailed the Julian-Cuyamaca FPD's service and financial challenges.

County Fire Chief Tony Mecham addressed the Commission and outlined the County Fire Authority's support for the staff recommendation to approve the reorganization. Chief Mecham outlined the County Fire Authority's plan of service for the affected territory and detailed benefits to the community in terms of service levels and costs. Chief Mecham added his commitment to work with the Julian volunteer firefighters and reserves going forward.

Chair MacKenzie asked if there were any questions from the Commission for the applicants.

Commissioner Horn asked Chief Mecham to clarify the need and frequency for air coverage in the Julian area. Chief Mecham responded that air coverage in the area is important given it is a high risk for wildfires, and through CALFIRE this resource – and regardless of the reorganization proposal – will remain available.

Commissioner Sprague asked Chief Mecham to address concerns about the County Fire Authority pulling resources away from Julian during emergency events. Chief Mecham responded that resources of the County Fire Authority and CALFIRE are separate, and while the State moves engines up and down the state, Julian's dedicated paramedic engine stays.

Seeing no more questions for the applicants, Chair MacKenzie invited audience members to address the Commission starting with organizations and followed by individuals.

The following speakers representing an organization or group addressed the Commission:

- Patricia Landis, Julian Fire Plugs Association; oppose reorganization
- Mike Hatch, Firefighters Association of Julian; oppose reorganization
- Heather Rowell, Julian Cuyamaca Citizens Committee of 100; oppose reorganization
- David L. Toler, Kumeyaay Land Conservancy; neutral

The following individual speakers addressed the Commission:

- Philip Grimm; support reorganization
- Lynne Jarman; oppose reorganization
- Ben Tulloch; support reorganization
- Toni Harter; oppose reorganization
- Karen Kiefer; oppose reorganization
- Barbara Nigro; oppose reorganization
- Ryan Grothe; oppose reorganization
- Monica Gallina, oppose reorganization

- Patrick Redtz; oppose reorganization
- Nancy Kramer; oppose reorganization
- William Everett; oppose reorganization
- Jacqueline Egan-Barry; oppose reorganization
- Lori Foss; oppose reorganization
- Lesley McClelland; oppose reorganization
- Nick Ketelsen; oppose reorganization
- Devi Ketelsen; oppose reorganization
- Thayer Breha; oppose reorganization
- Ted Grisworld; neutral (attorney for Kumeyaay Land Conservancy)
- Don Rowan; oppose reorganization
- Ray Sproat; oppose reorganization
- Constance Schumit; oppose reorganization
- Ken Rice; oppose reorganization
- Allison Shenk; oppose reorganization
- James Wismer; oppose reorganization
- Evelina Hatch; oppose reorganization

Having no more speaker cards, Chair MacKenzie noted for the record LAFCO received several cards of individuals in the audience that did not wish to speak but did want to register their positions. Chair added of the 21 cards received 15 were in opposition to the reorganization and 6 were in favor of the reorganization.

Seeing no others approach the dais Chair MacKenzie closed the public hearing.

(Commissioner Lorie Zapf left the meeting at 11:55 am.)

Chair MacKenzie invited comments from the Commission.

Commissioner Jacob thanked the audience for attending the hearing and addressing LAFCO about their thoughts on the reorganization and the staff recommendation to approve. Commissioner Jacob commented about the value of local control coupled with the need to have adequate funding resources. Commissioner Jacob addressed several comments received during the public testimony. This included detailing the County's commitment to funding fire protection services and plans to sponsor Measure A this November to add fire protection to the County Charter.

Commissioner Jacob asked for clarity about approving the staff recommendations in order for the registered voters and property owners to vote on the reorganization. Executive Officer confirmed approval of the reorganization was necessary for the public to get to vote on the topic through protest proceedings; it would not go to the community otherwise.

Commissioner Jacob also asked for clarification on whether there was a need for LAFCO to further address the status of the land at Station No. 56 and the testimony received that it would revert back to a private landowner and not transfer to County Fire Authority. Commission Counsel responded and stated she agreed with County Counsel and the land would transfer to the County Fire Authority should the reorganization proceed, and as such mooted the need to include an approval term.

Commissioner Jacob proceeded to make a motion to approve the staff recommendation for Alternative One. Commissioner Horn second.

Chair MacKenzie invited other comments from the Commission before proceeding with the motion on the floor.

Commissioner Horn noted his experience witnessing fires in San Diego County and the challenges therein before the County Fire Authority was created. Commissioner Horn added the County Fire Authority was the best option for the Julian community based on available resources while adding the community will have the opportunity to decide during protest proceedings.

Commissioner Sprague commented that he was disappointed the issue has created a division within the Julian community while also lamenting some of the poor decisions of the prior Julian-Cuyamaca FPD management leading to the reorganization proposal.

Commissioner Vanderlaan commented he too was disappointed the issue had caused so much distress in the community, and added it was time the two sides came together.

Seeing no other comments, Chair MacKenzie called for a vote.

The Commission Secretary recorded the following votes:

AYES: Commissioners Blakespear, Horn, Jacob, MacKenzie, Sprague, Vanderlaan, and Wells

NOES: None

ABSENT: Commissioners Cate, Cox, and Zapf

ABSTAINING: None

The Secretary confirmed the motion was approved 7-0 and one absent.

(over)

## **CLOSED SESSION**

Chair MacKenzie noted closed session items listed on the agenda as 2 through 4 will be taken up at the next Commission meeting on October 1, 2018.

### **Item 2**

#### **Conference with Legal Counsel – Existing Litigation:**

Pursuant to Government Code Section 54956.9(d)(1): Southcott et al. v. Julian-Cuyamaca Fire Protection District, et al., San Diego Superior Court Case No. 37-2018-0023393-CU-WM-CTL; Fourth District Court of Appeal Case No. D074324.

### **Item 3**

#### **Conference with Legal Counsel – Existing Litigation:**

Pursuant to Government Code Section 54956.9(d)(1): Southcott et. Al. v. L. Michael Vu, et. Al., Fourth District Court of Appeal Case No. DD74311.

### **Item 4**

#### **Conference with Legal Counsel – Anticipated Litigation:**

Pursuant to California Code Section 54956(d)(2): Significant exposure to litigation involving one case.

## **EXECUTIVE OFFICER REPORT**

The Executive Officer made the following comment:

- The protest hearing for the Julian-Cuyamaca FPD reorganization has been tentatively scheduled for October 16, 2018 with confirmation coming shortly.

## **COMMISSIONER ANNOUNCEMENTS | REQUESTS FOR FUTURE ITEMS**

None

## **ADJOURNMENT TO NEXT REGULAR MEETING**

There being no further business to come before the Commission, the meeting was adjourned by Chair MacKenzie at 12.20 p.m. until October 1, 2018 upon approval by the Commission.

**Attested:**  
**TAMARON LUCKETT**  
**EXECUTIVE ASSISTANT**