

**SAN DIEGO LAFCO  
MINUTES OF THE REGULAR MEETING  
AUGUST 4, 2003**

There being a quorum present, the meeting was convened at 9:00 a.m. by Chairwoman Dianne Jacob. Also present were: Regular Commissioners – Councilmember Patty Davis, Supervisor Bill Horn (who entered at 9:05 a.m.), Bud Pocklington, Andrew Vanderlaan and Ron Wootton; Alternate Commissioners – Andrew Menshek, Harry Mathis, and Councilmember Betty Rexford; LAFCO and County Staff – Executive Officer Michael Ott, Chief, Policy Research Shirley Anderson, Chief, Governmental Services Ingrid Hansen and Legal Counsel Mara Elliott, (substituting for LAFCO Counsel Bill Smith, who was absent). Absent were: Commissioners – Councilmember Donna Frye, and Councilmember Jill Greer; and Alternate Commissioner – Supervisor Greg Cox.

**Item 1**  
**Approval of Minutes**  
**of Meeting Held July 7, 2003**

On motion of Commissioner Pocklington, seconded by Commissioner Davis, the commissioners dispensed with reading the minutes of July 7, 2003, and approved said minutes.

**Item 2**  
**Executive Officer's Recommended Agenda Revisions**

Michael Ott indicated he is recommending that the Commission continue Items 8A and 8B to a future meeting. Mr. Ott said that he would explain the revised recommendation to continue these items when they are heard by the Commission.

**Item 3**  
**Commissioner/Executive Officer Announcements**

Commissioner Pocklington requested that the Commission meeting be adjourned in memory of James "Ski" Wolniewicz, a member of LAFCO Special Districts Advisory Committee since 1999, and the South Bay Irrigation District's Board of Directors since 1992, who passed away on July 12, 2003.

Mr. Ott indicated that at the September 8, 2003 meeting, the Commission would consider the municipal service review and sphere of influence update involving the North County Inland area.

Mr. Ott provided an update to the Commission regarding a meeting with the Mayor of the City of Vista and LAFCO staff, to discuss the moratorium the City has imposed on City annexations. Mr. Ott said the Vista City Council would hear this issue on

September 23, 2003, and that he would report to the Commission on the status of the moratorium after the hearing.

Mr. Ott explained that three handouts were distributed to the Commission members prior to the meeting, indicating one handout concerned Items 8A and 8B, the other two handouts were related to Item 12.

**Item 4**  
**Public Comment**

No members of the public requested to speak.

**Item 5**  
**Proposed “Samples Reorganization”**  
**(City of Encinitas) (RO03-07)**

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

- (1) Certified that the determination by the City of Encinitas that this reorganization is exempt by Section 15319(b) of the State CEQA Guidelines has been reviewed and considered; and
- (2) Adopted the form of resolution approving this reorganization 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 reorganization subject to the following condition:

Payment of LAFCO and State Board of Equalization fees.

**Item 6**  
**Proposed “Cressy Reorganization”**  
**(Vallecitos Water District) (RO03-06)**

On motion of Commissioner Pocklington, seconded by Alternate 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 15320 of the State CEQA Guidelines, the reorganization is not subject to the environmental impact evaluation process because the changes of organization of these local governmental agencies do not change the geographical area in which previously existing powers are exercised; and

- (2) Adopted the form of resolution approving this reorganization 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 reorganization subject to the following terms and conditions:

**Vallecitos Water District**

- a) Payment of the following annexation fees to the Vallecitos Water District for inclusion of property in Improvement Districts 5 & 6 for water and sewer service:

Sewer annexation	=	\$ 8,119.18
Water annexation	=	\$ 2,132.57
State Board of Equalization fee	=	<u>\$ 350.00</u>

TOTAL AMOUNT = \$10,601.75

- b) Connection to district water or sewer mains will be allowed after completion of the annexation to VWD, detachment from VID, final approval from LAFCO, payment of all annexation fees and payment of all current fees and charges, and Board acceptance of all water and sewer facilities for the project.

**Vista Irrigation District**

- a) Payment of the following detachment fees to the Vista Irrigation District:

VID Administration Fee	=	\$ 611.00
Detachment Fee	=	\$ 767.36
Execution and Assignment of Water Rights Document	=	<u>\$ 62.00</u>

TOTAL AMOUNT = \$ 1,440.36

- b) Payment by the property owner of LAFCO processing fees and State Board of Equalization charges.

**Item 7A**

**Adoption of an Amendment to the Sphere of Influence for the Lakeside Sanitation District (SA02-16)**

**Item 7B**

**Proposed "Blossom Valley Middle School Annexation" to the Lakeside Sanitation District (DA02-16)**

Chairwoman Jacob opened the public hearing. Mr. Ott gave a brief explanation of this item and indicated that he was recommending the item be continued for a period not to exceed 60 days. He said the reason for the continuance was that staff needs time to

evaluate the comments that have recently been received and also to evaluate the ramifications of the annexation and sphere amendment on the sphere of influence update and municipal service review process. The Commission waived the staff report on this item.

Janice Cook, Superintendent, Cajon Valley School District, addressed the Commission, and thanked the members and staff of the Lakeside Sanitation District, who have worked with the School District on this project for the past two years. She indicated she was surprised the recommendation was to continue these items. She said that the District circulated a notice of preparation describing the project more than a year ago, and the public, neighbors and jurisdictional agencies were apprised of the notice of preparation. She said the School District presented the proposed project as a courtesy to the Alpine Planning Group and the Lakeside Planning Group in the summer of 2002. She said that extensive outreach was made communicating the project to the public and area residents, and their comments were addressed and included in the Environmental Impact Report (EIR). She indicated that on April 2, 2003, the draft EIR was distributed and available for public review through May 16, 2003. She said the School District's governing board held a public hearing to receive comments on the EIR on May 13, 2003. She said all jurisdictional agencies' draft comments were responded to on July 12, 2003. Ms. Cook said the Cajon Valley School District's governing board certified and approved the final EIR as complete and adequate, in addition to approving the findings of facts; and supported the Blossom Valley Middle School project in a statement of overriding considerations on June 24, 2003. To fully address possible concerns relating to the EIR, Ms. Cook stated the opening date for the proposed middle school project was "pushed back one year." She indicated the school district is experiencing tremendous over-crowding in that portion of the district and further delays will continue the overcrowding. She indicated the specific issues regarding environmental concerns have been fully addressed in the EIR. She said she would encourage the Commission to move forward with the project, and that any delay to the project will mean further delay of the opening of the school and may actually jeopardize the "state-matching funds."

Responding to a question from Chairwoman Jacob, Ms. Cooper indicated that a lawsuit has been filed, which is a challenge to the EIR, and said this "lawsuit" would not have an impact on the Commission's deliberations.

Chairwoman Jacob said the Executive Officer's recommendation is to continue these items in order to give staff a chance to look at the new issues in terms of the municipal service review, which has been in progress since the Alpine Christian Fellowship Church annexation was approved in 2000. Chairwoman Jacob said that a 30-day continuance would not delay the opening of the school.

Wayne Oetken, Assistant Superintendent – Business Services, Cajon Valley School District, addressed the Commission, indicating the opening of the school was delayed for one year to accommodate concerns from the community. Mr. Oetken said the project is the result of a bond that was passed over two years ago. He said the children in the

community are transported out of the region to attend middle school due to an overcrowded situation.

Commissioner Davis asked Mr. Oetken about the deadline regarding the state-matching funds. Mr. Oetken said the issue should go to the State no later than November 2003.

Evelyn Provaznik addressed the Commission, indicating she feels the EIR is inadequate, incomplete and should not have been adopted by the Cajon Valley Union School District. She said she is asking the Commission to deny the request for annexation, or wait to make a decision until after the legal matters have been resolved.

Chairwoman Jacob explained to Ms. Provaznik that the request to continue this item was not because of the legal issues, but rather for staff to have the time to analyze the request in relationship to the municipal service review process.

Tammy Carter addressed the Commission, indicating she read the entire EIR and felt that it was inadequate and incomplete. She said she was amazed at how the District "brushed over or glossed over" so many things, and at how biased the EIR was toward the School District. Ms. Carter said she also had a question regarding the connection at Chocolate Summit, and whether the elevation is high enough to supply the site with sewer connection. She asked if LAFCO would be taking this issue into consideration. Ms. Carter said she is hoping Dunbar Lane will not have to be realigned to meet the elevation connection for the sewer.

In response to a question of Chairwoman Jacob, Mr. Ott said that the provision of sewer service does represent a LAFCO issue, and staff will look into the matter before the next meeting.

Responding to Chairwoman Jacob's request to explain LAFCO's responsibilities regarding the environmental document, Mr. Ott introduced Legal Counsel Mara Elliott, who indicated that pursuant to regulations in the Public Resources Code, the EIR is treated as a certified document, and LAFCO does not reanalyze what is contained in the EIR.

Chairwoman Jacob asked Mr. Ott to explain the focus of LAFCO. Mr. Ott indicated that for this annexation, the focus of LAFCO will be on the service ramifications of extending sewer service to the particular site. He said questions have been raised regarding the capacity and the availability of service that staff needs to thoroughly consider before the next meeting. He said that one determination that LAFCO will need to make for this annexation is whether or not the sphere of influence needs to be amended to accommodate the annexation. He said the sphere of influence is a planning tool that LAFCO establishes to show where jurisdictional boundaries should be expanded. He said that the primary factors LAFCO considers in determining whether or not spheres of influence should be amended are if services are available, and if there is sufficient capacity for the extension of services. Mr. Ott said that LAFCO also considers other required factors such as social and economic issues.

Alternate Commissioner Mathis asked for clarification of the certifying agency and decision-maker for this project. Chairwoman Jacob indicated the Cajon Valley School District was the certifying agency and decision-maker.

Chairwoman Jacob said that anyone who has questions or comments should submit their concerns to Mr. Ott in writing before the proposal returns to the Commission.

Commissioner Wootton asked Mr. Ott to explain the wording of LAFCO's certification of the EIR in Recommendation 2 of the staff report. Mr. Ott said that under the California Environmental Quality Act, LAFCO is a responsible agency for this project, and that the school district, not LAFCO, is the lead agency. He said the school district prepared and certified the EIR. Mr. Ott said that LAFCO's role as responsible agency is to review and consider the environmental determinations of the lead agency. Mr. Ott said that Recommendation 2 on page 3 of the staff report indicates... "*Certify*, pursuant to Section 15091 of the State CEQA Guidelines, that the Commission has reviewed and considered the attached EIR." Mr. Ott said that, in this case, LAFCO is certifying the *decision* that the school district made in adopting their environmental impact report. Mr. Ott said the statement of overriding considerations shows that there are offsetting benefits associated with the project. Mr. Ott said that, as a responsible agency, the Commission will be asked to review, consider and approve the previously adopted determinations by the lead agency.

Chairwoman Jacob indicated that she would move the Executive Officer's recommendation to continue these items be approved. Commissioner Pocklington said he would second the motion, and expressed his concerns about the delay and said he hoped staff could bring the item to the Commission in September rather than October. Commissioner Pocklington indicated he wants to move forward with this project as quickly as possible.

Responding to a question from Commissioner Wootton, Mr. Ott explained the Commission's options regarding this project. Mr. Ott said that the Dunbar Lane Task Force has filed a lawsuit challenging the adequacy of the EIR.

Responding to a question from Chairwoman Jacob, Legal Counsel Mara Elliott said she agreed with everything that Mr. Ott said and that she did not have anything to add.

On motion of Commissioner Jacob, seconded by Commissioner Pocklington, and carried unanimously by the commissioners present, the Commission closed the public hearing, and took the following action:

Continued Items 8A and 8B to the September 8, 2003 meeting.

**Item 8A**  
**Adoption of an Amendment to the Sphere of Influence for the Lakeside Sanitation District (SA03-09)**

**Item 8B**  
**Proposed “Caster Properties Annexation” to the Lakeside Sanitation District (DA03-09)**

Chairwoman Jacob opened the public hearing. The Commission waived the staff report on this item.

With no members of the public wishing to speak in support or in opposition of the item, on motion of Commissioner Vanderlaan, seconded by Commissioner Wootton, 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 15320 of the State CEQA Guidelines, the annexation is not subject to the environmental impact evaluation process because the proposal area involves a change in organization, which does not change the geographical area in which previously existing powers are exercised.
- (2) Amended the sphere of influence of the Lakeside Sanitation District and adopt the written Statement of Determinations as shown in Exhibit A;
- (3) Adopted the form of resolution approving the minor sphere amendment and 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 annexation subject to the following term and condition:

Payment of all District annexation fees and Board of equalization fees.

**Item 9**  
**Proposed “Ruiz Annexation” to the Spring Valley Sanitation District (DA03-20)**

This was an information item and no action was required.

**Item 10**  
**Proposed “Silva Annexation” to the Vallecitos Water District (DA03-21)**

This was an information item and no action was required.

**Item 11**

**Proposed Amendment to the Sphere of Influence for the City of San Marcos: San Elijo Ridge Reorganization – Commission direction is requested on whether to process the San Elijo Ridge Reorganization as a City Sphere Amendment or Sphere Update**

Mr. Ott indicated LAFCO staff is requesting direction from the Commission on whether to process the proposed “San Elijo Ridge Reorganization” as a minor sphere amendment, or a comprehensive update of the San Marcos Sphere of Influence. Mr. Ott introduced Shirley Anderson, who gave the staff report, which included a PowerPoint presentation.

Commissioner Wootton said he is concerned about the definition of a minor sphere amendment. He said that he feels this project is “right on the edge or a couple of steps beyond what could reasonably be called a minor sphere amendment.” He said that, because he feels uncomfortable in continuing to approve “minor” sphere amendments without the sphere review process, he would abstain from voting on this item.

Responding to a question from Commissioner Pocklington, Mr. Ott indicated that the City of San Marcos is not part of the North County Inland Municipal Service Review and Sphere of Influence Update, which will be heard by the Commission at the September meeting. Commissioner Pocklington asked if the delay in municipal service reviews and sphere of influence updates is the result of lack of staffing. Mr. Ott indicated that LAFCOs statewide are dealing with this issue, and that none of the LAFCOs have sufficient staff to update municipal service reviews and spheres of influence every five years. Mr. Ott said San Diego LAFCO is hoping to streamline the process to make it more workable, and said it is a resource issue in terms of staffing and costs.

With Commissioner Wootton abstaining, on motion of Commissioner Horn, seconded by Commissioner Pocklington, the Commission took the following action:

Authorized LAFCO staff to process the San Elijo Ridge Reorganization as a minor amendment to the City of San Marcos sphere of influence.

AYES: Commissioners Davis, Horn, Jacob, Pocklington, Vanderlaan, and Alternate Commissioner Rexford

NOES: None

ABSTAIN: Commissioner Wootton

ABSENT: Commissioners Frye and Greer



**Item 12**  
**Sphere of Influence Summary Updates**

Ingrid Hansen indicated that the San Diego LAFCO's *2003 Sphere of Influence Summary for Cities and Special Districts* were distributed to the Commission in the agenda packet. Ms. Hansen said that during the last fiscal year the Commission approved 14 minor sphere amendments for independent special districts, but there were no city sphere amendments approved during this period. She said an increase in activity is anticipated for the next several years, because sphere reviews and updates are required every five years.

This was an information item and no action was required.

**Item 13**  
**Annual CALAFCO Conference – September 24-26, 2003, and Designation of Voting Representative and Nominations(s)**

Mr. Ott presented the staff report, indicating the CALAFCO Conference will be held September 24 – 26, 2003, in San Francisco. He said that Commissioner Wootton, who is an executive board member, will be attending, and that two to four Commissioners would be able to attend.

Commissioner Wootton said he would encourage Commissioners to attend the conference this year, and that CALAFCO Board elections will be held at the conference.

Commissioner Vanderlaan indicated that he would like to attend the conference and would be interested in running for public member on the CALAFCO Executive Board.

Commissioner Davis indicated that she would like to attend the conference.

Commissioner Horn indicated that he would like to attend the conference, if his schedule permits.

Chairwoman Jacob indicated the Alternate Commissioner Rexford would be designated as a possible backup

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

- (1) Determined that Commissioners Wootton, Vanderlaan, Davis and Horn attend the Annual CALAFCO Conference from September 24 – 26, 2003, with Alternate Commissioner Rexford designated as a backup.

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

- (2) Determined that Commissioner Vanderlaan should be nominated to be considered for the CALAFCO Executive Board public member.

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

- (3) Designated Commissioner Wootton as the San Diego LAFCO's primary CALAFCO voting representative during the 2003 CALAFCO business session.

**Item 14**  
**Fourth Quarter Budget Update FY 2002-03**

This was an information item and no action was required.

**Item 15**  
**Quarterly Self-Approved Expense Claims Report**

This was an information item and no action was required.

**Item 16**  
**2003-04 Legislative Report**

Mr. Ott discussed Chapter 8 of the Governor's Office of Planning and Research Municipal Service Review Guidelines, indicating CALAFCO opposes the section regarding environmental justice. Mr. Ott said this section was put into the guidelines without the necessary review of task force members.

Commissioner Wootton said that the comments, suggestions and requirements included in Chapter 8 deals with sphere of influence decisions rather than municipal service review decisions. He said the authors wanted to get the environmental justice provisions into the guidelines so that agencies around the state would take them into consideration.

This was an information item and no action was required.

Commissioner Davis indicated she would not be attending the September 8, 2003 LAFCO meeting.

Alternate Commissioner Rexford indicated she would not be attending the September 8, 2003 LAFCO meeting.

There being no further business to come before the Commission, and with Commissioner Pocklington saying a few words in memory of James "Ski" Wolniewicz, the meeting adjourned at 10:05 a.m., to the September 8, 2003 meeting, in Rooms 302-303, County Administration Center.

**JAN BRYSON**  
**Executive Assistant**