

**SAN DIEGO LAFCO
MINUTES OF THE REGULAR MEETING
DECEMBER 1, 2003**

There being a quorum present, the meeting was convened at 9:03 a.m. by Chairwoman Dianne Jacob. Also present were: Regular Commissioners – Councilmember Donna Frye, Councilmember Jill Greer, Supervisor Bill Horn, Bud Pocklington, Andrew Vanderlaan and Ronald Wootton; Alternate Commissioners – Harry Mathis, Andrew Menshek and Councilmember Betty Rexford; LAFCO and County Staff – Executive Officer Michael Ott, and LAFCO Counsel William Smith. Absent were: Regular Commissioner – Councilmember Patty Davis; Alternate Commissioner – Supervisor Greg Cox.

Item 1

**Approval of Minutes
of Meeting Held November 3, 2003**

With Commissioner Greer abstaining, on motion of Commissioner Horn, seconded by Commissioner Wootton, the commissioners dispensed with reading the minutes of November 3, 2003, 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 Announcements

On behalf of the Commission and LAFCO staff, Chairwoman Jacob presented a plaque to Michael D. Ott, Executive Officer, in recognition and appreciation of 20 years of dedicated service to the Local Agency Formation Commission – from 1983 to 2003, and as Executive Officer from 1992 to 2003.

Commissioner Frye indicated there is an item on the San Diego City Council docket for 2:00 p.m., on December 1, 2003, regarding formation of the "San Diego Regional Fire Prevention and Emergency Preparedness Task Force." She said that creation of the Task Force was at the request of Supervisor Greg Cox and Mayor Dick Murphy, and indicated that LAFCO was not represented on the Task Force. She indicated she felt that LAFCO should be represented on this Task Force, and asked if the Commission would be able to discuss the matter at this meeting.

Legal Counsel William Smith said that a provision of the Brown Act allows the Commission to find that the matter did not come to the attention of the Local Agency Formation Commission until after the agenda was posted, and that there is a need for immediate action on the matter, and with a two-thirds vote, the Commission could place the item on the agenda.

In response to a question from Alternate Commissioner Mathis, Legal Counsel William Smith said the Commission would be permitted to take action on this matter.

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

Found that the matter of creation of the “San Diego Regional Fire Prevention and Emergency Preparedness Task Force” did not come to the attention of the Local Agency Formation Commission until after the agenda was posted, and that there was a need for immediate action; and placed the item on the agenda for further discussion by the Commission.

Item 4
Public Comment

No members of the public requested to speak.

Item 5
Proposed “Van Maanen Reorganization”
(City of Escondido) (RO03-28)

On motion of Commissioner Pocklington, seconded by Commissioner Greer, 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; 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:

Property owners to pay a processing fee, application fee, annexation fee, connection fee and connection costs, and State Board of Equalization fee, to the City of Escondido; and payment of all San Diego LAFCO processing fees.

Item 6
Administrative Approval of a Contractual Service Agreement:
Vallecitos Water District / Oscar Salcedo (OAS03-30; DA03-30)

This was an information item and the Commission took no action.

Item 7**Administrative Approval of a Contractual Service Agreement:
City of La Mesa / Louis Quinn (OAS03-32; DA03-32)**

This was an information item and the Commission took no action.

Item 8**Selection of 2004 LAFCO Chair and Vice Chair**

Mr. Ott said that each year in December, the Commission appoints the LAFCO Chair and Vice Chair for the following year. Mr. Ott provided a "Summary of LAFCO Chair and Vice Chair" to the Commission, and said that, based on the membership rotation goal of the Commission, the current Vice Chair, Commissioner Davis (City Representative) would become the 2004 chair. Mr. Ott explained that the rotation system for Vice Chair was more complicated because the following categories could be considered for the position: City of San Diego (Councilmember Frye), Public Member (Commissioner Vanderlaan), and Special District Member (Commissioner Pocklington).

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

Appointed Commissioner Davis (City Member) as the 2004 LAFCO Chair, effective January 1, 2004; and appointed Commissioner Pocklington (Special District Member) as the 2004 LAFCO Vice Chair, effective January 1, 2004.

Item 9**Holiday Office Closure/Cancellation
of the January 5, 2004 Meeting**

The Commission waived the staff report on this item, and indicated the LAFCO office will be closed from December 22 through 26, 2003, according to the Executive Officer's report.

Item 10**Legislative Report**

Mr. Ott indicated this item is a summary of LAFCO or San Diego County related bills that LAFCO staff has been tracking for the 2003-2004 Legislative session. He discussed AB 520, which is a bill that waives certain restrictions of the Government Code to allow Santa Cruz LAFCO to approve annexations with extended effective dates. Mr. Ott said this legislative issue was opposed by CALAFCO, and indicated San Diego LAFCO did not take a position on this bill because it was a Santa Cruz County only bill. Mr. Ott said the Governor signed the bill, which is precedent-setting because Santa Cruz LAFCO now has the ability to make its decisions effective into the future, as opposed to having a one-year timeframe.

Commissioner Wootton said the bill was amended to relieve some of CALAFCO's concerns, and said that LAFCO is still involved in the approval process. He said the basic issue of this bill was a result of the "growth initiative."

Mr. Ott said that earlier versions of the bill eliminated LAFCO from the decision-making process, and that LAFCO has purview over decisions.

Mr. Ott discussed AB 1385, regarding the San Diego County Water Authority, which is designed to allow member agencies to be removed without losing entitlements to water rights. Mr. Ott said that, based on the concerns the Commission expressed to the author and to the sponsors of the bill, this bill was withdrawn at the author's request.

Mr. Ott discussed SB 66, an Omnibus bill, and indicated there was a provision in the bill that had a major impact affecting the Borrego Water District. Mr. Ott said the Governor signed the bill, which allows the Borrego Water District to assume the responsibilities of Borrego Springs Park and Recreation District, a small district located totally within its jurisdictional boundaries. Mr. Ott said there are some issues associated with the bill in terms of having a single-purpose district assume responsibilities of a multi-purpose district, such as a community services district.

Commissioner Wootton said discussion at the Senate Local Government Committee Interim Committee Hearing included SB 456, introduced by Senator Ortiz, which deals with compensation to the Sacramento Suburban Water District. Commissioner Wootton said the hearing addressed oversight that presently exists for special districts finances, especially compensation of staff and board members.

This was an information item and the Commission took no action.

Item 11A

Personnel Matter: Discuss the Recommendation of the Executive Officer's Performance/Compensation Review Committee; *adjourn to Closed Session if Requested by the Commission*

Item 11B

Personnel Matter: Reconvene to Public Session if a Closed Session is called, and Approve the Recommendations of the Executive Officer's Performance/Compensation Review Committee

Chairwoman Jacob introduced the item.

On motion of Commissioner Vanderlaan, seconded by Commissioner Greer, and carried unanimously by the Commissioners present (Commissioners Frye, Greer, Horn, Jacob, Pocklington, Vanderlaan and Wootton, and Alternate Commissioner Rexford), the Commission concurred with the Executive Officer's Performance/Compensation Review Committee, and approved the Committee's recommendations.

Item 12
**San Diego Regional Fire Prevention and
Preparedness Task Force**

Chairwoman Jacob introduced this item, which was placed on the agenda at the request of Commissioner Frye.

Commissioner Frye indicated this item would be heard at the San Diego City Council meeting on December 1, 2003, at 2:00 p.m. She indicated the mission of the Task Force is to provide a forum for representatives of the public safety disciplines to review, discuss and develop recommendations for fire prevention and emergency preparedness in the San Diego region. Commissioner Frye said the proposed co-chairs of the Task Force are San Diego County Sheriff Bill Kolender and San Diego City Fire Chief Jeff Bowman. She said the Task Force will address the following:

1. How can the City and County be better prepared for fire and other emergencies?
2. How can the City and County more efficiently use existing resources?
3. What changes are needed to existing codes, regulations and ordinances?

Commissioner Frye indicated there was an absence of LAFCO representation, and said it was important that the Commission be represented on the Task Force. She said she would like Commissioner Wootton or Commissioner Vanderlaan represent LAFCO on the Task Force, and that she would bring this matter forward at the City Council meeting and request that a representative from LAFCO be added to the Task Force.

Commissioner Pocklington said that he concurs with Commissioner Frye, and said that Alternate Commissioner Menshek should also be added as a representative because he has been very involved in the recent fires, and also involved in past fires in the San Diego region. He said that Supervisor Cox is an alternate member of the Commission and that the Executive Officer should send a letter to the City of San Diego asking them to accept a representative of LAFCO as a member of the Task Force.

Commissioner Vanderlaan said that having been involved with the LAFCO-supported Task Force on Fire Protection and Emergency Medical Services is an important factor, and that both he and Alternate Commissioner Menshek are members of the Task Force. He indicated that Commissioner Wootton is a Board Member of the Vista Fire District, and that any of these three members of the Commission would be appropriate. He said that he would be honored to serve if the Commission felt he was the appropriate person to serve, but said that he would also support either Commissioner Wootton or Alternate Commissioner Menshek.

Alternate Commissioner Menshek said he agreed with Commissioner Vanderlaan that all three Commissioners are qualified to serve on the Task Force. He said he applauds Commissioner Frye for bringing the issue to the attention of the Commission. He said the smaller special districts were lacking representation on the Task Force, and that LAFCO would be the vehicle to represent them. He indicated that he also would be interested in serving on the Task Force. He asked if more than one member of LAFCO could serve on the Task Force.

Commissioner Frye said that she would submit as many names as the Commission would like to have serve on the Task Force.

Chairwoman Jacob complimented Commissioner Frye for bringing the issue before the Commission. She said it should be recognized that LAFCO's countywide Task Force on Fire Protection and Emergency Medical Services was formed in 1999, and has been hard at work on these issues. Chairwoman Jacob said it is important to not duplicate efforts, and that there be coordination between the City's newly created Task Force and the LAFCO-supported Task Force. She said that since both Commissioners Vanderlaan and Menshek serve on the LAFCO-supported Task Force, it might be appropriate for these two members to represent the Commission on the San Diego Regional Fire Prevention and Emergency Preparedness Task Force.

Commissioner Frye made a motion to have one principal and one alternate representative on the San Diego Regional Fire Prevention and Emergency Preparedness Task Force. Commissioner Wootton seconded the motion.

Commissioner Frye read the list of proposed Task Force members. Commissioner Wootton said the fire protection districts were not represented on the Task Force.

Alternate Commissioner Menshek asked Commissioner Frye if she would amend her motion to allow two primary members to represent LAFCO on the Task Force. Commissioner Frye said that she would amend her motion to include both Commissioners Vanderlaan and Menshek as LAFCO representatives to the San Diego Regional Fire Prevention and Emergency Preparedness Task Force, and that she would bring this forward at the City Council meeting.

Chairwoman Jacob asked if the amended motion was acceptable to Commissioner Wootton, who seconded the motion. Mr. Wootton said that the amendment to the motion was acceptable to him.

Commissioner Frye asked that LAFCO's Executive Officer prepare a brief letter for her to present at the City Council meeting requesting that Commissioners Vanderlaan and Mensek be appointed to the Task Force.

Responding to a question from Alternate Commissioner Rexford, Chairwoman Jacob explained that the County has had a countywide Task Force on Fire Protection and Emergency Medical Services since 1999. She said the Task Force was an outgrowth of a report that LAFCO prepared in 1997. Chairwoman Jacob said the Task Force on Fire Protection and Emergency Medical Services has already been working on these issues.

Commissioner Frye asked Mr. Ott to include in his letter information on the LAFCO-supported Task Force, and when it was formed.

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

Designated Commissioner Vanderlaan and Alternate Commissioner Menshek to serve as representatives of San Diego LAFCO on the San Diego Regional Fire Prevention and Emergency Preparedness Task

Force, and that a letter be prepared by the Executive Officer to the City of San Diego requesting their appointment to this Task Force.

Mr. Ott said that he will emphasize the geographic aspect of representation of both these Commissioners, indicating that Commissioner Vanderlaan is a former Fire Chief of the North County Fire Protection District, and Commissioner Menshek is a Battalion Chief for the East County Fire Protection District.

There being no further business to come before the Commission, the meeting adjourned at 9:40 a.m. to the February 2, 2004 meeting.

JAN BRYSON
Executive Assistant