

**APPROVED MINUTES  
SAN DIEGO LAFCO  
October 7, 2019 REGULAR MEETING**

**1. CALL TO ORDER | ROLL CALL**

The meeting was called to order at 9:00 a.m. by Chair MacKenzie in the County of San Diego Administration Center, 1600 Pacific Highway, Room 302, San Diego.

The Commission Clerk performed the roll call with the following attendance recorded.

Regulars Present: Jim Desmond, County of San Diego  
Dianne Jacob, County of San Diego (VICE CHAIR)  
Mark Kersey, City of San Diego  
Jo MacKenzie, Vista Irrigation District (CHAIR)  
Mary Casillas Salas, City of Chula Vista  
Andy Vanderlaan, Public  
Bill Wells, City of El Cajon  
Barry Willis, Alpine Fire Protection District

Alternates Present: Erin Lump, Rincon del Diablo Municipal Water District  
Paul McNamara, City of Escondido  
Harry Mathis, Public

Members Absent: Chris Cate, City of San Diego (alternate)  
Greg Cox, County of San Diego (alternate)

The Commission Clerk confirmed a quorum was present with eight voting members. Also present at the dais: Executive Officer Keene Simonds; Commission Counsel Carmen Brock; Chief Policy Analyst Robert Barry; Analyst Alex Vidal; and Executive Assistant Ruth Arellano serving as Commission Clerk.

Commissioner Salas arrived at 9:03 a.m.

**2. PLEDGE OF ALLEGIANCE**

Commissioner Jacob led the Commission in the Pledge of Allegiance.

**3. INTRODUCTION OF NEW COMMISSIONER**

Chair MacKenzie introduced new Alternate Commissioner Paul McNamara.

#### 4. AGENDA REVIEW

Chair MacKenzie asked the Executive Officer if there were requests to remove or rearrange items on the agenda. Executive Officer commented no changes to the agenda were recommended while separately noting a continuance has been requested by the applicant for Item No. 7a identified as the “San Marcos Highlands Reorganization” and would be taken up by the Commission in order of the agenda. Chair MacKenzie stated the Commission would proceed with the agenda as prepared.

#### 5. PUBLIC COMMENT

No comments.

#### 6. CONSENT ITEMS

##### Item 6a

##### **Approval of Meeting Minutes | August 5, 2019**

Item presented for action to approve draft summary minutes prepared for the Commission’s August 5, 2019 regular meeting. Recommendation to approve.

##### Item 6b

##### **Commission Ratification of Recorded Payments for July and August 2019**

Item presented for action to ratify recorded payments made and received for the months of July and August 2019. Recommendation to approve.

##### Item 6c

##### **Proposed “Orchard Hills Reorganization” | Concurrent Annexation to the Vallecitos Water District and Detachment from the Vista Irrigation District**

Item presented for action to consider a reorganization proposal filed by an interested landowner to annex 12.5 unincorporated acres to the Vallecitos Water District and concurrent detachment from Vista Irrigation District. The proposal’s purpose is to extend Vallecitos Water District’s wastewater and water services to facilitate the development of a 20-lot subdivision. Recommendation to approve the proposal without modifications along with standard terms. Recommendation to also waive protest.

##### Item 6d

##### **Ratification of an Administrative Approval | “Hamilton Lane – Felicita Road Outside Wastewater Services Agreement” - City of Escondido**

Item presented for ratification of an administrative approval by the Executive Officer of an outside-of-agency agreement to allow the City of Escondido to provide wastewater service to two unincorporated and developed residential parcels given evidence of failing septic systems. Recommendation to approve ratification.

## CONSENT ITEMS CONTINUED...

### Item 6e

#### **Protest Results for the Pauma Valley Fire Joint-Reorganization | Divestiture of Fire Protection and Emergency Medical Service Powers for Mootamai, Pauma, and Yuima Municipal Water Districts and Concurrent Expansion of Activated Fire Protection and Emergency Medical Services Latent Power Area for County Service Area No. 135**

Item presented for information and confirms no written objections from affected landowners or registered voters were received on LAFCO's earlier approval of the reorganization as part of a noticed protest hearing held on September 11, 2019. Reorganization will now be ordered once all approval terms have been satisfied.

### Item 6f

#### **Progress Report on 2019-2020 Workplan**

Item presented for action to review the current progress of projects established as part of the 2019-2020 workplan. Recommendation to receive and file.

### Item 6g

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

Item presented for information summarizing current proposals on file with LAFCO.

Chair MacKenzie identified the items listed on the consent calendar and asked if any members would like to pull an item, and if not to make a motion.

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Commissioner Desmond motioned to approve the consent calendar as recommended in the agenda reports with a second from Commissioner Vanderlaan. Roll call requested:

AYES: Desmond, Jacob, Kersey, MacKenzie, Salas, Vanderlaan, Wells, and Willis  
NOES: None  
ABSENT: Cate and Cox  
ABSTAINING: None

The Commission Clerk confirmed the motion was approved 8-0.

(continued)

## 7. PUBLIC HEARING ITEMS

### Item 7a

#### **Proposed “San Marcos Highlands Reorganization” | Concurrent Annexations to the City of San Marcos, San Marcos Fire Protection District, and Vallecitos Water District and Detachments from the Vista Fire Protection District and Vista Irrigation District with Associated Sphere of Influence Amendments**

Item presented for action to consider a reorganization proposal filed by an interested landowner with the principal request to annex 124.9 unincorporated acres to the City of San Marcos. Additional boundary changes involving portions of the affected territory are also proposed and involve concurrent annexations to the San Marcos Fire Protection District and Vallecitos Water District and detachments from Vista FPD and Vista Irrigation District. The purpose of the proposal is to facilitate the development of the affected territory as part of a 189-lot residential development tentatively approved by the City of San Marcos and titled “San Marcos Highlands.” Recommendation to approve the proposal and the requested boundary changes as submitted with conforming sphere of influence amendments. Standard approval terms are also recommended along with waiving protest proceedings.

Executive Officer Keene Simonds briefly presented the item and addresses the applicant’s request received ahead of the hearing to continue item to November 4, 2019.

Applicant representative Jim Simmons addressed the Commission on the request to continue the item.

Commission discussion.

Chair MacKenzie invited comments from the public on the requested continuance. No public comments received.

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Commissioner Jacob motioned to approve the continuance of this item to the November 4, 2019 with a second from Commissioner Vanderlaan. Roll call requested:

AYES: Desmond, Jacob, Kersey, MacKenzie, Salas, Vanderlaan, Wells, and Willis  
NOES: None  
ABSENT: Cate and Cox  
ABSTAINING: None

The Commission Clerk confirmed the motion was approved 8-0.

## **PUBLIC HEARING ITEMS CONTINUED...**

### **Item 7b**

#### **Municipal Service Review on the Escondido Region: Part One**

Item presented for action to formally receive a final report prepared as part of LAFCO's scheduled municipal service review on the Escondido region. The final report represents the first of a two-part municipal service review and is specific to addressing public services provided by the Deer Springs Fire Protection District and Rincon del Diablo Municipal Water District. The final report returns with limited revisions from its earlier draft presentation in August and subsequent public review. Recommendation to formally accept the final report and adopt a resolution making determinations addressing all of the factors required under statute as part of the municipal service review directive.

Analyst Alex Vidal presented the item and summarized key conclusions and recommendations in the final report.

Executive Officer Keene Simonds addressed requested staff revisions to the final report and accompanying resolution in response to an October 3<sup>rd</sup> comment letter received from the City of Escondido.

Commission discussion.

Chair Mackenzie opened the public hearing on the item and invited comments from the public. Comments were received from the following persons:

- Chris McKinney with the City of Escondido

Chair MacKenzie closed the public hearing.

Additional Commission discussion.

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Commissioner Wells motioned to approve the staff recommendation as provided in the agenda report along with requested revisions identified by the Executive Officer with a second from Commissioner Desmond. Roll call requested:

AYES: Desmond, Jacob, Kersey, MacKenzie, Salas, Vanderlaan, Wells, and Willis  
NOES: None  
ABSENT: Cate and Cox  
ABSTAINING: None

The Commission Clerk confirmed the motion was approved 8-0.

## 8. BUSINESS ITEMS

### Item 8a

#### **Proposed Memorandum of Understanding with Riverside LAFCO | Establishing Approval Responsibilities for Multi-County Reorganization Involving Eastern Municipal Water District, Fallbrook Public Utility District, Rainbow Municipal Water District, and San Diego County Water Authority**

Item presented for action to consider a proposed memorandum of understanding with Riverside LAFCO to establish approval responsibilities for a pending reorganization affecting Riverside and San Diego Counties. The pending reorganization involves a concurrent detachment of Fallbrook Public Utility District and Rainbow Municipal Water District from the San Diego County Water Authority and annexation to Eastern Municipal Water District. The proposed memorandum of understanding provides all approvals associated with the pending reorganization would be assigned to San Diego LAFCO. Recommendation to approve.

Executive Officer Keene Simonds presented the item.

Commission discussion.

Chair MacKenzie invited members of the audience to provide comments. Comments were received from the following persons:

- Tom Kennedy with Rainbow Municipal Water District
- Jack Bebee with Fallbrook Public Utilities District
- Nick Kanetis with Eastern Municipal Water District
- Claire Collins with San Diego County Water Authority
- Jeanne Blumenfeld with Otay Water District
- Rodney Smith

Additional Commission discussion.

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Commissioner Jacob motioned to approve the staff recommendation as provided in the staff report and second from Commissioner Salas. Roll call requested:

AYES: Desmond, Jacob, Kersey, MacKenzie, Salas, Vanderlaan, Wells, and Willis  
NOES: None  
ABSENT: Cate and Cox  
ABSTAINING: None

The Executive Officer commented a technical correction requested by Ms. Collins would be incorporated into the memorandum of understanding.

## **BUSINESS ITEMS CONTINUED...**

### **Item 8b**

#### **CALAFCO Proposed New Dues Structure**

Item presented for information and feedback with respect to a new dues structure and associated bylaw changes proposed by CALAFCO ahead of a membership vote on October 31<sup>st</sup>. The proposed new dues structure is intended to eliminate an ongoing structural deficit and would collectively increase contributions by nearly one-half from \$0.205 to \$0.300 million. Approval would increase San Diego LAFCO's annual dues by 19% from \$8,926 to \$10,662.

Executive Officer Keene Simonds presented the item with additional introductory comments provided by Chair MacKenzie and Commissioner Vanderlaan.

Commission discussion with consensus to support the proposed increase in dues. Also consensus to disapprove any alternative proposal that would increase San Diego LAFCO's dues beyond the Board proposal unless offset by other concessions.

### **Item 8c**

#### **Proposed Amendment to Employment Agreement for Executive Officer Keene Simonds**

Item presented for action to consider the recommendation by the Executive Officer Compensation Committee (MacKenzie, Jacob, and Mathis) to approve a second amendment to the employment agreement with Executive Officer Keene Simonds. The proposed amendment increases the annual salary to mid-point at \$182,616.

Commission Counsel Carmen Brock briefly presented item.

Commissioner Jacob motioned to approve the Executive Officer Compensation Committee's recommendation with a second from Commissioner Kersey. Roll call requested:

AYES: Desmond, Jacob, Kersey, MacKenzie, Salas, Vanderlaan, Wells, and Willis  
NOES: None  
ABSENT: Cate and Cox  
ABSTAINING: None

## **9. EXECUTIVE OFFICER REPORT**

Executive Officer Keene Simonds commented the Commission may need to secure a new meeting location given the remodeling of Room 302 has decreased audience seating. The Executive Officer added staff would work prioritize finding alternative accommodations with the County before exploring other options.

## 10. COMMISSION ANNOUNCEMENTS | REQUESTS FOR FUTURE ITEMS

None

## 11. CLOSED SESSION

Chair MacKenzie announced the Commission would proceed into closed session at 10:35 a.m. for the following items as provided on the agenda.

### **Item 11a**

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

Pursuant to Government Code Section 54956.9(d)(1)): Julian-Cuyamaca Fire Protection District, et al. v. San Diego LAFCO et al., San Diego Superior Court Case No. 37-2019-00018076-CU-M C-TL

### **Item 11b**

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

Pursuant to Government Code Section 54956.9(d)(1)): Julian Fire Company Association, et al. v. Julian-Cuyamaca Fire Protection District, et al., San Diego Superior Court Case No. 37-2018-00020015-CU-WM-CTL

### **Item 11c**

#### **Conference with Legal Counsel--Initiation of Litigation:**

Pursuant to Government Code Section 54956.9(d)(4)): (One potential case.)

### **Item 11d**

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

Pursuant to Government Code Section 54956.9(d)(2)): Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9. (Two cases.)

Commissioner Salas left at 10:45 a.m.

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Chair MacKenzie reconvened the regular meeting back into open session at 10:50 a.m. with Commission Counsel Carmen Brock announcing there were no reportable actions.

## 11. ADJOURNMENT TO NEXT REGULAR MEETING

With no further business the Chair adjourned the meeting at 10:51 a.m.



I hereby attest the minutes above accurately reflect the deliberations of the Commission at its October 7, 2019 meeting.

ATTEST,

Ruth Arellano  
Executive Assistant

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A video and audio recording of the October 7, 2019 meeting is also available online at [www.sdlafco.org](http://www.sdlafco.org) or by contacting LAFCO staff at 858-614-7755.

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