



**San Diego County**  
**Local Agency Formation Commission**  
 Regional Service Planning | Subdivision of the State of California

**5a**

**AGENDA REPORT**  
 Consent | Action

November 2, 2020

**TO:** Commissioners

**FROM:** Tamaron Lockett, Commission Clerk

**SUBJECT:** Approval of Meeting Minutes for October 5, 2020

**SUMMARY**

The San Diego County Local Agency Formation Commission (LAFCO) will consider draft minutes prepared for the regular meeting held on Monday, October 5, 2020. The minutes are in action-form and 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 – among other items – requires public agencies to maintain written minutes for qualifying meetings.

**DISCUSSION**

This item is for San Diego LAFCO to consider approving action minutes for the October 5, 2020 regular meeting. The attendance record for the meeting follows.

- All Commissioners were present except Commissioners Chris Cate (City of San Diego alternate) and Greg Cox (County of San Diego alternate).

|  |  |  |  |  |   |
|--|--|--|--|--|---|
| <b>Administration</b><br>Keene Simonds, Executive Officer<br>County Operations Center<br>9335 Hazard Way, Suite 200<br>San Diego, California 92123<br>T 858.614.7755 F 858.614.7766<br>www.sdlafco.org | <b>Jim Desmond</b><br>County of San Diego<br><br><b>Chair Dianne Jacob</b><br>County of San Diego<br><br><b>Greg Cox, Alternate</b><br>County of San Diego | <b>Mary Casillas Salas</b><br>City of Chula Vista<br><br><b>Bill Wells</b><br>City of El Cajon<br><br><b>Paul McNamara, Alternate</b><br>City of Escondido | <b>Mark Kersey</b><br>City of San Diego<br><br><b>Chris Cate, Alternate</b><br>City of San Diego | <b>Jo MacKenzie</b><br>Vista Irrigation<br><br><b>Barry Willis</b><br>Alpine Fire Protection<br><br><b>Erin Lump, Alternate</b><br>Rincon del Diablo MWD | <b>Vice Chair Andy Vanderlaan</b><br>General Public<br><br><b>Harry Mathis, Alternate</b><br>General Public |
|--|--|--|--|--|---|

## ANALYSIS

The attached draft minutes for the October 5, 2020 regular meeting accurately reflect San Diego LAFCO's deliberations as recorded by staff. A video recording of the meeting has also been posted on the Commission's website ([www.sdlafco.org](http://www.sdlafco.org)).

## RECOMMENDATION

It is recommended San Diego LAFCO approve the draft minutes prepared for the October 5, 2020 regular meeting as presented. This recommendation is consistent with Alternative One in the proceeding section.

## ALTERNATIVES FOR ACTION

The following alternatives are available to San Diego LAFCO:

Alternative One (recommended):

Approve the draft minutes prepared for the October 5, 2020 regular meeting with any desired corrections or clarifications.

Alternative Two:

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

## PROCEDURES

This item has been placed on San Diego LAFCO's agenda as part of the consent calendar. 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,



Tameron Lockett  
Commission Clerk

Attachment:

- 1) Draft Meeting Minutes for October 5, 2020

**DRAFT MINUTES  
SAN DIEGO LAFCO  
October 5, 2020 REGULAR MEETING**

**Via Videoconference Only  
Per Governor's Executive Order N-29-20**

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

The regular meeting was called to order by videoconference at 9:00 a.m. by Chair Jacob.

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

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

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 during the meeting were the following LAFCO staff members: Executive Officer Keene Simonds; Commission Counsel Holly Whatley; Chief Policy Analyst Robert Barry; Local Government Analyst II Linda Heckenkamp; Local Government Analyst I Priscilla Allen; Consultant Ed Sprague; Administrative Assistant Erica Blom; and Commission Clerk Tamaron Lockett.

**2. PLEDGE OF ALLEGIANCE**

Commissioner MacKenzie led meeting attendees in the Pledge of Allegiance.

### 3. AGENDA REVIEW AND RELATED REQUESTS

Chair Jacob asked the Executive Officer if there were requests to remove or rearrange items on the agenda. The Executive Officer responded no changes were needed to the agenda as presented. The Executive Officer also noted the meeting was being live streamed on LAFCO's YouTube page and instructions for the public to participate and provide comments are provided on the agenda.

### 4. PUBLIC COMMENT

Chair Jacob invited anyone from the public to address the Commission on a matter not related to an agenda item. The Commission Clerk confirmed no members of the public had registered to address the Commission. The Administrative Assistant also confirmed there were no live e-mail comments received for public comment.

### 5. CONSENT ITEMS

#### Item 5a

#### **Approval of Meeting Minutes for August 3, 2020**

Item presented to approve draft action minutes prepared for the Commission's August 3, 2020 regular meeting. Recommendation to approve.

#### Item 5b

#### **Commission Ratification | Recorded Payments for July and August 2020**

Item presented to ratify recorded payments made and received by the Executive Officer for the months of July and August 2020. Recommendation to ratify.

#### Item 5c

#### **Proposed "Schirber-Hymettus Avenue Change of Organization" | Annexation to the Leucadia Wastewater District (CO20-07)**

Item presented to consider a change of organization filed by the Leucadia Wastewater District to annex 1.7 incorporated acres within the District's sphere of influence. The proposal purpose is to extend public wastewater and facilitate the development of an accessory dwelling unit within the subject parcel (254-331-12) as allowed under City of Encinitas zoning. Recommendation to approve a modification of 0.5 acres of adjacent public right-of-way along with standard terms as well as waiving protest proceedings.

#### Item 5d

#### **Progress Report on 2020-2021 Workplan**

Item presented to receive a progress report on accomplishing specific projects as part of the adopted 2020-2021 workplan. Recommendation to accept and file while providing the Commission the opportunity to provide direction going forward.

## CONSENT ITEMS CONTINUED...

### Item 5e

#### Current Proposals and Related Activities

Item presented to update current proposals on file with LAFCO along with identifying anticipated submittals. Item for information only.

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Commissioner Desmond motioned with a second from Commissioner Vanderlaan to approve the staff recommendations as provided in the agenda reports. Roll call requested:

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

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

## 6. PUBLIC HEARING ITEMS

### Item 6a

#### Proposed “San Diego County Fire Protection District Reorganization” | Concurrent Divestiture of Fire Protection and Emergency Medical Service Functions for County Service Area No. 135 and Formation of the San Diego County Fire Protection District along with Conforming Sphere of Influence Actions (RO20-14 et. al.)

Item presented to consider a reorganization filed by the County of San Diego to transition fire protection and emergency medical service functions into a new dependent special district. The proposal involves concurrent divestiture of fire protection and emergency medical service powers for County Service Area No. 135 and formation of the San Diego County Fire Protection District as the designated successor agency. The proposal’s purpose is to provide a more traditional governance model for the County Fire Authority to organize, fund, and deliver fire protection emergency medical services. Recommendation to approve with terms and conforming sphere of influence actions as well delegating protest proceedings to the Executive Officer.

Chief Policy Analyst Robert Barry and Consultant Ed Sprague presented the item to the Commission and detailed the recommendations.

Chair Jacob invited Commissioner comments or questions. No initial comments or questions received.

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

### **Item 6a Continued**

Chair Jacob proceeded to open the public hearing and invited e-comments and live comments from the audience.

The Commission Clerk noted there was one registered speaker for the item and proceeded to invite the following person to address the Commission:

- Chief Tony Mecham with County of San Diego Fire Authority, Support

The Administrative Assistant confirmed there were no live e-mail comments from the public.

Chair Jacob proceeded to close the public hearing.

Commission discussion followed.

**\*\***

Commissioner Jacob motioned to approve the staff recommendation as provided in the agenda report with a second from Commissioner MacKenzie. Roll call requested:

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

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

### **Item 6b**

#### **Proposed “SVBF Temple Reorganization” |**

#### **Concurrent Annexation to Rincon del Diablo Municipal Water District, San Diego County Water Authority, and Metropolitan Water District of Southern California with Conforming Sphere of Influence Actions (RO20-16 et. al.)**

Item presented to consider a reorganization filed by the Rincon del Diablo Municipal Water District to annex 19.5 unincorporated acres outside of the District’s sphere of influence. Concurrent annexations also requested involving Rincon’s wholesale water supply providers: San Diego County Water Authority and Metropolitan Water District of Southern California. The purpose of the reorganization is to extended public water service to the subject lot (241-080-47) and facilitate the development of a religious facility and accessory unit as permitted by the County of San Diego. Recommendation to approve with modifications to include 3.8 acres of adjacent public right-of-way as well as inclusion into Rincon’s Improvement District “E” along with standard terms.

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

### **6b Continued**

Chief Policy Analyst Robert Barry presented the item to the Commission and detailed the recommendations.

Chair Jacob invited Commissioner comments or questions. No initial comments or questions received.

Chair Jacob proceeded to open the public hearing and asked if there any public comments. The Commission Clerk confirmed no registered speakers had been received for this item. The Administrative Assistant confirmed there were no live e-mail comments from the public.

Chair Jacob proceeded to close the public hearing.

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Commissioner Willis motioned to approve the staff recommendation as provided in the agenda report with a second from Commissioner MacKenzie. Roll call requested:

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

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

### **Item 6c**

#### **Proposed Update to Agricultural and Open Space Lands Policy**

Item presented to consider approving a proposed update to the “Preservation of Open-Space and Agricultural Lands Policy.” The proposed update is part of the adopted workplan and includes several substantive revisions to balance the Commission’s statutory direction to preserve agricultural and open space resources while reflecting local conditions and objectives. Recommendation to approve.

The Executive Officer presented the item to the Commission and noted correspondences were received in support of the update.

Chair Jacob invited questions and comments from the Commission. Commissioner Desmond commented he was pleased with the stakeholder outreach and in support of the policy update as proposed.

## PUBLIC HEARING ITEMS CONTINUED...

### 6c Continued

Chair Jacob opened the public hearing and asked if there were any public comments. The Commission Clerk confirmed no registered speakers had been received for this item. The Administrative Assistant confirmed there were no live e-mail comments from the public.

Chair Jacob proceeded to close the public hearing.

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Commissioner Desmond motioned to approve the staff recommendation as provided in the agenda report with a second from Commissioner Willis. Roll call requested:

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

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

## 7. BUSINESS ITEMS

### Item 7a

#### Ad Hoc Committee Update |

#### Proposed Rainbow MWD and Fallbrook PUD Reorganizations

Item presented to the Commission to receive an update on the Ad Hoc Committee and its tasks to assist in the administrative reviews of the reorganization proposals separately filed by the Rainbow Municipal Water District and Fallbrook Public Utility District to detach from the San Diego County Water Authority.

The Executive Officer presented the item to the Commission.

Chair Jacob invited comments or questions from the Commission.

Commission discussion followed.

Chair Jacob proceeded to invite members of the public to comment on the item. Commission Clerk invited two registered speakers to address the Commission:

- Hayden Hamilton with Rainbow MWD
- Gary Croucher with San Diego County Water Authority



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

### **7a Continued**

Commission Clerk noted there were no other members of the public registered to speak on the item. The Administrative Assistant confirmed there were no live e-mail comments from the public.

Chair Jacob thanked the two public members for their comments and directed staff to continue to provide the Commission with updates going forward.

### **Item 7b**

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

Item presented to the Commission to consider a recommendation by the Executive Officer Compensation Committee (Chair Jacob, Vice Chair Vanderlaan, and Immediate Past Chair MacKenzie) to approve a third amendment to the employment agreement with Executive Officer Keene Simonds. The proposed amendment adjusts the Executive Officer's annual salary by 2.0% from \$182,624 to \$186,277.

Commission Counsel Holly Whatley summarized the item and with concurrence from the Chair announced the Commission would take this item up following closed session.

**\*\***

Following closed session, the Commission returned to the item and Commissioner Willis motioned to approve the staff recommendation as provided in the agenda report with a second from Commissioner Wells. Roll call requested:

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

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

## **8. EXECUTIVE OFFICER REPORT**

The Executive Officer made the following comments:

- Introduced new Analyst I Priscilla Allen to the Commission.
- Updated the Commission on the audit process for FY19-20.

## 9. COMMISSIONER ANNOUNCEMENTS | REQUESTS FOR FUTURE ITEMS

None

## 10. CLOSED SESSION

The Chair adjourned the Commission into closed session for the items presented on the agenda at 10:19 a.m.

### a) **Public Employee Performance Evaluation**

Pursuant to California Government Code § (54957(b))

Employee: Keene Simonds, Executive Officer

### b) **Conference with Labor Negotiators**

Pursuant to California Government Code Section 54957.6

Agency designated representatives: Jacob, MacKenzie and Vanderlaan

Unrepresented Employee: Executive Officer

### c) **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. (4<sup>th</sup> Appellate Dist. Case No. D077048 [San Diego Superior Court Case No. 37-2019-00018076-CU-M C-TL])

### d) **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., (4<sup>th</sup> Appellate Dist. Case No. D076639 [San Diego Superior Court Case No. 37-2018-00020015-CU-MC-CTL])

### e) **Conference with Legal Counsel – Initiation of Litigation:**

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

Chair Jacob reconvened into open session at 10:57 a.m. with Commission Counsel Holly Whatley announcing there were no reportable actions.

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## 11. ADJOURNMENT TO NEXT MEETING

With no further business the Chair adjourned the videoconference meeting at 11:00 a.m.

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I hereby attest the minutes above accurately reflect the deliberations of the Commission at its October 5, 2020 videoconference meeting.

ATTEST,

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Tamaron Lockett  
Commission Clerk

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A video recording of the October 5, 2020 regular 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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