

**APPROVED MINUTES
SAN DIEGO LAFCO
February 1, 2021 REGULAR MEETING**

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

1. CALL TO ORDER

The regular meeting was called to order by videoconference at 9:02 a.m. by Chair Vanderlaan.

Item 1a

Introduction of New Members

Chair Vanderlaan welcomed new Commissioners Chris Cate with the City of San Diego, Nora Vargas with the County of San Diego, Joel Anderson with the County of San Diego, and Marni von Wilpert with the City of San Diego.

Item 1b

Roll Call

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

Regulars Present: Chris Cate, City of San Diego
Jim Desmond, County of San Diego (VICE CHAIR)
Jo MacKenzie, Vista Irrigation District (left at 11:07 a.m.)
Mary Casillas Salas, City of Chula Vista
Andy Vanderlaan, Public (CHAIR)
Nora Vargas, County of San Diego (arrived at 9:40 a.m.)
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
Marni von Wilpert, City of San Diego (left at 10:15 a.m.)

Members Absent: Joel Anderson, County of San Diego (alternate)

The Commission Secretary confirmed a virtual quorum was present with seven voting members with the eighth – Commissioner Vargas – expected to join shortly. Also present at the virtual dais were 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, and Administrative Assistant Erica Blom serving as the Commission Secretary.

2. PLEDGE OF ALLEGIANCE

Commissioner MacKenzie led meeting attendees in the Pledge of Allegiance.

3. AGENDA REVIEW AND RELATED REQUESTS

Executive Officer Keene Simonds stated one change was necessary and involved pulling Agenda Item 7a (Draft Municipal Service Review on the Poway Region) for additional analyses and to return at a future meeting. The Executive Officer also noted the meeting was being live streamed and instructions for the public to participate in real-time were provided on the agenda.

4. PUBLIC COMMENT

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

5. CONSENT ITEMS

Item 5a

Approval of Meeting Minutes for December 7, 2020

Item presented to approve draft action minutes prepared for the Commission's December 7, 2020 regular meeting. Recommendation to approve.

Item 5b

Commission Ratification | Recorded Payment for November and December 2020

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

Item 5c

Budget Update for 2020-2021 | 2nd Quarter Actuals with Year-End Projections

Item presented to accept and file a quarterly report comparing budgeted and actual expense and revenue transactions for 2020-2021 through the second quarter with related projections. Recommendation to accept and file.

Item 5d

Protest Hearing Results |

“Valley Center Community Services District Reorganization” (RO20-13)

Item presented to receive the results of the protest hearing held for the “Valley Center Community Services District Reorganization”. This proposal was conditionally approved by the Commission on November 2, 2020 and involves the dissolution of the Valley Center Community Services District and termination of its park and recreation function and concurrent formation of County Service Area No. 138 as the designated successor agency. The noticed protest hearing was held by staff on December 3, 2020 without generating written opposition from affected landowners or voters. Recommendation to receive the protest results and set the effective date of the reorganization for March 1, 2021.

CONSENT ITEMS CONTINUED...

Item 5e

Progress Report on Adopted Annual Workplan and Proposed Amendment

Item presented to receive a progress report on accomplishing specific projects in the adopted workplan for 2020-2021 for formal filing as well as consider the addition of a new project involving a recent grant award by the State Department of Conservation. Recommendation to file the workplan update and approve the referenced amendment.

Item 5f

Ratification of an Administrative Approval |

“Estrada-Viejas View Place Outside-of-Agency Wastewater Service Agreement” - San Diego County Sanitation District (OAS20-20)

Item presented for ratification of an administrative approval by the Executive Officer of an outside-of-agency agreement to allow the San Diego County Sanitation District to provide wastewater service to an unincorporated single-family residential parcel in Alpine with evidence of a vulnerable septic system. Recommendation to approve ratification.

Item 5g

Current Proposals and Related Activities

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

Item 5h

Roster Update for the Special Districts Advisory Committee

Item presented to receive an update on the composition of the Commission’s Special Districts Advisory Committee and the results of a recent nomination-election process affecting eight of the sixteen Committee seats. Information only.

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Chair Vanderlaan asked if the Commissioners would like to pull any consent item. There were no requests from Commissioners. Commissioner Desmond motioned with a second from Commissioner Salas to approve the consent calendar consistent with the staff recommendations. Roll call requested:

AYES:	Cate, Desmond, MacKenzie, Salas, Vanderlaan, Wells, and Willis
NOES:	None
ABSENT:	Anderson and Vargas
ABSTAINING:	None

The Commission Secretary confirms the motion was approved 7-0.

6. PUBLIC HEARING ITEMS

Item 6a

Final Report and Related Actions |

Municipal Service Review on Resource Conservation Districts

Item presented to receive a final report involving the scheduled Municipal Service Review on Resource Conservation Districts (RCD) and adopt related determinations. The report returned with limited revisions from its draft presentation in December and represents an independent assessment of level and range of services provided by all three RCDs – Mission, Greater San Diego County, and Upper San Luis Rey – in San Diego County. All recommendations in the draft remain along with a new recommendation for LAFCO to prepare an addendum to further evaluate the Upper San Luis Rey RCD's eligibility to provide groundwater management. Recommendation for the Commission to formally accept the final report as well as adopt a resolution making specific determinations.

The staff presentation was provided by the Executive Officer and Local Government Analyst II Linda Heckenkamp and summarized key conclusions and recommendations in the final report. An accounting of all written comments received was also provided.

Chair Vanderlaan invited initial questions or requests for clarifications from the Commissioner before opening the public hearing. No comments from Commissioners.

Chair Vanderlaan proceeded to open the public hearing and requested the Commission Secretary bring forward registered speakers for the item. The following speakers addressed the Commission by live video:

- Darcy Cook, Mission Resource Conservation District
- Heather Conklin, Mission Resource Conservation District
- Sheryl Landrum, Resource Conservation District of Greater San Diego County
- Andy Lyall, Upper San Luis Rey Resource Conservation District
- Greg Kamin, San Luis Rey Resource Conservation District
- Hannah Gbeh, San Diego County Farm Bureau
- Gary Arant, Valley Center Municipal Water District
- Jack Bebee, Fallbrook Public Utility District
- Jeremy Jungreis, Yuima Municipal Water District
- Tom Kennedy, Rainbow Municipal Water District
- Steve Anderson, Pauma Valley Community Services District
- Jeffery Morris, San Luis Rey Resource Conservation District

The Commission Secretary also noted there was two live e-mail comments from the public for the item and proceeded to read the comments into the record:

PUBLIC HEARING ITEMS CONTINUED...

Item 6a Continued...

- Lloyd Pellman, San Luis Rey Indian Water Authority
- Kimberly Thorner, Olivenhain Municipal Water District

Chair Vanderlaan proceeded to close the public hearing.

The Commission proceeded to discuss the item at length along with receiving clarifications and/or additional comments from staff.

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

AYES:	Cate, Desmond, MacKenzie, Salas, Vanderlaan, Vargas, Wells, and Willis
NOES:	None
ABSENT:	Anderson
ABSTAINING:	None

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

Chair Vanderlaan thanked all participants for their time and feedback on the item. The Chair also requested the Commission utilize an ad hoc committee to address recommendations in the final report regarding boundary and service disputes between Mission RCD and RCD of Greater San Diego County. Commission discussion followed and the Chair proceeded to form a “RCD Ad Hoc Committee” consisting of the Chair and Commissioners Desmond and von Wilpert with direction to the Executive Officer to coordinate future meetings with participation from the subject agencies and other interested parties.

Item 6b

Proposed Sphere of Influence Updates | Resource Conservation Districts in San Diego County

Item presented to consider sphere of influence updates for all three resource conservation districts (RCD) in San Diego County involving Mission, Greater San Diego County, and Upper San Luis Rey. Recommendation to update all three RCDs’ spheres with no changes.

The Executive Officer provided a brief presentation on the item and the recommendation.

Chair Vanderlaan invited initial questions or requests for clarifications from the Commissioner before opening the public hearing. No comments from Commissioners.

PUBLIC HEARING ITEMS CONTINUED...

Item 6b Continued...

Chair Vanderlaan proceeded to open the public hearing and requested the Commission Secretary bring forward registered speakers for the item. The following speakers addressed the Commission by live video:

- Gary Arant, Valley Center Municipal Water District
- Sheryl Landrum, RCD of Greater San Diego County

Chair Vanderlaan proceeded to close the public hearing.

No additional discussion by the Commission.

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

AYES:	Cate, Desmond, MacKenzie, Salas, Vanderlaan, Vargas, Wells, and Willis
NOES:	None
ABSENT:	Anderson
ABSTAINING:	None

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

Item 6c

Proposed “Mercurio Service Agreement” and Sphere Amendment | Out-of-Agency Wastewater Service by the City of La Mesa (OAS-SA20-09)

Item presented to consider a request to authorize the City of La Mesa to enter into a contract with landowners to provide outside wastewater service to 0.91 acres of unincorporated territory in Valle de Oro. The affected territory is developed with a single-family residence utilizing an underground septic disposal system. The purpose of the proposal is to facilitate development of an accessory dwelling unit on the affected territory that would otherwise be prohibited given negative impacts on the existing septic system. A concurrent amendment to add the affected territory to the City’s sphere of influence is also required to accommodate the outside service extension in lieu of making a public health or safety finding. Recommendation to approve the request with a concurrent sphere amendment along with standard terms.

Chief Policy Analyst Robert Barry provided the staff presentation.

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

PUBLIC HEARING ITEMS CONTINUED...

Item 6c Continued...

The Commission Secretary confirmed no members of the public had registered to address the Commission. The Commission secretary also confirmed there were no live e-mail comments.

Chair Vanderlaan proceeded to close the public hearing.

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

AYES:	Cate, Desmond, Lump (voting), Salas, Vanderlaan, Vargas, Wells, and Willis
NOES:	None
ABSENT:	Anderson
ABSTAINING:	None

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

7. BUSINESS ITEMS

Item 7b

Informational Report on the Sustainable Groundwater Management Act| Local Implementation and Relationship with LAFCO's Duties and Powers

Item presented to receive an informational report on the Sustainable Groundwater Management Act (SGMA) and its central requirements for local governments to take various and ongoing actions to improve the health of at-risk groundwater basins. Information only.

Local Government Analyst I Priscilla Allen provided the staff presentation.

Chair Vanderlaan invited initial Commissioner comments or questions. No comments from Commissioners.

The Commission Secretary noted there was three registered speakers for the item and proceeded to invite the following persons to address the Commission:

- Tom Kennedy, Rainbow Municipal Water District
- Gary Arant, Valley Center Municipal Water District
- Jeremy Jungreis, Yuima Municipal Water District

Commission discussion followed with general direction therein for staff to proceed with the next steps identified in the agenda report while being responsive to local conditions.

8. EXECUTIVE OFFICER REPORT

The Executive Officer made the following comments:

- The next meeting of the Ad Hoc Fallbrook-Rainbow-Authority Committee is set for later in the day at 1:30 p.m. and will be live-streamed.
- LAFCO's 10-year office lease with the County of San Diego at the Kearny Mesa campus ends in August 2021 and consideration of creating an ad hoc committee to help guide the review of options would be helpful.
- Alternate Commissioner Erin Lump is resigning from LAFCO as a result of a change in her residency.

9. COMMISSIONER ANNOUNCEMENTS | REQUESTS FOR FUTURE ITEMS

None

10. CLOSED SESSION

Commission Counsel Holly Whatley adjourned the Commission into closed session for the items presented on the agenda at 11:36 a.m.

a) 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., Fourth District Court of Appeal Case No. D077048

b) 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., Fourth District Court of Appeal Case No. D076639

c) Conference with Legal Counsel--Initiation of Litigation:

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

d) 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. (One case.)

Chair Vanderlaan reconvened into open session at 11:54 a.m. with Commission Counsel Holly Whatley announcing no reportable action was taken.

11. ADJOURNMENT TO NEXT MEETING

With no further business the Chair adjourned the videoconference meeting at 11:57 a.m.

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I hereby attest the minutes above accurately reflect the deliberations of the Commission at its February 1, 2021 videoconference meeting.

ATTEST,

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Erica Blom
Administrative Assistant

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A video recording of the February 1, 2021 regular meeting is also available online at www.sdlafco.org or by contacting LAFCO staff at 858-614-7755.

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