

**APPROVED  
SAN DIEGO LAFCO  
MINUTES OF THE REGULAR MEETING  
AUGUST 7, 2017**

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There being a quorum present, the meeting was convened at 9:30 a.m. by Chairman, Mayor Sam Abed. Also present were: Regular Commissioners – Vice Chairwoman, Special District Member Jo MacKenzie; Supervisors Dianne Jacob and Bill Horn; City Member Councilmember Lori Zapf; Special District Member Ed Sprague and Public Member Andy Vanderlaan. Alternate Commissioners – Special District Member Judy Hanson and Public Member Harry Mathis. LAFCO Staff – Executive Officer Michael Ott; LAFCO Consultants Harry Ehrlich and Casey McGehee; and General Legal Counsel Michael Colantuono. Absent were: Regular Commissioner – Mayor Catherine Blakespear. Alternate Commissioners – Supervisor Greg Cox; City Councilmember Chris Cate and Mayor Racquel Vasquez.

**Item 1**

**Staff and Committee Reception**

LAFCO held a reception in honor of LAFCO staff and various LAFCO committee members who will be retiring and departing LAFCO.

**Item 2**

**Pledge of Allegiance**

Commissioner Ed Sprague led the Pledge of Allegiance at the meeting.

**Item 3**

**Roll Call**

The Commission Clerk performed the roll call for the August 7, 2017, LAFCO meeting. With the exception of Regular and Alternate Commissioners: Mayor Catherine Blakespear; Supervisor Greg Cox; Councilmember Chris Cate and Mayor Racquel Vasquez, all other Commissioners were present.

**Item 4**

**Approval of Minutes of Meeting Held July 10, 2017**

On motion of Commissioner Sprague, seconded by Commissioner Vanderlaan, and carried unanimously by the Commissioners present; the Commission dispensed with reading the minutes of July 10, 2017 and approved said minutes.

**Item 5**

**Executive Officer's Recommended Agenda Revisions**

Chairman Sam Abed asked the Executive Officer if there were any agenda revisions. Executive Officer Michael Ott indicated that there were no agenda revisions.

## **Item 6**

### **Commissioner / Executive Officer Announcements**

Chairman Sam Abed asked if there were any announcements from the Commissioners or the Executive Officer. Executive Officer Michael Ott indicated that parking enforcement was waived and that there will be a closed session regarding two agenda items that the Commission needs to act upon and return to open session with a decision.

Mr. Ott announced the loss of Joe Convery, a former Local Governmental Analyst of San Diego LAFCO and that he be remembered with a moment of silence.

## **Item 7**

### **Activation of Jurisdictional Inquiry feature on LAFCO Website**

Michael Ott indicated that the Activation of a Jurisdictional Map View feature is a new function that will be added to LAFCO's website at the end of 2017. He said that the new Jurisdictional Map Viewer will allow the end user to look up property by an assessor parcel number or street address to determine what cities and special districts that the parcel is located near or within. He also said that the map viewer can also show the spheres of influence and special study areas of the cities and special districts. A demonstration of the map viewer was provided by LAFCO GIS Consultant Dieu Ngu.

## **Item 8**

### **Adoption of Records Management Program Policy A-106**

Michael Ott addressed the Commission about the Records Management Program Policy A-106. Mr. Ott indicated that the policy will authorize maintenance of records, and the retention and destruction of records. He also indicated that this policy does not repeal or override Policy A-105 (Retention of Electronic Documents) that the Commission previously adopted. Mr. Ott said that some "notwithstanding" language will be added to both policies to avoid any conflicts. Casey McGehee provided a PowerPoint presentation.

Casey McGehee presented a PowerPoint to the Commission about the adoption of Records Management Program Policy regarding records management, retention, authorization and destruction of agency records. He stated that this policy would ensure that records are managed and controlled to meet legal and statutory requirements.

On motion of Commissioner MacKenzie, seconded by Commissioner Jacob, and carried unanimously by the Commissioners present, the Commission approved the draft Records Management Program Policy A-106, with the modified language recommended by Mr. Ott.

## **Item 9**

### **Legislative Update Report**

Harry Ehrlich, LAFCO Legislative Director, provided an update and summary of legislative reports to the Commission. He indicated that 21 bills are being tracked and four (4) of those bills will be moved forward and that LAFCO has sent out letters of support for some of these bills.

Mr. Ehrlich also said that the Little Hoover Committee will be meeting to discuss the Special Districts. These are the following activities of the Legislative bills:

**AB464 (Gallagher)–Local government reorganization**

This bill is sponsored by CALAFCO which addresses a situation in current law wherein Government Code 56653 does not address certain conditions of services currently provided when there is a plan for services submitted for an annexation. This bill was based from a court decision on a lawsuit (City of Patterson v. Turlock Irrigation District) in Stanislaus County. LAFCO sent a support letter on April 4, 2017. This bill passed Legislature and was signed by the Governor on July 10, 2017.

**AB979 (Lackey) Cortese–Knox–Hertzberg Act: Special District representation on LAFCO**

This bill is sponsored by CSDA and cosponsored by CALAFCO addressing the procedure for special districts to propose to hold an election for representation for a Redevelopment Agency Oversight representation on a commission board. LAFCO is to administer an election process for selecting a representative. San Diego LAFCO has used this method to select representatives to the commission. Amendments were proposed and made on May 15, 2017. This bill passed Assembly and at Senate Floor the third reading will be held on July 17, 2017.

**AB892 (Waldron) Municipal Water Districts; water service to Indian tribes**

This bill is related to the existing Municipal Water District Law of 1911 that is being amended to allow Indian tribes to obtain services and contract from a municipal water district. This bill was amended to authorize, rather than require, a Municipal Water District to provide water service to an Indian tribe, it would amend authorization provided by AB2480 (Gonzalez) for water to a specific location in San Diego County (Sycuan lands). This bill is now reported as a two-year bill.

**SB448 (Wieckowsky) Local government organization: districts and audits**

This bill proposes to define inactive special districts and to establish a process for the State Controller to annually publish a list of inactive districts for information to LAFCO. LAFCOs would be required to study the district and hold a public hearing to determine if the district should be dissolved, if action is taken by LAFCO it would not be subject to protest. This bill was amended by the Committee on July 13, 2017. Recommended position: Consider Support position after amendments are published.

**AB1361 (Garcia) Municipal Water District Service to Indian Tribe Lands**

This bill is an amendment bill from June 28, 2017, that would authorize a Municipal Water District to provide water service to an Indian Tribe's lands that are not within the district if requested by the Indian Tribe and all conditions of service are agreed upon. This bill is sponsored by the Rincon Indian Tribe and will be heard at the Senate governance Committee on July 19, 2017. CALAFCO has Opposed on this bill.

The Commission received this Legislative Update Report and provides direction to staff on the identified legislative bills as appropriate.

## **Item 10**

### **Fourth Quarter FY 2016-17 Budget Update**

Michael Ott addressed the Commission regarding the Fourth Quarter FY 2016-17 Budget Update. Mr. Ott indicated that about \$1.6 million has been spent for expenditures and costs are within the approved budget. He said that funds were transferred from the Trust Funds in the third quarter for costs associated with the Montecito Ranch Latent Powers Expansion proposal (Ramona MWD) in the amount of \$22,075 and \$100,000 associated with the Greenwood Memorial Park Island Reorganization and expenses related several fire agency reorganizations, and litigation.

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

- (1) Receive and approve the Fourth Quarter FY 2016-17 LAFCO Budget Update; and
- (2) Review balances and ratify designations and notes as shown on Figure 2 for LAFCO accounts 44595, 46725, 46726, and 46727:
  - a. Remove Committed designation of \$75,000 in Trust Fund Account 46725 due to resolution of LAFCO litigation (Coronado v. San Diego LAFCO).
  - b. Remove Committed designation of \$100,000 in Trust Fund Account 46725 associated with completion of the Greenwood Memorial Park Island Reorganization (fee subsidy of \$50,000) and the CSA No. 115 Reorganization (fee subsidy of \$50,000).
  - c. Retain Committed designations in Trust Fund Account 46725 totaling \$200,000 for future fire agency reorganizations (\$150,000) and completion of CSA No. 115 Reorganization (\$50,000).
  - d. Retain Committed designation of \$50,000 for miscellaneous fee waivers in Trust Fund Account 46726.

## **Item 11**

### **August 7<sup>th</sup> Staff and Committee Recognition Event**

Stephen Lucas, Deputy Executive Officer and Jim Curatalo, Chair of CALAFCO presented Michael Ott, Ingrid Hansen and Harry Ehrlich with awards and words of recognition from CALAFCO Executive Officer Pamela Miller.

Chairman Sam Abed presented recognition awards to LAFCO staff and various LAFCO committees that would be retiring from LAFCO. The Honorees included Executive Officer Michael Ott, Ingrid Hanson, Harry Ehrlich, John Traylor, Joe Serrano, Bill Smith and members of the East County Fire Protection Committee and Stakeholders Committee. Mr. Abed and other Commissioners thanked them for an outstanding job of their dedicated service at LAFCO.

Supervisor Dianne Jacob thanked Michael Ott for his outstanding job of leadership for LAFCO and also thanked him and LAFCO staff for the direction and guidance addressing major fire issues in the unincorporated area and establishing a fire program that has helped better serve the County of San Diego.

Commissioner Vanderlaan provided encouraging words to Mr. Ott for his dedicated service at LAFCO. Michael Ott thanked everyone for the well wishes and his dedicated time here at San Diego LAFCO.

## **Item 12**

### **Public Comment**

Chairman Abed asked the public if anyone requested to speak on an item that is not related to the agenda. He indicated that there were no speaker slips received from members of the public for comments.

Chairman Abed adjourned the LAFCO meeting at 10:43 a.m. for Closed Session Item 13 and indicated that the meeting will convene to open session.

## **Item 13**

### **CLOSED SESSION: ADJOURNED TO CLOSED SESSION AS PERMITTED BY GOVERNMENT CODE SECTION 54950 ET SEQ. TO CONSIDER MATTERS PERTAINING TO PUBLIC EMPLOYMENT ASSOCIATED WITH THE EXECUTIVE OFFICER POSITION OF THE SAN DIEGO LAFCO**

There being a quorum present, the meeting was convened at 10:50 a.m., by Chairman and Mayor Sam Abed. Also present were Regular Commissioners – Vice Chairwoman Jo MacKenzie; Supervisor Dianne Jacob; Supervisor Bill Horn; Special District Member Ed Sprague; City Councilmember Lori Zapf and Public Member Andy Vanderlaan. LAFCO Staff – Executive Officer Michael Ott; General Legal Counsel Michael Colantuono; and Special Legal County Counsel Rachel Witt. Absent were Regular Commissioner – Mayor Catherine Blakespear and Alternate Commissioners - Supervisor Greg Cox; Mayor Racquel Vasquez; City Councilmember Chris Cate; Public Member Harry Mathis and Special District Member Judy Hanson.

Executive Officer Michael Ott discussed the Contingency Plan (Primary and Secondary) that will allow staff and legal counsel to address any potential staffing issues for Jurisdictional, Fiscal and Administrative Services, and Legal Services for LAFCO. Michael Colantuono, Legal Counsel suggested that the Chair and Vice Chair have the authority to amend any changes to the Contingency Plan that may be necessary.

Commissioner MacKenzie placed a motion on the floor that was seconded by Commissioner Vanderlaan approving the Contingency Plan. Per this Contingency Plan, Robert Barry, Chief Analyst is authorized to perform Jurisdictional Proposal Administration and LAFCO Meeting Coordination, and LAFCO Consultant Casey McGehee is authorized to perform the Fiscal, Purchasing, IT and Personnel Administration, with the assistance of LAFCO Consultant Richard

Miller. Legal Counsel Michael Colantuono was authorized to serve as the Acting Executive Officer for emergency purposes if a conflict occurs with the Primary Contingency Plan to continue business for LAFCO until September 1, 2017 or until a new Executive Officer is hired.

Commissioner Abed discussed the Finalist Interview / Employment Offer. The Commission reviewed the final candidate information that was received from Peckham and McKenney, Inc. After reviewing the final candidate information, the Commission discussed the background check; salary; transitional role and availability of work hours with the final candidate.

The Commission met with the final candidate (Keene Simonds) to summarize the employment offer. Supervisor Jacob asked the candidate what is the earliest start date available for employment. In response, the candidate indicated that his start date can be as early as September 1, 2017 based upon the background check.

Commissioner Vanderlaan asked the candidate about his potential work schedule. In response, the candidate requested to work a 4/10 shift (Monday-Thursday) for the next six months until he re-locates.

Commissioner Abed informed the candidate that after the six month 4/10 work schedule, it will be a (Monday-Friday) work schedule. In response, the candidate agreed to the schedule.

Supervisor Horn asked Legal Counsel if the 4/10 work schedule would affect the County policy probation period. In response, Legal Counsel Michael Colantuono stated that the work schedule is in compliance and will not affect the policy.

Commissioner MacKenzie suggested that the candidate's 4/10 work schedule be (Tuesday-Friday) prior to a LAFCO meeting. Ms. MacKenzie also asked if the candidate is willing to meet with the current Executive Officer Michael Ott prior to September 1, 2017. In response, it was noted by the candidate that his schedule can be coordinated with Mr. Ott.

Chairman Abed indicated that the candidate accepted the salary offer of \$160,000, annually; a 4/10 work schedule (with the exception prior to a LAFCO meeting); and agreement to \$1,000 per month for a housing allowance for six months (pursuant to LAFCO Rule 6.20) and after the six months the work schedule will resume to 40 hours per week, five days a week.

There being no further business to come before the Commission, Chairman Abed adjourned the Closed Session at 11:20 a.m. and reconvened to regular (open) Session in Room 302 of the County Administration Center.

Commissioner Sprague placed a motion on the floor seconded by Supervisor Jacob to accept the 4/10 work schedule; \$1,000 per month to cover reimbursement of housing, travel, and moving expenses up to a total of \$6,000 for six months (January 1, 2018); and the salary offer of \$160,000 annually, plus a \$600 per month automobile allowance. Authorization was provided to Chairman Abed, Legal Counsel Michael Colantuono, and LAFCO Executive Assistant Tamaron R. Luckett to execute the contract with Mr. Simonds. (Commissioner Zapf left the meeting to attend a prior engagement).

After reconvening to an Open Session, Chairman Abed summarized the above actions of the Commission upon reconvening to Regular (open) session:

- (a) Chairman Abed announced that Keene Simonds was hired as the new Executive Officer and will begin by September 1, 2017 or upon completion of the background check per the motion made by Commissioner Sprague. Per this motion, Mr. Simonds would be: (1) authorized to work a 4/10 work schedule (four 10-hour work days per week from Monday to Thursday) for up to six months after his start date and that the 4/10 work schedule be modified to Tuesday-Friday schedule when the work week is prior to a LAFCO meeting; (2) authorized Mr. Simonds to receive a \$1,000 per month housing allowance for up to six months; and (3) authorized Mr. Simonds to receive a salary of \$160,000 annually (plus a \$600 per month automobile allowance). LAFCO General Counsel Michael Colantuono was directed to include these and other pertinent matters in an employee contract.
  
- (b) Chairman Abed indicated that the Contingency (Primary and Secondary) Plan was also approved by the Committee and Commission per this motion authorizing: Chief Analyst Robert Barry to conduct Jurisdictional Proposal Administration and LAFCO Meeting Coordination functions and LAFCO Consultant Casey McGehee to conduct Fiscal, Purchasing, IT and Personnel Administration activities. When and if this Contingency Plan is activated, Mr. Barry and Mr. McGehee would serve in the capacity of Acting Executive Officers with respect to their specific job functions. Legal Counsel Michael Colantuono was also authorized to serve as Acting Executive Officer as part of the Secondary Contingency Plan, in case of an emergency or if a conflict emerged between Mr. Barry and / or Mr. McGehee, until such time as a new Executive Officer has been hired and placed into the San Diego LAFCO's payroll system. The LAFCO Chair and Vice Chairman were also authorized to amend either Contingency Plan if any changes are deemed necessary, as well as to determine when to activate the Primary or Secondary Contingency Plan. Upon Activation of the Primary Contingency Plan, Mr. Barry is to receive an out-of-class 10% temporary salary increase.

*Minute Item 13 was approved by a unanimous vote of Commissioners present at the August 7, 2017 hearing: City Representatives: Mayor Sam Abed and Councilmember Lorie Zapf; County Representatives: Supervisors Bill Horn and Dianne Jacob; Special Districts Representatives: Jo MacKenzie and Ed Sprague; and Public Member Andy Vanderlaan.*

There being no further business to come before the Commission, the meeting adjourned at 11:25 a.m. to the September 11, 2017 meeting, in Room 302, County Administration Center.

**TAMARON LUCKETT  
EXECUTIVE ASSISTANT**