

APPROVED
SAN DIEGO LAFCO
MINUTES OF THE REGULAR MEETING
FEBRUARY 1, 2016

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There being a quorum present, the meeting was convened at 9:00 a.m. by Chairman Supervisor Bill Horn. Also present were: Regular Commissioners – Vice Chairman Mayor Sam Abed; Supervisor Dianne Jacob; Special District Member Jo Mackenzie; City Councilmember Lorraine Wood; City Councilmember Lori Zapf; and Public Member Andy Vanderlaan. Alternate Commissioners – Special District Member Ed Sprague; City Councilmember Racquel Vasquez (arrived 9:08 a.m.) and Public Member Harry Mathis. LAFCO Staff – Executive Officer Michael Ott; Chief Local Government Analyst Ingrid Hanson; Local Government Analyst Joe Serrano; LAFCO Consultant John Traylor; and Legal Counsel Holly Whatley. Absent were: Alternate Commissioners – Supervisor Greg Cox and City Councilmember Chris Cate.

Item 1

Pledge of Allegiance

Vice Chairman Sam Abed led the Pledge of Allegiance at the meeting.

Item 2

Roll Call

The Commission Secretary performed the roll call for the February 1, 2016, LAFCO meeting. With the exception of Alternate Commissioner Supervisor Greg Cox and Councilmember Chris Cate, all other Commissioners were present. Alternate Special District Member, Ed Sprague voted in place of the vacant Special District Member seat on the Commission.

Item 3

Approval of Minutes of Meeting Held December 7, 2015

On motion of Alternate Commissioner Sprague, second by Commissioner Vanderlaan, and carried unanimously by the Commissioners present; the Commission dispensed with reading the minutes of December 7, 2015 and approved said minutes.

Item 4

Executive Officer's Recommended Agenda Revisions

Chairman Bill Horn asked the Executive Officer if there were any agenda revisions. Executive Officer Michael Ott requested that agenda item 12 be moved before the other business items.

On motion of Commissioner Abed, seconded by MacKenzie, and carried unanimously by the Commissioners present for agenda item 12 to be moved.

Item 5

Commissioner / Executive Officer Announcements

Chairman Bill Horn asked the Executive Officer if there were any announcements. Executive Officer Michael Ott indicated that there were no announcements.

Item 6

Proposed "Stonemark Estates Annexation" to the Buena Sanitation District (DA15-12)

Executive Officer Michael Ott indicated that this item is for information purposes only and no action was recommended by the Commission.

Item 7

Proposed "Ivy Lane Annexation" to the San Diego County Sanitation District (DA15-13)

Executive Officer Michael Ott indicated that this item is for information purposes only and no action was recommended by the Commission.

Item 8

Proposed "Peter Rios Estates Annexation" to the San Diego County Sanitation District (DA15-14)

Executive Officer Michael Ott indicated that this item is for information purposes only and no action was recommended by the Commission.

Item 9

**Second Quarter FY 2015-16 Executive Officer
Self-Approved Claims Report**

Michael Ott indicated that there were no Quarterly Self-Approved Expense Claims to report.

On motion of Abed, seconded by Commissioner MacKenzie, and carried unanimously by the Commissioners present, the Commission took the following action:

Accepted and ratified the Quarterly Self-Approved Expense Claims Report.

Item 10

Second Quarter FY 2015-16 Budget Update

Michael Ott provided a brief report to the Commission related to the Second Quarter FY 2015-16 budget update. Mr. Ott indicated that an unbudgeted increase in professional services would occur during the third and fourth quarter budget due to a lawsuit that was filed by the City of Coronado against LAFCO and the City of Imperial Beach. He said that \$75,000 of Contingency Reserve Funds should be allocated and transferred to the LAFCO's operating account to cover the litigation expenses. He also said that the Trust Fund Account 46725 for FY 2015-16 would decrease due to the fees waived for the fire agency reorganizations (County Service Area Nos. 107 and 115) and one island annexation proposal (Greenwood Memorial Estates Reorganization).

Commissioner MacKenzie asked if LAFCO was responsible for the cost of the Rancho Santa Fe Fire Protection District Reorganization. In response to the question, Mr. Ott indicated that the Trust Fund Account will be used for the fire agency reorganization and LAFCO has approved a waiver of fees.

Commissioner Jacob suggested that the Julian-Cuyamaca Fire Protection District be included in LAFCO's next phase for the fire agency projects and fee waivers. Mr. Ott indicated he would add the fire protection district to his list and will discuss the matter further as part of the FY 2016-17 LAFCO budget.

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

- (1) Received, accepted, and approved the Second Quarter FY 2015-16 LAFCO Budget Update.

- (2) Assign up to \$75,000 of funds from Trust Fund Account 46725 to cover costs associated with the City of Coronado's lawsuit against the San Diego LAFCO. Authorize the Executive Officer to transfer associated funds to LAFCO's operating account to cover litigation costs and further direct the Executive Officer to report to the Commission in writing regarding any funds transfers made pursuant to this directive.

Item 11

2015 Sphere of Influence and Municipal Service Review Summary of Actions

Ingrid Hansen provided an annual update of the 2015 Sphere of Influence and Municipal Service Review Summary of Actions to the Commission. Ms. Hansen indicated that during 2015, the Commission approved eight sphere amendments and adopted four Municipal Service and Sphere of Influence Reviews.

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

Reviewed, accepted and approved the 2015 Sphere of Influence and Municipal Service Review Summary Actions.

Item 12

Draft Guidelines Addressing the Review and Approval of Fire Protection Contracts

Michael Ott provided introductory information to the Commission regarding the enactment of Senate Bill 239 (SB 239) that became a new state law on January 1, 2016 and required public agencies to receive written approval from LAFCO before exercising new or extended fire protection services outside jurisdictional boundaries. Mr. Ott indicated that LAFCO staff presented SB 239 to the Special Districts Advisory Committee and the San Diego County Fire Chief's Association and that input was obtained to help develop a process for reviewing fire protection contracts. Mr. Ott said that an errata was provided which included a list of examples of exemptions of fire protection contracts that LAFCO has no purview over. Mr. Ott said that Joe Serrano will provide a PowerPoint presentation.

Joe Serrano, Local Governmental Analyst, provided a PowerPoint presentation to the Commission regarding the Draft Guidelines Addressing the Review and Approval of Fire Protection Contracts. Mr. Serrano provided an overview of SB 239 Fire Protection Contracts which included: background; criteria per

Government Code Section 56134(a); applicant and LAFCO responsibilities and guidelines of the bill.

Commissioner Horn asked if Fire Unions have to concur with the new law and what if they do not comply with the bill. In response to the question, Michael Ott said that there would be two options: (1) a contract would be considered by the Commission; or (2) an agency would be required to hold a hearing and notify the labor unions to allow them an opportunity for discussion.

Commissioner Wood asked if LAFCO has done a proposal that applies to SB 239. In response to the question, Michael Ott said no that this bill just became a new law and no contracts have been submitted for LAFCO review yet.

Commissioner Abed asked what is the purpose of SB 239 and why does it require LAFCO to be involved. In response to the question, Michael Ott said that it is a state law and LAFCOs are required to be in compliance.

Commissioner Vanderlaan asked whether CALAFCO has taken a position on the SB 239. In response to the question, Michael Ott said that CALAFCO had a neutral position. Mr. Ott said that CALAFCO has suggested that each LAFCO adopt guidelines and policies.

Stephen Abbott, Fire Chief, North County Fire Protection District suggested that the ambulance services be included on the fire contract list as an exemption. Mr. Ott indicated that ambulance services are considered an exemption per SB 239.

Commissioner Jacob placed a motion on the floor to accept the Executive Officer's recommendation with the ratification and to include the Ambulance services on the exempt list of the Fire Protection Contract Guidelines.

Commissioners Vanderlaan, MacKenzie, and Jacob commended LAFCO staff for proposing the SB 239 guidelines.

On motion of Commissioner Jacob, seconded by Commissioner Vanderlaan, and carried unanimously by the Commissioners present, the Commission took the following actions:

- (1) Reviewed and approved the Policy Guidelines, as amended, for Fire Protection Contracts.
- (2) Directed the Executive Officer to implement the Guidelines as part of future consideration of fire protection contracts.

Item 13

Public Comment

Chairman Horn 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.

Item 14

CLOSED SESSION: ADJOURNED TO CLOSED SESSION TO CONFERENCE WITH LEGAL COUNSEL PURSUANT TO SUBDIVISION (D) OF GOVERNMENT CODE SECTION 54956.9 – REGARDING LITIGATION WITHIN THE RESPONSIBILITY OF THE SAN DIEGO LAFCO

Legal Counsel Holly Whatley explained to the Commission that Item 14 will be considered in closed session regarding litigation in the matter of *City of Coronado v. San Diego LAFCO and City of Imperial Beach*.

Commissioner Horn adjourned the regular meeting at 9:38 a.m. to a closed session in Room 302 of the County Administration Center.

There being a quorum present, the closed session meeting was convened at 9:40 a.m. by Chairman Bill Horn. Present were: *Commissioners Abed, Horn, Jacob, MacKenzie, Wood and Vanderlaan; Alternate Commissioners Mathis, Sprague and Vasquez*.

With no further discussion of the Commission, pursuant to Government Code Section 54956.9(d), on motion of Commissioner Horn, seconded by Commissioner Jacob, and carried unanimously by the Commissioners present, the Commission received Ms. Whatley's report and reconvened the closed session to an open session at 10:05 a.m. Upon reconvening to an open session, Legal Counsel Holly Whatley announced that there was no reportable action that took place during the closed session.

There being no further business to come before the Commission, the meeting adjourned at 10:08 a.m. to the March 7, 2016 meeting, in Room 302, County Administration Center.

**TAMARON LUCKETT
ADMINISTRATIVE ASSISTANT**