



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

5a

AGENDA REPORT
 Consent | Action

May 1, 2023

TO: Commissioners
FROM: Tamaron Luckett, Commission Clerk
SUBJECT: **Approval of Meeting Minutes |
 Special Meeting of March 6, 2023**

SUMMARY

The San Diego County Local Agency Formation Commission (LAFCO) will consider draft minutes prepared for the special meeting held on March 6, 2023. The minutes are in action-form and being presented for formal Commission approval.

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 March 6, 2023, regular meeting. The attendance record for the meeting follows.

- All regular Commissioners were present except Andy Vanderlaan (Public).
- All alternate Commissioners were present except Nora Vargas (County of San Diego) and Marni von Wilpert (City of San Diego).

<p>Administration Keene Simonds, Executive Officer 2550 Fifth Avenue, Suite 725 San Diego, California 92103 T 619.321.3380 www.sdlafco.org lafco@sdcounty.ca.gov</p>	<p>Chair Jim Desmond County of San Diego Joel Anderson County of San Diego Nora Vargas, Alt. County of San Diego</p>	<p>Kristi Becker City of Solana Beach Dane White City of Escondido John McCann Alt. City of Chula Vista</p>	<p>Stephen Whitburn, Vice Chair City of San Diego Marni von Wilpert, Alt. City of San Diego</p>	<p>Jo MacKenzie Vista Irrigation Barry Willis Alpine Fire Protection David Drake, Alt. Rincon del Diablo</p>	<p>Andy Vanderlaan General Public Harry Mathis, Alt. General Public</p>
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ANALYSIS

The attached draft minutes for the March 6, 2023, regular meeting accurately reflect San Diego LAFCO's deliberations as recorded by the Commission Secretary. A video recording of the meeting has also been posted on the Commission's website (www.sdlafco.org).

RECOMMENDATION

It is recommended San Diego LAFCO approve the draft minutes prepared for the March 6, 2023, regular meeting as presented. This recommendation is consistent with Alternative One outlined in the proceeding section.

ALTERNATIVES FOR ACTION

The following alternatives are available to San Diego LAFCO:

Alternative One (recommended):

Approve the attached draft minutes prepared for the March 6, 2023 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,

Tamaron Lockett
Commission Clerk

Attachment:

- 1) Draft Meeting Minutes for March 6, 2023

**DRAFT MINUTES
SAN DIEGO LAFCO
March 6, 2023 SPECIAL MEETING**

1. CALL TO ORDER BY CHAIR | ROLL CALL

The special meeting was called to order at 8:48 a.m. by Chair Desmond. The Commission Secretary performed the roll call with the following attendance recorded.

Regulars Present: Joel Anderson, County of San Diego
 Kristi Becker, City of Solana Beach
 Jim Desmond, County of San Diego (CHAIR)
 Jo MacKenzie, Vista Irrigation District
 Barry Willis, Alpine Fire Protection District
 Stephen Whitburn, City of San Diego
 Dane White, City of Escondido

Alternates Present: David Drake, Rincon del Diablo Municipal Water District
 Harry Mathis, Public (Voting)
 John McCann, City of Chula Vista

Members Absent: Andy Vanderlaan, Public (regular)
 Nora Vargas, County of San Diego (alternate)
 Marni von Wilpert, City of San Diego (alternate)

The Commission Secretary confirmed a quorum was present with eight voting members present with Alternate Commissioner Mathis voting in absence of Commissioner Vanderlaan. Also present at the time of roll call were the following LAFCO staff members: Executive Officer Keene Simonds; Commission Counsel Holly Whatley; Local Government Analyst II Priscilla Mumpower; Local Government Analyst I Carolanne Ieromnimon; GIS/IT Analyst Dieu Ngu; Administrative Assistant Michaela Peters; and Commission Clerk Tamaron Luckett.

Commissioner Anderson arrived at 8:57 a.m.

Item 1a

Introduction of New Commissioners: Mayor Dane White with City of Escondido and Mayor John McCann with City of Chula Vista

Chair Desmond invited Commissioners and LAFCO staff to introduce themselves in step with welcoming new Commissioners White (regular) with City of Escondido and McCann (alternate) with City of Chula Vista.

2. PLEDGE OF ALLEGIANCE

Commissioner White led the Pledge of Allegiance.

3. AGENDA REVIEW

Chair Desmond requested the Commission take items out-of-order and proceed immediately after public comment with Agenda Item No. 7a followed by Agenda Items 6a, 6b, and 6c before returning back to the order as presented. With no other requested changes, Executive Officer Keene Simonds advised the Commission that supplemental correspondence had been received and forwarded to the dais involving Agenda Items 6b and 7a. The Executive Officer also provided instructions for members of the public on how to participate and provide comments with reference to the agenda cover page.

4. PUBLIC COMMENT AND RELATED REQUESTS

Item 4a

Public Comment

Chair Desmond invited anyone from the public to address the Commission on a matter not directly related to an agenda item. The Commission Secretary confirmed there were no registered speakers or live e-mail comments.

Item 4b

Public Requests to Discuss Consent Items

Chair Desmond invited the public to request discussion on any agenda item from the consent calendar. The Commission Secretary confirmed there were no requests.

5. CONSENT ITEMS

Item 5a

Approval of Meeting Minutes for February 6, 2023

Item presented to approve draft action minutes prepared for the Commission's February 6, 2023 regular meeting. Recommendation to approve.

Item 5b

Commission Ratification | Recorded Payments for January 2023

Item presented to ratify recorded payments made and received by the Executive Officer for the month of January 2023. Recommendation to ratify.

Item 5c

Progress Report on Adopted Workplan

Item presented to receive a report on the adopted workplan for 2022-2023. Recommendation to receive and file.

Item 5d

Notice of Administrative Approval of "City of Escondido and Bryant-Felicita Road Out-of-Agency Services: Wastewater" (OAS23-03)

Item presented to receive notice of an administrative approval by the Executive Officer for the City of Escondido to provide out-of-agency wastewater services to an unincorporated property located within the City sphere of influence. The authorization involves a single-family residence at 2334 Felicita Road and responds to a public health and safety threat given documentation of a failing septic system. Information only.

CONSENT ITEMS CONTINUED...

Item 5e

Report on Active Proposals and Related Activities

Item presented to receive a status report on the active proposals on file with LAFCO. Information only.

Item 5f

Notice of State Planning Grant Award | Greening Agriculture: Market Analysis to Inform and Support Economically Sustainable Small Farming in San Diego County

Item presented to receive notice of a new \$500,000 planning grant award from the State Department of Conservation and its Sustainable Agricultural Lands Conservation Program. The award allows LAFCO and co-applicant County of San Diego Planning and Development Services to expand on current grant activities in assessing local agricultural trends and performing market analysis to help inform small farming operations. Information only.

Item 5g

Authorized Leave for Commissioner Vanderlaan

Item presented to receive notice of Chair Desmond's approval of a written request by Commissioner Vanderlaan for a three-month leave of office effective February 14, 2023. Information only.

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Motion by Chair Desmond with second from Commissioner MacKenzie to approve the consent calendar items with staff recommendations (Alternative One) as presented.

Roll call requested:

AYES: Anderson, Becker, Desmond, MacKenzie, Mathis (voting), Willis, Whitburn and White
NOES: None
ABSENT: Vanderlaan, Vargas, and von Wilpert
ABSTAINING: None

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

6. PUBLIC HEARING ITEM | COMMISSIONER DISCLOSURE OF EX PARTE COMMUNICATIONS

Item 6a

Proposed “Borrego Springs Fire Protection District” | Dissolution of the Borrego Springs Fire Protection District and Concurrent Annexation to the San Diego County Fire Protection District (RO22-19)

Item presented to consider a reorganization proposal filed by Borrego Springs Fire Protection District (FPD) to transfer fire protection, emergency medical, and ambulance transport responsibilities in Borrego Springs. The proposed transfer necessitates two jurisdictional changes involving the dissolution of the Borrego Springs FPD and current annexation of the approximately 198,400-acre of affected territory with an estimated 3,105 residents to the San Diego County FPD. The purpose of the negotiated proposal is to economize the subject services going forward. Staff recommends conditional approval of the proposal as submitted along with conforming sphere of influence amendments. It is also recommended the Commission delegate protest proceedings to the Executive Officer and make exemption findings under the California Environmental Quality Act.

Chair Desmond invited any disclosures from Commissioners on material ex parte communications. No disclosures reported.

Chair Desmond asked for the staff presentation. Local Government Analyst I Carolanne Ieromnimon proceeded with the staff presentation and detailed the recommendations.

Chair Desmond proceeded to open the public hearing and invited comments by speakers to address the Commission. The following three speakers addressed the Commission:

- Paula de Sousa with Best, Best & Krieger
- Haney Hong with San Diego County Taxpayer Association
- Tony Mecham with San Diego County Fire Protection District

The Executive Assistant noted there were no live e-mail comments received.

Chair Desmond invited Commissioner comments.

Commission discussion followed.

Chair Desmond proceeded to close the public hearing.

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Motion by Chair Desmond with a second from Commissioner White to approve the staff recommendation (Alternative One) as listed in the agenda report.

(continued)

PUBLIC HEARING ITEM CONTINUED...

Item 6a Continued

Roll call requested:

AYES: Anderson, Becker, Desmond, MacKenzie, Mathis (voting), Willis, Whitburn and White
NOES: None
ABSENT: Vanderlaan, Vargas, and von Wilpert
ABSTAINING: None

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

Item 6b

Notice of Amended Administrative Approval of “Palomar Healthcare District Out-of-Agency Services: Laborist and OB/GYN” and Possible Related Actions

Item presented to receive notice of an amended administrative approval for Palomar Healthcare District to provide out-of-agency services. The notice is proved consistent with adopted policy and ties to the Executive Officer’s August 2022 authorization for Palomar to provide laborist and OB/GYN services to patients contractually sourced to Vista Community and TrueCare Clinics and their locations in Vista, Oceanside, and Encinitas. The amendment establishes a term of March 1, 2025. The balance of the administrative approval – including the justifying public health and safety finding tied to the contracting clinics’ financial distress without partnering with Palomar – remains.

Chair Desmond invited any disclosures from Commissioners on material ex parte communications. Disclosures were reported from the following Commissioners:

- Commissioner Barry
- Commissioner Becker
- Commissioner Desmond
- Commissioner Drake
- Commissioner MacKenzie
- Commissioner McCann
- Commissioner Whitburn
- Commissioner White

Chair Desmond asked for the staff presentation. Executive Officer Keene Simonds and Local Government Analyst I Carolanne Ieromnimon proceeded with the staff presentation and detailed the key recommendations.

Chair Desmond proceeded to open the public hearing and invited comments by speakers to address the Commission. The following 16 speakers addressed the Commission:

(continued)

PUBLIC HEARING ITEMS CONTINUED...

Item 6b Continued

Comments were received as follows:

- Kristin Gaspar with Palomar Health
- Shelia Brown with Palomar Health
- Gene Ma with Tri-City Medical Center
- Fernando Sanchez with Vista Community Clinic
- Dr. Marie Russell with TrueCare
- Dr. Victor Dalforno
- Melissa Terah with Tri-City Medical Center
- Dr. Movahhedian with Tri-City Medical Center
- Greg Cox former Board of Supervisor
- Mayor Esther Sanchez with City of Oceanside
- Katie Collier with Tri-City Medical Center
- Donna Ferguson with Tri-City Medical Center
- Cathy Cronic with Tri-City Medical Center
- Gloria Rosenlof with Tri-City Medical Center
- Leslie Semana with Tri-City Medical Center
- Adela Irma Sanchez with Tri-City Medical Center

The Executive Assistant confirmed there two live e-mail comments received from the following individuals and read into the record:

- Diane Bedrosian, MD with Tri-City Medical Center
- Hope Chaney with Tri-City Medical Center

Chair Desmond invited Commissioner comments.

Commission discussion followed.

Chair Desmond proceeded to close the public hearing.

Commissioner Desmond motioned for staff recommendations Option B with amendments to the change of date of the action from March 2025 to June 2023. There was not a second, respectively the motion failed.

Chair Desmond re-opened the public hearing.

Additional discussion among Commissioners followed.

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Motion by Commissioner Whitburn and second from Commissioner Anderson to approve the staff recommendation (Option A) as listed in the agenda report.

(continued)

PUBLIC HEARING ITEMS CONTINUED...

Item 6b Continued

Substitute motion by Commissioner MacKenzie and second by Chair Desmond to amend Option A to change the date on the Vista Community Clinic contract authorization from March 2025 to June 30, 2023.

Roll call requested:

AYES: Becker, Desmond, MacKenzie, and Mathis (voting)
NOES: Anderson, Whitburn, White, and Willis
ABSENT: Vanderlaan, Vargas, and von Wilpert
ABSTAINING: None

The Commission Secretary confirms the motion failed due to lack of a majority vote 4-4.

**

Commission Counsel advised the Chair now to return to the first motion from Commission Whitburn and Anderson to approve the staff recommendation (Option A) as listed in the agenda report.

Roll call requested:

AYES: Anderson, Becker, Mathis (voting) Whitburn, and White
NOES: Desmond, MacKenzie, Willis
ABSENT: Vanderlaan, Vargas, and von Wilpert
ABSTAINING: None

The Commission Secretary confirms the motion passed 5-3.

Item 6c

Proposed Workplan and Budget for 2023-2024

Item presented to consider recommendations in adopting a proposed workplan and budget for 2023-2023. The proposed workplan outlines 30 activities in priority order and includes continued and new projects. The proposed budget totals \$2.750 million in matching expensed and revenues. More than four-fifths of total expenses - \$2.261 million – covers operating costs and represents an increase of 12.6% over the current fiscal year and primarily tied to funding an addition staff position. Adoption of the proposed workplan and budget will precede a formal public review and conclude with final actions in May.

Chair Desmond asked for the staff presentation. Executive Officer Keene Simonds proceeded with the staff presentation and detailed the key recommendations.

Chair Desmond opened the public hearing and invited comments by speakers to address the Commission. The Commission Secretary confirmed there were no speaker slips. The Executive Assistant also confirmed there were no live email comments.

PUBLIC HEARING ITEMS CONTINUED...

Item 6c Continued

Chair Desmond invited Commissioner comments.

Commission discussion followed.

Commissioner MacKenzie requested the municipal service review on health care districts be moved up as a high priority.

Commissioners White and Drake agreed the governance study on the Escondido region was not a high priority and could be lowered and/or removed at this time.

Chair Desmond proceeded to close the public hearing.

**

Motion by Chair Desmond with a second from Commissioner Becker to approve the staff recommendation (Alternative One) as listed in the agenda report.

Roll call requested:

AYES: Anderson, Becker, Desmond, MacKenzie, Mathis (voting), Willis, Whitburn and White
NOES: None
ABSENT: Vanderlaan, Vargas, and von Wilpert
ABSTAINING: None

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

7. BUSINESS ITEMS

Item 7a

Alternate Public Member Appointment: Options and Possible Action

Item presented to consider options and preferences therein in making a new four-year appointment of an alternate regular public member ahead of the current term expiring on May 1, 2023. The item has been noticed to allow the Commission to proceed with a reappointment of Commissioner Mathis should it be the membership's collective preference.

Chair Desmond thanked Commissioner Mathis for his service on LAFCO and unless anyone on the Commission felt differently reappointment is merited.

BUSINESS ITEMS CONTINUED...

Item 7a Continued

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Motion by Chair Desmond and second from Commissioner Willis to reappoint Harry Mathis to a new four-year term as alternate public member beginning in May 2023.

Roll call requested:

AYES: Becker, Desmond, MacKenzie, Mathis (voting), Willis, Whitburn and White
NOES: None
ABSENT: Anderson, Vanderlaan, Vargas, and von Wilpert
ABSTAINING: None

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

Commissioner Anderson was absent at the time of voting for business item 7a.

Item 7b

Options to Hold Regular Meetings and Possible Actions

Item presented to consider amending its adopted policies with respect to setting the day and time of regular Commission meetings. Current policy provides the Commission will hold regular meetings on the first Monday of each month starting at 10:00 A.M. unless otherwise calendared. The City of San Diego – which has dedicated seats on LAFCO in statute – recently changed their regular meetings to the same day and time. Alternative days and/or times are identified by staff and with the premise of continuing to physically meet in the County of San Diego Administration Center.

Chair Desmond asked for the staff presentation. Executive Officer Keene Simonds proceeded with the staff presentation and summarized the report.

Chair Desmond invited anyone from the public to address the Commission. The Commission Secretary confirmed there were no registered speakers. The Executive Assistant also confirmed there were no live e-mail comments received.

Commission discussion followed.

**

Motion by Commissioner MacKenzie and second from Chair Desmond to amend policy to hold all regular LAFCO meetings on the first Monday of each month at 8 A.M. at the County Administration Center.

Roll call requested:

BUSINESS ITEMS CONTINUED...

Item 7b Continued

AYES: Anderson, Becker, Desmond, MacKenzie, Mathis (voting), Willis, Whitburn, and White
NOES: None
ABSENT: Vanderlaan, Vargas, and von Wilpert
ABSTAINING: None

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

8. EXECUTIVE OFFICER REPORT

None

9. COMMISSIONER ANNOUNCEMENTS | REQUESTS FOR FUTURE ITEMS

None

10. CLOSED SESSION

None

11. ADJOURNMENT TO NEXT MEETING

With no further business the Acting Chair adjourned the meeting at 11:54 a.m.

I hereby attest the minutes above accurately reflect the deliberations of the Commission at its March 6, 2023 meeting.

ATTEST,

Tamaron Lockett
Commission Clerk