

**APPROVED
SAN DIEGO LAFCO
MINUTES OF THE REGULAR MEETING
DECEMBER 7, 2015**

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There being a quorum present, the meeting was convened at 9:00 a.m. by Chairman Bill Horn. Also present were: Regular Commissioners – Mayor Sam Abed (arrived at 9:06 am); 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 at 9:05 am); and Public Member Harry Mathis. LAFCO Staff – Executive Officer Michael Ott; Local Governmental Analyst Robert Barry; Local Governmental Analyst Joe Serrano and Legal Counsel Michael Colantuono. Absent were: Alternate Commissioners – Supervisor Greg Cox; and City Councilmember Chris Cate.

Item 1
Pledge of Allegiance

Commissioner Vanderlaan led the Pledge of Allegiance at the meeting.

Item 2
Roll Call

The Commission Secretary performed the roll call for the December 7, 2015, LAFCO meeting. With the exception of Alternate Commissioners Supervisor Greg Cox and City Councilmember Chris Cate, all other Commissioners were present. Alternate Special District Member, Ed Sprague voted in place of the vacant district seat on the Commission.

Item 3
Approval of Minutes of Meeting Held November 2, 2015

On motion of Commissioner Vanderlaan, seconded by Commissioner MacKenzie, and carried unanimously by the Commissioners present; the Commission dispensed with reading the minutes of November 2, 2015 and approved said minutes.

Item 4
Commissioner / Executive Officer Announcements

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

Item 5
Executive Officer's Recommended Agenda Revisions

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

Item 6
Proposed “Crestview Heights Annexation” to the San Diego County Sanitation District (DA 15-10)

At the request of Michael Ott, the Commission waived the staff presentation.

On motion of Commissioner Mackenzie, seconded by Commissioner Jacob, and carried unanimously by the commissioners present, the Commission approved the following actions:

- (1) Find in accordance with the Executive Officer’s determination, that pursuant to Section 15319(b) of the State CEQA Guidelines, the annexation is not subject to the environmental impact evaluation process because the annexation area consists of individual small parcels of the minimum size for facilities exempted by Section 15303, New Construction or Conversion of Small Structures; and
- (2) Adopt the form of resolution approving the annexation for the reasons set forth in the Executive Officer’s Report, waiving the Conducting Authority proceedings according to Government Code Section 56663(c), and ordering the annexation subject to the following term and condition:

Payment by the property owner of District annexation and sewer capacity fees.

Item 7
Proposed “Trailside Road-Lang Annexation” to the Rancho Santa Fe Community Services District (DA 15-11)

At the request of Michael Ott, the Commission waived the staff presentation.

On motion of Commissioner Mackenzie, seconded by Commissioner Jacob, and carried unanimously by the commissioners present, the Commission approved the following actions

- (1) Find that the Commission, acting as a responsible agency, has considered the environmental effects of the project as shown in the attached mitigated negative declaration prepared by the County of San Diego. The mitigation is within the jurisdiction of the County and not LAFCO because the affected resources and services are within the County; and
- (2) Adopt the form of resolution approving this annexation for the reasons set forth in the Executive Officer’s Report, waiving the Conducting Authority proceedings according to Government Code Section 56663(c), and ordering the annexation subject to the following conditions:

Payment by the property owners of district capacity fees and sewer service fees, and State Board of Equalization charges.

Item 8

**Proposed “Fortuna Ranch Road – Atzmilller Avenue Annexation”
(Rancho Santa Fe Community Services District) (DA/SA 15-09)**

Local Governmental Analyst, Joe Serrano provided a brief presentation to the Commission regarding this proposed annexation.

Chairman Horn opened the Public Hearing for this item. He indicated there were no speaker slips submitted by members of the public requesting to speak to the Commission regarding Item 8. With no one in opposition of this item, Chairman Horn closed the Public Hearing for Item 8.

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

- (1) Find in accordance with the Executive Officer’s determination, that pursuant to Section 15319(b) of the State CEQA Guidelines, the annexation is not subject to the environmental impact evaluation process because the annexation area consists of individual small parcels of the minimum size for facilities exempted by Section 15303, New Construction or Conversion of Small Structures;
- (2) Amend the sphere of influence of the Rancho Santa Fe Community Services District and adopt the written Statement of Determinations as shown in Exhibit A;
- (3) Adopt the form of resolution approving the annexation for the reasons set forth in the Executive Officer’s Report, waiving the Conducting Authority proceedings according to Government Code Section 56663(c), and ordering the annexation subject to the following term and condition:

Payment by the property owner of District annexation and sewer capacity fees.

Item 9A/B

**Provision of Wastewater Service to the Proposed
Coastal Campus on the Naval Base Coronado
Silver Strand Training Complex – South (NBC SSTC-S)**

Michael Ott provided a brief description of the request for reconsideration from the City of Coronado to the Commission. Mr. Ott explained the request pertains to a determination made by him in August 2015 regarding the continued provision of sewer service by Imperial Beach to the Naval Base Coronado site which is proposed for a Coastal Campus Project. He indicated the site is within the City of Coronado.

Mr. Ott informed the Commission that his determination was made because State statutes exempt from LAFCO purview extended services that a city or district was providing on or before January 1, 2001. Mr. Ott stated that based on this information he

determined that the continued extension of sewer service to the Federal government was exempt from LAFCO's jurisdiction.

Mr. Ott also reminded the Commission that the item was posted on the agenda for either an open or a closed session because the City of Coronado has indicated that they may pursue litigation if a decision is made unfavorable to their jurisdiction. He indicated that it is the Commission's decision to continue in open or closed session. The Commission agreed to proceed in open session.

Mr. Ott provided a PowerPoint presentation to the Commission for this item. Mr. Ott explained that the item pertains to the extension of wastewater service, currently provided by the City of Imperial Beach to the Naval Base Coronado site owned by the Federal government. Mr. Ott informed the Commission that the sewer service agreement between the two agencies has been in existence since 1967 and was amended in 1991. Mr. Ott indicated the proposal to provide sewer service to a more intensified land use within the Naval Base Coronado represents one of Coronado's objections to the validity of the current contractual service agreement.

LAFCO's Legal Counsel, Michael Colantuono, provided some background and legal explanation of LAFCO's authority related to this matter.

Mr. Ott indicated that there were three options for consideration and requested Commission direction.

Chairman Horn indicated there were speakers in support and opposition of Item 9A/B.

Requesting to speak in opposition were: City of Coronado representatives: Mayor Casey Tanaka; City Manager, Blair King; Councilwoman Carrie Downey; and Legal Counsel, John Bakker. The representatives expressed that the City of Coronado is in support of the Navy's proposed project but their concerns and issues are related to the updated infrastructure and which agency is legally authorized to provide the sewer service within the City's designated boundaries. Another concern was the validity of the existing service agreement based on its original purpose. Mr. King indicated that the City would like to participate in working together with the other parties to address any issues with the agencies and to avoid being tied into perpetuity to the City of Imperial Beach associated with future development of this land.

Commander Jerod Markley, Region Environmental Counsel, answered questions from the Commission regarding the NEPA planning process and indicated that it was completed.

City of Imperial Beach representatives: City Manager, Andy Hall; and Special Counsel, Charles Green spoke in support of LAFCO staff's recommendation.

Department of the Navy representatives: Community Planning and Liaison, Wesley Bomyea, Region Environmental Counsel; Commander Jerod Markley; and Naval Base Coronado Commanding Officer, Captain Steve Barnett spoke to the Commission in support of the LAFCO staff recommendations.

Commissioners MacKenzie, Jacob, Horn, Zapf, Abed and Alternate Commissioner Mathis made comments and asked questions from the representatives speaking to the Commission.

On motion of Commissioner Mackenzie, seconded by Commissioner Wood, and carried unanimously by the commissioners present, the Commission approved the following actions:

Chairman Horn called for a voice vote for Items 9A/B. The voting was (7 to 1) and the motion passed.

With Commissioner Zapf in opposition, on motion of Commissioner Jacob, seconded by Commissioner Abed, and carried by the remaining commissioners present, the Commission took the following action to approve Option 3: disapproving the request for reconsideration but to add a meet and confer component for the three entities to communicate and work out any issues. LAFCO would have no purview over the resolution of these issues, based on the approved motion.

On motion of Commissioner Abed, seconded by Commissioner Zapf, and carried unanimously by the commissioners present, the Commission approved the following actions:

Approve the refund amount of \$1,030.00 to the City of Coronado for the Reconsideration filing fee paid to LAFCO.

Item 10

Selection of 2015-16 LAFCO Chair and Vice Chair

Michael explained to the Commission the LAFCO rotation policy for Commission officer positions and requested direction from the Commission for 2016. Commissioners Horn and Abed indicated that they would both be interested in serving in the same positions for 2016 as Chair and Vice Chair, respectively.

Commissioner Abed placed a motion on the floor to continue the current Commission officers for the 2016 calendar year. The motion was seconded by Commissioner Lorie Zapf, and carried unanimously by the commissioners present.

Item 11

Holiday Office Closure and 2016 Meeting Calendar

Michael Ott provided a brief report to the Commission requesting closure of the LAFCO office during the holiday of December 21st–25th, 2015; cancellation of the January 4, 2016 LAFCO Commission meeting and approval of the 2016 LAFCO Meeting Calendar.

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

Authorized the Executive Officer to close the LAFCO office from December 21 through December 25, 2015; adjourn the December 7, 2015 meeting to February 1, 2016; and approved the 2016 LAFCO Meeting Calendar.

Item 12

Public Comment

There were no members of the public who were present requesting to speak to the Commission on a subject matter within the Commission's jurisdiction but not on the agenda. There were no speaker slips received from members of the public for comments.

There being no further business to come before the Commission, the meeting adjourned at 10:49 a.m. to the February 1, 2016 meeting, in Room 302, County Administration Center.

**Ruth Arellano
Administrative Assistant
San Diego Local Agency Formation Commission**