



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

6a

AGENDA REPORT
 Consent | Action

August 7, 2023

TO: Commissioners
FROM: Tamaron Luckett, Commission Clerk
SUBJECT: **Approval of Meeting Minutes |
 Special Meeting of June 5, 2023**

SUMMARY

The San Diego County Local Agency Formation Commission (LAFCO) will consider draft minutes prepared for the special meeting held on June 5, 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 June 5, 2023, special meeting. The attendance record for the meeting follows.

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

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	Chair Jim Desmond County of San Diego Joel Anderson County of San Diego Nora Vargas, Alt. County of San Diego	Kristi Becker City of Solana Beach Dane White City of Escondido John McCann Alt. City of Chula Vista	Vice Chair Stephen Whitburn City of San Diego Marni von Wilpert, Alt. City of San Diego	Jo MacKenzie Vista Irrigation Barry Willis Alpine Fire Protection David Drake, Alt. Rincon del Diablo	Andy Vanderlaan General Public Harry Mathis, Alt. General Public
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ANALYSIS

The attached draft minutes for the June 5, 2023, special 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 June 5, 2023, special 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 June 5, 2023 with any requested 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,



Tameron Luckett
Commission Clerk

Attachment:

- 1) Draft Meeting Minutes for June 5, 2023

**DRAFT MINUTES
SAN DIEGO LAFCO
June 5, 2023 SPECIAL MEETING**

1. 8:05 A.M. – CALL TO ORDER BY CHAIR | ROLL CALL

The special meeting was called to order at 8:05 a.m. by Chair Desmond. The Commission Clerk 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
Andy Vanderlaan, Public
Stephen Whitburn, City of San Diego (VICE CHAIR)
Dane White, City of Escondido
Barry Willis, Alpine Fire Protection

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

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

The Commission Clerk confirmed a quorum with eight voting members present. Also present 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; Local Government Analyst I Michaela Peters; GIS/IT Analyst Dieu Ngu; Executive Assistant Erica Sellen; and Commission Clerk Tamaron Luckett.

2. PLEDGE OF ALLEGIANCE

Chair Desmond led the Pledge of Allegiance.

3. AGENDA REVIEW

Chair Desmond stated Items 6b and 7b will be taken out of order and proceed ahead of Item 6a. The Chair also stated Items 7a and 7c will be pulled from the agenda and return at later dates.

With no other requested changes, the Chair asked the Commission to proceed with the agenda as noted with all members confirming in the affirmative.

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 Clerk confirmed there were no registered speakers. The Executive Assistant confirmed there were no live email 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 Clerk confirmed there were no requests.

5. CONSENT ITEMS

Item 5a

Approval of Meeting Minutes for May 1, 2023

Item presented to approve draft action minutes prepared for the Commission's May 1, 2023 regular meeting. Recommendation to approve.

Item 5b

Commission Ratification | Recorded Payments for April 2023

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

Item 5c

Proposed "For Giving LLC-Hymettus Avenue Change of Organization | Annexation to the Leucadia Wastewater District

Item presented to consider a change of organization proposal filed by the Leucadia Wastewater District to annex 1.2 acres of incorporated territory within its sphere of influence. The affected territory as submitted involves one legal parcel in the City of Encinitas presently developed with a single-family residence as well as a portion of the adjacent public right-of-way on Hymettus Avenue. The purpose of the proposal is to accommodate a pending subdivision to create two additional single-family residential parcels. Staff recommends conditional approval of the proposal as submitted along with related actions.

Item 5d

Revisions to Adopted Rule VI |

Proposed Job Classification Changes to Assistant Executive Officer Position

Item presented to consider revisions to its adopted Rule No. VI to accommodate proposed job classification changes for the Assistant Executive Officer position. The proposed changes have been prepared in consultation with the Commission's contract human resources advisor – Regional Government Services Authority – and premised on modernizing the job specifications ahead of the budgeted filling. There are no fiscal impacts associated with the proposed changes. Recommendation to approve.

CONSENT ITEMS CONTINUED...

Item 5e

Changes to the Adopted Salary Range for the GIS Analyst Position

Item presented to consider proposed changes to the adopted salary range for the GIS Analyst position and raise the maximum annual pay from \$90,501 to \$97,489. The proposed changes purposefully aligns the GIS Analyst to match the Local Governmental Analyst II position and in doing so create compensation harmony between the two positions. There are no fiscal impacts associated with the proposed changes. Recommendation to approve.

Item 5f

Designation of Labor Negotiators

Item presented to consider designating its labor negotiators for purposes of evaluating potential salary and benefit changes for the Executive Officer as part of their upcoming annual performance review. It is recommended the Commission formally designate Chair Desmond, Vice Chair Whitburn, and Past Chair Vanderlaan as its negotiators in step with their role as the Executive Officer Compensation Committee. Recommendation to approve.

Item 5g

Report on Active Proposals and Related Activities

Item presented to receive a status report on the 30 active proposals currently on file with LAFCO. Information only.

Item 5h

Annual Report |

Sphere of Influence and Municipal Service Review Summary of Actions

Item presented to receive an annual report chronicling sphere of influence and municipal service review actions in San Diego County during the 2022 calendar year. Information only.

Item 5i

2023 Local Agency Directory

Item presented to receive an annual local agency directory covering all 102 local agencies – cities and special districts – in San Diego County subject to the Commission's oversight. Information only.

Item 5j

Final Calculations for 2023-2024 Apportionments

Item presented to receive a report identifying local agency apportionments for 2023-2024 based on the \$2.034 million total contribution amount set by the Commission at May 1, 2023 meeting. Information only.

CONSENT ITEMS CONTINUED...

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Commissioner Whitburn motioned with second from Commissioner Willis to approve the consent calendar items with staff recommendations (Alternative One) as presented.

Roll call requested:

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

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

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

Item 6a

COMBINED PUBLIC HEARING SET FOR 8:30 A.M.

Proposed “Rainbow Municipal Water District and Fallbrook Public Utility District Reorganizations: Wholesale Water Services” | Concurrent Annexations to Eastern Municipal Water District and Detachments from San Diego County Water Authority with Related Actions (RO20-05 & RO20-04)

Item presented to consider two separate reorganization proposals filed by Fallbrook Public Utility District and Rainbow Municipal Water District that have been administratively combined for hearing purposes by the Executive Officer. The proposals seek LAFCO approvals to transfer wholesale water service responsibilities within the applicants’ jurisdictional boundaries from the San Diego County Water Authority to Eastern Municipal Water District. The purpose of the proposals is to achieve cost-savings to the applicants and their retail ratepayers based on the difference in charges between the two wholesalers. Five distinct alternative actions are available to the Commission as detailed. Staff recommends Option Two to conditionally approve both proposals with special terms – including the payment of an exit fee to the County Water Authority divided over a five-year period. Ancillary recommendations include conforming sphere of influence actions involving Eastern Municipal Water District and County Water Authority as well as making exemption findings under the California Environmental Quality Act. Any proposal approvals would be subject to voter confirmation within the applicants’ jurisdictional boundaries.

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

- Anderson; Becker; Desmond; Drake; MacKenzie; McCann; Vanderlaan; Whitburn; White and Willis

PUBLIC HEARING ITEMS CONTINUED...

Item 6a Continued

Chair Desmond asked for the staff presentation. Executive Officer Keene Simonds provided opening comments with Local Government Analyst II Priscilla Mumpower proceeding with the formal presentation along with LAFCO Consultants Adam Wilson, Dr. Michael Hanemann, and Chris Cate.

At the conclusion of the staff presentation, and at the invitation of Chair Desmond, the Commission received formal presentations from the following agencies:

- Applicants Fallbrook Public Utility District (General Manager Jack Bebee) and Rainbow Municipal Water District (General Manager Tom Kennedy)
- San Diego County Water Authority (General Manager Sandy Kerl, Outside Counsel Mark Hattam, and Vice Chair Nick Serrano)

At Chair Desmond's invitation, the Commission proceeded to ask clarifying and/or technical questions of LAFCO staff, applicants, and/or the County Water Authority.

Chair Desmond proceeded to formally open the public hearing and invited comments from the following registered speakers:

In-Person Speakers:

- Jennifer Jefferies
- Suzanne Walton
- Eileen Delaney
- Duane Urquhakt
- Brian Olney
- Terry Decker
- Paula de Sousa
- Bill Pellman
- Jon Frandell
- Ken Melban
- Miguel Gasca
- Saleh Deval
- Kurt Bantle
- Commander Joe Deyer
- Adrian Granda
- Cindy Custer
- Dave Baxter
- Judy Willis
- Connie Fish
- Pete Gause
- Jason Kendall
- Stephanie Baxter

In-Person Speakers Continued:

- David Custer
- Jackie Heineman
- Tim O'Leary
- Dan Coxe
- Rick Carey
- Charley Wolk

Video-Teleconference Speakers:

- Bridgette Browning
- Gary Hurst
- Aldo Maciel
- Marcus Bush
- Susan Liebes
- Fernanda Flores
- Becca Taylor
- Jim Madaffer
- Carol Kim

PUBLIC HEARING ITEMS CONTINUED...

Item 6a Continued

The Executive Assistant confirmed there were five live e-mail comments which were read into the record from the following individuals:

- Gray Martin
- Johanna McLouth
- Kevin Grangetto
- Adan Ortega Jr.
- Ralph Gilbert

Chair Desmond thanked the speakers for their time and closed the public hearing.

Chair Desmond proceeded to address the proposals and staff's analysis of the key topics.

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Commissioner Desmond motioned with a second from Commissioner Willis to approve the staff recommendation (Option Two) as listed in the agenda report.

Discussion on the motion followed.

Commissioner Anderson proceeded to make a substitute motion to continue the hearing to the August 7th meeting and provide the Commission additional time to consider all the information provided. Commissioner MacKenzie offered to second the motion with an amendment to request staff to return with additional options on exit fees and address comments from Chair Adán Ortega with Metropolitan Water District of Southern California. Commissioner Anderson accepted the amendments to the substitute motion.

Additional Commission discussion on the motion followed.

Roll call requested on the substitute motion as amended:

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

The Commission Clerk confirmed the motion was approved 5-3.

PUBLIC HEARING ITEMS CONTINUED...

Item 6b

Proposed “Yung-La Presa Avenue Change of Organization” | Annexation to San Diego County Sanitation District and Conforming Sphere of Influence Action (CO22-17)

Item presented to consider a change of organization initiated by a landowner to annex approximately 0.16 acres of unincorporated territory to the San Diego County Sanitation District. The affected territory as submitted is presently undeveloped and located in the La Presa unincorporated community. The affected territory is also immediately adjacent to the existing San Diego County Sanitation District jurisdictional boundary and sphere of influence. The proposal purpose is to establish public wastewater service and in doing so accommodate the planned development of a 2,500 square-foot single family residence. Staff recommends conditional approval of the proposal as submitted with a conforming sphere amendment along with related actions.

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 provided the staff presentation.

Chair Desmond proceeded to open the public hearing and invited comments from members of the public.

The Commission Clerk confirmed there were no registered speakers. The Executive Assistant confirmed there were no live email comments.

Chair Desmond proceeded to close the public hearing.

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Commissioner Willis motioned with second from Commissioner MacKenzie to approve the staff recommendation (Alternative One) as listed in the agenda report.

Roll call requested:

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

The Commission Clerk confirmed the motion passed 8-0.

7. BUSINESS ITEMS

Item 7a

Final Report on Ag Trends and Related Policy Opportunities | Sustainable Agricultural Lands Conservation Grant Update

Item pulled at the request of the Executive Officer. Staff will return with the item at a future meeting.

Item 7b

LAFCO Brochure: Diamond Anniversary Edition

Item presented to receive a draft update to an informational brochure on San Diego LAFCO . The draft update is part of a planned 60-year anniversary and incorporates several special features as part of the diamond anniversary – including a timeline of key events, historical commissioner, staff, and counsel rosters, and alumni profiles. Information only.

Chair Desmond asked for the staff presentation.

Local Government Analyst I Michaela Peters proceeded with the presentation and invited Commissioners to provide comments or suggestions in step with staff finalizing the document for subsequent distribution.

Commission discussion followed.

Item 7c

Recommendation to Oppose Assembly Bill 530 as Amended

Item pulled at the request of the Executive Officer. Staff will return with the item at a future meeting.

8. EXECUTIVE OFFICER REPORT

Executive Officer Keene Simonds advised staff would coordinate with Chair Desmond on the timing of returning Item 7c and noted one possibility involves holding a special meeting on July 10th. The Executive Officer accordingly asked Commissioners to keep the date open with Commissioner MacKenzie concurrently advising she would not be available.

9. COMMISSIONER ANNOUNCEMENTS | REQUESTS FOR FUTURE ITEMS

None

10. CLOSED SESSION

None

11. ADJOURNMENT TO NEXT MEETING

With no further business the Chair adjourned the meeting at 3:27 p.m.

I hereby attest the minutes above accurately reflect the deliberations of the Commission at its June 5, 2023 meeting.

ATTEST,

Erica Sellen
Executive Assistant

for: Tamaron Lockett
Commission Clerk

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