



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

**6c**

**AGENDA REPORT**  
 Consent | Action

August 7, 2023

**TO:** Commissioners  
**FROM:** Erica Sellen, Executive Assistant  
**SUBJECT:** **Approval of Meeting Minutes |  
 Special Meeting of July 10, 2023**

**SUMMARY**

The San Diego County Local Agency Formation Commission (LAFCO) will consider draft minutes prepared for the special meeting held on July 10, 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 July 10, 2023, special meeting. The attendance record for the meeting follows.

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

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

The attached draft minutes for the July 10, 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](http://www.sdlafco.org)).

## RECOMMENDATION

It is recommended San Diego LAFCO approve the draft minutes prepared for the July 10, 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 July 10, 2023 special meeting 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,



Erica Sellen  
Executive Assistant

Attachment:

- 1) Draft Meeting Minutes for July 10, 2023

**DRAFT MINUTES  
SAN DIEGO LAFCO  
July 10, 2023 SPECIAL MEETING**

**1. 8:20 A.M. – CALL TO ORDER BY CHAIR | ROLL CALL**

The special meeting was called to order at 8:21 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)  
Andy Vanderlaan, Public  
Stephen Whitburn, City of San Diego (VICE CHAIR)  
Dane White, City of Escondido  
Barry Willis, Alpine Fire Protection District

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

Members Absent: Jo MacKenzie, Vista Irrigation District (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 with Alternate Commissioner Drake voting in absence of Commissioner MacKenzie. Also present were the following LAFCO staff members: Executive Officer Keene Simonds; Commission Counsel Holly Whatley; Assistant Executive Officer Priscilla Mumpower; Local Government Analyst II Carolanne Ieromnimon; Local Government Analyst I Michaela Peters; GIS/IT Analyst Dieu Ngu; and Executive Assistant Erica Sellen serving as the Commission Secretary.

**2. PLEDGE OF ALLEGIANCE**

Commissioner Whitburn led the Pledge of Allegiance.

**3. STATEMENT (JUST CAUSE) AND/OR CONSIDERATION OF A REQUEST TO PARTICIPATE REMOTELY (EMERGENCY CIRCUMSTANCES) BY A COMMISSIONER, IF APPLICABLE**

Not applicable. All Commissioners were present at the dais.

#### 4. AGENDA REVIEW

Chair Desmond reviewed the agenda and asked the Executive Officer if there were requests to remove or rearrange items. Executive Officer Keene Simonds stated no changes were needed to the agenda.

Chair Desmond also accommodated a request from the public to address the Commission on a matter not directly related to an agenda item. Comments were received from the following attendee:

- Leticia Maldonado-Stamos

The Commission Secretary confirmed there were no other attendees – in person or remote – requesting to speak. It was also confirmed there were no live e-mail comments.

#### 5. CONSENT ITEMS

None

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

##### Item 6a

##### **Proposed “Fallbrook PUD & Rainbow MWD Wholesaler Reorganizations” | Concurrent Annexations to Eastern Municipal Water District and Detachments from San Diego County Water Authority with Related Actions (RO20-05 and RO20-04)**

Item presented to consider a continued public hearing opened on June 5, 2023 involving two separate reorganization proposals filed by Fallbrook Public Utility District and Rainbow Municipal Water District. The two proposals 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. At the request of the Commission, additional information is being presented as part of the continued hearing and involves alternatives to the recommended exit fee as well as responses to written comments made by Chair Adán Ortega with the Metropolitan Water District of Southern California. Public testimony at the continued hearing is limited to this additional information. As set forth in the original agenda report, staff continues to recommend 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 protest proceedings (for the annexation portion only) and voter confirmation within the applicants’ jurisdictional boundaries.

## **PUBLIC HEARING ITEMS CONTINUED...**

### **Item 6a Continued**

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

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

Chair Desmond asked for the staff presentation. Executive Officer Keene Simonds provided opening comments with Assistant Executive Officer Priscilla Mumpower proceeding with the formal presentation with consultants Chris Cate and Adam Wilson.

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

- Fallbrook Public Utility District (Jack Bebee)
- Rainbow Municipal Water District (Tom Kennedy)
- San Diego County Water Authority (Dan Denham, Mel Katz, and Pierce Rossum)

Chair Desmond proceeded to open the public hearing and invited comments from the following registered speakers with stated positions to the staff recommendation – Option Two – noted in parenthesis:

#### In-Person Speakers:

- Paula Coxe (support)
- Nick Serrano (oppose)
- Stephanie Baxter (support)
- Bill Pellman (support)
- Paula de Sousa (support)
- Dave Baxter (support)
- Frank Hilliker (oppose)
- Charley Wolk (support)
- Kurt Bantle (support)
- Rick Carey (support)
- Eileen Delaney (support)
- Jennifer Jefferies (support)
- Jon Frandell (support)
- Kathleen Hedberg (oppose)
- Jerri Patchett (support)
- Lila Hargrove (support)
- Duane Urquhakt (support)
- David Custer (support)
- Suzanne Walton (support)
- Leticia Stamos (support)
- Connie Fish (support)

#### Video-Teleconference Speakers:

- Bill Clenney (support)
- Tim Smith (oppose)
- Gary Hurst (oppose)
- Satomi Rash-Zeigler (oppose)
- Lauren Cazares (oppose)
- Mark Hattam (oppose)
- Adrian Granda (oppose)
- Eddie Grangetto (support)
- Jim Hickle (support)

## **PUBLIC HEARING ITEMS CONTINUED...**

### **Item 6a Continued**

The Commission Secretary confirmed there was one live e-mail comment which was read into the record from the following individual:

- Gregory Lehman (support)

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 original agenda report.

Discussion on the motion followed.

Commissioner Vanderlaan requested amendments to the motion to concurrently direct staff to advance the priority placement of the scheduled municipal service review on the San Diego County Water Authority in the current workplan. Commissioner Vanderlaan relatedly asked for staff to begin providing quarterly updates on the municipal service review. Commissioners Desmond and Willis agreed to the requested amendments.

Commission Counsel Whatley suggested the Commission separate the two topics in terms of approvals and focus any actions today on the proposals while providing direction to staff to return at the next meeting to take up Commissioner Vanderlaan's requests. Commissioner Vanderlaan agreed and withdrew his amendment requests.

Additional Commission discussion on the motion followed.

Roll call requested with Chair Desmond clarifying the motion is to approve Option Two as recommended by LAFCO staff while directing staff to return in August with a separate item to take up Commissioner Vanderlaan's requests to modify the workplan to advance the priority placement of the municipal service review on the County Water Authority and provide quarterly updates to the Commission:

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

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

**7. BUSINESS ITEMS**

None

**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 Chair adjourned the meeting at 11:29 a.m.

I hereby attest the minutes above accurately reflect the deliberations of the Commission at its July 10, 2023 meeting.

ATTEST,

Erica Sellen  
Executive Assistant

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