

**APPROVED MINUTES
SAN DIEGO LAFCO
December 4, 2023 REGULAR MEETING**

1. 8:15 A.M. – CALL TO ORDER BY CHAIR

**Item 1a
ROLL CALL**

The regular meeting was called to order at 8:16 a.m. by Vice Chair Whitburn. The Commission Clerk performed the roll call with the following attendance recorded.

Regulars Present: Kristi Becker, City of Solana Beach
Jo MacKenzie, Vista Irrigation District
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
Harry Mathis, Public (voting)
John McCann, City of Chula Vista

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

The Commission Clerk confirmed a quorum with six voting members present at the time of roll 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 Carolanne Ieromnimon; Local Government Analyst I Michaela Peters; GIS/IT Analyst Dieu Ngu; and Commission Clerk Erica Sellen.

**Item 1b
PLEDGE OF ALLEGIANCE**

Commissioner White led the Pledge of Allegiance.

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

None.

3. AGENDA REVIEW

Vice Chair Whitburn asked the Executive Officer if there were any requests to remove or rearrange items on the agenda. The Executive Officer stated no changes to the agenda were needed while concurrently noting supplemental correspondence had been received for Item 7a with copies distributed along the dais.

4. PUBLIC COMMENT AND RELATED ITEMS

Vice Chair Whitburn invited anyone from the public to address the Commission on a matter not directly related to an agenda item. Vice Chair Whitburn invited comments from the following two registered speakers:

- Jake Wiley, Rainbow Municipal Water District
- Jack Bebee, Fallbrook Public Utility District

The Commission Clerk confirmed there were no other registered speakers and no live e-mail comments.

5. CONSENT ITEMS

Item 5a

Approval of Meeting Minutes for November 6, 2023

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

Item 5b

Commission Ratification | Recorded Payments for October 2023

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

Item 5c

Proposed "North Iris Lane - Hallmark Development Reorganization" | Annexation to the City of Escondido with Concurrent Detachment from County Service Area No. 135 and Related Actions (RO23-06)

Item presented to consider a reorganization proposal initiated by landowner petition with the principal action to annex 7.7 unincorporated acres to the City of Escondido. A concurrent detachment from County Service Area No. 135 and its regional communication service function is also part of the reorganization. The affected territory includes five contiguous legal parcels with four containing existing single-family residences. The purpose of the proposal is to facilitate Escondido's tentative approval to develop the affected territory into 102 airspace residential condominiums with ancillary amenities. Staff recommends conditional approval of the proposal as submitted to include removal of the affected territory from Rincon del Diablo Municipal Water District's authorized fire protection and emergency medical service area (Improvement District E). Other standard terms would apply. It is also recommended the Commission waive protest proceedings along with making parallel findings to the Environmental Impact Report (EIR) adopted by Escondido. Recommendation to approve.

CONSENT ITEMS CONTINUED...

Item 5d

Progress Report on the Adopted Workplan

Item presented to receive a progress report on accomplishing the 30 projects included in the adopted workplan for 2023-2024. The report is being presented to the Commission to receive and file with the opportunity to identify potential amendments for future consideration.

Item 5e

Authorize Holiday Office Closures

Item presented to consider authorization for closure of the LAFCO office on December 26th through 29th. Recommendation to approve.

Item 5f

Approval of 2024 Meeting Calendar

Item presented to consider approving a regular meeting schedule for the 2024 calendar year. Recommendation to approve regular meetings on the first Monday of each month except for January, July, and September. Recommendation to approve.

Item 5g

Commissioner Terms

Item presented to receive its annual report on individual Commissioner terms. One term is set to expire in April 2024 and involves one special district (regular) member. Information only.

Item 5h

Report on Active Proposals and Related Activities

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

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

Roll call requested:

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

The Commission Clerk confirmed the motion was approved 6-0 with two voting members (Anderson and Desmond) absent.

**6. PUBLIC HEARING ITEMS |
COMMISSIONER DISCLOSURE OF EX PARTE COMMUNICATIONS**

Item 6a

Proposed “Colina Fuerte – Via Ascenso Reorganization” |

Annexation to the Santa Fe Irrigation District with Concurrent Detachment from Olivenhain Municipal Water District and Conforming Sphere of Influence Actions (RO23-08)

Item presented to consider a reorganization proposal filed by landowner petition with the principal action to annex approximately 5.14 unincorporated acres in the Rancho Santa Fe community to the Santa Fe Irrigation District. A secondary action to detach the affected territory from Olivenhain Municipal Water District is also proposed. The affected territory comprises one legal parcel, which is currently undeveloped with an existing open-space easement. The proposal purpose is to facilitate the planned development of a single-family residence by allowing the landowner to redirect a potable water connection to Santa Fe to avoid encroaching on the open space easement as otherwise necessary in connecting to Olivenhain. Staff recommends conditional approval of the proposal as submitted, conforming sphere of influence actions for both subject agencies, and a municipal service review waiver under L-106. It is also recommended the Commission waive protest proceedings and make exemption findings under the California Environmental Quality Act.

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

Local Government Analyst I Michaela Peters provided the staff presentation.

Vice Chair Whitburn proceeded to open the hearing and invited comments from the public.

The Commission Clerk confirmed there were no registered speakers or live e-mail comments.

Vice Chair Whitburn proceeded to close the public hearing.

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

Roll call requested:

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

The Commission Clerk confirmed the motion was approved 6-0 with two voting members (Anderson and Desmond) absent.

7. BUSINESS ITEMS

Item 7a

Preliminary Assessment |

Commission Oversight Duties and Port of San Diego

Item presented to receive a preliminary assessment on LAFCO's oversight duties as they relate to the Port of San Diego – formally the San Diego Unified Port District – for discussion and feedback. The assessment ties to a recent request by the Commission. Based on available information, the assessment concludes the Port is a special district subject to LAFCO oversight. It similarly concludes the Port qualifies as an “independent” special district, and accordingly eligible to seat members on the Commission and responsible for proportionally paying part of the special districts' share of the LAFCO budget. Staff will draw on the discussion and related public comments in finalizing the assessment for future Commission consideration.

Executive Officer Keene Simonds and Consultant Chris Cate provided the staff presentation.

The Commission Clerk confirmed there were no registered speakers or live e-mail comments.

Commission discussion followed. No action.

Item 7b

Draft Comprehensive Update to Personnel Policies

Item presented to review a draft update to the personnel policies as part of the adopted workplan. The draft update has been prepared by LAFCO's contract human resources consultant – Regional Government Services Authority – with input from senior staff. The draft follows a Commission approved scope of work and transitions personnel policies away from relying on the County of San Diego and towards a stand-alone document scaled to LAFCO's unique setting as a public agency with less than 10 employees. The draft is being presented for discussion and feedback and ahead of its finalization for future action.

Executive Officer Keene Simonds provided the staff presentation.

The Commission Clerk confirmed there were no registered speakers or live e-mail comments.

Commission discussion followed. No action.

Item 7c

LAFCO Fee Waivers

Item presented to review its existing policies involving applicant fee waivers and reductions. The review is being presented in response to a recent request at the dais by Commissioner Willis and provides preliminary assessment on potential options to provide additional fee waivers and/or reductions to LAFCO's funding agencies. The item is being presented for discussion with an opportunity for the Commission to provide general direction to LAFCO staff in proceeding with any formal revisions to the fee schedule for future consideration.

Local Government Analyst II Carolanne Ieromnimon provided the staff presentation.

The Commission Clerk confirmed there were no registered speakers or live e-mail comments.

Commission discussion followed. No action.

8. EXECUTIVE OFFICER REPORT

Executive Officer Keene Simonds noted the following items:

- LAFCO Consultant Chris Cate continues to work on LAFCO's behalf to coordinate with proponents interested in filing an incorporation proposal for La Jolla
- LAFCO Consultant Adam Wilson continues to work on LAFCO's behalf in moderating the second year of the RCD Ad Hoc Committee
- Commission Clerk Tamaron Lockett retired as of December 2023
- Erica Sellen has been promoted from Executive Assistant to Commission Clerk
- LAFCO Holiday Party will be held on December 18th

9. COMMISSIONER ANNOUNCEMENTS | REQUESTS FOR FUTURE ITEMS

None.

10. CLOSED SESSION

a) Conference with Legal Counsel; Existing Litigation

Government Code Section 54956.9(d)(1)

The Commission finds, based on advice from legal counsel, that discussion in open session will prejudice the position of the Commission in the litigation

San Diego County Water Authority v. San Diego County Local Agency Formation Commission et al. (San Diego County Superior Court Case No. 37-2023-000036018-CU-TT-CTL)

Vice Chair Whitburn recused himself as he is a board member of the San Diego County Water Authority and asked Commissioner Becker to serve as Acting Chair for the balance of the meeting.

After returning from closed session, Acting Chair Becker asked Commission Counsel Holly Whatley if there was any reportable action. Ms. Whatley reported there was a vote of 5-0 to approve the settlement with San Diego County Water Authority. The Commissioners voting in favor were Becker, MacKenzie, White, Willis, and Mathis (voting).

11. ADJOURNMENT TO NEXT MEETING

With no further business Acting Chair Becker adjourned the meeting at 9:46 a.m.

I hereby attest the minutes above accurately reflect the deliberations of the Commission at its December 4, 2023 meeting.

ATTEST,

Erica Sellen
Commission Clerk