



San Diego County Local Agency Formation Commission

Regional Service Planning | Subdivision of the State of California

AMENDED

SAN DIEGO COUNTY LOCAL AGENCY FORMATION COMMISSION

REGULAR MEETING AGENDA Monday, October 7, 2024

Doors Open: 8:00 A.M.
Meeting Starts: 8:15 A.M.

In-Person Participation

County Administration Center
1600 Pacific Highway, Room 302
San Diego, California

Video-Teleconference Participation

<https://www.zoom.us/join>

Meeting ID 895 6767 7168 | Passcode 508649
(669) 900-9128

Video Viewing Only

@sandiegolafco9909

San Diego LAFCO		
Commissioner	Appointing Authority	Affiliation
Chair Stephen Whitburn	Mayor of the City of San Diego	City of San Diego
Vice Chair Barry Willis	Independent Special Districts	Alpine Fire Protection
Jim Desmond	Board of Supervisors	County of San Diego
Joel Anderson	Board of Supervisors	County of San Diego
Kristi Becker	Cities Selection Committee	City of Solana Beach
Jo MacKenzie	Independent Special Districts	Vista Irrigation
Dane White	Cities Selection Committee	City of Escondido
Harry Mathis	Commission	General Public
Alternate David A. Drake	Independent Special Districts	Rincon del Diablo MWD
Alternate Brigette Browning	Commission	General Public
Alternate John McCann	Cities Selection Committee	City of Chula Vista
Alternative Nora Vargas	Board of Supervisors	County of San Diego
Alternate Marni von Wilpert	Mayor of the City of San Diego	City of San Diego

Participation Instructions:

In person attendance by the public is welcomed. LAFCO meets in Room 302 in the County Administration Center (1600 Pacific Highway). Three-hour visitor parking is available using the Ash Street entrance. To provide comments on any item, please turn in a speakers slip to LAFCO staff before the item commences.

Remote participation by video or telephone is welcomed through Zoom by following these instructions.

Comments by Video	Comments by Telephone
1. Click or type the link found at the top of the agenda	1. Dial + 1-669-900-9128
2. Type the Meeting ID identified on the top of this agenda followed by the Passcode	2. Dial the Meeting ID identified at the top of the agenda followed by the Passcode
3. Click the raise hand icon	3. Dial *9 to raise your hand
4. LAFCO will announce your name as it appears when it is your turn to speak	4. LAFCO will call out the last 4 digits of your phone number when it is your turn to speak
5. Click the speaker icon to unmute to speak	5. Dial *6 to unmute yourself

All comments – whether provided in person or remotely (video and telephone) – are limited to three minutes for individuals and five minutes for agencies and community organizations. The Chair may adjust the time allowance as they deem appropriate in managing the Commission’s business.

Remote participation by e-mail is also welcomed by sending comments to Commission Clerk Erica Sellen at erica.sellen@sdcounty.ca.gov.

- All e-mails received before 3:00 P.M. one business day before the meeting will be forwarded to the Commission and posted online prior to the start of the meeting. These comments will also be referenced at the meeting.
- All e-mails received after 3:00 P.M. one business day before the meeting and up until the conclusion of the item by the Commission will be noted for the record by LAFCO staff with a good-faith summary and subsequently posted online.

Public Accommodations:

Assistance for the disabled is available by contacting LAFCO staff prior to the meeting. To the extent possible, accommodation requests should be submitted at least 72 hours in advance.

Spanish language translation services are readily available at LAFCO meetings. Translation services covering other languages may be made available upon request at least 72 hours prior to the meeting.

Contact Information:

Erica Sellen
Commission Clerk
2550 Fifth Avenue, Suite 725
San Diego, California 92103
T: 619-321-3380
F: 619-404-6508
E: erica.sellen@sdcounty.ca.gov

1. 8:15 A.M. – CALL TO ORDER BY CHAIR

a) Roll Call of Commissioners Present

b) Pledge of Allegiance

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

3. AGENDA REVIEW

The Executive Officer will summarize the agenda as well as to advise of any requested changes. The Chair will also consider requests from Commissioners.

4. PUBLIC COMMENT AND OPPORTUNITY FOR PUBLIC TO REQUEST DISCUSSION ON CONSENT ITEMS

Opportunity for members of the public to speak to the Commission on any subject matter within the Commission's growth management duties/interests but not on the agenda. Three-minute limit. This is also an opportunity for the public to request discussion on a consent calendar item.

5. CLOSED SESSION

a) Public Employee Performance Evaluation

California Government Code Section 54957(b)

Employee: Keene Simonds

b) Conference with Legal Counsel--Anticipated Litigation:

Pursuant to Government Code Section 54956.9(d)(3): Significant exposure to litigation pursuant to paragraph (3) of subdivision (d) of Section 54956.9 related to San Diego Unified Port District. (One case.)

6. CONSENT ITEMS

All items calendared as consent are considered ministerial and subject to a single motion approval. The Chair will entertain requests by Commissioners to pull any items for discussion.

a) Approval of Meeting Minutes for August 5, 2024 (action)

The Commission will consider action minutes prepared by the Commission Clerk for the August 5, 2024 meeting. Recommendation to approve as presented. (Pages 7-16)

b) Commission Ratification |

Recorded Payments for July and August 2024 (action)

The Commission will review a report identifying all payments made and received for July and August 2024. Recommendation to ratify payments as presented. (Pages 17-26)

CONSENT ITEMS CONTINUED...

c) Notice of Administrative Approval |

“Nguyen–Busch Drive Out-of-Agency Wastewater Services” (OAS24-11) (information)

The Commission will receive a notice of an administrative approval by the Executive Officer for the City of Vista to provide out-of-agency services to an unincorporated property located within the City sphere of influence. The authorization is specific to wastewater service to an existing single-family residence at 752 Busch Drive and premised on abating a public health and safety threat given documentation of a failing septic system. This notice is being provided for information consistent with adopted policy. (Pages 27-38)

d) Notice of Administrative Approval |

“Shen–Pinecrest Avenue Out-of-Agency Wastewater Services” (OAS24-08) (information)

The Commission will receive notice of an administrative approval by the Executive Officer for the City of Escondido to provide out-of-agency services to an unincorporated property located within the City sphere of influence. The authorization is specific to wastewater service to an existing single-family residence at 1155 Pinecrest Avenue and premised on abating a public health and safety threat given documentation of a failing septic system. The Executive Officer’s approval is also termed on the landowner submitting a complete annexation proposal within one calendar year unless a time extension is authorized. This notice is being provided for information consistent with adopted policy. (Pages 39-52)

e) Approval of Independent Audit Expense for 2023-2024 (action)

The Commission will consider approval of an independent audit expense in the amount of \$10,950 with O’Conner and Company covering the 2023-2024 fiscal year. The expense has been negotiated by the Executive Officer and equals the charge to LAFCO for services provided by O’Conner and Company in auditing the prior fiscal year plus a 4% inflation adjustment. Approval of the audit expense by the Commission is necessary under adopted policy and would allow LAFCO to defer the otherwise need to perform a competitive bid process to a later date. (Pages 53-62)

f) Progress Report on 2024-2025 Workplan (action)

The Commission will receive a progress report on the adopted workplan and activities associated with the 30 projects set for 2024-2025. It is recommended the Commission formally receive the item as well as provide general direction to staff on any potential amendments for formal consideration at a future meeting. (Pages 63-74)

g) Report on Active Proposals and Related Activities (information)

The Commission will receive a status report on active proposals currently on file as well as anticipated filings based on ongoing discussions with proponents. The item is for information and satisfies LAFCO’s reporting requirement. (Pages 75-88)

h) Proposed Update to Conflict of Interest Code (action)

The Commission will consider amendments to its adopted Conflict of Interest Code as part of a biennial review. The proposed amendments are considered minor and involve adding two positions – Commission Clerk and Communications Associate – to the list of LAFCO employees required to file annual statements of economic interest. The proposed amendments are being presented for Commission approval and for subsequent filing with the County of San Diego Board of Supervisors as the code-reviewing body for LAFCO. (Pages 89-102)

7. PUBLIC HEARING ITEMS |

COMMISSIONER DISCLOSURE OF EX PARTE COMMUNICATIONS

Public hearing items require expanded public notification per provisions in State law or have been voluntarily scheduled by the Executive Officer to ensure opportunity for public input. All public hearing items require verbal disclosures by Commissions regarding any material communications.

a) TO BE CONTINUED... Proposed Final Report and Related Actions |

Municipal Service Review on the Oceanside Region (action)

The Commission will receive a proposed final report prepared as part of the scheduled municipal service review on the Oceanside region. The report addresses the Commission's task in statute to independently evaluate the availability and performance of public services relative to community needs and make related determinations. Three local agencies under LAFCO oversight are covered in the report – City of Oceanside, Oceanside Small Craft Harbor District, and Morro Hills Community Services District – and collectively serve approximately 180,000 residents. The report returns to the Commission largely intact from its draft presentations in June and August 2024 and a subsequent 45-day public review period. Revisions are shown in track-change format. The report also incorporates additional environmental justice analysis as required under local policy. It is recommended the Commission formally accept the proposed final report as presented and take ancillary actions as detailed. (Pages 103-410) TO BE CONTINUED TO NOVEMBER 4, 2024 MEETING.

b) Proposed “O’Ryan – Calavo Drive Change of Organization” |

Annexation to the Otay Water District & Conforming Sphere Action (CO24-05) (action)

The Commission will consider a change of organization proposal initiated by landowner petition. The proposal seeks Commission approval to annex 0.30 acres of unincorporated territory within the Spring Valley community to the Otay Water District (WD). The affected territory comprises one undeveloped legal parcel entirely within Otay WD's sphere of influence. The proposal's purpose is to establish wastewater service to facilitate the planned development of one single-family residence and accompanying accessory dwelling unit (ADU). Staff recommends conditional approval of the proposal with a modification to include 8.11 acres of adjacent public right-of-way along Avocado Boulevard as a boundary enhancement with a conforming sphere amendment. Waivers are also recommended. This includes waiving the applicant fee for the corresponding sphere amendment associated with the proposed modification, proceeding without a new municipal service review that would otherwise be required under LAFCO Policy L-106, and dismissing protest proceedings. It is separately recommended the Commission make exemption findings under the California Environmental Quality Act. (Pages 411-448)

8. BUSINESS CALENDAR

Business items involve regulatory, planning, or other items that do not require a noticed hearing.

a) Review of Policy L-106 |

Conducting Municipal Service Reviews (discussion)

The Commission will review Legislative Policy 106 (L-106) and its governing provisions in conducting municipal service reviews. The item is being presented in response to recent deliberations involving the municipal service review prepared on the Oceanside region and a parallel request by the Commission to have a focused discussion on L-106 and whether any changes merit consideration. Any changes the Commission identifies will be presented in actionable form at a future meeting. (Pages 449-460)

BUSINESS ITEMS CONTINUED...

b) Quarterly Progress Report |

Municipal Service Review on Wholesale Water Agencies: San Diego County Water Authority and Metropolitan Water District of Southern California (information)

The Commission will receive a verbal presentation as part of a planned quarterly report advising on the progress in preparing the scheduled municipal service review (MSR) on wholesale water agencies operating in San Diego County. This includes a comprehensive review of the San Diego County Water Authority and a proportional review of the Metropolitan Water District of Southern California. The quarterly report is for information with the opportunity to provide general feedback. (Pages 461-464)

c) FY25 Appointments to the California Association of Southern Region LAFCOs (action)

The Commission will receive a report to formally make two appointments to the Association of Southern Region LAFCOs (Imperial, Los Angeles, Orange, Riverside, San Bernardino, and San Diego) consisting of one Commissioner and an alternate. The Association of Southern Region LAFCOs meets quarterly and provides legislative support and educational resources to its members. (Pages 465-482)

d) Consideration and Possible Approval of Seventh Amendment to Executive Officer's Employment Contract, Including Salary Adjustment (action)

The Commission conducts an annual performance evaluation of its Executive Officer, Keene Simonds and typically during its October meeting. As part of this evaluation, the Commission may propose amendments to the Executive Officer's employment contract. The Executive Officer Compensation Committee recommends an amendment to increase the Executive Officer's annual salary. (Pages 483-498)

9. EXECUTIVE OFFICER REPORT

10. COMMISSIONER ANNOUNCEMENTS & REQUESTS FOR FUTURE ITEMS

11. ADJOURNMENT

Attest to Posting:

Erica Sellen
Commission Clerk