

**APPROVED MINUTES  
SAN DIEGO LAFCO  
August 5, 2024 REGULAR MEETING**

**1. 8:15 A.M. – CALL TO ORDER BY CHAIR**

**Item 1a  
ROLL CALL**

The regular meeting was called to order at 8:21 a.m. by Chair Whitburn. 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  
                                     Jo MacKenzie, Vista Irrigation District  
                                     Harry Mathis, Public  
                                     Stephen Whitburn, City of San Diego (CHAIR)  
                                     Dane White, City of Escondido  
                                     Barry Willis, Alpine Fire Protection District (VICE CHAIR)

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

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

The Commission Clerk confirmed a quorum with nine members present. Also present at the time of roll call were the following LAFCO staff: Executive Officer Keene Simonds; Assistant Executive Officer Priscilla Mumpower; Commission Counsel Holly Whatley; Local Government Analyst II Michaela Peters; Local Government Analyst I Meghan Traynor; GIS Analyst Dieu Ngu; and Commission Clerk Erica Sellen.

**Item 1b  
PLEDGE OF ALLEGIANCE**

Commissioner Willis 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**

Commissioners Drake and Mathis participated remotely and attested to their just cause statement at the time of this item.

### 3. AGENDA REVIEW

Chair Whitburn asked Executive Officer Simonds if there were any requests to remove or rearrange items on the agenda. The Executive Officer responded no changes to the agenda are needed, but that there was supplemental correspondence regarding Agenda Item 6a. With no changes requested, the Chair confirmed the Commission would proceed as planned.

### 4. PUBLIC COMMENT AND RELATED ITEMS

Chair Whitburn 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 (audience or remote) or live e-mail comments.

### 5. CONSENT ITEMS

#### Item 5a

##### **Approval of Meeting Minutes for June 3, 2024**

Item presented to approve draft action minutes prepared for the Commission's June 3, 2024 meeting. Recommendation to approve.

#### Item 5b

##### **Commission Ratification |**

##### **Recorded Payments for May and June 2024**

Item presented to ratify recorded payments made and received by the Executive Officer for May and June 2024. Recommendation to ratify.

#### Item 5c

##### **4<sup>th</sup> Quarter Budget Update for 2023-2024 |**

##### **Administrative Close of the Fiscal Year and Corrective Amendments**

Item presented to review a report comparing budgeted and actual transactions through the fourth quarter of 2023-2024 as well as approve the close-of-year budget amendments to ensure all expense units finish with authorized balances. Recommendation to approve.

#### Item 5d

##### **Results of Protest Hearing | Conditionally Approved "Sky Ranch Change of Organization" Detachment from Helix Water District and Conforming Sphere Amendment**

Item presented to receive the results of the protest hearing held for the "Sky Ranch Change of Organization." This change of organization was conditionally approved by the Commission in May 2024 and involves the detachment of approximately 26.5 acres of inhabited incorporated territory within the City of Santee from the Helix Water District. The noticed protest hearing was held on July 1, 2024. No protest was filed at the close of the hearing. Recommendation to formally receive and file.

## CONSENT ITEMS CONTINUED...

### Item 5e

#### **Proposed “Keys Project LLC – Montemar Drive Change of Organization” | Annexation to the San Diego County Sanitation District (LAFCO File No. CO24-01)**

Item presented to consider a change of organization proposal initiated by a landowner petition (Keys Project LLC). The proposal seeks approval to annex approximately 1.8 acres of unincorporated territory within Spring Valley to the San Diego County Sanitation District. The affected territory as submitted is presently developed with one uninhabited single-family residence at 9421 Montemar Drive and adjacent public right-of-way (APN 504-242-01). The purpose of the proposal is to make public wastewater available to the affected territory and in doing so accommodate the construction of two single-family residences via an urban lot-split as allowed under Senate Bill 9. Staff recommends conditional approval of the proposal as submitted along with waiving protest proceedings. It is also recommended the Commission find the project is exempt under CEQA Guidelines Section 15319(b).

### Item 5f

#### **Progress Report on the Annual Workplan and Proposed Amendments**

Item presented to receive a progress report on accomplishing the 30 projects set for 2024-2025 as well as consider specific amendments. One-third of all projects are underway through the first month with the majority involving high-priority activities that have been forwarded over from the prior fiscal year. Recommendation to formally receive and approve proposed amendments.

### Item 5g

#### **Proposed Fund Balance Designations for 2024-2025**

Item presented to perform its annual task under policy to review and make fund balance designations for the new fiscal year. The total spendable cash fund balance as of July 1, 2024 was \$1,732,010. It is proposed the Commission reset the designations to largely match the preceding fiscal year and marked by continuing to set \$750,000 aside as committed monies for opportunity or stabilization uses. A change is proposed to lower the assigned monies set aside to the Executive Officer to cover specific expenses under policy from \$125,000 to \$100,000. The remaining monies –\$882,010– would be left unassigned. Recommendation to approve.

### Item 5h

#### **Report on Active Proposals and Related Activities**

Item presented to receive a status report on the 26 active proposals currently on file as well as anticipated filings based on ongoing discussions with proponents. Information only.

### Item 5i

#### **Designation of Labor Negotiations**

Item presented to consider designating its labor negotiators for purposes of reviewing – and negotiating if warranted – the salary and benefits of the Executive Officer as part of the annual performance review. Consistent with policy and practice, it is recommended the Commission formally designate Chair Whitburn, Vice Chair Willis, and Past Chair Desmond as negotiators in step with their role as the Executive Officer Compensation Committee. Recommendation to approve.

## CONSENT ITEMS CONTINUED...

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Commissioner Anderson motioned with a second from Commissioner White to approve the entire consent calendar with staff recommendations (Alternative One) as presented.

Roll call requested:

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

The Commission Clerk confirmed the motion was approved 7-0.

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

### Item 6a | Continued Public Hearing

#### Revised Draft Report | Municipal Service Review on the Oceanside Region

Item presented to receive a revised draft municipal service review on the Oceanside region. The revised draft follows an initial presentation to the Commission in June and subsequent direction to provide the City of Oceanside additional time to review before proceeding with a formal public review and comment period. The other two affected agencies – Oceanside Small Craft Harbor District and Morro Hills Community Services District – were similarly provided additional time to review the document with staff also making a formal presentation with the latter's governing board. Recommendation to initiate the 45-day comment period.

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

Local Government Analyst II Peters provided the staff presentation followed by comments from Executive Officer Simonds, which included addressing supplemental comments received on the revised draft from the City of Vista.

Chair Whitburn opened the hearing and invited public comments on the topic with the following persons addressing the Commission in person:

- Oceanside Mayor, Esther Sanchez
- Oceanside City Manager, Jonathan Borrego

The Commission Clerk confirmed there were no requests to speak online or any live e-mail comments.

Chair Whitburn proceeded to invite questions and comments from the Commissioners. General discussion followed with an agreement for staff to initiate public comment and prepare a final document for future action.

The Chair proceeded to close the hearing and invited a motion.

**PUBLIC HEARING ITEMS CONTINUED...**

**Continued Item 6a |  
Revised Draft Report on Municipal Service Review on the Oceanside Region**

Commissioner Anderson motioned with a second from Commissioner Whitburn to approve the staff recommendation as listed in the agenda report.

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Roll call requested:

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

The Commission Clerk confirmed the motion was approved 7-0.

**Item 6b |  
Appointment of an Alternate Public Member and Related Actions**

Item presented to receive a recommendation from its Alternate Public Member Recruitment Committee (Whitburn, Willis, and White) to fill an unexpired term through April 2027. Drawing from its delegated process, the Committee unanimously recommends the appointment of Brigette Browning. It also recommends the Commission formally dissolve the Committee.

Chair Whitburn summarized the work of the Committee – including the process of vetting all eight applicants – and reasons for the recommendation to appoint Brigette Browning.

At the Chair’s invite, Brigette Browning addressed the Commission and summarized her interests and qualifications to serve.

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

Chair Whitburn opened the hearing and invited public comments.

The Commission Clerk confirmed there were no registered speakers, and no requests to speak online or any live e-mail comments.

Chair Whitburn proceeded to invite questions and comments from the Commissioners.

Commissioner Becker asked for future recruitments, if more applicants could be presented to the Commission, since there were eight applicants and only one applicant was presented. In response, Chair Whitburn stated that two applicants were to be interviewed by the Commission, but one applicant had to drop out due to health reasons.

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

### **Continued Item 6b**

#### **Appointment of an Alternate Public Member and Related Actions**

Commissioner Mathis asked Ms. Browning if she could set aside her labor union background and represent the public. In response, Ms. Browning stated it would not be an issue and offered that she is a pension board member familiar with these rules.

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

Roll call requested:

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

The Commission Clerk confirmed the motion was approved 7-0.

The Commission Clerk proceeded to administer the Oath of Office for Brigette Browning.

## **7. BUSINESS ITEMS**

### **Item 7a**

#### **Proposed Update to the Rolling Five-Year Study Schedule**

Item presented to consider approving a proposed update to its rolling five-year study schedule marked by resetting the coverage period from FY2024-2028 to FY2025-2029. The proposed update is part of an annual process to sync the study schedule to actual authorizations by the Commission in adopting the annual workplan specific to preparing municipal service reviews. The first two years of the proposed update remain largely intact. They continue existing practice to capture all municipal service reviews covered in the adopted workplan paired with accommodating the expectation some studies require more than one year to complete. One new study has been added to the first two-year period and involves the previously unscheduled municipal service review on SANDAG and its regional housing, transportation, and climate adaptation service functions. Other changes in the proposed update involve reorganizing certain regional studies to better address multi-city serving special districts and adding a new study on airports in the fifth year. Staff recommends the Commission approve the proposed update with any desired changes.

Assistant Executive Officer Priscilla Mumpower provided the staff presentation.

Chair Whitburn invited public comments with the following person addressing the Commission online:

- Joe Naiman, Reporter

The Commission Clerk confirmed there were no other requests to speak online or any live e-mail comments.

## BUSINESS ITEMS CONTINUED...

### Continued Item 7a |

#### Proposed Update to the Rolling Five-Year Study Schedule

Chair Whitburn proceeded to invite questions and comments from the Commissioners.

Commissioner MacKenzie requested staff include a copy of the study schedule as part of future meetings along with the adopted workplan.

Commissioner Willis asked for an update on the San Diego County Water Authority MSR. Consultant Chris Cate provided a brief response and committed to providing a more detailed summary at the next meeting as previously planned.

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

Roll call requested:

AYES: Anderson, Becker, MacKenzie, Mathis, Whitburn, White, and Willis

NOES: None

ABSENT: Desmond, Vargas and von Wilpert

ABSTAINING: None

The Commission Clerk confirmed the motion was approved 7-0.

## 8. EXECUTIVE OFFICER REPORT

Executive Officer Keene Simonds noted the following items:

- Retirement of LAFCO Consultant Stephen Abbott.
- Congratulated Commissioner MacKenzie on her election to the CSDA Board.
- Welcomed Commission Clerk Erica Sellen back from maternity leave.
- Introduced new employee, Local Government Analyst I, Meghan Traynor.
- Deferred to Local Government Analyst II Michaela Peters to provide a brief update on a recent open house involving SALC 2.0.

## 9. COMMISSIONER ANNOUNCEMENTS | REQUESTS FOR FUTURE ITEMS

None.

## 10. CLOSED SESSION

### a) 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.)

**CLOSED SESSION ITEMS CONTINUED...**

**Continued Item 10a |**

**Conference with Legal Counsel--Anticipated Litigation:**

After returning from closed session, Chair Whitburn reported there was no reportable action.

**10. ADJOURNMENT TO NEXT MEETING**

With no further business, Chair Whitburn adjourned the meeting at 10:14 a.m.

I hereby attest the minutes above accurately reflect the deliberations of the Commission at its August 5, 2024 meeting.

ATTEST,

Erica Sellen  
Commission Clerk