

**DRAFT MINUTES  
SAN DIEGO LAFCO  
March 4, 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 8:15 a.m. by Chair Whitburn. The Commission Clerk performed the roll call with the following attendance recorded.

Regulars Present: Kristi Becker, City of Solana Beach  
Jim Desmond, County of San Diego  
Jo MacKenzie, Vista Irrigation District  
Stephen Whitburn, City of San Diego (CHAIR)  
Dane White, City of Escondido

Alternates Present: David Drake, Rincon del Diablo Municipal Water District  
Harry Mathis, Public (voting)

Members Absent: Barry Willis (VICE CHAIR)  
Joel Anderson (regular)  
John McCann (alternate)  
Nora Vargas, County of San Diego (alternate)  
Marni von Wilpert, City of San Diego (alternate)

The Commission Clerk confirmed a quorum with seven voting members present with Alternate Commissioner Mathis voting in place of the vacant regular public seat and Alternate Commissioner Drake voting in place of Vice Chair Barry Willis. Also present at the time of roll call were the following LAFCO staff: Executive Officer Keene Simonds; Commission Counsel Holly Whatley; Local Government Analyst II Carolanne Ieromnimon; Local Government Analyst I Michaela Peters; and GIS Analyst Dieu Ngu.

The Assistant Executive Officer Priscilla Mumpower arrived at approximately 9:15 a.m.

**Item 1b**

**PLEDGE OF ALLEGIANCE**

Commissioner MacKenzie 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. COMMENDATIONS AND PRESENTATIONS

The Commission recognized former Commissioner Andy Vanderlaan for his 28 years of exemplary service to the Commission as regular public member.

### 4. AGENDA REVIEW

Chair Whitburn asked the Executive Officer if there were any requests to remove or rearrange items on the agenda. The Executive Officer responded no changes to the agenda are needed. The Executive Officer commented there were a few supplemental correspondence items regarding Item 8a and proceeded to briefly identify each with copies provided on the dais.

### 5. 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 or live e-mail comments.

### 6. CONSENT ITEMS

#### Item 6a

#### **Approval of Meeting Minutes for February 5, 2024 (action)**

Item presented to approve draft action minutes prepared for the Commission's February 5, 2024 meeting. Recommendation to approve.

#### Item 6b

#### **Commission Ratification | Recorded Payments for January 2024 (action)**

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

#### Item 6c

#### **Temporary Appointment and Compensation Adjustment for Analyst Michaela Peters to Concurrently Serve as Commission Clerk (action)**

Item presented to consider the temporary appointment and related compensation adjustment for Analyst Michaela Peters to concurrently serve as Commission Clerk on an interim basis retroactive to February 9, 2024. Recommendation to approve.

#### Item 6d

#### **Progress Report on the Adopted Workplan (action)**

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

**CONSENT ITEMS CONTINUED...**

**Item 6e**

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

Item presented to receive a status report on the 28 active proposals currently on file as well as anticipated filings based on ongoing discussions with proponents. Information only.

**Item 6f**

**Report from University of California at Berkeley |**

**LAFCO and Water System Consolidations in California (information)**

Item presented to receive a report prepared by the University of California at Berkeley addressing the relationship between State regulators and LAFCOs in achieving the State's interest in consolidating and otherwise remedying problems with small public water systems. Information only.

**Item 6g**

**Update on Special District Election (information)**

Item presented to receive an update on the scheduled election called by the Executive Officer to seat a special district board member to serve on the Commission via a new four-year term beginning May 6, 2024. The election involves one of the two voting seats dedicated to special districts and presently held by Commissioner MacKenzie. Information only.

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

Roll call requested:

AYES: Becker, Desmond, Drake, MacKenzie, Mathis (voting), Whitburn, White

NOES: None

ABSENT: Anderson, Vargas, von Wilpert, and Willis

ABSTAINING: None

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

**7. PUBLIC HEARING ITEMS |**

**COMMISSIONER DISCLOSURE OF EX PARTE COMMUNICATIONS**

**Item 7a**

**Proposed "Tucker – Valley Road Reorganization" |**

**Annexation to National City with Concurrent Detachments from South Bay Irrigation District, Bonita-Sunnyside Fire Protection District, and County Service Area No. 135 and Related Sphere of Influence Amendment (action)**

Item presented to consider a reorganization proposal filed by landowner petition with the principal action to annex approximately 2.16 unincorporated acres in the Bonita community to National City. A secondary action to detach the affected territory from South Bay Irrigation District, Bonita-Sunnyside Fire Protection District, and County Service Area No.135 are also (...)

## PUBLIC HEARING ITEMS CONTINUED...

### Item 7a Continued

proposed. The affected territory comprises two legal parcels that lie entirely within the sphere of influence for National City. The proposal's purpose is to facilitate the planned development of a minor subdivision consisting of 10 single-family residences known as the "Valley View Development Project". Staff recommends conditional approval of the proposal as submitted along with a conforming sphere of influence removal action for Bonita-Sunnyside FPD's sphere, and a municipal service review waiver under L-106. It is also recommended the Commission waive protest proceedings and make findings under the California Environmental Quality Act (CEQA) as detailed. The affected parcels are 591-100-27 and 591-100-31.

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

Local Government Analyst II Carolanne Ieromnimon provided the staff presentation and detailed the reasons for the recommendations.

Chair Whitburn opened the hearing and invited questions and comments from the Commissioners. A brief discussion followed on the dais.

At the request of Chair Whitburn, the Commission Clerk confirmed there were requests from audience members to speak. It was also confirmed no requests to speak were online or any live e-mail comments. The Chair proceeded to close the hearing and invited a motion.

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

Roll call requested:

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

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

### Item 7b

#### **Proposed Draft Workplan and Budget for 2024-2025 (action)**

Item presented to consider recommendations in adopting a proposed draft workplan and budget for 2024-2025. The draft workplan outlines 30 activities in priority order and is headlined by continuing municipal service reviews on wholesale water service providers and healthcare districts as well as grant work evaluating economic conditions for certain agricultural crops. The draft workplan informs the draft budget, which totals \$2.887 million in matching expenses and revenues. More than four-fifths of total expenses –\$2.403 million– covers operating costs and represents an increase of 6.3% and largely ties to inflationary (...)

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

### **Item 7b Continued**

adjustments plus targeted enhancements as detailed. Adoption of the draft workplan and budget will precede a formal public review and conclude with final actions in May.

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

Executive Officer Keene Simonds provided the staff presentation.

Chair Whitburn opened the hearing and invited questions and comments from the Commissioners. A discussion followed on the dais and included detailed responses from Analyst II Carolanne Ieromnimon and LAFCO Consultant Adam Wilson on workplan inquiries.

At the request of Chair Whitburn, the Commission Clerk confirmed there were requests from audience members to speak. It was also confirmed no requests to speak were online or any live e-mail comments. The Chair proceeded to close the hearing and invited a motion.

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

Roll call requested:

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

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

## **8. BUSINESS ITEMS**

### **Item 8a**

#### **Final Administrative Assessment |**

#### **Commission Oversight Duties and Port of San Diego (action)**

Item presented to receive a final administrative assessment on LAFCO's oversight duties as they relate to the Port of San Diego – formally the San Diego Unified Port District. The assessment fulfills a request by the Commission to evaluate whether the Port is subject to LAFCO similar to other special districts in San Diego County. The assessment concludes the Port is subject to LAFCO oversight as an independent special district in the performance of local governmental and proprietary functions. It is recommended the Commission accept the assessment and approve a conforming policy statement. Alternatives also presented. (...)

Executive Officer Keene Simonds and Consultant Chris Cate provided the staff presentation along with input from Outside Counsel DeeAnne Gillick. Mr. Simonds also referenced the supplemental items received on the item and noted during the agenda review.

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

- Interim President and CEO of the Port of San Diego Randa Coniglio
- Coronado Resident Laura Wilkinson-Sinton
- National City Resident and Councilmember Marcus Brown

At the request of Chair Whitburn, the Commission Clerk confirmed there were no other requests from audience members to speak. It was also confirmed no requests to speak were online or any live e-mail comments. The Chair proceeded to invite Commission discussion.

Commission discussion followed along with staff responses – including input from LAFCO Consultant Chris Cate.

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

Roll call requested:

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

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

### **Item 8b**

#### **Proposed Policy Update |**

#### **LAFCO Personnel Policies and Procedures (action)**

Item presented to review a proposed policy update to the personnel policies and procedures. The proposed update ties to the adopted workplan and is prepared with the assistance of LAFCO's contract human resources advisor – Regional Government Services Authority. The Commission reviewed a draft version at its December 2023 meeting with feedback for staff to further refine certain employer-employee relationships – including telework provisions and related liability protections. The proposed update incorporates these and other refinements and edits as detailed and presented for Commission approval with any changes.

LAFCO Assistant Executive Officer Priscilla Mumpower provided the staff presentation.

(...)

**BUSINESS ITEMS CONTINUED...**

**Item 8b**

At the request of Chair Whitburn, the Commission Clerk confirmed there were no requests from audience members to speak. It was also confirmed no requests to speak were online or any live e-mail comments. The Chair proceeded to invite Commission discussion.

A brief discussion followed by Commissioners with concerns expressed by Commissioner MacKenzie on specific topics.

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

Commission discussion followed. No action.

Roll call requested:

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

The Commission Clerk confirmed the motion was approved 6-1.

**Item 8c**

**Appointment of a Regular Public Member (action)**

Item presented to consider making an appointment to fill the vacated term of the regular public member position. The term became vacated on January 19, 2024 with the resignation of Andy Vanderlaan. The unexpired term extends through April 2025. The item has been noticed to accommodate the Commission proceeding immediately with the appointment of the alternate – Harry Mathis – to assume the unexpired term and done so based on input provided at the February meeting. Alternative actions also presented.

At the request of Chair Whitburn, the Commission Clerk confirmed there were no requests from audience members to speak. It was also confirmed no requests to speak were online or any live e-mail comments.

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Commissioner MacKenzie motioned with a second from Commissioner Drake to appoint Harry Mathis to regular public member to the existing term ending in May 2025.

Commission discussion followed – including comments by Commissioner Mathis.

(...)

**BUSINESS ITEMS CONTINUED...**

**Item 8c**

Roll call requested:

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

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

**Item 8d**

**Contingency Options to Appoint New Alternate Public Member (action)**

Item presented to consider available options and related preferences to fill the now vacated alternate public member position and provide direction to staff as needed.

LAFCO Executive Officer Keene Simonds provided the staff presentation and outlined possible options to the Commission based on practices from neighboring LAFCOs.

At the request of Chair Whitburn, the Commission Clerk confirmed there was one speaker request from the audience – Eillen Delaney. After Ms. Delany addressed the Commission, the Commission Clerk no other requests to speak had been received from the audience or online attendees. The Commission Clerk also confirmed there were no live e-mail comments.

The Chair proceeded to invite Commission discussion.

Commission discussion followed and proceeded to focus on creating an Ad Hoc committee to work with staff in recruiting, vetting, and interviewing candidates and forwarding a recommendation(s) to the full Commission.

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Commissioner Drake motioned with a second from Chair Whitburn to create an ad hoc committee comprising the Chair, Vice Chair, and Commissioner White to recruit, screen, interview and recommend candidates for future consideration by the Commission.

Roll call requested:

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

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



## **BUSINESS ITEMS CONTINUED...**

### **Item 8e**

#### **Grant Work Update |**

#### **Sustainable Agricultural Lands Conservation Planning Grant 2.0 (information)**

Item presented to receive an update on its ongoing SALC planning grant – i.e., “SALC 2.0” – in partnership with the County of San Diego’s Planning and Development Services. SALC 2.0 entails conducting a comprehensive market analysis for both existing and emerging crops, alongside a gap analysis aimed at pinpointing areas where governmental intervention can help bridge economic gaps with a focus on aiding small-scale farming. The update is for information with an opportunity for the Commission to ask questions and provide feedback.

LAFCO Analyst Michaela Peters provided the staff presentation.

At the request of Chair Whitburn, the Commission Clerk confirmed there were no requests from the audience to speak on the item. The Commission Clerk did confirm online speakers were requesting to discuss the item. With the invitation from the Chair, the Commission received comments from the following online speakers:

request from the audience – Eillen Delaney. After Ms. Delany addressed the Commission, the Commission Clerk no other requests to speak had been received from the audience or online attendees.

- Craig Coolidge
- Eddie Grangetto

The Commission Clerk also confirmed live email comments had been received from Rick Carey and Norman J. Kachuck and proceeded to read these submittals into the record.

The Chair proceeded to invite Commission discussion. Discussion followed with consensus for staff to return at the next meeting to follow up on stakeholder outreach efforts to date.

## **9. EXECUTIVE OFFICER REPORT**

Executive Officer Keene Simonds noted the following items:

- Congratulations forwarded to Commissioner MacKenzie for receiving the only solicited nomination to participate in an election to seat a special district member to a four-year term on LAFCO beginning in May 2024. Accordingly, an election has been canceled with Commissioner MacKenzie earning reappointment to a new term.
- The next scheduled regular meeting on April 1<sup>st</sup> falls on Cesar Chavez Day and will need to be rescheduled or canceled. Staff will work with the Chair on the topic with confirmation provided to the full Commission as soon as possible.
- The Cities and Special Districts Advisory Committees will be holding meetings on March 14 and 15, respectively.

**10. COMMISSIONER ANNOUNCEMENTS | REQUESTS FOR FUTURE ITEMS**

None.

**11. CLOSED SESSION**

None.

**12. ADJOURNMENT TO NEXT MEETING**

With no further business Chair Whitburn adjourned the meeting at 10:58 a.m.

I hereby attest the minutes above accurately reflect the deliberations of the Commission at its March 4, 2024 meeting.

ATTEST,



Michaela Peters  
Interim Commission Clerk