

**APPROVED
SAN DIEGO LAFCO
MINUTES OF THE REGULAR MEETING
DECEMBER 5, 2016**

There being a quorum present, the meeting was convened at 9:00 a.m. by Chairman Supervisor Bill Horn. Also present were: Regular Commissioners – Vice Chairman Mayor Sam Abed; Supervisor Dianne Jacob (arrived at 9:03 a.m.); City Councilmember Lorie Zapf (arrived at 9:02 a.m.); Special District Member Jo MacKenzie; Special District Member Ed Sprague and Public Member Andy Vanderlaan. Alternate Commissioners – City Commissioner Racquel Vasquez (arrived at 9:01 a.m.) and Special District Member Judy Hanson. LAFCO Staff – Executive Officer Michael Ott; Chief Analyst Robert Barry; Local Governmental Analyst Joe Serrano; Local Government Consultant Harry Ehrlich and Legal Counsel Michael Colantuono. Absent were: Regular Commissioner – City Councilmember Lorraine Wood. Alternate Commissioners – Supervisor Greg Cox; City Councilmember Chris Cate and Public Member Harry Mathis.

Item 1

Pledge of Allegiance

Vice Chairman Sam Abed led the Pledge of Allegiance at the meeting.

Item 2

Roll Call

The Commission Clerk performed the roll call for the December 5, 2016, LAFCO meeting. With the exception of Regular Commissioner City Councilmember Lorraine Wood; Alternate Commissioners: Supervisor Greg Cox; City Councilmember Chris Cate and Public Member Harry Mathis, all other Commissioners were present. Alternate City Commissioner Racquel Vasquez voted in place of Commissioner Wood, who was absent.

Item 3

Approval of Minutes of Meeting Held November 7, 2016

On motion of Commissioner Abed, seconded by Commissioner MacKenzie, and carried unanimously by the Commissioners present, the Commission dispensed with reading the minutes of November 7, 2016 and approved said minutes.

Item 4

Executive Officer's Recommended Agenda Revisions

Chairman Bill Horn asked the Executive Officer if there were any agenda revisions. Executive Officer Michael Ott said that there were no agenda revisions.

Item 5

Commissioner / Executive Officer Announcements

a. Presentation of Service Recognition Plaque to Director of Legislative Research and Local Government Consultant Harry Ehrlich

Chairman Bill Horn asked the Executive Officer if there were any announcements.

Executive Officer Michael Ott and Chairman Bill Horn presented a Recognition of Service plaque to Local Government Consultant Harry Ehrlich in recognition of his dedicated service as LAFCO's Director of Legislative Research and Local Government Consultant for 10 years.

Mr. Ehrlich thanked LAFCO and said that he looks forward to continuing to work with the Special Districts community and serving as LAFCO's Director of Legislative Research and Local Government Consultant.

Item 6

Proposed "Montecito Ranch Latent Powers Sewer Expansion" to the Ramona Municipal Water District (LP(E)16-12)

Executive Officer Michael Ott indicated that Chief Analyst Robert Barry will provide a staff presentation. Mr. Barry presented a PowerPoint presentation to the Commission regarding the Montecito Ranch development for the expansion of sewer service to 417 single-family residences. He said the project area is located within the Ramona Municipal Water District sphere of influence and authorized water service area, but is not located within the District's activated latent sewer powers area.

Commissioner Jacob thanked Mr. Barry for his work on the report and stated that the Board of Supervisors approved the Montecito Ranch Specific Plan in 2010.

Commissioner MacKenzie asked for clarification on payment of fees. In response to the question, Mr. Barry indicated that the landowner is responsible for the improvements.

On motion of Commissioner Jacob, seconded by Commissioner Abed, and carried unanimously by the Commissioners present; the Commission took the following actions:

- (1) Certify, pursuant to Section 15091 of the State CEQA Guidelines, that the Commission has reviewed and considered the EIR as posted on the San Diego LAFCO's website (Agenda Item No. 6, December 5, 2016 LAFCO Meeting: www.sdlafo.org). The mitigation measures approved by the County of San Diego for the impacts identified in the EIR have been adopted by the County of San Diego, and that the mitigation is under the jurisdiction of the County of San Diego and not LAFCO because the affected resources and the extension of public services will continue to be the responsibility of the County and special districts since the subject territory will remain unincorporated; and,

- (2) Adopt, pursuant to Section 15096(h) of the State CEQA Guidelines, the Findings of Fact and Statement of Overriding Considerations previously adopted by the County of San Diego as lead agency, as posted to the San Diego LAFCO website (Agenda Item No. 6, December 5, 2016 LAFCO Meeting); and,
- (3) Approve the Ramona Municipal Water District request for expansion of the District's activated latent sewer powers area to include the Montecito Ranch project area as shown in Map 1; and,
- (4) Remove the Special Study Area designation for the Montecito Ranch project area.

Item 7

Unincorporated Island Annexation Program

Executive Officer Michael Ott asked for direction from the Commission regarding the initiation of a work program to inventory unincorporated islands and other illogically configured areas near municipalities. He indicated that this would be a major work program involving the County of San Diego, the cities and special districts.

Chief Analyst Robert Barry provided a brief PowerPoint presentation to the Commission regarding the Unincorporated Island Program. Mr. Barry said that the draft work program will identify possible unincorporated island annexation areas; provide a detailed schedule of outreach and coordination with the affected agencies; address potential jurisdictional issues; and, include estimated LAFCO costs.

Commissioner Abed said he supported the overall concept and thought the staff should return with a work program in 2017.

Commissioner Jacob asked about discretion when a city initiates a resolution for annexation for an island. In response to the question, Mr. Barry said that the Commission would need to find that the proposal is in accordance with the provisions to waive LAFCO discretion. Mr. Barry also said that the island cannot be more than 150-acres and that the area be substantially surrounded. Commissioner Jacob asked if the Commission would need to make the findings in order for discretion to be waived. Legal Counsel Michael Colantuono indicated that the Commission would have discretion if the island is deemed substantially surrounded.

Commissioner Jacob supported moving forward with a work program and to ensure that the County staff and the residents of the areas are informed. Chairman Horn agreed, but indicated that the Commission should not annex properties when residents oppose annexation.

Commissioner MacKenzie asked about the process of initiating the work program. In response to the question, Michael Ott indicated that the Commission would determine the policy framework to define “substantially surrounded”. Mr. Ott said that the first step would be to conduct outreach to the County, cities, special districts and residents. He indicated that the County’s Planning and Development Services was notified three weeks prior to the December 5th meeting, but additional outreach will be necessary. He said the next step would be to prepare a work program and form a ranking system. He also said the outreach to the County, cities, special districts and residents will help identify issues to determine priorities and policy development.

On motion of Commissioner Jacob, seconded by Commissioner MacKenzie, and carried unanimously by the Commissioners present; the Commission took the following actions:

- (1) Review and discuss the establishment of an Unincorporated Island Annexation Program; and,
- (2) Provide direction to staff to return with a work program for FY 2017-18.

Item 8

Final 2016 Legislative Report

Harry Ehrlich, Director of Legislative Research, provided an update to the Commission regarding the year end Legislative Report. Mr. Ehrlich indicated that LAFCO staff monitored thirty bills this year; twenty were signed into law; one was vetoed and nine did not receive final action (died) by the Legislature. He said CALAFCO was successful in stopping SB 1318 (Wolk), which was heavily opposed.

Mr. Ehrlich indicated that for the current year, 1,161 new laws were passed; 2,524 bills did not become law; and the Governor vetoed 159 bills. Commissioner Zapf asked if any laws were unnecessary. In response to the rhetorical question, Mr. Ehrlich indicated that some laws replace or add to existing laws.

The Commission received, discussed and accepted the Final 2017 Legislative Report.

Item 9

Appointment / Reappointment of a Regular Public Member

Executive Officer Michael Ott provided information to the Commission regarding the Public Member seat held by Andrew Vanderlaan scheduled for expiration in 2017. Mr. Ott indicated that if Commissioner Vanderlaan is reappointed, the new term would begin on June 5, 2017 and expire in May 2021.

On motion of Commissioner Abed, seconded by Commissioner MacKenzie, and carried unanimously by the Commissioners present; the Commission took the following action:

Reappoint Public Member Andrew Vanderlaan to a new four-year term effective June 5, 2017.

Commissioner Vanderlaan thanked the Commission for the reappointment and he said he was honored to continue to serve as a Regular Public Member.

Item 10

Selection of 2017 LAFCO Chair and Vice Chair

Executive Officer Michael Ott explained to the Commission the LAFCO rotation policy for Commission officer positions and requested direction from the Commission for 2017.

Commissioner Jacob placed a motion on the floor that Mayor Sam Abed serve as Chairman. The motion was seconded by Commissioner MacKenzie, and carried unanimously by the commissioners present.

Commissioner Sprague placed a motion on the floor that Special District Member Jo MacKenzie serve as Vice Chairwoman. The motion was seconded by Commissioner Vanderlaan, and carried unanimously by the commissioners present.

Item 11

Holiday Office Closure and 2017 Meeting Calendar

Michael Ott provided a brief report to the Commission requesting closure of the LAFCO office during the holiday of December 26th – 30th, 2016; cancellation of the January 9, 2017 LAFCO Commission meeting and approval of the 2017 LAFCO Meeting Calendar.

On motion of Commissioner Jacob, seconded by Commissioner Zapf, and carried unanimously by the commissioners present, the Commission took the following actions:

Authorized the Executive Officer to close the LAFCO office from December 26 through December 30, 2016; adjourn the December 5, 2016 meeting to February 6, 2017; and approved the 2017 LAFCO Meeting Calendar.

Item 12

Public Comment

Chairman Bill Horn asked the public if anyone requested to speak on an item that is not related to the agenda. He indicated that there were no speaker slips received from members of the public for comments.

Item 13

**CLOSED SESSION: ADJOURNED TO CLOSED
SESSION (IF NECESSARY) TO CONFERENCE WITH
LEGAL COUNSEL PURSUANT TO SUBDIVISION (D)
OF GOVERNMENT CODE SECTION 54956.9 – REGARDING
LITIGATION WITHIN THE RESPONSIBILITY OF THE
SAN DIEGO LAFCO**

Legal Counsel Michael Colantuono informed the Commission that Item 13 will be considered in open session regarding litigation in the matter of *City of Coronado v. San Diego LAFCO and City of Imperial Beach*. Mr. Colantuono reported that the Commission drafted a cross-complaint against the Department of the Navy but it became unnecessary when the City of Imperial Beach filed the cross-complaint instead. Mr. Colantuono stated that the purpose of the cross-complaint would be to remove the case from state court and place it in federal court. The state court's jurisdiction would then be suspended.

Chairman Bill Horn indicated that he will not attend the March 2017 Commission meeting because he started a school in Africa that he will be visiting. The Commission commended Supervisor Horn for his efforts. Chairman Horn wished everyone Happy Holidays and a Merry Christmas.

There being no further business to come before the Commission, the meeting adjourned at 9:50 a.m. to the February 6, 2017 meeting, in Room 302, County Administration Center.

**ERICA BLOM
ADMINISTRATIVE ASSISTANT
SAN DIEGO LOCAL AGENCY COMMISSION FORMATION**