

**DRAFT**  
**LOCAL AGENCY FORMATION COMMISSION**  
**SPECIAL DISTRICTS ADVISORY COMMITTEE**  
**DECEMBER 18, 2015 MEETING**

There being a quorum present, the meeting was convened at 9:30 a.m., by Chairwoman Kimberly Thorner (Olivenhain MWD). Attending were: **Committee Members** – Gary Arant (Valley Center MWD), Gary Croucher (Otay WD), Judy Hanson (Leucadia WWD), Bill Haynor (Whispering Palms CSD) (arrived at 9:34 a.m.), Julie Nygaard (Tri-City HCD), John Pastore (Rancho Santa Fe CSD), Dennis Shepard (North County Cemetery District), Greg Thomas (Rincon Del Diablo MWD), and Terry Thomas (South Bay ID) (arrived at 9:36 a.m.). Absent were: **Committee Members** – Margarett Morgan (Vista FPD), Tom Pocklington (Bonita-Sunnyside FPD), Augie Scalzitti (Padre Dam MWD) and Joel Scalzitti (Helix WD). **LAFCO Staff** – LAFCO Consultant, Harry Ehrlich; Executive Officer, Michael Ott and Local Governmental Analyst, Joe Serrano.

**Item 1**

**Pledge of Allegiance**

Greg Thomas led the Pledge of Allegiance at the meeting.

**Item 2**

**Roll Call**

The Advisory Committee Secretary performed the roll call for the December 18, 2015, Special Districts Advisory Committee meeting. With the exception of committee members Margarett Morgan, Tom Pocklington, Augie Scalzitti and Joel Scalzitti, all other committee members were present.

**Item 3**

**Approval of Minutes of February 20, 2015**

With Julie Nygaard abstaining, ON MOTION OF Judy Hanson, seconded by John Pastore, and carried unanimously by the remaining committee members present; the Advisory Committee dispensed with reading the minutes of February 20, 2015 and approved said minutes.

**Item 4**

**Consultant's Recommended Agenda Revisions**

Harry Ehrlich indicated that there were no revisions to the agenda.

**Item 5**

**Public Comment**

Chairwoman Thorner indicated there were no speaker slips received from members of the public for comments.

## **Item 6**

### **SB 239 Overview**

Harry Ehrlich provided a brief summary of Senate Bill 239 (SB 239) to the Advisory Committee. Mr. Ehrlich stated that the primary focus of this overview is to discuss issues and to receive input from the Advisory Committee. He indicated that LAFCO's objective would be to provide guidelines and polices related to this bill. Mr. Ehrlich said that Joe Serrano will provide a PowerPoint presentation.

Executive Officer Michael Ott introduced two new LAFCO staff members: Local Government Analyst, Joe Serrano and Administrative Aide, Erica Blom.

Joe Serrano, Local Government Analyst, provided a PowerPoint presentation to the Advisory Committee regarding Senate Bill 239 (SB 239) Overview and Implementation. Mr. Serrano indicated that the new law will be effective on January 1, 2016 that requires a fire protection contract between two or more public agencies under LAFCO's purview and that other public-to-public agreements are exempt.

Mr. Serrano said that the fire contract, or contract agreement, would be based on Government Code Section 56134(a) for new or extended services. He said that LAFCO purview is triggered when a contract involves more than 25% of a service area of any affected agency, or 25% changes the employment status of more than 25% of the employees of affected public agencies.

Mr. Serrano discussed the responsibilities of the applicant and LAFCO. He said that LAFCO staff has identified the issues related to SB 239. Mr. Serrano stated that the Advisory Committee's input is needed on some preliminary questions. Chairwoman Thorner asked if each LAFCO was required to implement their own guidelines. In response to the question, Joe Serrano said yes and San Diego LAFCO will be among the first of the LAFCO's to approve guidelines.

John Pastore asked if the fire community was involved with SB 239. In response to the question, Harry Ehrlich said the fire community had knowledge of the legislation.

Chairwoman Thorner indicated that the Advisory Committee must take action on the following questions related to SB 239:

1. What type of documentation should be required to determine whether the 25% threshold has been reached? (e.g. official service area maps maintained by the affected public agency, LAFCO, or other sources).

The Advisory Committee agreed that the applicant is required to show proof (i.e. map/GIS Shape file) if it meets the 25% threshold.

2. Should the 25% threshold be reached using a cumulative approach or by single contract considerations?

The members of the Advisory Committee agreed that the 25% threshold be reached using a single contract.

3. Should "new" service mean a service extended on or after the January 1, 2016?

The Advisory Committee agreed that "new" service will be begin on January 1, 2016.

4. Should "extended" services mean a service extended via a contract or agreement in existence on or before December 31, 2015?

The Advisory Committee agreed that "extended" services should not mean a service extended via a contract or agreement in existence on or before December 31, 2015.

5. Are there any minimum standards for what constitutes a contract or agreement (e.g. written versus unwritten documents)?

The Advisory Committee agreed that a contract or agreement should include written documents.

6. Should a resolution of approval/disapproval and/or minute item be adopted by LAFCO?

The Advisory Committee agreed that a resolution should be adopted by LAFCO.

7. Should fire contracts require LAFCO review if all public agencies agree to the proposed change in services?

The Advisory Committee believed "Ratification" should be the approach, as opposed to approval.

8. Does the term "affected agency" include the service provider and service recipient with respect to fire protection contracts?

The Advisory Committee agreed that the term "affected agency" should include the service provider and service recipient with respect to fire protection contracts.

9. Should the term "employment status" include factors such as terminations, layoffs, position reclassifications, benefit changes, etc.?

The Advisory Committee agreed that the term "employment status" should not include factors such as terminations, layoffs, position reclassifications, benefit changes, etc. Employment status should be departmental level, not employee level.

10. Should the term "employment status" be defined as a change in service providers only per the intent of the bill sponsors?

The Advisory Committee agreed that the term "employment status" should be defined as a change in service providers only per the intent of the bill sponsors.

11. What defines a change in service providers (e.g. certain specified impacts to annual budgets)?

The Advisory Committee agreed that a change in service providers would be a change in agency (one agency to another).

12. Should a 30-day request for reconsideration apply to fire protection contract applications, if approved by the Commission?

The Advisory Committee agreed that a 30-day request for reconsideration should be applied.

13. Should a termination proceeding be applied to disapproved fire protection contracts?

The Advisory Committee agreed that a termination proceeding should be applied.

14. Should a new fee schedule category be established for fire protection contracts or update the contractual service agreement fee classification to include fire protection contracts?

The Advisory Committee agreed that there should be a new fee schedule category.

Speaker slips were received from the following: Tim Isabell, Bonita Fire Department and Michael Davis, City of Carlsbad Fire Department.

Chairwoman Thorner and Michael Ott asked the public if they wished to provide any comments or questions.

Steve Abbott, CALFIRE, asked about third party public agencies as "affected agencies" in regards to question 8. In response to the question, Mr. Ott said that only the official signatories or the parties to the contract should be involved in the agreement.

Herman Reddick, San Diego County Fire Authority, asked if the County is required to have approval from LAFCO because their contracts cover more than 25% of the threshold. In response to the question, Mr. Ott said that it is not necessary to go through LAFCO because the contracts do not involve the provision of new services.

Tony Michel, Rancho Santa Fe Fire Department, asked if all contracts have to go through LAFCO. In response to the question, Mr. Ott said that putting in an early check-in process to determine applicability would be ideal.

**Item 7**

**Legislative Report Update**

Harry Ehrlich provided a legislative update to the Advisory Committee. He indicated that SB 88 was approved by the legislature and that this bill allows small water agencies to consolidate and gives the State Water Resources Control Board the authority to take action to order consolidations if the small water agencies have been placed on notice, are in violations of water quality or similar actions. Gary Arant commented that there are two water agencies in Tulare County that have consolidation orders.

Harry Ehrlich indicated that there are bills that have not been acted on by the legislature.

**Item 8**

**Meeting Calendar for 2016**

No action was required. This item was for informational purposes.

**Item 9**

**Committee Member Announcements and Agency Activity Updates**

The Advisory Committee provided updated information on their district's activities.

Mr. Ott indicated that the ballots for the special district elections are due at the end of February.

Gary Arant and Chairwoman Thorner thanked LAFCO staff for their hard work regarding the Fallbrook PUD and Rainbow MWD Reorganization.

**Item 10**

**Adjournment**

There being no further business to come before the Special Districts Advisory Committee, the meeting was adjourned at 10:50 a.m. to the scheduled meeting on January 15, 2016, if it is to be held.

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