5a

AGENDA REPORT
Consent | Action

June 3, 2024

TO: Commissioners

FROM: Michaela Peters, Interim Commission Clerk

SUBJECT: **Approval of Meeting Minutes | Regular Meeting of May 6, 2024**

SUMMARY

The San Diego County Local Agency Formation Commission (LAFCO) will consider draft minutes prepared for the regular meeting held on May 6, 2024. The minutes are in action form and being presented for formal Commission approval.

BACKGROUND

The Ralph M. Brown Act was enacted by the State Legislature in 1953 and – among other items – requires public agencies to maintain written minutes for qualifying meetings.

DISCUSSION

This item is for San Diego LAFCO to consider approving action minutes for the May 6, 2024, regular meeting. The attendance record for the meeting follows.

- All regular Commissioners were present.
- All alternate Commissioners were present except David Drake (District), Nora Vargas (County), and Marni von Wilpert (City of San Diego).

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Joel Anderson, County of San Diego
Jim Desmond, County of San Diego
Nora Vargas, Alt., County of San Diego
Kristi Becker, City of Solana Beach
Dane White, City of Escondido
John McCann Alt., City of Chula Vista
Chair Stephen Whitburn, City of San Diego
Marni von Wilpert, Alt., City of San Diego
Vice Chair Barry Willis, Alpine Fire Protection
Jo MacKenzie, Vista Irrigation
David Drake, Alt., Rincon del Diablo
Harry Mathis, General Public
Vacant, Alt., General Public

ANALYSIS

The attached draft minutes for the May 6, 2024, regular meeting accurately reflect San Diego LAFCO's deliberations as recorded by the Commission Clerk. A video recording of the meeting has also been posted on the Commission's website (www.sdlafco.org).

RECOMMENDATION

It is recommended San Diego LAFCO approve the draft minutes prepared for the May 6, 2024, regular meeting as presented. This recommendation is consistent with Alternative One outlined in the proceeding section.

ALTERNATIVES FOR ACTION

The following alternatives are available to San Diego LAFCO:

Alternative One (recommended):
Approve the attached draft minutes prepared for the May 6, 2024, regular meeting with any requested corrections or clarifications.

Alternative Two:
Continue the item to the next regular meeting and provide direction to staff as needed.

PROCEDURES

This item has been placed on San Diego LAFCO's agenda as part of the consent calendar. A successful motion to approve the consent calendar will include taking affirmative action on the staff recommendation as provided unless otherwise specified by the Commission.

Respectfully,

Michaela Peters

Michaela Peters
Interim Commission Clerk

Attachment:

1) Draft Meeting Minutes for May 6, 2024

DRAFT MINUTES
SAN DIEGO LAFCO
May 6, 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:	Harry Mathis, Public Kristi Becker, City of Solana Beach Jim Desmond, County of San Diego Jo MacKenzie, Vista Irrigation District Joel Anderson, County of San Diego Stephen Whitburn, City of San Diego (CHAIR) Dane White, City of Escondido Barry Willis (VICE CHAIR)
Alternates Present:	John McCann, City of Chula Vista
Members Absent:	David Drake (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. Also present at the time of roll call were the following LAFCO staff: Executive Officer Keene Simonds; Assitant Executive Officer Priscilla Mumpower; Commission Counsel Holly Whatley; Local Government Analyst I Michaela Peters; and GIS Analyst Dieu Ngu.

Commissioner Joel Anderson arrived at approximately 8:25 a.m.

Item 1b
PLEDGE OF ALLEGIANCE

Vice Chair 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

None.

3. CLOSED SESSION

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.)

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

- Chairman of the Port of San Diego Frank Urtasun

Chair Whitburn then adjourned the meeting into close session.

In returning to open session, Chair Whitburn announced the Commission unanimously approved a motion to enter into a Tolling Agreement with the Port of San Diego extending through September 30th. The Chair announced no hearing would be held for Item 8a, with the exception to allow speakers to make public comments during the Agenda Item review.

Chair Whitburn was excused from the meeting with Vice Chair Barry Willis to carry out the remainder of the meeting.

4. AGENDA REVIEW (Commenced at 8:45 a.m.)

Vice Chair Willis 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 and no supplemental correspondence on any of the items had been received.

5. PUBLIC COMMENT AND RELATED ITEMS

Vice Chair Willis 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.

6. CONSENT ITEMS

Item 6a
Approval of Meeting Minutes for March 4, 2024 (action)
Item presented to approve draft action minutes prepared for the Commission's March 4, 2024 meeting. Recommendation to approve.

Item 6b
Commission Ratification | Recorded Payments for February and March 2024 (action)
Item presented to ratify recorded payments made and received by the Executive Officer for February and March 2024. Recommendation to ratify.

CONSENT ITEMS CONTINUED…

Item 6c
Results of Protest Hearing | Conditionally Approved "City of Carlsbad Change of Organization" Detachment from Leucadia Wastewater District and Concurrent Sphere of Influence Action (CO23-091) (action)
Item presented to Commission to receive the results of the protest hearing held for the "City of Carlsbad Change of Organization," which was conditionally approved by the Commission in February 2024 and involved the detachment of three non-contiguous areas within the City of Carlsbad from the Leucadia Wastewater District (WD). The noticed protest hearing was held on April 3rd. No protest was filed at the close of the hearing. The protest hearing results were presented for the Commission to formally receive and file. Recommendation to receive and file.

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.

Item 6e
Report on Active Proposals and Related Activities (information)
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.

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Roll call requested:

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

The Commission Clerk confirmed the motion was approved 6-0.

7. PUBLIC HEARING ITEMS |
COMMISSIONER DISCLOSURE OF EX PARTE COMMUNICATIONS

Item 7a
Proposed "Sky ranch Change of Organization" |
Detachment from helix Water District and Conforming Sphere Amendment (action)
Item presented to consider a change of organization proposal initiated by resolution of the Padre Dam Municipal Water District. The proposal seeks Commission approval to detach approximately 26.5 acres of incorporated territory within the City of Santee from the Helix Water District. The affected territory as submitted is presently developed with 27 single-family residences and ancillary improvements – including public right-of-way segments and dedicated open space – that is part of the Sky Ranch Subdivision. (…)

PUBLIC HEARING ITEMS CONTINUED…

Item 7a Continued…

The proposal's purpose is to eliminate an existing overlap between Padre Dam and Helix and in doing so make explicit that Padre Dam is the authorized water service provider going forward. Staff recommends conditional approval of the proposal with a conforming sphere amendment, delegate protest proceedings to the Executive Officer, and find the project is exempt under CEQA Guidelines Section 15061(b)(2) and (3). It is also recommended the Commission waive Policy L-106 and its provisions that would otherwise require a new municipal service review to inform the sphere amendment given the last study of record is more than five years old.

Executive Officer, through the Vice Chair invited any disclosures from Commissioners on material ex parte communications. No disclosures were reported.

Local Government Analyst I Michaela Peters provided the staff presentation and detailed the reasons for the recommendations.

Vice Chair Willis proceeded to open the hearing and invited questions and comments from the Commissioners. A brief discussion followed on the dais.

At the request of Executive Officer through the Vice Chair, 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 Vice 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, MacKenzie, Mathis, White, and Willis
NOES:	None
ABSENT:	Anderson, Drake, Vargas, von Wilpert
ABSTAINING:	None

The Commission Clerk confirmed the motion was approved 6-0.

Item 7b
Proposed Final Workplan and Budget for 2024-2025 (action)
Item presented to consider recommendations in adopting a proposed final workplan and budget for 2024-2025. Both items returned following their draft adoption in March and subsequent public review – including presentations to the Cities and Special Districts Advisory Committees (…)

PUBLIC HEARING ITEMS CONTINUED…

Agenda Item 7b Continued…

The final workplan remained unchanged and outlined 30 activities in priority order and headlined by continuing municipal service reviews on wholesale water service providers (No. 1a) and healthcare districts (No. 1b). The final workplan informs the proposed final budget and has been revised from the draft to include additional monies to salaries and benefits – specifically $0.025 million as detailed – and results in an updated proposed total of $2.912 million in matching expenses and revenues. The operating portion of expenses tallies $2.428 million and reflects a 7.4% increase above the current fiscal year and largely involves inflationary adjustments. Local agencies' apportionments continue to represent nine-tenths of all operating revenues and are set to increase in line with the rise in operating expenses at 7.4%.

Assitant Executive Officer Priscilla Mumpower provided the staff presentation.

Vice Chair Willis opened the hearing and invited questions and comments from the Commissioners. A short discussion followed on the dais and included Commissioner Desmond proposing to move the MSR on SANDAG up to number two on the Workplan.

Commissioner Desmond motioned to approve a recommendation made by himself to move Workplan item number 12 (SANDAG MSR) up to item number 2 with a second from Commissioner White.

At the request of the Vice Chair, 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 close the hearing and invited a motion.

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Roll call requested:

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

The Commission Clerk confirmed the motion was approved 5-2.

Item 7c
Municipal Service Review |
Draft Report on Municipal Service Review on the Oceanside Region (Continued)
The Executive Officer continued this voluntarily noticed hearing item to the June 3, 2024 meeting. This continuance will provide staff additional time to address technical comments received during the administrative review by the three affected agencies (City of Oceanside, Oceanside Small Craft Harbor District, and Morro Hills Community Services District). There was no associated agenda report with this item. Update only, no action.

8. BUSINESS ITEMS

Item 8a
Merits of Request for Reconsideration |
March 4th Approvals Determining the San Diego unified Port District is Subject to San Diego LAFCO Oversight and Related Authorizations (no action)
Item pulled from the dais after closed session discussion to enter into Tolling Agreement with the Port of San Diego.

Vice Chair Willis invited public comments on the on the otherwise agendized topic with the following persons addressing the Commission in person:

- Special Counsel to the Port of San Diego Scott Smith
- National City Resident and Councilmember Marcus Bush
- Coronado Resident Laura Wilkinson-Sinton

At the request of Vice Chair Willis, 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.

Item 8b
Proposed Policy on Out-of-Agency Services (action)
Item presented to consider approving a policy to govern outside service approvals for cities and special districts. The item is part of LAFCO's adopted workplan and most recently reviewed by the Commission in October 2023 before separate presentations were made to the Cities and Special Districts Advisory Committees in December 2023 and March 2024, respectively. The version before the Commission reflects feedback generated since October and continues to be premised on providing clear rules of engagement in implementing Government Code Section 56133 and its provisions requiring cities and districts to first request and receive approval from LAFCOs before providing out-of-agency services by contracts. Staff recommends approval of the policy with any desired changes along with setting an immediate effective date.

LAFCO Assistant Executive Officer Priscilla Mumpower provided the staff presentation. The Assistant Executive Officer also shared three requested revisions from Commissioner Desmond and MacKenzie to add to Section 3(c), amend Section 5 with the addition of "b)", and amend Section 7 with the addition of "b)" and followed by comments from the Executive Officer to reiterate requested revisions.

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

BUSINESS ITEMS CONTINUED…

Item 8b Continued…

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

- Special Counsel for Palomar Healthcare District John Kern

At the request of Vice Chair Willis, 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 Vice Chair proceeded to invite Commission discussion.

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

Roll call requested:

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

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

Item 8c
Outreach and Education Plan Update | Sustainable Agricultural Lands Conservation Planning Grant 2.0 (information)
Item presented to give an update on the ongoing SALC planning grant – i.e., "SALC 2.0" – in partnership with the County of San Diego's Planning and Development Services (PDS). This update was prepared in response to a request made by public members and the Commission at the March meeting and specifically to outline past and current outreach strategies for SALC 2.0. The County of San Diego's Planning and Development Services (PDS) is leading the outreach and education plan component of current grant work in conjunction with Rick Engineering – as an outside outreach consultant (…)

The update was for information and provided an opportunity for the Commission to ask questions or provide related feedback.

LAFCO Analyst I Michaela Peters provided the staff presentation.

A brief discussion followed by Commissioners with concerns expressed by Commissioner Desmond and Chair Willis and detailed explanations to questions and comments given by Analyst I Michaela Peters and Assistant Executive Officer Priscilla Mumpower.

BUSINESS ITEMS CONTINUED…

Item 8c Continued…

Vice Chair Willis invited public comments on the topic with the following persons addressing the Commission online via Zoom:

- Chairman of the Avocado Growers of California, Dan Coxe
- Local Grower & Business Owner, Eddie Grangetto

At the request of Vice Chair Willis, the Commission Clerk confirmed there was one live email comment received from producer Rick Carey and proceeded to read the submittal into the record.

Item 8d
Presentation | Update on Municipal Service Review on Healthcare Districts (information)
Item presented to receive a presentation on activities underway as part of the scheduled two-part municipal service review on healthcare districts. The presentation serves as an update on the municipal service review given its high-priority placement on the workplan paired with recent related media coverage concerning operational changes involving two of the four affected districts. The update was provided for information with the opportunity for the Commission to provide real-time feedback in line with the staff's current expectation of producing a draft on the first part of the municipal service review in early 2025.

LAFCO Consultant Adam Wilson provided the staff presentation.

Vice Chair Willis invited public comments on the topic with the following persons addressing the Commission:

- Special Counsel of Palomar Healthcare District, John Kern

At the request of Vice Chair Willis, 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 Vice Chair proceeded to invite Commission discussion.

9. EXECUTIVE OFFICER REPORT

Executive Officer Keene Simonds noted the following items:

- Assistant Executive Officer, Priscilla Mumpower gave update on the Ad Hoc Committee for the recruitment of the Alternate Public Member, closing on June 10th.

10. COMMISSIONER ANNOUNCEMENTS | REQUESTS FOR FUTURE ITEMS

Vice Chair Barry Willis expressed concern and idea to possibly create a special district to combat homelessness.

Executive Officer suggested we can discuss adding item to first quarter 2025 Workplan for real-time feedback.

11. ADJOURNMENT TO NEXT MEETING

With no further business Vice Chair Willis adjourned the meeting at 9:59 a.m.

I hereby attest the minutes above accurately reflect the deliberations of the Commission at its May 6, 2024 meeting.

ATTEST,



Michaela Peters
Interim Commission Clerk

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