5a

AGENDA REPORT
Consent | Action

November 4, 2024

TO: Commissioners

FROM: Erica Sellen, Commission Clerk

SUBJECT: **Approval of Meeting Minutes | Regular Meeting of October 7, 2024**

SUMMARY

The San Diego County Local Agency Formation Commission (LAFCO) will consider draft minutes prepared for the regular meeting held on October 7, 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 October 7, 2024, regular meeting. The attendance record for the meeting follows.

- All regular Commissioners were present except Dane White (City of Escondido).
- All alternate Commissioners were present except 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
Brigette Browning, Alt., General Public

ANALYSIS

The attached draft minutes for the October 7, 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 October 7, 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 October 7, 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,

Erica A. Sellen

Erica Sellen
Commission Clerk

Attachment:

1) Draft Meeting Minutes for October 7, 2024

DRAFT MINUTES
SAN DIEGO LAFCO
October 7, 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 Jim Desmond, County of San Diego Jo MacKenzie, Vista Irrigation District Harry Mathis, Public Stephen Whitburn, City of San Diego (CHAIR) Barry Willis, Alpine Fire Protection District (VICE CHAIR)
Alternates Present:	Brigette Browning, Public David Drake, Rincon del Diablo Municipal Water District John McCann, City of Chula Vista (voting)
Members Absent:	Nora Vargas, County of San Diego (alternate) Marni von Wilpert, City of San Diego (alternate) Dane White, City of Escondido (regular)

The Commission Clerk confirmed a quorum with eight voting members present with Alternate Commissioner McCann voting in absence of Commissioner White.

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; Communication Associate Aiden Velasquez; GIS Analyst Dieu Ngu; and Commission Clerk Erica Sellen. LAFCO Consultants Chris Cate and Adam Wilson were also present.

Commissioner Browning left the meeting at 9:57 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. AGENDA REVIEW

Chair Whitburn asked Executive Officer Simonds if there were any requests to remove or rearrange items on the agenda. Executive Officer Simonds stated no changes to the agenda were needed while confirming the previously noticed hearing involving the Oceanside region municipal service review (Item 7a) will be continued to the November 4th meeting. The Executive Officer also noted no supplemental correspondence had been received.

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. CLOSED SESSION

a) **Public Employee Performance Evaluation**
California Government Code Section 54957(b)
Employee: Keene Simonds

b) **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 either closed session item. The Commission Clerk confirmed there were no registered speakers (audience or remote) or live e-mail comments. Chair Whitburn then adjourned the meeting into close session.

After returning from closed session, Commission Counsel Holly Whatley reported there was no reportable action for Item 5a and Executive Officer Simonds reported similarly for Item 5b.

6. CONSENT ITEMS (Commenced at 9:35 a.m.)

Item 6a
Approval of Meeting Minutes for August 5, 2024
Item presented to approve draft action minutes prepared for the Commission's August 5, 2024 meeting. Recommendation to approve.

Item 6b
Commission Ratification |
Recorded Payments for July and August 2024
Item presented to ratify recorded payments made and received by the Executive Officer for July and August 2024. Recommendation to ratify.

Commissioner MacKenzie requested an itemization of County payments. Executive Officer Simonds stated a breakdown would be provided in a future quarterly report.

CONSENT ITEMS CONTINUED…

Item 6c
Notice of Administrative Approval |
"Nguyen–Busch Drive Out-of-Agency Wastewater Services" (OAS24-11)
Item presented to receive a notice of an administrative approval by the Executive Officer for the City of Vista to provide out-of-agency services to an unincorporated property located within the City sphere of influence. The authorization is specific to wastewater service to an existing single-family residence at 752 Busch Drive and premised on abating a public health threat given documentation of a failing septic system. Information only per policy.

Item 6d
Notice of Administrative Approval |
"Shen–Pinecrest Avenue Out-of-Agency Wastewater Services" (OAS24-08)
Item presented to receive a notice of an administrative approval by the Executive Officer for the City of Escondido to provide out-of-agency services to an unincorporated property located within the City sphere of influence. The authorization is specific to wastewater service to an existing single-family residence at 1155 Pinecrest Avenue and premised on abating a public health threat given documentation of a failing septic system. Information only per policy.

Item 6e
Approval of Independent Audit Expense for 2023-2024
Item presented to consider approval of an independent audit expense in the amount of $10,950 with O'Conner and Company covering 2023-2024 fiscal year. The expense has been negotiated by the Executive Officer and equals the charge to LAFCO for services provided by O'Conner and Company in auditing the prior fiscal year plus a 4% inflation adjustment. Approval of the audit expense by the Commission is necessary under adopted policy and would allow LAFCO to defer the otherwise need to perform a competitive bid process to a later date. Recommendation to approve.

Item 6f
Progress Report on 2024-2025 Workplan
Item presented to receive a progress report on the adopted workplan and activities associated with the 30 projects set for 2024-2025. Recommendation to formally receive and provide general direction to staff as needed.

Item 6g
Report on Active Proposals and Related Activities
Item presented to receive a status report on active proposals currently on file as well as anticipated filings based on ongoing discussions with proponents. Information only.

Item 6h
Proposed Update to Conflict of Interest Code
Item presented to consider amendments to its adopted Conflict of Interest Code as part of a biennial review. The proposed amendments are considered minor and involve adding two positions – Commission Clerk and Communications Associate – to the list of LAFCO employees required to file annual statements of economic interest. The proposed amendments are being presented for Commission approval and for subsequent filing with the County of San Diego Board of Supervisors as the code-reviewing body for LAFCO. Recommendation to approve.

CONSENT ITEMS CONTINUED…

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Commissioner McCann motioned with second from Commissioner MacKenzie to approve the entire consent calendar with staff recommendation (Alternative One) as presented.

Roll call requested:

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

The Commission Clerk confirmed the motion was approved 8-0.

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

**Item 7a
Proposed Final Report and Related Actions |
Municipal Service Review on the Oceanside Region**

Item continued to the next regular meeting.

Chair Whitburn restated the request from the Executive Officer to continue the item to the November 4th meeting.

Chair Whitburn invited the public to address the Commission on the continuance of the item. The Commission Clerk confirmed there were no registered speakers (audience or remote) or live e-mail comments.

Through the Chair, Commission Counsel Holly Whatley recommended a formal motion to continue this item to the next regular meeting.

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Commissioner Willis motioned with second from Commissioner MacKenzie to continue Item 7a to the November 4, 2024, regular meeting.

Roll call requested:

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

The Commission Clerk confirmed the motion was approved 8-0.

PUBLIC HEARING ITEMS CONTINUED…

Item 7b
Proposed "O'Ryan – Calavo Drive Change of Organization" |
Annexation to the Otay Water District & Conforming Sphere Action (CO24-05)
Item presented to consider a change of organization proposal initiated by landowner petition. The proposal seeks Commission approval to annex 0.30 acres of unincorporated territory within the Spring Valley community to the Otay Water District (WD). The affected territory comprises one undeveloped legal parcel entirely within Otay WD's sphere of influence. The proposal's purpose is to establish wastewater service to facilitate the planned development of one single-family residence and accompanying accessory dwelling unit (ADU). Staff recommends conditional approval of the proposal with a modification to include 8.11 acres of adjacent public right-of-way along Avocado Boulevard as a boundary enhancement with a conforming sphere amendment. Waivers recommended and include the applicant fee for the corresponding sphere amendment associated with the proposed modification, proceeding without a new municipal service review that would otherwise be required under LAFCO Policy L-106, and dismissing protest proceedings. It is separately recommended the Commission make exemption findings under the California Environmental Quality Act.

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

Local Government Analyst II Michaela Peters provided the staff presentation.

Chair Whitburn proceeded to open the hearing and invited comments from the public. The Commission Clerk confirmed there were no registered speakers (audience or remote) or live e-mail comments.

Chair Whitburn invited questions and comments from the Commissioners. General discussion followed.

The Chair proceeded to close the hearing and made a motion to approve.

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

Roll call requested:

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

The Commission Clerk confirmed the motion was approved 8-0.

8. BUSINESS ITEMS

Item 8a
Review of Policy L-106 |
Conducting Municipal Service Reviews
Item presented to review Legislative Policy 106 (L-106) and its governing provisions in conducting municipal service reviews. The item is in response to recent deliberations involving the municipal service review prepared on the Oceanside region and a parallel request by the Commission to have a focused discussion on L-106 and whether any changes merit consideration. Any changes the Commission identifies will be presented in actionable form at a future meeting. Discussion only.

Assistant Executive Officer Priscilla Mumpower provided the staff presentation.

At the request of the Chair, the Commission Clerk confirmed there were no registered speakers (audience or remote) or live e-mail comments.

Chair Whitburn proceeded to invite questions and comments from the Commissioners. General discussion followed with feedback to the Executive Officer on suggested changes ahead of staff returning with the item for future formal action.

Item 8b
Quarterly Progress Report |
Municipal Service Review on Wholesale Water Agencies: San Diego County Water Authority and Metropolitan Water District of Southern California
Item presented to receive a verbal presentation as part of a planned quarterly report advising on the progress in preparing the scheduled municipal service review on wholesale water agencies operating in San Diego County. This includes a comprehensive review of the San Diego County Water Authority and a proportional review of the Metropolitan Water District of Southern California. The quarterly report is for information with the opportunity to provide general feedback. Information only.

LAFCO Consultant Chris Cate provided the presentation on behalf of staff.

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

Item 8c
FY25 Appointments to the California Association of Southern Region LAFCOs
Item presented to formally make two appointments to the California Association of Southern Region LAFCOs (Imperial, Los Angeles, Orange, Riverside, San Bernardino, and San Diego) consisting of one regular and one alternate covering FY2025.

Assistant Executive Officer Priscilla Mumpower provided the staff presentation.

At the request of the Chair, the Commission Clerk confirmed there were no registered speakers (audience or remote) or live e-mail comments.

BUSINESS ITEMS CONTINUED…

Item 8c Continued…

At the invitation of Chair Whitburn, Commissioners discussed options and preferences.

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Commissioner Becker motioned with second from Commissioner Desmond to appoint Jo MacKenzie as the regular member and Barry Willis as the alternate member to the California Association of Southern Region LAFCOs.

Roll call requested:

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

The Commission Clerk confirmed the motion was approved 8-0.

Item 8d
Consideration and Possible Approval of Seventh Amendment to Executive Officer's Employment Contract, Including Salary Adjustment
Item presented to consider a recommendation by the Executive Officer Compensation Committee (Desmond, Whitburn, and Willis) to approve a seventh amendment to the employment agreement with Executive Officer Simonds. The Executive Officer Compensation Committee recommends an amendment to increase the Executive Officer's annual salary.

At the request of the Chair, the Commission Clerk confirmed there were no registered speakers (audience or remote) or live e-mail comments.

Chair Whitburn provided an update from the Executive Officer Compensation Committee and the agreement therein that the Executive Officer's performance has been outstanding and merited a salary increase. The Chair advised the specific recommendation of the Committee is to adjust Mr. Simonds' salary to $244,335 effective September 20, 2024, and authorize an annual cash-out of accrued vacation hours of up to 65 hours.

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Commissioner Whitburn motioned with second from Commissioner McCann to approve the Committee recommendation as listed in the agenda report.

Roll call requested:

BUSINESS ITEMS CONTINUED…

Item 8d Continued…

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

The Commission Clerk confirmed the motion was approved 8-0.

9. EXECUTIVE OFFICER REPORT

Executive Officer Keene Simonds noted the following items:

- Introduced new employees, Communications Associate Aiden Velasquez and Local Government Analyst I Joelle Burila.
- Commissioners MacKenzie and Willis will be joining LAFCO staff at the CALAFCO Annual Conference in Yosemite on October 14th – 18th.
- Thanked Olivenhain MWD General Manager and Chair of the Special Districts Advisory Committee, Kim Thorner, for hosting the most recent SDAC meeting in September.

10. COMMISSIONER ANNOUNCEMENTS | REQUESTS FOR FUTURE ITEMS

- Commissioner Willis would like an Agricultural Liaison position to help famers with the SALC grant.

11. ADJOURNMENT TO NEXT MEETING

With no further business, Chair Whitburn adjourned the meeting at 10:33 a.m.

I hereby attest the minutes above accurately reflect the deliberations of the Commission at its October 7, 2024 meeting.

ATTEST,

Erica Sellen
Commission Clerk