5a

AGENDA REPORT
Consent | Action

December 2, 2024

TO: Commissioners

FROM: Erica Sellen, Commission Clerk

SUBJECT: **Approval of Meeting Minutes | Regular Meeting of November 4, 2024**

SUMMARY

The San Diego County Local Agency Formation Commission (LAFCO) will consider draft minutes prepared for the regular meeting held on November 4, 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 November 4, 2024 meeting. The attendance record for the meeting follows.

- All regular Commissioners were present.
- All alternate Commissioners were present except for David Drake (Rincon del Diablo Municipal Water District), Nora Vargas (County of San Diego) 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 November 4, 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 November 4, 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 November 4, 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 November 4, 2024

DRAFT MINUTES
SAN DIEGO LAFCO
November 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 8:17 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) Dane White, City of Escondido Barry Willis, Alpine Fire Protection District (VICE CHAIR)
Alternates Present:	Brigette Browning, Public John McCann, City of Chula Vista
Members Absent:	David Drake, Rincon del Diablo Municipal Water District (alternate) Nora Vargas, County of San Diego (alternate) Marni von Wilpert, City of San Diego (alternate)

The Commission Clerk confirmed a quorum with ten members present.

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 Joelle Burila; Local Government Analyst I Meghan Traynor; Communications Associate Aiden Velasquez; GIS Analyst Dieu Ngu; and Commission Clerk Erica Sellen. LAFCO Consultants Bill Fulton, Chris Cate and Adam Wilson were also present.

Commissioner MacKenzie arrived at 8:27 a.m.

Item 1b
PLEDGE OF ALLEGIANCE

Commissioner Becker 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 acknowledging a revised agenda report for Agenda Item 7a ("Dragovic – Sunset Drive Out-of-Agency Wastewater Services") had been issued after the original notice. The Executive Officer also noted a copy of a letter addressed to CALAFCO was distributed on the dais and would be addressed as part of Agenda Item 9 (Executive Officer Report).

4. PUBLIC COMMENT AND OPPORTUNITY FOR PUBLIC TO REQUEST DISCUSSION ON CONSENT ITEMS

Chair Whitburn invited anyone from the public to address the Commission on a matter not directly related to an agenda item. Chair Whitburn invited comments from the following registered speakers:

- Janet and William Rogers, Embarcadero Coalition

William Rogers ceded his time to Janet Rogers. Janet Rogers proceeded with public comment and presented a PowerPoint presentation.

The Commission Clerk confirmed there were no other registered speakers and no live e-mail comments.

5. CONSENT ITEMS

Item 5a
Approval of Meeting Minutes for October 7, 2024
Item presented to approve draft action minutes prepared for the Commission's October 7, 2024 meeting. Recommendation to approve.

Item 5b
Commission Ratification | Recorded Payments for September 2024
Item presented to ratify recorded payments made and received by the Executive Officer for the month of September 2024. Recommendation to ratify.

Item 5c
Budget Update for 2024-2025 | First Quarter Actuals with Year-End Projections
Item presented to review a report comparing budgeted and actual transactions through the first quarter of 2024-2025 and related analysis. The report projects the Commission is on pace to finish the fiscal year generally as expected with a net surplus of $0.064 million or 2%. Recommendation to formally accept and provide direction to staff as needed.

CONSENT ITEMS CONTINUED…

Item 5d
Proposed "Bryant - Felicita Road Reorganization" | Annexation to the City of Escondido and Related Actions (RO24-03)
Item presented to consider a reorganization proposal with the principal action to annex 0.4 unincorporated acres to the City of Escondido. The affected territory as submitted is presently developed with a single-family residence at 2334 Felicita Road (238-320-12). The reorganization also includes a concurrent detachment from County Service Area No. 135 as well as exclusion from Rincon del Diablo Municipal Water District's Improvement District E. Recommendation to conditionally approve with a discretionary modification to include a 0.13-acre frontage portion of Monticello Drive. Also recommended the Commission waive protest and find the project is exempt under CEQA Guidelines Section 15319.

Item 5e
Notice of Administrative Approval of "Delgado–Andrade 24th Street Out-of-Agency Wastewater Services" | City of National City (OAS24-12)
Item presented to receive notice of an administrative approval by the Executive Officer for the City of National City to provide out-of-agency services to an unincorporated property located within the City's sphere of influence. The authorization is specific to wastewater service to an existing single-family residence at 2616 East 24th Street (564-010-12) and premised on abating a public health and safety threat given documentation of a failing septic system. Information only.

Item 5f
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 file with the opportunity to identify potential amendments for future consideration.

Item 5g
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.

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

Roll call requested:

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

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

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

Item 6a Continued Public Hearing
Proposed Final Report and Related Actions | Municipal Service Review on the Oceanside Region
Item presented to receive a proposed final report on the scheduled municipal service review on the Oceanside region and its full continuance from the October 7, 2024 meeting. The item addresses the Commission's task in statute to independently evaluate the availability and performance of public services relative to community needs and make related determinations. Three local agencies under LAFCO oversight are covered in the report – City of Oceanside, Oceanside Small Craft Harbor District, and Morro Hills Community Services District – and collectively serve approximately 180,000 residents. The report remains largely intact from its draft presentations in June and August 2024 and a subsequent public review period. Revisions are shown in track-change format and include additional environmental justice analysis as required under local policy. Recommendation to formally accept the proposed final report as presented and take ancillary actions as detailed.

Chair Whitburn invited any disclosures from Commissioners on material ex parte communications. Commissioner Desmond reported speaking to Vice Mayor Ryan Keim and City Manager Jonathan Borrego with the City of Oceanside.

Local Government Analyst II Peters provided the staff presentation and detailed material changes reflected in the final report as well as summarizing key conclusions and recommendations. Additional observations made by Executive Officer Simonds.

Chair Whitburn opened the hearing and invited public comments from the following registered speakers:

- Jonathan Borrego, City Manager, City of Oceanside (A. Muto ceded their time)
- Stephen Brown, Morro Hills resident
- Thomas Harrington, President, Morro Hills Community Services District
- Mark Mallaby, Harbor community
- Liz Rhea, Harbor community
- George Rhea, Habor community
- Les George, Harbor community
- Tammy Taunt, Harbor community

The Commission Clerk confirmed there were no other requests to speak online or any live e-mail comments.

Chair Whitburn proceeded to invite questions and comments from the Commissioners. Discussion followed with an overall focus on two recommendations in the proposed final report for LAFCO to proceed with analysis to assess buildout potential in the Oceanside region - including potential lot divisions under SB 9 (Recommendation No. 2) - as well as the creation of a special study area for the City of Oceanside sphere of influence (Recommendation No. 13).

The Chair proceeded to close the hearing and invited a motion.

PUBLIC HEARING ITEMS CONTINUED…

Continued Item 6a |
Revised Draft Report on Municipal Service Review on the Oceanside Region

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Commissioner Desmond motioned with a second from Commissioner White to approve the staff recommendation with the modification of Recommendation No. 13 to require community outreach before any decision is made to create a special study area for the Oceanside sphere.

Roll call requested:

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

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

7. BUSINESS ITEMS

Item 7a
Proposed "Dragovic – Sunset Drive Out-of-Agency Wastewater Services" |
City of Vista (OAS24-10)
Item presented to consider a request by the City of Vista to provide new out-of-agency wastewater services to an unincorporated parcel located within its sphere of influence. The affected territory and its lone subject parcel is 1.25 acres in size and developed with a single-family residence at 1678 Sunset Drive (169-021-19). The existing residence is currently connected to Vista wastewater via an earlier out-of-agency service extension. The purpose of the request is to accommodate a pending lot-split and provide wastewater to a new single-family residence. Recommendation to approve the request and related wastewater allowance to accommodate up to two residential units (one single-family residence and accessory dwelling unit post lot-split). Standard terms are also recommended along with making an exemption finding under the California Environmental Quality Act.

Local Government Analyst I Burila provided the staff presentation with Executive Officer Simonds amending the recommendation to include an additional approval term to address existing service to the current residence at 1678 Sunset Drive. The amended recommendation requires Vista to either provide documentation of an earlier LAFCO approval covering the existing single-family residence or submit a new request and fee covering the residence at 1678 Sunset Drive.

Chair Whitburn invited public comments. The Commission Clerk confirmed there were no registered speakers and no live e-mail comments.

Chair Whitburn proceeded to invite questions and comments from the Commissioners. No discussion.

BUSINESS ITEMS CONTINUED…

Continued Item 7a
Proposed "Dragovic – Sunset Drive Out-of-Agency Wastewater Services" | City of Vista (OAS24-10)

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Commissioner Willis motioned with a second from Commissioner MacKenzie to approve the staff recommendation (Alternative One) as listed in the agenda report with the revision made by the Executive officer.

Roll call requested:

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

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

Item 7b
Proposed Amendments to Policy L-106 | Conducting Municipal Service Reviews
Item presented to consider proposed amendments to Legislative Policy 106 (L-106) and its governing provisions related to conducting municipal service reviews. The proposed amendments incorporate Commission feedback provided as part of a scheduled discussion on October 7, 2024 and aims to formalize and/or expand existing practices. Recommendation to approve the proposed amendments with an immediate effective date.

Assistant Executive Officer Mumpower provided the staff presentation.

Chair Whitburn invited public comments. The Commission Clerk confirmed there were no registered speakers and no live e-mail comments.

Chair Whitburn proceeded to invite questions and comments from the Commissioners. General discussion followed. Commissioner MacKenzie expressed hesitations with respect to the appendix telegraphing probable performance metrics to be used in performing municipal service reviews.

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

Roll call requested:

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

The Commission Clerk confirmed the motion was approved 7-1.

BUSINESS ITEMS CONTINUED…

Item 7c
Quarterly Updates on High Priority Projects |
Municipal Service Reviews on Healthcare Districts + San Diego Association of Governments
Item presented to receive quarterly updates on two of its high priority projects underway as part of the adopted workplan. The first of these two projects involve a municipal service review on the four healthcare districts in San Diego County – Fallbrook, Grossmont, Palomar, and Tri-City – and serves as a follow up to an earlier study completed in 2015. The second of these two projects involves a municipal service review on the San Diego Association of Governments and serves as the first study of the organization by LAFCO. Information only.

Local Government Analyst II Peters and LAFCO Consultant Adam Wilson provided the staff presentation for the Healthcare Districts project. Local Government Analyst I Burila and LAFCO Consultant Bill Fulton provided the staff presentation for SANDAG project.

Chair Whitburn invited public comments. The Commission Clerk confirmed there were no registered speakers and no live e-mail comments.

Chair Whitburn proceeded to invite questions and comments from the Commissioners. General discussion and questions for speakers followed. No action.

Item 7d
Report on the 2024 CALAFCO Annual Conference
Item presented to receive a report on overnight attendance at the California Association of LAFCOs' (CALAFCO) Annual Conference, held October 16th–18th in Fish Camp (Yosemite). Information only.

Assistant Executive Officer Mumpower provided a verbal staff presentation followed by comments by Vice Chair Willis and Commissioner MacKenzie.

Chair Whitburn invited public comments. The Commission Clerk confirmed there were no registered speakers and no live e-mail comments.

8. EXECUTIVE OFFICER REPORT

Executive Officer Keene Simonds noted the following items:

- Letter addressed to CALAFCO regarding FY26 dues and related concerns.

9. COMMISSIONER ANNOUNCEMENTS | REQUESTS FOR FUTURE ITEMS

Commissioner Willis thanked Commissioner Desmond for his work with the County of San Diego to enhance property tax funding for the Valley Center Fire Protection District.

10. 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. The Commission Clerk confirmed there were no registered speakers and no live e-mail comments. Chair Whitburn then adjourned the meeting into close session.

In returning from closed session, Chair Whitburn reported there was no reportable action.

11. ADJOURNMENT TO NEXT MEETING

With no further business, Chair Whitburn adjourned the meeting at 10:57 a.m.

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

ATTEST,

Erica Sellen
Commission Clerk