LAFCO
San Diego Local Agency Formation Commission

1600 Pacific Highway • Room 452 • San Diego, CA 92101
(619) 531-5400 • FAX (619) 557-4190
Website: www.sdlafco.org

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AGENDA
SPECIAL DISTRICTS ADVISORY COMMITTEE
FRIDAY, DECEMBER 19, 2008, 9:30 A.M.
COUNTY ADMINISTRATION CENTER
ROOM 402A
1600 PACIFIC HIGHWAY
SAN DIEGO, CA 92101

Agenda Item:		Recommended Action:
1.	**Roll Call**	
2.	**Approval of Minutes of Meeting held July 18, 2008**	**Approve**
3.	**Consultant's Recommended Agenda Revisions**	**Receive**
4.	**Committee Member / Consultant's Announcements: Introduction of New Committee Member**	**Information**
5.	**Public Comment** Opportunity for persons to speak to the Committee on any subject within the Committee's jurisdiction, but not an item on today's agenda. Each speaker's presentation may not exceed 3 minutes.	
6.	**Selection of Chairperson and Vice Chairperson for 2009**	**Discussion/ Direction**
7.	**Review of LAFCO Related Legislation Passed in 2008**	**Information**
8.	**Consider Methods of Filling Two Vacant Positions on Committee**	**Discussion/ Direction**
9.	**Tentative Meeting Schedule for 2009**	**Information**
10.	**Discussion of Pending Projects for 2009 Consideration – Oral Presentation: Harry Ehrlich**	**Discussion**
11.	**Adjournment to the January 16, 2009 Meeting Date***	

*The January 16, 2009 meeting will only be scheduled on an "as needed" basis.

Note: Refreshments will be served at the meeting.

LOCAL AGENCY FORMATION COMMISSION
SPECIAL DISTRICTS ADVISORY COMMITTEE
JULY 18, 2008 MEETING

DRAFT MINUTES

There being a quorum present, the meeting was convened at 9:30 a.m., by Vice Chairman Tom Pocklington (Bonita-Sunnyside FPD). Attending were: **Committee Members** – James Alkire (South Bay Irrigation District), Gary Arant (Valley Center MWD – who arrived at 9:33am), Judy Hanson (Leucadia WD), Larry Jackman (San Miguel Consolidated FPD), Keith Lewinger (Fallbrook Public Utility District), Richard Olson (North County FPD), John Pastore (Rancho Santa Fe CSD), Jim Poltl (Vallecitos WD), Augie Scalzitti (Padre Dam MWD - who arrived at 9:43am), Dennis Shepard (North County CD), and Kimberly Thorner (Olivenhain MWD – who arrived at 9:35am). **LAFCO Staff** – LAFCO Consultant Harry Ehrlich; and Local Governmental Analyst Claire Riley. Absent were: **Committee Members** – Jo MacKenzie (Vista Irrigation District), Gary Croucher (Otay Water District), Ron Fuller (Alpine FPD), and Diana Towne (Rincon del Diablo MWD).

Item 1
Approval of Minutes of May 16, 2008

With Larry Jackman and John Pastore abstaining, ON MOTION of Richard Olson, seconded by Judy Hansen, and unanimously approved by the remaining committee members, the Committee dispensed with reading the May 16, 2008 minutes and approved said minutes.

Item 2
Consultant's Recommended Agenda Revisions

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

Item 3
Committee Member/Consultant's Announcements

Harry Ehrlich said that the Commission plans on cancelling its September 8, 2008 meeting. He said that on June 25, 2008, the County of San Diego's Board of Supervisors considered a regional fire protection proposal that involves County Service Area (CSA) No. 135 and its expansion of services.

Item 4
Public Comment

No members of the public requested to speak.

Item 5
Project Report: San Diego LAFCO Water Supply and Reliability Policy Discussion Draft Policy Statement

Harry Ehrlich provided the Committee with a staff presentation. He indicated that in addition to the report, as part of the project review, a water policy statement was drafted and is available on page two of agenda Item #6. He asked for input from the Committee.

In response to a question from Kimberly Thorner, Harry Ehrlich said that the proposed water policy would not preclude districts from annexing or reorganizing properties.

In response to a comment from Keith Lewinger regarding consideration of adding language to the water policy that addresses a timeline, Harry Ehrlich said that the draft water policy statement has criteria quoted from sections of the Government Code.

Dana Friehauf agreed with Keith Lewinger in regards to a timeline statement. Harry Ehrlich said that Government Code Section 65352.5 may address timeline issues and that he would research that further and provide an update to the Committee at a future meeting.

In response to comments, Harry Ehrlich said that LAFCO has the responsibility to oversee annexations/reorganizations and the services that are being provided, which includes water. Mr. Ehrlich said that is why the Commission requested the Advisory Committee to provide input on a LAFCO water supply reliability issues.

Gary Arant suggested that following statement should be omitted from the draft policy statement because it is redundant:

> "Finally, the Commission will consider other impacts of the project including preservation of open space and prime agricultural lands and the impacts upon the water supply for the affected area."

Harry Ehrlich said that staff would consider that suggestion.

In response to a question from John Pastore, Kimberly Thorner said that the Commission is taking the initiative to help with the water crisis in California and is getting involved in the issues to prevent future water problems. She said the Commission is asking the Advisory Committee to assist them with this goal.

Tom Pocklington said that Committee members could e-mail their concerns and comments regarding the draft water policy to Harry Ehrlich, who encouraged suggestions.

Keith Lewinger made a motion to advise the Commission of the following language for the draft water policy:

> "LAFCO will verify that the project proponent has evaluated the availability of an adequate and reliable water supply and reached an affirmative conclusion."

Augie Scalzitti seconded the motion.

John Pastore proposed an amendment to Keith Lewinger's motion to add "in conformance with Government Code Sections 56668 and 65352.5..."

Augie Scalzitti accepted the revised motion.

ON MOTION of Keith Lewinger, amended by John Pastore, seconded by Augie Scalzitti, and unanimously approved by the remaining committee members, the Committee took the following action:

Directed LAFCO Consultant Harry Ehrlich to advise the Commission of the following language for the San Diego LAFCO Water Supply and Reliability Policy Statement:

> "LAFCO will verify that the project proponent has evaluated the availability of an adequate and reliable water supply in conformance with Government Code Sections 56668 and 65352.5, and reached an affirmative conclusion."

LAFCO Consultant Harry Ehrlich advised the Committee that he would include the committee's input and action in whatever report was presented to the Commission.

Item 6
Review of Pending Legislation Tracking Report of Legislation Affecting LAFCO

Harry Ehrlich provided a staff presentation to the Committee. He reported that AB 2484 and SB 1458 have been signed by the Governor.

This Item was received by the Committee and no action was taken.

Item 7
2008 Special Districts Election – Selection of Nominating Committee

Harry Ehrlich recommended that John Pastore, Judy Hanson, and Kimberly Thorner be assigned to the Nominating Committee for the 2008 Special Districts Election. The Nominating Committee will meet or have a conference call after the August 21, 2008 Special Districts Candidate's Dinner.

ON MOTION of Tom Pocklington, seconded by Larry Jackman, and unanimously approved by the remaining committee members, the Committee took the following action:

Designated John Pastore, Judy Hanson, and Kimberly Thorner to be the 2008 Nominating Committee.

Item 8
Adjournment

There being no further business to come before the Special Districts Advisory Committee, the meeting was adjourned at 10:40 a.m. to the tentatively scheduled meeting on August 15, 2008, if it is to be held.

Tita Mandapat
Administrative Assistant

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6

December 19, 2008

TO: Special Districts Advisory Committee

FROM: Local Government Consultant

SUBJECT: Selection of Chairperson and Vice Chairperson for 2009

The Special District Advisory Committee Rules call for the selection of a Chairperson and Vice Chairperson at the December meeting or the first regular meeting held thereafter. Currently, Jo MacKenzie is serving as the Chairperson, and Tom Pocklington as Vice Chairperson. Based upon past procedures, the committee will be asked to make nominations for each position then vote on each separately. Therefore, it is

RECOMMENDED: That your Committee

1. Accept nominations for the position of Chairperson;
2. Close the nominations and appoint a chairperson for 2009;
3. Accept nominations for position of Vice Chairperson;
4. Close the nominations and appoint a vice chairsperson for 2009

HARRY EHRLICH
Local Government Consultant

HE:tjc

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December 19, 2008

7

TO: Special Districts Advisory Committee

FROM: Director, Legislative Research

SUBJECT: Review of LAFCO Related Legislation Passed in 2008

This is the Annual Legislative Report submitted to the Commission, designed to maintain information about enacted state legislation and bills tracked during the 2008 Legislative Session by San Diego LAFCO staff and CALAFCO. LAFCO staff had been tracking 15 bills dealing with policy issues potentially impacting San Diego LAFCO and CALAFCO. Overall, 2008 was a busy and successful legislative year for LAFCO related bills resulting in enacted legislation that should have a positive outcome on LAFCO activities.

An updated bill summary matrix is provided for committee review and discussion. LAFCO staff will be prepared to give an update on each of the bills at the meeting as may be requested by the Committee.

As seen on the matrix, all but one of the bills sponsored or supported by San Diego LAFCO passed the Legislature and were signed by the Governor. One bill, SB 1391 (Padilla), dealing with water conservation and recycled water plans, was vetoed by the Governor who cited fiscal/budgetary impacts as the reason (many bills were vetoed for this reason). The bills that were signed in 2008 included SB 1191, SB 1458, AB 1998, AB 3047 and AB 2484. The Commission took action to support these bills and letters of support were provided during the session. One additional bill, SB 375, dealing with transportation funding and growth, was amended to address San Diego LAFCO and CALAFCO concerns. The bill passed and was signed by the Governor into law on September 30, 2008.

On another policy issue, water supply and reliability, the Legislature failed to pass a proposed water supply and reliability bond proposed by the Governor and Senator Feinstein in August 2008. It is not clear what approach will be taken to address this critical issue in the next session in 2009-10. LAFCO staff will continue to monitor this issue as directed by the Commission.

Additionally, as widely reported, the Governor has called a Special Session of the Legislature to address the growing budget deficit, currently estimated at over $15 billion for the balance of 2008-09 and projected to be higher for the next fiscal year. The potential impacts on LAFCO are expected to be through our member agencies and possibly increased fees and taxes that may be considered to help reduce the deficit. LAFCO staff will continue to monitor this situation to keep the Commission informed. It is,

RECOMMENDED: That your Committee,

Receive and discuss the Annual 2008 Legislative Report.

HARRY EHRLICH
Legislative Director

HE:tjc

Attachment

Bill and Position	*Summary*	*Status*
SB 301 (Romero) Local Governments Finance **CALAFCo Position:** Support **ADOPTED** **San Diego LAFCO Position:** WATCH	The Vehicle License Fee (VLF) Law establishes revenues to counties and cities. This bill would eliminate the deadline for revised fees and for new cities permanently.	Passed Senate and Assembly. Signed by Governor on 9/30/08.
SB 375 (Steinberg) **CALAFCO Position:** Support as amended **ADOPTED** **San Diego LAFCO Position:** OPPOSE unless Amended Amended 9/08	This Bill authorizes regional transportation planning agencies (SANDAG) to enact plans and identify areas of preferred housing densities to reduce vehicle congestion. Plans are to take into consideration approved SOI's by LAFCO's. CALAFCo worked to propose revisions to add LAFCO to the proposed process.	Amended to include CALAFCO input; passed legislature and signed by Governor on 9/28/08.
SB 1191 (Alquist) CSD Authority to Provide Broadband Access **CALAFCO Position:** Support **RECOMMENDED** **San Diego LAFCO Position:** SUPPORT; Letter Sent	This bill authorizes a community services district to acquire, own, improve, maintain, and operate broadband facilities and to provide broadband services, until a private person or entity is ready, to provide broadband services, and to sell those services at a comparable cost. The CSD recent rewrite did not include this authority.	Passed Assembly and Senate. Signed by Governor on 7/08/08.
SB 1458 (Committee on Local Government) County Service Area Rewrite **CALAFCO Position:** Support **RECOMMENDED** **San Diego LAFCO Position:** SUPPORT; Letter Sent	The County Service Area Law authorizes the formation of county service areas to provide authorized services, as specified. This bill revises and the County Service Area Law and makes conforming changes. Counsel Bill Smith participated on the Working Group.	Passed Senate and Assembly; signed by Governor on 7/28/08.
SB 1595 (Kehoe) Public Resources – Fire Protection & Fuels Management **CALAFCO Position:** None **RECOMMENDED** **San Diego LAFCO Position:** SUPPORT	This bill adds to the criteria under which CALFIRE designates an area as a very high fire hazard severity zone. The bill also defines various terms for purposes of these provisions and revises legislative findings and declarations concerning fire risks and site fuel management setbacks.	This is part of a series of Bills by author; passed Senate and Assembly. Signed by Governor on 9/27/08.

SB 1617 (Kehoe) Fire Protection & Management **CALAFCO Position:** None **RECOMMENDED San Diego LAFCO Position:** WATCH	Existing law requires the state to have the primary financial responsibility for preventing and suppressing fires in areas that CALFIRE has determined are state responsibility areas. This bill would place a fee, currently proposed at $50, annually on property owners with residential structures within the state responsibility areas. The property owner fee would be reduced if a property owner complies with specified fire prevention requirements. Because the moneys generated from the fee would fund, among other things, fuels management on public lands, year-round fire inspections of compliance with state law, and public education on fire prevention and emergency response, the bill would impose a tax.	Passed Senate, placed on Assembly Appropriations Committee Inactive File. Failed to pass.
AB 1992 (DeVore) Public Resources: Unauthorized Use **CALAFCO Position:** Watch **RECOMMENDED San Diego LAFCO Position:** WATCH	(1) Existing law makes it unlawful for any elected state or local officer, appointee, employee, or consultant to use, or permit others to use, state resources for a campaign activity, or personal or other purposes that are not authorized by law. Existing law also provides that the incidental and minimal use of state resources is not unlawful. This bill would expand these provisions to prohibit any elected official, officer, director, appointee, employee, agent, or consultant of any state or local agency, or any organization or association that represents local agencies that is funded, in whole or in part, by dues or other voluntary payments made by local agencies from using, or permitting others to use, state resources for a campaign activity, or personal or other purposes that are not authorized by law. T	In Elections & Redistricting Committee. Failed passage.
AB 1998 (Silva) Political Reform Act of 1974: Local Agency Formation Commissions **CALAFCO Position:** Support **RECOMMENDED San Diego LAFCO Position:** SUPPORT	The LAFCO for each county reviews and approves or disapproves proposed local government changes of organization; and, under specified circumstances, the determinations of the LAFCO are subject to voter approval through the circulation of a signature petition and a subsequent ballot measure. Existing law further provides, through the Political Reform Act of 1974, for the comprehensive regulation of campaign financing, including the filing of campaign statements that report contributions and expenditures by committees formed to support or oppose ballot measures.	Passed Assembly and Senate. Signed by Governor on 7/22/08.

	This bill imposes on a committee formed to support or oppose a LAFCO proposal, as defined, requirements regarding the filing of campaign statements. The bill requires the committee to file monthly campaign statements from the time circulation of a petition begins until a measure is placed on the ballot or the committee is terminated. After a LAFCO proposal measure is placed on the ballot, the bill requires a committee formed to support or oppose the proposal to file those campaign statements required of other committees formed to support or oppose ballot measures under the Political Reform Act of 1974.	
*** AB 2153 (Krekorian) Water Service Impacts to Developments**	This bill would require projects to provide offsetting mitigation of water usage through efficiency measures in hydrologic region.	Failed to pass Assembly 5/29/08.
*** AB 2175 (Laird) Water Conservation**	This bill would have set goals and targets for reduction of water usage by 20% by 2020. It also required water agencies to update AWMP's over time with more information.	Passed Assembly and but failed to pass Senate Appropriations Committee. Dead.
AB 2278 (Aghazarian) Amend Revenue & Tax Code Regarding FPD Negotiationg Property Tax Shifts **CALAFCO Position:** None at this Time **RECOMMENDED San Diego LAFCO Position:** SEEK COMMISSION INPUT FOR POSITION	This bill would authorize a fire protection district, as specified, to negotiate any exchange of property tax revenues on its own behalf when a jurisdictional change occurs that affects its service area or service responsibility. Author considering amendments due to concern on language of "negotiation" not having arbitration clause.	Bill dead as of May 2008.
AB 3047 (Committee on Local Gov't) Omnibus Bill Regarding C-K-H Act **CALAFCO Position:** Sponsor **RECOMMENDED San Diego LAFCO Position:** SUPPORT	This bill is annual revisions for routine updates on wording and amendments considered not controversial by all reviewing parties.	Passed Assembly and Senate. Signed by Governor 7/03/2008

AB 2484 (Caballero) Local Government: Special Districts **CALAFCO Position:** Support **RECOMMENDED San Diego LAFCO Position:** SUPPORT; LETTER SENT	(1) Existing law, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 defines "change of organization" to mean, among other things, a district formation, a consolidation of cities or special districts, or a merger or establishment of a subsidiary district. This bill includes within the definition of "change of organization" a proposal for the exercise of new or different functions or classes of services, or the divestiture of the power to provide particular functions or classes of services, within all or part of the jurisdictional boundaries of a special district. The bill would also make various conforming changes. (2) Existing law authorizes a proposal for a change of organization or a reorganization to be made by the adoption of a resolution of application by the legislative body of an affected local agency. This bill requires a change of organization proposal that involves the exercise of new or different functions or classes of services, or the divestiture of the power to provide particular functions or classes of services, within all or part of the jurisdictional boundaries of a special district **to be initiated only by the legislative body of that special district (emphasis added by staff).** (3) Existing law requires, in addition to the proposal for a change of organization or reorganization, that the legislative body of a special district submit a plan for services, including, among other things, a plan for financing the establishment of the new or different function or class of services within the special district's jurisdictional boundaries. This bill also requires the legislative body of a special district to include in the plan a written summary of whether the new or different function or class of services, or divestiture of the power to provide particular functions or classes of services within all or part of the jurisdictional boundaries of a special district, will involve the activation or divestiture of the power to provide a particular service or services, service function or functions, or class of service or services.	Passed Legislature; signed by Governor on 7/22/08.

SCA 19 (Kehoe) Property Tax Exclusion for Fire Safety Measures, Constitution Amendment **CALAFCO Position:** None **RECOMMENDED San Diego LAFCO Position:** WATCH	The California Constitution authorizes the Legislature to exclude from classification as "newly constructed" the construction or installation of any fire sprinkler system, other fire extinguishing system, fire detection system, or fire-related egress improvements, as defined by the Legislature. This measure would authorize the Legislature to additionally exclude from classification as "newly constructed" the construction or installation of any fire safety retrofitting improvement that meets fire safety building standards, as defined by the Legislature. This exclusion would lower assessed valuation of dwellings and revenues to agencies.	Failed to move forward in Senate due to budget impacts and input from local agencies.
SB 1391 (Padilla) Water: Water Conservation Policy **CALAFCO Position:** Not Tracking **RECOMMENDED San Diego LAFCO Position:** SUPPORT	This bill (as amended) would have added Section 13263.4(a) to the Water Code. The State Water Resources Control Board shall develop a plan, as soon as feasible, to assist California in reaching the water reuse goal articulated pursuant to Section 13577 of the Water Code consistent with state and federal water quality laws. Sponsored by MWD of Southern California and supported by ACWA, CASA, and City of San Diego.	Passed Senate and Assembly; vetoed by Governor on 9/30/08 due to budget impacts.

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December 19, 2008

8

TO: Special Districts Advisory Committee

FROM: Director, Legislative Research

SUBJECT: Consider Methods of Filling Two Vacant Positions on Committee

Subsequent to the Special District Advisory Committee (SDAC) election of October 2008, two members of the committee did not obtain reelection to their agency Board of Directors; James Alkire of South Bay Irrigation District and Richard Olson of North County Fire Protection District. Therefore, in accordance with Committee Rules, those positions become vacant effective the date their positions end with their agency. Vacancies on the SDAC may be filled by nomination by the Chairperson and ratification by the Committee at the next scheduled meeting or may be left open for a period if there are no negative impacts upon conduct of committee business.

Mr. Olson's position term will expire in October 2011 and Mr. Alkire's position term will expire in October 2012. Therefore, appointments to fill these positions will be for almost full length terms. As part of the 2008 SDAC election, one candidate, Mr. Dale A. Amato, was the ninth top vote recipient but not elected.

The chairperson and committee are requested to consider the need and process to fill these two positions. LAFCO staff suggests that the timing of a special mail-ballot election is not good due to administrative workload requirements and suggests that the committee consider appointment of Mr. Amato to fill one position and that filling of the remaining position be delayed to mid-year when time would allow for a mail-ballot election.

A copy of the committee roster is attached for your information and also available on LAFCO's website at sdlafco.org. Term expiration dates are listed on the roster.

HARRY EHRLICH
Local Government Consultant

HE:tjc

Attachment

ROSTER
LAFCO SPECIAL DISTRICTS ADVISORY COMMITTEE
General Distribution

OFFICERS 2008 CHAIRWOMAN: JO MACKENZIE
VICE CHAIRMAN: TOM POCKLINGTON

VACANT (10/12)

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Valley Center MWD
29300 Valley Center Rd
Valley Center CA 92082
(760) 749-1600

GARY CROUCHER (10/11)
Otay Water District
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Spring Valley CA 91978-2096
(619) 670-2280

RON FULLER (10/12)
Alpine FPD
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Alpine CA 91901
(619) 840-2476

JUDY HANSON (10/11)
Leucadia CWD
1960 La Costa Ave
Carlsbad CA 92009
(760) 753-0155

LARRY JACKMAN (10/11)
San Miguel Consolidated FPD
2850 Via Orange Way
Spring Valley CA 91978-1746
(619) 944-2482

DOUGLAS HUMPHREY (10/12)
Resource Conservation District of Greater San Diego County
332 S Juniper Street #110
Escondido CA 92025-4941
(760) 745-2061

JO MACKENZIE (10/12)
Vista Irrigation District
1391 Engineer St
Vista CA 92083
(760) 597-3100

VACANT (10/11)

JOHN PASTORE (10/11)
Rancho Santa Fe CSD
605 Third St
Encinitas CA 92024
(760) 942-5147

TOM POCKLINGTON (10/11)
Bonita-Sunnyside FPD
4900 Bonita Rd
Bonita CA 91902
(619) 479-2356

JIM POLTL (10/11)
Vallecitos Water District
201 Vallecitos de Oro
San Marcos CA 92069
(760) 290-2677

AUGIE SCALZITTI (10/12)
Padre Dam MWD
PO Box 719003
Santee CA 92072
(619) 258-4610

DENNIS SHEPARD (10/12)
North County Cemetery District
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Escondido CA 92027
(760) 745-1781

KIMBERLY THORNER, ESQ (10/11)
Olivenhain Municipal Water District
1966 Olivenhain Road
Encinitas CA 92024
(760) 753-6466 Ext. 158

DIANA TOWNE (10/12)
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Updated 11/5/08

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December 19, 2008

TO: Special Districts Advisory Committee

FROM: Harry Ehrlich
Local Government Consultant

SUBJECT: Tentative Meeting Schedule for 2009

In looking forward to 2009, you will find attached a listing of the tentative meeting dates for the committee, if action items or workload result in the need for a meeting. Special Districts Advisory Committee (SDAC) Rules provide that the regular meeting date and time are held on the third Friday of each month at 9:30 am, located at the County Administration Building or other location if needed. Meeting dates are provided for committee members to set aside the date and time for planning purposes.

HARRY EHRLICH
Local Government Consultant

HE:tjm

Attachment:
Tentative SDAC Meeting Schedule for 2009

2009
LOCAL AGENCY FORMATION COMMISSION
SPECIAL DISTRICTS ADVISORY COMMITTEE
SCHEDULED MEETING DATES

2009

Friday: January 16, 2009

February 20, 2009

March 20, 2009

April 17, 2009

May 15, 2009

June 19, 2009

July 17, 2009

August 21, 2009

September 18, 2009

October 16, 2009

November 20, 2009

December 18, 2009

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SPECIAL DISTRICTS ADVISORY COMMITTEE
DECEMBER 19, 2008

AGENDA ITEM 10

DISCUSSION OF PENDING PROJECTS FOR 2009 CONSIDERATION (ORAL PRESENTATION)