San Diego County
Local Agency Formation Commission
Regional Service Planning | Subdivision of the State of California

SAN DIEGO COUNTY
LOCAL AGENCY FORMATION COMMISSION

REGULAR MEETING AGENDA
Monday, March 4, 2024

Doors Open: 8:00 A.M.
Meeting Starts: 8:15 A.M.

In-Person Participation
County Administration Center
1600 Pacific Highway, Room 302
San Diego, California

Off-Site Commissioner Participation
Commissioner McCann
Courtyard by Marriott Oxnard-Ventura
Lobby Seating Area Near Front Desk
600 Esplanade Drive
Oxnard, California 93030

Video-Teleconference Participation
https://www.zoom.us/join
Meeting ID 895 6767 7168 | Passcode 508649
(669) 900-9128

Video Viewing Only
@sandiegolafco9909

San Diego LAFCO		
Commissioner	**Appointing Authority**	**Affiliation**
Chair Stephen Whitburn	Mayor of the City of San Diego	City of San Diego
Vice Chair Barry Willis	Independent Special Districts	Alpine Fire Protection
Immediate Past Chair Jim Desmond	Board of Supervisors	County of San Diego
Joel Anderson	Board of Supervisors	County of San Diego
Kristi Becker	Cities Selection Committee	City of Solana Beach
Jo MacKenzie	Independent Special Districts	Vista Irrigation
Dane White	Cities Selection Committee	City of Escondido
Vacant	Commission	General Public
Alternate David A. Drake	Independent Special Districts	Rincon del Diablo MWD
Alternate Harry Mathis	Commission	General Public
Alternate John McCann	Cities Selection Committee	City of Chula Vista
Alternative Nora Vargas	Board of Supervisors	County of San Diego
Alternate Marni von Wilpert	Mayor of the City of San Diego	City of San Diego

Participation Instructions:

In person attendance by the public is welcomed. LAFCO meets in Room 302 in the County Administration Center (1600 Pacific Highway). Three-hour visitor parking is available using the Ash Street entrance. To provide comments on any item, please turn in a speakers slip to LAFCO staff before the item commences.

Remote participation by video or telephone is welcomed through Zoom by following these instructions.

Comments by Video	Comments by Telephone
1. Click or type the link found at the top of the agenda	1. Dial + 1-669-900-9128
2. Type the Meeting ID identified on the top of this agenda followed by the Passcode	2. Dial the Meeting ID identified at the top of the agenda followed by the Passcode
3. Click the raise hand icon	3. Dial *9 to raise your hand
4. LAFCO will announce your name as it appears when it is your turn to speak	4. LAFCO will call out the last 4 digits of your phone number when it is your turn to speak
5. Click the speaker icon to unmute to speak	5. Dial *6 to unmute yourself

All comments – whether provided in person or remotely (video and telephone) – are limited to three minutes for individuals and five minutes for agencies and community organizations. The Chair may adjust the time allowance as they deem appropriate in managing the Commission's business.

Remote participation by e-mail is also welcomed by sending comments to Acting Commission Clerk Michaela Peters at michela.peters@sdcounty.ca.gov.

- All e-mails received before 3:00 P.M. one business day before the meeting will be forwarded to the Commission and posted online prior to the start of the meeting. These comments will also be referenced at the meeting.

- All e-mails received after 3:00 P.M. one business day before the meeting and up until the conclusion of the item by the Commission will be noted for the record by LAFCO staff with a good-faith summary and subsequently posted online.

Public Accommodations:

Assistance for the disabled is available by contacting LAFCO staff prior to the meeting. To the extent possible, accommodation requests should be submitted at least 72 hours in advance.

Spanish language translation services are readily available at LAFCO meetings. Translation services covering other languages may be made available upon request at least 72 hours prior to the meeting.

Contact Information:

Michaela Peters
Analyst I
Acting Commission Clerk
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T: 619-321-3380
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1. **8:15 A.M. – CALL TO ORDER BY CHAIR**

   a) **Roll Call of Commissioners Present**

   b) **Pledge of Allegiance**

2. **STATEMENT (JUST CAUSE) AND/OR CONSIDERATION OF A REQUEST TO PARTICIPATE REMOTELY (EMERGENCY CIRCUMSTANCES) BY A COMMISSIONER, IF APPLICABLE.**

3. **COMMENDATIONS AND PRESENTATIONS**

   a) **Commendation for former Commissioner Andy Vanderlaan**
   The Commission will recognize former Commissioner Andy Vanderlaan for his 28 years of exemplary service to the Commission as regular public member.

4. **AGENDA REVIEW**
   The Executive Officer will summarize the agenda as well as to advise of any requested changes. The Chair will also consider requests from Commissioners.

5. **PUBLIC COMMENT AND**
   OPPORTUNITY FOR PUBLIC TO REQUEST DISCUSSION ON CONSENT ITEMS
   Opportunity for members of the public to speak to the Commission on any subject matter within the Commission's growth management duties/interests but not on an item listed on the agenda. Three-minute limit. This is also an opportunity for the public to request the Commission pull an item listed on the consent calendar for discussion.

6. **CONSENT ITEMS**
   All items calendared as consent are considered ministerial and subject to a single motion approval. The Chair will entertain requests by Commissioners to pull any items for discussion.

   a) **Approval of Meeting Minutes for February 5, 2024 (action)**
   The Commission will consider action minutes prepared by the Commission Clerk for the February 5, 2024 meeting. Recommendation to approve as presented. (Pages 7-16)

   b) **Commission Ratification |**
   Recorded Payments for January 2024 (action)
   The Commission will review a report identifying all payments made and received for January 2024. Recommendation to ratify payments as presented. (Pages 17-22)

   c) **Temporary Appointment and Compensation Adjustment for Analyst Michaela Peters to Concurrently Serve as Commission Clerk (action)**
   The Commission will consider the temporary appointment and related compensation adjustment for Analyst Michaela Peters to concurrently serve as Commission Clerk retroactive to February 9, 2024. The proposed appointment provides a 10% compensation increase consistent with adopted policy and recognizes several duties already undertaken via cross-training in anticipation of the incumbent's pending leave. The proposed appointment – at the maximum potential length – would generate a total cost of $5,757 and can be readily accommodated. Recommendation to approve. (Pages 23-48)

CONSENT ITEMS CONTINUED…

d) **Progress Report on the Adopted Workplan (action)**
The Commission will receive a progress report on accomplishing the 30 projects included in the adopted workplan for 2023-2024. The report is being presented to the Commission to receive and file with the opportunity to identify potential amendments for future consideration. (Pages 49-52)

e) **Report on Active Proposals and Related Activities (information)**
The Commission will receive a status report on the 28 active proposals currently on file as well as anticipated filings based on ongoing discussions with proponents. The item is for information and concurrently satisfies LAFCO's reporting requirement involving petition-initiated proposals. (Pages 53-64)

f) **Report from University of California at Berkeley |**
LAFCO and Water System Consolidations in California (information)
The Commission will receive a report prepared by the University of California at Berkeley addressing the relationship between State regulators and LAFCOs in achieving the State's interest in consolidating and otherwise remedying problems with small public water systems. The report includes several recommendations ranging from elevating the use and frequency of municipal service reviews (MSR) to proactively facilitate consolidations to legislative changes. The report is being provided to the Commission for information with the opportunity to provide input to LAFCO staff in line with its intention to provide a letter expressing appreciation and support for their work. (Pages 65-88)

g) **Update on Special District Election (information)**
The Commission will receive an update on the scheduled election called by the Executive Officer to seat a special district board member to serve on the Commission via a new four-year term beginning May 6, 2024. The election involves one of the two voting seats dedicated to special districts and presently held by Commissioner MacKenzie. Info only. (Pages 89-90)

7. **PUBLIC HEARING ITEMS |**
COMMISSIONER DISCLOSURE OF EX PARTE COMMUNICATIONS
Public hearing items require expanded public notification per provisions in State law or have been voluntarily scheduled by the Executive Officer to ensure opportunity for public input. All public hearing items require verbal disclosures by Commissions regarding any material communications.

a) **Proposed "Tucker – Valley Road Reorganization" |**
Annexation to National City with Concurrent Detachments from South Bay Irrigation District, Bonita-Sunnyside Fire Protection District, and County Service Area No. 135 and Related Sphere of Influence Amendment (RO23-01) (action)
The Commission will consider a reorganization proposal filed by landowner petition with the principal action to annex approximately 2.16 unincorporated acres in the Bonita community to National City. A secondary action to detach the affected territory from South Bay Irrigation District, Bonita-Sunnyside Fire Protection District, and County Service Area No.135 are also proposed. The affected territory comprises two legal parcels the lie entirely within the sphere of influence for National City. The proposal purpose is to facilitate the planned development of a minor subdivision consisting of 10 single-family residences known as the "Valley View…

PUBLIC HEARING ITEMS CONTINUED…

Item 7a Continued

Development Project". Staff recommends conditional approval of the proposal as submitted along with a conforming sphere of influence action for Bonita-Sunnyside FPD's sphere, and a municipal service review waiver under L-106. It is also recommended the Commission waive protest proceedings and make findings under the California Environmental Quality Act (CEQA). The subject parcels are identified as 591-100-31 and 591-100-27. (Pages 91-150)

b) Proposed Draft Workplan and Budget for 2024-2025 (action)
The Commission will consider recommendations in adopting a proposed draft workplan and budget for 2024-2025. The draft workplan outlines 30 activities in priority order and headlined by continuing municipal service reviews on wholesale water service providers and healthcare districts as well as grant work evaluating economic conditions for certain agricultural crops. Several new projects round out the draft workplan and headlined by initiating a municipal service review on the San Diego Association of Local Governments. The draft workplan informs the draft budget, which totals $2.887 million in matching expenses and revenues. More than four-fifths of total expenses – $2.403 million – covers operating costs and represents an increase of 6.3% and largely ties to inflationary adjustments plus targeted enhancements in certain non-labor accounts as detailed. Adoption of the draft workplan and budget will precede a formal public review and conclude with final actions in May. (151-166)

8. BUSINESS CALENDAR
Business items involve regulatory, planning, or other items that do not require a noticed hearing.

a) Final Administrative Assessment | Commission Oversight Duties and Port of San Diego (action)
The Commission will receive a final administrative assessment on LAFCO's oversight duties as they relate to the Port of San Diego – formally the San Diego Unified Port District. The assessment fulfills a request by the Commission to evaluate whether the Port is subject to LAFCO similar to other special districts in San Diego County. The assessment concludes the Port is subject to LAFCO oversight as an independent special district in the performance of local governmental and proprietary functions. It is recommended the Commission accept the assessment and approve a conforming policy statement. Alternatively, and as contemplated, should it separately determine the Port is performing functions exclusively for the benefit of the State, the Commission should accept the assessment and approve a substitute policy statement that the Port is not subject to LAFCO oversight. (Pages 167-182)

b) Proposed Policy Update | LAFCO Personnel Policies and Procedures (action)
The Commission will review a proposed policy update to its personnel policies and procedures. The proposed update ties to the adopted workplan and prepared with the assistance of LAFCO's contract human resources advisor – Regional Government Services Authority. The Commission reviewed a draft version at its December 2023 meeting with feedback for staff to further refine certain employer-employee relationships – including telework provisions and related liability protections. The proposed update incorporates these and other refinements and edits as detailed and presented for Commission approval with any changes. (Pages 183-254)

BUSINESS ITEMS CONTINUED…

c) **Appointment of a Regular Public Member (action)**
The Commission will consider making an appointment to fill the vacated term of the regular public member position. The term became vacated on January 19, 2024 with the resignation of Andy Vanderlaan. The unexpired term extends through April 2025. The item has been noticed to accommodate the Commission proceeding immediately with the appointment of the alternate – Harry Mathis – to assume the unexpired term and done so based on input provided at the February meeting. Alternative actions available to the Commission include – but not limited to – forming an ad hoc committee to recruit, interview, and/or recommend candidates to fill the unexpired term. (Pages 255-260)

d) **Contingency Options to Appoint New Alternate Public Member (action)**
The Commission will consider available options and related preferences should it be necessary to make a new appointment for the alternate public member position. The item ties to the Commission's separate consideration on the agenda and the potential appointment of the current alternate – Harry Mathis – to fill the unexpired term of the regular public member term. Should Commissioner Mathis become the regular public member, a new appointment will be needed to fill the balance of the alternate position term through April 2027. Consideration will include reviewing polices and/or established procedures used by other LAFCOs in the region. Staff is seeking direction. (Page 261-274)

e) **Grant Work Update |**
Sustainable Agricultural Lands Conservation Planning Grant 2.0 (information)
The Commission will receive an update on its ongoing SALC planning grant – i.e., "SALC 2.0" -- in partnership with the County of San Diego's Planning and Development Services. SALC 2.0 entails conducting a comprehensive market analysis for both existing and emerging crops, alongside a gap analysis aimed at pinpointing areas where governmental intervention can help bridge economic gaps with a focus on aiding small-scale farming. The update is for information and provides an opportunity for the Commission to ask questions or provide related feedback as grant work goes forward. (Page 275-280)

9. EXECUTIVE OFFICER REPORT

10. COMMISSIONER ANNOUNCEMENTS & REQUESTS FOR FUTURE ITEMS

11. CLOSED SESSION

None

12. ADJOURNMENT

Attest to Posting:

Erica Sellen
Commission Clerk