DRAFT MINUTES
SAN DIEGO LAFCO
February 5, 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 Desmond. 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 (CHAIR) Jo MacKenzie, Vista Irrigation District Stephen Whitburn, City of San Diego (VICE CHAIR) Dane White, City of Escondido Barry Willis, Alpine Fire Protection District
Alternates Present:	David Drake, Rincon del Diablo Municipal Water District Harry Mathis, Public (voting) John McCann, City of Chula Vista
Members Absent:	Nora Vargas, County of San Diego (alternate) Marni von Wilpert, City of San Diego (alternate)

The Commission Clerk confirmed a quorum with eight voting members present with Alternate Commissioner Mathis voting in place of the vacant regular public seat. Also present at the time of roll call were the following LAFCO staff Executive Officer Keene Simonds; Commission Counsel Holly Whatley; Local Government Analyst II Carolanne Ieromnimon; Local Government Analyst I Michaela Peters; GIS Analyst Dieu Ngu; and Clerk Erica Sellen.

Item 1b
PLEDGE OF ALLEGIANCE

Chair Desmond 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 Desmond 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. The Executive Officer also commented no supplemental correspondence on any of the agenda items had been received.

4. PUBLIC COMMENT AND RELATED ITEMS

Chair Desmond 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 or live e-mail comments.

5. CONSENT ITEMS

Item 5a
Approval of Meeting Minutes for December 4, 2023
Item presented to approve draft action minutes prepared for the Commission's December 4, 2023 meeting. Recommendation to approve.

Item 5b
Commission Ratification | Recorded Payments for November and December 2023
Item presented to ratify recorded payments made and received by the Executive Officer for the months of November and December2023. Recommendation to ratify.

Item 5c
Budget Update for 2023-2024 | 2nd Quarter Actuals with Year-End Projections
Item presented to review a report comparing budgeted and actual transactions through the second quarter of 2023-2024 and related analysis. Recommendation to formally accept and provide direction to staff as needed.

Item 5d
Proposed "Glen Abbey Memorial Cemetery Park–Bonita Road Change of Organization" | Annexation to San Diego County Sanitation District (CO23-10)
Item presented to consider a consider a change of organization proposal initiated by landowner petition to annex approximately 110 unincorporated acres in Bonita to the San Diego County Sanitation District. The affected territory as submitted involves two contiguous legal parcels presently developed and used as part of the Glenn Abbey Memorial Cemetery Park. The proposal purpose is to make public wastewater available to the remainder of the cemetery grounds and in doing so accommodate planned improvements. Staff recommends conditional approval of the proposal with a modification to include 4.0 additional acres comprising of an adjacent legal parcel owned and operated by the applicant as well as frontage along Bonita Road. Staff also recommends waiver of protest proceedings and exemption finding under the California Environmental Quality Act.

Item 5e
Commission Counsel Services |
Proposed New Agreement with Colantuono, Highsmith & Whatley
Item presented to consider a proposed new agreement for legal services with Colantuono, Highsmith & Whatley. The new agreement resets and extends this existing relationship through June 30, 2027 and makes related updates involving billing rates – including establishing a rate distinction for litigation services. Recommendation to approve.

CONSENT ITEMS CONTINUED…

Item 5f
Progress Report on the Adopted Workplan
Item presented to receive a progress report on accomplishing the 30 projects included in the adopted workplan for 2023-2024. Recommendation to receive and file with the opportunity to identify potential amendments for future consideration.

Item 5g
Legislative Report
Item presented to receive a report on legislative items of interest to the Commission and its regulatory and planning responsibilities. This includes reviewing items associated with the end of the first year of the 2023-2024 session – including Assembly Bills 1753 and 399 – as well as previewing potential topics heading into the second year. Recommendation to receive and file with the opportunity to identify potential amendments for future consideration.

Commissioner Willis requested to pull Item 5g for discussion for AB399. Executive Officer proceeded to summarize Item 5g followed by discussion from the Commission.

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Commissioner Willis motioned with a second from Commissioner Anderson to approve consent calendar Item 5g with staff recommendation as presented.

Roll call requested:

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

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

Item 5h
Report on Active Proposals and Related Activities
Item presented to receive a status report on active proposals currently on file with LAFCO. Information only.

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Commissioner Desmond motioned with a second from Commissioner Whitburn to approve the balance of the consent calendar items with staff recommendations (Alternative One) as presented.

Roll call requested:

CONSENT ITEMS CONTINUED…

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

The Commission Clerk confirmed the motion to approve the balance of the consent calendar was approved 8-0.

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

Item 6a
Proposed "City of Carlsbad Change of Organization" |
Detachment from Leucadia Wastewater District and Concurrent Sphere of Influence Action (CO23-09)
Item presented to consider a change of organization proposal initiated by resolution of the City of Carlsbad to detach approximately 202 acres of incorporated territory from the Leucadia Wastewater District (WD). The affected territory as submitted comprises three non-contiguous area that are largely developed with residential uses and served by Carlsbad's wastewater system. Overall, the affected territory comprises 50 legal parcels that are further defined by ownership into 250 unique assessor parcels. The proposal purpose is to eliminate an existing overlap between Carlsbad and Leucadia WD and in doing so make explicit Carlsbad is the authorized wastewater service provider for the affected territory going forward. Staff recommends conditional approval of the proposal as submitted along with a conforming sphere amendment involving one of the three areas within the affected territory. It is also recommended the Commission delegate protest proceedings to the Executive Officer and make exemption findings under the California Environmental Quality Act (CEQA).

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

Local Government Analyst II Carolanne Ieromnimon provided the staff presentation.

Chair Desmond requested clarification if the property owners or registered voters were notified of this proposal. Ms. Ieromnimon responded notice was provided by LAFCO via the newspaper as allowed under statute. Ms. Ieromnimon also noted the proposal would require protest hearing should it be approved by the Commission with additional noticing therein.

Chair Desmond proceeded to open the hearing and invited comments from the public.

The Commission Clerk confirmed there was one online speaker. Chair Desmond invited comments from the following speaker:

- Vicki Quiram, City of Carlsbad

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

PUBLIC HEARING ITEM CONTINUED…

Item 6a Continued

Chair Desmond proceeded to close the public hearing.

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

Roll call requested:

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

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

7. BUSINESS ITEMS

Item 7a
Proposed "Garcia–Curtis Drive Out-of-Agency Wastewater Services" |
City of Vista (OAS23-14)
Item presented to consider a request by the City of Vista to provide new out-of-agency wastewater services to an unincorporated parcel located north of the City limits and within its sphere of influence. The affected territory and its lone subject parcel is 2.8 acres in size and developed with a single-family residence at 211 Curtis Drive. The purpose of the request is to make available public wastewater to accommodate the construction of an accessory dwelling unit (ADU) that would otherwise be prohibited given the limitations on the existing septic system. Staff recommends conditional approval authorizing service to the existing single-family residence and planned ADU. Staff is relatedly recommending the Commission dispense with the otherwise special condition commonly applied to require the landowner to file an annexation proposal with LAFCO for future processing given local conditions as detailed. A categorical exemption applies.

Local Government Analyst II Carolanne Ieromnimon provided the staff presentation.

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

Commission discussion followed.

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

BUSINESS ITEMS CONTINUED…

Item 7a Continued

Roll call requested:

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

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

Item 7b
Quarterly Progress Report |
Municipal Service Review on Wholesale Water Agencies: 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 (MSR) 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 as previously requested by the Commission with the opportunity to provide general feedback.

LAFCO Consultants Adam Wilson and Chris Cate provided the staff presentation including discussion of a first draft of the MSR being available by June 30, 2024.

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

Commission discussion followed. No action.

Item 7c
Appointment Options for the Regular Public Member Position
Item presented to consider options and preferences therein in filling the vacated term of the regular public member position. The position became vacated in mid-January with the resignation of Andy Vanderlaan. The unexpired term extends through April 2025. Staff requests direction from the Commission in scheduling an appointment at a future meeting with or without an open recruitment process as well as with or without action to create an advisory committee.

Chair Desmond thanked Commissioner Vanderlaan for his years of service.

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

Commission discussion followed on how to fill the vacancy. No action.

Item 7d
Chair and Vice Chair Appointments
Item presented to consider making officer appointments and select a chair and vice chair consistent with adopted policy. The appointees will serve the balance of 2024 consistent with policy unless otherwise specified.

Chair Desmond nominated current Vice Chair Stephen Whitburn as Chair and Commissioner Willis as Vice Chair.

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

Commission discussion followed and largely focused on past practice to rotate the officer positions among all five membership categories on LAFCO.

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Commissioner Desmond motioned with a second from Commissioner White to appoint Commissioner Whitburn as Chair and appoint Commissioner Willis as Vice Chair.

Roll call requested:

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

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

8. EXECUTIVE OFFICER REPORT

Executive Officer Keene Simonds noted the following items:

- Introduced new Administrative Analyst Intern Jared Blackwell
- Introduced new consultant Bill Fulton
- Commented Assistant Executive Officer Priscilla Mumpower will be returning from maternity leave and Commission Clerk Erica Sellen will be leaving for maternity leave later this month
- A final assessment on the topic of LAFCO's oversight as it relates to the San Diego Port is expected at the next meeting in March
- The April 2024 meeting may be canceled due to the County holiday on March 1st (Cesar Chavez Day) or may be rescheduled to April 8th
- Thanked Chair Desmond for his service as Chair for the last two years

9. COMMISSIONER ANNOUNCEMENTS | REQUESTS FOR FUTURE ITEMS

- Commissioner Willis would like an update on the LAFCO fee waivers
- Chair Desmond would like to see a potential SANDAG MSR

10. CLOSED SESSION

None

11. ADJOURNMENT TO NEXT MEETING

With no further business Chair Desmond adjourned the meeting at 9:02 a.m.

I hereby attest the minutes above accurately reflect the deliberations of the Commission at its February 5, 2024 meeting.

ATTEST,

Erica Sellen
Commission Clerk