# 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, May 6, 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

**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 |
| Harry Mathis | Commission | General Public |
| Alternate David A. Drake | Independent Special Districts | Rincon del Diablo MWD |
| Alternate Vacant | 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 michaela.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:

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Acting Commission Clerk
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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. **CLOSED SESSION**

   a) **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.)

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 March 4, 2024 (action)**
   The Commission will consider action minutes prepared by the Acting Commission Clerk for the March 4, 2024 meeting. Recommendation to approve as presented. (Pages X-XX)

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

   c) **Results of Protest Hearing |**
   **Conditionally Approved "City of Carlsbad Change of Organization" Detachment from Leucadia Wastewater District and Concurrent Sphere of Influence Action (CO23-09) (action)**
   The Commission will receive the results of the protest hearing held for the "City of Carlsbad Change of Organization," which was conditionally approved by the Commission in February 2024 and involves the detachment of three non-contiguous areas within the City of Carlsbad from the Leucadia Wastewater District (WD). The noticed protest hearing was held on April 3rd. No protest was filed at the close of the hearing. The protest hearing results are being presented for the Commission to formally receive and file. (Pages X-XX)

**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 X-XX)

**e) Report on Active Proposals and Related Activities (information)**
The Commission will receive a status report on the 26 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 X-XX)

**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 "Sky Ranch Change of Organization" |**
**Detachment from Helix Water District and Conforming Sphere Amendment (action)**
The Commission will consider a change of organization proposal initiated by resolution of the Padre Dam Municipal Water District (MWD). The proposal seeks Commission approval to detach approximately 26.5 acres of incorporated territory within the City of Santee from the Helix Water District (WD). The affected territory as submitted is presently developed with 27 single-family residences and ancillary improvements – including public right-of-way segments and dedicated open space – that is part of the Sky Ranch Subdivision. The proposal's purpose is to eliminate an existing overlap between Padre Dam MWD and Helix WD and in doing so make explicit that Padre Dam MWD is the authorized water service provider going forward. Staff recommends conditional approval of the proposal with a conforming sphere amendment, delegate protest proceedings to the Executive Officer, and find the project is exempt under CEQA Guidelines Section 15061(b)(2) and (3). It is also recommended the Commission waive Policy L-106 and its provisions that would otherwise require a new municipal service review to inform the sphere amendment given the last study of record is more than five years old. (Pages X-XX)

**b) Proposed Final Workplan and Budget for 2024-2025 (action)**
The Commission will consider recommendations in adopting a final workplan and budget for 2024-2025. Both items return following their draft adoption in March and subsequent public review – including presentations to the Cities and Special Districts Advisory Committees. The workplan remains materially unchanged in outlining 30 specific projects in priority order and headlined by continuing municipal service reviews on wholesale water service providers (No. 1a) and healthcare districts (No. 1b). The final workplan informs the proposed final budget and has been revised from the draft to include additional monies to salaries and benefits – specifically $0.025 million as detailed – and results in an updated proposed total of $2.912 million in matching expenses and revenues. The operating portion of expenses tallies $2.428 million and reflects a 7.4% increase above the current fiscal year and largely involves …

**Agenda Item 7b Continued…**

inflationary adjustments. Local agencies' apportionments continue to represent nine-tenths of all operating revenues and are set to increase in line with the rise in operating expenses at 7.4%. (Pages X-XX)

c) **Municipal Service Review |**
**Draft Report on Municipal Service Review on the Oceanside Region (Continued)**
The Executive Officer has continued this voluntarily noticed hearing item to the June 3, 2024 meeting. This continuance will provide staff additional time to address technical comments received during the administrative review by the three affected agencies (City of Oceanside, Oceanside Small Craft Harbor District, and Morro Hills Community Services District). There is no associated agenda report with this item.

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

a) **Merits of Request for Reconsideration |**
**March 4th Approvals Determining the San Diego Unified Port District is Subject to San Diego LAFCO Oversight and Related Authorizations (action)**
The Commission will consider the merits of a request for reconsideration from the San Diego Unified Port District involving approvals made at the March 4, 2024 meeting under Agenda Item No. 8a. The Port is requesting the Commission agree to reconsider its determinations the Port is an independent special district subject to LAFCO oversight. Although the Port does not qualify as an affected agency or person under statute or policy to make the request for reasons detailed, the Chair has agreed to sponsor item as a courtesy. Staff recommends the Commission consider the merits of the request under the LAFCO Rule 3.4(2) criteria and approve or deny. If the request is approved, the March 4th approvals are tallied, and the Commission will take up the reconsideration at its June 3rd meeting. Staff recommends denial. (Pages X-XX)

b) **Proposed Policy on Out-of-Agency Services (action)**
The Commission will consider approving a policy to govern outside service approvals for cities and special districts. The item is part of LAFCO's adopted workplan and most recently reviewed by the Commission in October 2023 before separate presentations were made to the Cities and Special Districts Advisory Committees in December 2023 and March 2024, respectively. The version before the Commission reflects feedback generated since October and continues to be premised on providing clear rules of engagement in implementing Government Code Section 56133 and its provisions requiring cities and districts to first request and receive approval from LAFCOs before providing out-of-agency services by contracts. Staff recommends approval of the policy with any desired changes along with setting an immediate effective date. (Pages X-XX)

c) **Outreach and Education Plan Update | Sustainable Agricultural Lands Conservation Planning Grant 2.0 (information)**
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 (PDS). This update has been prepared in response to a request made by public members and the Commission at the March meeting and specifically to outline past and current outreach strategies for SALC 2.0. The County of San Diego's Planning and Development Services (PDS) is leading the outreach and education plan component of current grant work in conjunction with Rick Engineering – as an outside outreach consultant. The update is for information and provides an opportunity for the Commission to ask questions or provide related feedback. (Pages X-XX)

d) **Presentation | Update on Municipal Service Review on Healthcare Districts (information)**
will receive a presentation on activities underway as part of the scheduled two-part municipal service review on healthcare districts. The presentation serves as an update on the municipal service review given its high-priority placement on the workplan paired with recent related media coverage concerning operational changes involving two of the four affected districts. The update is being provided for information with the opportunity for the Commission to provide real-time feedback in line with the staff's current expectation of producing a draft on the first part of the municipal service review in early 2025. (Pages X-XX)

**9. EXECUTIVE OFFICER REPORT**

**10. COMMISSIONER ANNOUNCEMENTS & REQUESTS FOR FUTURE ITEMS**

**11. ADJOURNMENT**

Attest to Posting:

Michaela Peters
Acting Commission Clerk