APPROVED MINUTES
SAN DIEGO LAFCO
November 1, 2021 REGULAR MEETING

1. CALL TO ORDER | ROLL CALL

The regular meeting was called to order at 9:00 a.m. by Chair Vanderlaan in the County of San Diego Administration Center, 1600 Pacific Highway, Room 302, San Diego and via a virtual/hybrid format.

The Commission Clerk performed the roll call with the following attendance recorded.

Regulars Present:	Chris Cate, City of San Diego Jim Desmond, County of San Diego (VICE CHAIR)* Jo MacKenzie, Vista Irrigation District Paul McNamara, City of Escondido* Mary Casillas Salas, City of Chula Vista* Andy Vanderlaan, Public (CHAIR)* Nora Vargas, County of San Diego Barry Willis, Alpine Fire Protection District
Alternates Present:	Joel Anderson, County of San Diego* Kristi Becker, City of Solana Beach* David Drake, Rincon del Diablo* (arrived 9:23 a.m.) Harry Mathis, Public
Members Absent:	Marni von Wilpert, City of San Diego (alternate)

The Commission Clerk confirmed a virtual/hybrid quorum was present with eight voting members. Also present at the virtual/hybrid dais were Executive Officer Keene Simonds, Commission Counsel Holly O. Whatley*, Local Government Analyst I Priscilla Allen, Intern Carolanne Ieromnimon*, Administrative Assistant Erica Blom*, and Tamaron Luckett serving as the Commission Clerk.

* Attending by videoconference

2. PLEDGE OF ALLEGIANCE

Commissioner Desmond led meeting attendees in the Pledge of Allegiance.

3. AGENDA REVIEW AND COMMISSIONER DISCLOSURES

Chair Vanderlaan asked the Executive Officer if there were requests to remove or rearrange items on the agenda as presented. The Executive Officer requested the Commission rearrange the order of the business calendar to consider 7c first before proceeding with 7a and 7b.

There were no disclosures by the Commission.

4. PUBLIC COMMENT

Chair Vanderlaan invited anyone from the public to address the Commission on a matter not directly related to an agenda item. No comments from the chambers. The Commission Clerk confirmed no members of the public had pre-registered to address the Commission. The Administrative Assistant also confirmed there were no live e-mail comments.

5. CONSENT ITEMS

Item 5a
Approval of Meeting Minutes for October 4, 2021
Item presented to approve draft action minutes prepared for the Commission's October 4, 2021 regular meeting. Recommendation to approve.

Item 5b
Commission Ratification | Recorded Payment for September 2021
Item presented to ratify recorded payments made and received by the Executive Officer for the month of September 2021. Recommendation to ratify.

Item 5c
Budget Update for 2021-2022 |
1st Quarter Actuals with Year-End Projections
Item presented to review a report comparing budgeted and actual transactions through the first quarter of 2021-2022 and related analysis. The report projects a finish operating surplus of $0.054 million or 1.9%. Recommendation to accept and file.

Item 5d
Proposed Ratification of an Administrative Approval |
"Felicita Road Outside-of-Agency Service Agreement" - City of Escondido (OAS21-08)
Item presented to consider an administrative approval by the Executive Officer of an outside-of-agency wastewater service agreement involving the City of Escondido. The approval authorizes Escondido to provide wastewater service to an unincorporated single-family parcel (238-360-21) located at 2509 Felicita Road. Recommendation to ratify.

Item 5e
Authorizing Continued Hybrid or Fully Teleconferenced Meetings of the Commission and all Committees For a 30-Day Period
Item presented to consider authorizing the ongoing use of hybrid and/or fully teleconferenced meetings for a 30-day period. The item addresses the Commission's requirement under Assembly Bill 361 and its allowances to allow public agencies, under specified circumstances, to continue to utilize remote meetings under modified Brown Act provisions given the pandemic. Recommendation to approve.

Item 5f
Progress Report on Adopted Workplan
Item presented to receive a progress report on the adopted workplan for 2021-2022. Recommendation to receive and file.

CONSENT ITEMS CONTINUED…

Item 5g
Current Proposals and Related Activities
Item presented to receive a report identifying active proposals on file as well as a summary of pending proposal submittals. Information only.

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Chair Vanderlaan asked if the Commissioners would like to pull any consent items for discussion. There were no Commission requests. Executive Officer Keene Simonds separately noted a public comment was received by email regarding Item 5g and the "Mar Vista Island Reorganization" proposal from Mr. Bob Rall. With concurrence of the Chair, Local Government Analyst I Priscilla Allen read the comment into the record.

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Commissioner Vargas motioned with a second from Commissioner Cate to approve the consent calendar and staff recommendations as presented. Roll call requested:

AYES:	Cate, Desmond, MacKenzie, McNamara, Salas, Vanderlaan, Vargas and Willis
NOES:	None
ABSENT:	von Wilpert
ABSTAINING:	None

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

6. PUBLIC HEARING ITEMS

Item 6a
Proposed Sphere of Influence Update for Ramona Municipal Water District
Item presented to consider approving a sphere of influence update for the Ramona Municipal Water District (MWD). The update identifies two distinct changes to Ramona MWD's sphere and its two Commission designations: primary (water, fire protection, park functions) and secondary (wastewater function). The first change involves expanding the primary sphere by 36 acres along its southern perimeter to create a clear demarcation of future service expectations between Ramona MWD and the City of Poway. The second change involves establishing a new study area to the secondary sphere to include the 389-acre "Cumming Ranch" project. Recommendation to approve the recommendations by resolution and allow for a formal 30-day reconsideration period.

Executive Officer Simonds provided brief opening comments with Analyst Priscilla Allen providing a formal presentation on the sphere of influence update – including addressing key conclusions and recommendations.

PUBLIC HEARING ITEMS CONTINUED…

Item 6a Continued

Chair Vanderlaan invited Commissioner comments or questions.

Commission discussion followed.

Chair Vanderlaan proceeded to open the public hearing and invited comments by pre-registered attendees and live e-mail. The Commission Clerk confirmed there was one pre-registered speaker. Comments were received from the following person:

- Chris Brown with Alchemy Consulting Group representing the Cumming Ranch project.

The Administrative Assistant confirmed there were no live e-mail comments.

Chair Vanderlaan proceeded to close the public hearing.

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Commissioner Desmond motioned to approve the staff recommendation as provided in the agenda report with a second from Commissioner Willis. Roll call requested:

AYES:	Cate, Desmond, MacKenzie, McNamara, Salas, Vanderlaan, Vargas, and Willis
NOES:	None
ABSENT:	von Wilpert
ABSTAINING:	None

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

Item 6b
Proposed "Sunset Drive Change of Organization" | Detachment from the Vista Irrigation District and Related Sphere of Influence Amendment (CO21-01)
Item presented to consider a change of organization filed by an interested landowner to detach approximately 7.6 acres of incorporated territory within the City of Oceanside from Vista Irrigation District. The affected territory includes two undeveloped and unimproved assessor parcels 168-020-64 and 168-030-45 along Sunset Drive that have been tentatively approved for a 48-unit townhome project. The proposal purpose is to eliminate an existing overlap between two public water service providers and designate Oceanside as the exclusive potable water service provider going forward. Staff recommends conditional approval with modification to include 0.46 acres of adjacent public right-of-way along Sunset Drive along with conforming sphere amendment and waiving protest proceedings.

Analyst Priscilla Allen provided a formal presentation on the change of organization – including addressing the staff recommendations.

Chair Vanderlaan invited Commissioner comments or questions.

PUBLIC HEARING ITEMS CONTINUED…

Item 6b Continued

Commission discussion followed.

Chair Vanderlaan proceeded to open the public hearing and invited comments by pre-registered attendees and live e-mail. Commission Clerk confirmed there was one pre-registered speaker. Comments were received from the following person:

- Applicant Jim McMachon with Alliance Development

The Administrative Assistant confirmed there were no live e-mail comments.

Chair Vanderlaan proceeded to close the public hearing.

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Commissioner Desmond motioned to approve the staff recommendation as provided in the agenda report with a second from Commissioner Willis. Roll call requested:

AYES:	Cate, Desmond, MacKenzie, McNamara, Salas, Vanderlaan, Vargas, and Willis
NOES:	None
ABSENT:	von Wilpert
ABSTAINING:	None

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

7. BUSINESS ITEMS

Commission Counsel Holly Whatley provided direction of approval by the Commission for item 7b to designate the labor negations committee in order to proceed the close session business.

Item 7a
Proposed Amendment to Employment Agreement for Executive Officer
Item presented to consider a recommendation by the Executive Officer Compensation Committee (Desmond, MacKenzie and Vanderlaan) to approve a fourth amendment to the employment agreement with Executive Officer Keene Simonds.

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Commissioner Willis motioned to approve the Commission Counsel recommendation to continue the item until after holding its scheduled closed session with a second from Commissioner Vargas. Roll call requested:

AYES:	Cate, Desmond, MacKenzie, McNamara, Salas, Vanderlaan, Vargas, and Willis
NOES:	None
ABSENT:	von Wilpert
ABSTAINING:	None

BUSINESS ITEMS CONTINUED…

Item 7a Continued

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

Item 7b*
Designation of Labor Negotiators | Pursuant to Government Code Section 54957.6 (action)
Item presented to designate its representatives (Desmond, MacKenzie and Vanderlaan) as the Labor Negotiators and negotiate the salary and benefits for the Executive Officer. Recommendation to approve.

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Commissioner McNamara motioned to approve the staff recommendation as provided in the agenda report with a second from Commissioner Vargas. Roll call requested:

AYES:	Cate, Desmond, MacKenzie, McNamara, Salas, Vanderlaan, Vargas, and Willis
NOES:	None
ABSENT:	von Wilpert
ABSTAINING:	None

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

* Item 7b was approved by the Commission prior to convening into closed session.

Item 7c*
Legislative Update and Related Items
Item presented to receive a report on legislative items of interest to its regulatory and planning responsibilities as part of the 2021-2022 session. This includes an update on the Commission's activities in sponsoring an amendment to clarify LAFCOs' sole authority to determine when outside service contracts require formal approval or qualify for an exemption under Government Code 56133. Also included is a recommendation to sponsor a separate amendment to establish a new communication loop in the municipal service review statute in Government Code 56430.

Executive Officer Keene Simonds provided the staff presentation including detailing the recommendation for the Commission to sponsor an amendment to the municipal service review statute.

Chair Vanderlaan invited comments from the public. No comments from the chambers.

The Commission Clerk confirmed there were no pre-registered comments to address the Commission. The Administrative Assistant also confirmed there were no live e-comments.

Chair Vanderlaan invited initial Commission comments or questions.

BUSINESS CALENDAR CONTINUED…

Item 7c Continued

Commission discussion followed including a request by Commissioner Vargas to proceed with the staff recommendation to sponsor the proposed amendment to the municipal service review statute and highlighted its value in enhancing community engagement. Commissioner Vargas also suggested LAFCO explore local policies to guide and community engagement in the municipal service review process in San Diego County.

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Commissioner Vargas motioned to approve the staff recommendation as provided in the agenda report with a second from Commissioner Salas. The motioned also included direction for staff to address "community engagement" in the amendment language to the municipal service review statute and return with a corresponding amendment to the adopted workplan.

Roll call requested:

AYES:	Cate, Desmond, MacKenzie, McNamara, Salas, Vanderlaan, Vargas, and Willis
NOES:	None
ABSENT:	von Wilpert
ABSTAINING:	None

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

***** Item 7c was discussed prior to items 7a and 7b.

8. EXECUTIVE OFFICER REPORT

- The Executive Officer provided information to the Commission regarding an ongoing inquiry involving the San Diego Unified Port District and whether the Port is a special district subject to San Diego. The Executive Officer also noted special counsel is advising on the topic given a potential conflict involving Commission Counsel's law firm.

9. COMMISSIONER ANNOUNCEMENTS | REQUESTS FOR FUTURE ITEMS

- Commissioner MacKenzie provided information regarding recent CALAFCO activities.

- Chair Vanderlaan congratulated Commissioner MacKenzie on her recent re-election to the CALAFCO Board as the special district member for the southern region.

10. CLOSED SESSION

Commission Counsel Holly Whatley adjourned the Commission into closed session for the items presented on the agenda at 10:28 a.m.

Item 10a
Public Employee Performance Evaluation
Pursuant to California Government Code § (54957(b)
Employee: Keene Simonds, Executive Officer

Item 10b
Conference with Labor Negotiators
Pursuant to California Government Code Section 54957.6
Agency designated representatives: Individuals Designated Per Agenda Item 7b above.

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The meeting reconvened at 11:00 a.m.

Commission Counsel Holly Whatley noted a reportable action could not be provided for item 10a due to technical difficulties and requested the item be reported at the next meeting on December 6th.

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Commissioner Desmond motioned to approve the Commission Counsel recommendation to report the action at the next meeting with a second from Commissioner MacKenzie. Roll call requested:

AYES:	Cate, Desmond, MacKenzie, McNamara, Salas, Vanderlaan, Vargas, and Willis
NOES:	None
ABSENT:	von Wilpert
ABSTAINING:	None

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

11. ADJOURNMENT TO NEXT MEETING

With no further business the Chair adjourned the hybrid/videoconference meeting at 11:15 a.m.

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I hereby attest the minutes above accurately reflect the deliberations of the Commission at its November 1, 2021 hybrid/videoconference meeting.

ATTEST,



Tamaron R. Luckett
Commission Clerk