APPROVED MINUTES
SAN DIEGO LAFCO
November 7, 2022 REGULAR MEETING

1. CALL TO ORDER BY CHAIR

Item 1
ROLL CALL

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

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

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

The Commission Clerk confirmed a virtual/hybrid quorum was present with eight voting members present. Also present were Executive Officer Keene Simonds, Commission Counsel Holly Whatley, Local Government Analyst II Priscilla Mumpower, Local Government Analyst I Carolanne Ieromnimon, GIS/IT Analyst Dieu Ngu, Executive Assistant Erica Blom*****, Administrative Assistant Michaela Peters, and Commission Clerk Tamaron Luckett.

Alternate Commissioner Mathis arrived at 9:04 a.m.

Commissioner Anderson arrived at 9:10 a.m.

***** Attending by videoconference.

2. PLEDGE OF ALLEGIANCE

Commissioner Cate led the Pledge of Allegiance.

3. AGENDA REVIEW

Chair Desmond asked the Executive Officer if there were requests to remove or rearrange items on the agenda. The Executive Officer requested one rearrangement to take Item No. 5g out of order to immediately proceed public comment. The Executive Officer also provided instructions for members of the public attending by phone or video with respect to providing comments on any agenda items. With concurrence from the Commission, the Chair stated the meeting would proceed as planned with the referenced change involving Item No. 5g.

4. PUBLIC COMMENT AND RELATED REQUESTS

Item 4a
Public Comment
Chair Desmond invited anyone from the public to address the Commission on a matter not directly related to an agenda item. Comments were received from the following persons:

- Mark Hattam, San Diego County Water Authority*
- Tom Kennedy, Rainbow Municipal Water District
- Aaron Byzak, Tri-City Healthcare District
- Kelley Gage, San Diego County Water Authority

* Comments provided by video/phone

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

Item 4b
Public Requests to Discuss Consent Items
Chair Desmond invited the public to request the Commission to pull an agenda item from the consent calendar for discussion. The Commission Clerk confirmed there were no registered requests. The Administrative Assistant also confirmed there were no e-mail requests.

5. CONSENT ITEMS

Item 5a
Approval of Meeting Minutes for October 3, 2022
Item presented to approve draft action minutes prepared for the Commission's October 3, 2022 regular meeting. Recommendation to approve.

Item 5b
Commission Ratification | Recorded Payments for September 2022
Item presented to ratify recorded payments made and received by the Executive Officer for the month of September 2022. Recommendation to ratify.

Item 5c
Budget Update for 2022-2023 | 1st Quarter Actuals with Year-End Projections
Item presented to review a report comparing budgeted and actual transactions through the first quarter of 2022-2023 and related analysis. Recommendation to approve.

CONSENT ITEMS CONTINUED…

Item 5d
Proposed "Felicita Road-Elliott Reorganization" | Annexation to the City of Escondido and Detachment from County Service Area No. 135 and Related Actions (RO21-08)
Item presented to consider a reorganization initiated by a landowner with the principal action to annex 0.3 acres of unincorporated territory to the City of Escondido. The reorganization involves a concurrent detachment from County Service Area No. 135 and its regional communication service function. The affected territory comprises one developed parcel at 2509 Felicita Road. Recommendation to conditionally approve and waive protest proceedings.

Item 5e
Proposed "Toidi-Jonel Way Change of Organization |
Annexation to San Diego County Sanitation District (CO22-15)
Item presented to consider a change of organization initiated by a landowner to annex 2.5 acres of unincorporated territory to the San Diego County Sanitation District. The annexation involves one developed parcel with a single-family residence located at 6638 Jonel Way. Recommendation to conditionally approve and waive protest proceedings.

Item 5f
Report on Active Proposals and Related Activities
Item presented to receive a status report on the 24 active proposals currently on file as well as anticipated filings based on ongoing discussions with proponents. Information only.

Item 5g
Authorizing Continued Hybrid or Fully Remote 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 remote meetings consistent with Assembly Bill 361. Approval would take effect and extend to December 7th. Recommendation to approve.

This item was pulled for discussion.

Commission discussion followed.

Chair Desmond suggested that all LAFCO meetings resume in-persons beginning in December.

Commission Counsel Holly Whatley noted she will be providing an update to in-person meetings related to Assembly Bill 2449.

Additional Commission discussion followed.

(continued)

CONSENT ITEMS CONTINUED…

Items 5a-5g Continued

Commissioner MacKenzie motioned with a second from Commissioner Willis to approve the consent calendar items 5a through 5g with staff recommendations (Alternative Ones) as presented.

Roll call requested:

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

The Commission Clerk confirms the motion covering Items 5a to 5g was approved 8-0.

**

Commissioner Desmond motioned with a second from Commissioner McNamara to approve Agenda Item 5g via Alternative Two as listed in the staff report.

Roll call requested:

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

The Commission Clerk confirms the motion covering item 5g was approved 6-2.

**6. PUBLIC HEARING ITEM |
COMMISSIONER DISCLOSURE OF EX PARTE COMMUNICATIONS**

Item 6a
CONTINUATION | Proposed "Mar Vista Island Reorganization" | Annexation to the City of Vista with Concurrent Detachments from the Buena Sanitation District and Vista Fire Protection District and Related Sphere Action (RO21-04)
Item presented to consider a reorganization filed by the City of Vista involving two non-contiguous areas within its sphere of influence under the expedited island proceedings. The proposal has been continued from the August 1st meeting and headlined by Vista's request to annex approximately 142 unincorporated acres with an estimated population of 375. The proposal involves concurrent detachments from Buena Sanitation District and Vista Fire Protection District. Recommendation to conditionally approve the proposal as submitted with conforming a sphere amendment to Buena Sanitation District along with waiving protest proceeding under the island annexation proceedings.

PUBLIC HEARING ITEMS |
COMMISSIONER DISCLOSURE OF EX PARTE COMMUNICATION CONTINUED…

Item 6a Continued

Chair Desmond invited any new disclosures from Commissioners on material ex parte communications. Disclosures were reported by the following Commissioners:

- Commissioner Desmond

Chair Desmond asked for the staff presentation. Analyst II Priscila Mumpower proceeded with the staff presentation and outlined specific recommendations and revisions made since the opening of the hearing in August.

Chair Desmond proceeded to reopen the public hearing and invited comments by speakers to address the Commission. The Commission Clerk proceeded to invite the following registered speakers to address the Commission:

- Bob Rall, Resident
- Reine Cooper, Resident

The Administrative Assistant confirmed there was one live e-mail comment received from an anonymous resident and proceeded to read it into the record.

Chair Desmond invited Commissioner comments.

Commission discussion followed.

Chair Desmond proceeded to close the public hearing while extending appreciation to Vista Community Development Direct John Connolly for his assistance in performing additional outreach within the community along with LAFCO staff.

**

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

Roll call requested:

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

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

PUBLIC HEARING ITEMS |
COMMISSIONER DISCLOSURE OF EX PARTE COMMUNICATION CONTINUED…

Item 6b
Final Addendum and Related Actions:
Municipal Service Review on the City of Escondido | Part Two
Item presented to receive a final addendum as part of a phased scheduled municipal service review on the Escondido region. The addendum has been prepared by LAFCO staff and supplements a comprehensive municipal service review report on the City of Escondido separately prepared by the City via Concordia Homes. The addendum returns to the Commission substantially intact following its initial draft presentation in August and continued function to expand and bridge the analysis gap on topics of elevated interest to the Commission with respect to core City functions (water, wastewater, and fire protection) and finances. Recommendation to formally accept the final addendum and adopt an accompanying draft resolution making required statements under statute.

Chair Desmond invited disclosures from Commissioners on any material ex parte communications. Disclosures were reported by the following Commissioners:

- Alternate Commissioner Drake
- Commissioner MacKenzie
- Commissioner Salas

Chair Desmond asked for the staff presentation. Analyst II Priscilla Mumpower proceeded with the staff presentation and outlined specific recommendations – including key revisions to the addendum since its initial draft presentation in August.

Chair Desmond proceeded to open the public hearing.

The Commission Clerk confirmed there was one registered speaker and proceeded to invite the following person to address the Commission:

- Jeff Meyer with Southwest Strategies on behalf of Concordia Homes

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

Chair Desmond invited Commission comments.

Commission discussion followed.

Chair Desmond proceeded to close the public hearing.

(continued)

PUBLIC HEARING ITEMS |
COMMISSIONER DISCLOSURE OF EX PARTE COMMUNICATION CONTINUED…

Item 6b Continued

Commissioner Willis motioned to approve the staff recommendation (Alternative One) with Second from Commissioner Cate.

Roll call requested:

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

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

Item 6c
CANCELLATION | Scheduled Sphere of Influence Update for the City of Escondido
The Executive Officer cancelled the public hearing with the expectation of returning the item as early as the next meeting to allow additional time to consult with Escondido and other interested parties before making specific recommendations.

7. BUSINESS ITEMS

Item 7a
Draft Policy Establishment on Out-of-Agency Services
Item presented to review a draft policy to govern outside service approvals for cities and special districts. The draft policy is part of the adopted workplan with a focus to reflect and expand on existing practices and marked by establishing local definitions and exemptions to focus the statute's local applicability in San Diego County. Discussion and feedback only.

Chair Desmond asked for the staff presentation. Executive Officer Keene Simonds opened item before handing the presentation over to Analyst I Carol Ieromnimon.

Chair Desmond invited anyone from the public to address the Commission. The Commission Clerk confirmed there were three registered speakers for the item and proceeded to invite the following persons to address the Commission:

- Tom Kennedy, Rainbow Municipal Water District
- Heather Conklin, Mission Resource Conservation District
- Jeffery Scott, Tri-City Healthcare District

The Administrative Assistant also confirmed there was one live e-mail comment received from Jim Elliot with Vista Fire Protection District, which was read into the record.

BUSINESS ITEMS CONTINUED…

Item 7a Continued

Chair Desmond invited Commissioner comments.

Commission discussion followed.

Commissioner MacKenzie suggested several revisions including listing the specific exemptions provided under statute into the local policy.

Staff committed to returning to the Commission later in the fiscal year with a final version of the policy following additional public outreach.

Item 7b
Quarterly Progress Report on Adopted Workplan
Item presented for information to receive a quarterly progress report on accomplishing the 30 specific projects included in the adopted workplan for 2022-2023.

Chair Desmond asked for the staff presentation. Executive Officer Keene Simonds summarized the update and invited comments or questions.

Chair Desmond invited anyone from the public to address the Commission. The Commission Clerk confirmed there were no registered speakers. The Administrative Assistant also confirmed there were no live e-mail comments received on the item.

Chair Desmond invited Commissioner comments.

No discussion.

Item 7c
Senate Bill 2449 | Brown Act Procedures for Remote Attendance
Item presented for information to receive an update from Commission Counsel on approved amendments to the Brown Act and allowances therein to accommodate remote attendance beginning January 1, 2023.

Chair Desmond asked for the staff presentation. Commission Counsel Holly Whatley proceeded with the presentation and outlined the specific requirements for in-persons and hybrid meetings and requirements for Commissioners.

Chair Desmond invited anyone from the public to address the Commission. The Commission Clerk confirmed there were no registered speakers. The Administrative Assistant confirmed there were no live e-mail comments.

Chair Desmond invited Commissioner comments.

Commission discussion followed.

BUSINESS ITEMS CONTINUED…

Item 7d
Designation of Labor Negotiators
Item presented for Commission action to designate its representatives for purposes of negotiating the salary and benefits for the Executive Officer.

Commission Counsel Holly Whatley proceeded with a verbal report and recommended the Commission keep with practice and appoint the three-member EO Compensation Committee (Desmond, McNamara, and Vanderlaan) as its labor negotiators.

**

Commissioner Willis motioned to approve the staff recommendation as verbally provided by Commission Counsel with a second from Commissioner Salas.

Roll call requested:

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

The Commission Clerk confirms the motion was approved 7-0.

Vice Chair McNamara left at 10:48 a.m. due to another engagement.

Item 7e
Proposed Amendment to Employment Agreement for Executive Officer Keene Simonds
Item presented to consider a recommendation by the Executive Officer Compensation Committee (Desmond, McNamara and Vanderlaan) via its designated role as authorized labor negotiators to approve a fourth amendment to the employment agreement with Executive Officer Keene Simonds. Item was taken up following closed session with Commission Counsel reporting the recommendation is to award a 3.0% performance bonus, which equals $6,170.74 based on the Executive Officer's current annual salary.

Commissioner Desmond motioned to approve the recommendation as verbally provided by Commission Counsel with a second from Commissioner MacKenzie.

Commission discussion on the motion followed.

Roll call requested:

AYES:	Becker (voting), Cate, Desmond, MacKenzie, Vanderlaan, and Willis
NOES:	Anderson
ABSENT:	McNamara, Salas, Vargas and Von Wilpert
ABSTAINING:	None

BUSINESS ITEMS CONTINUED…

Item 7e Continued

The Commission Clerk confirms the motion was approved 6-1

Commissioner Salas left at 11:20 a.m.

8. EXECUTIVE OFFICER REPORT

None

9. COMMISSIONER ANNOUNCEMENTS | REQUESTS FOR FUTURE ITEMS

Commissioner MacKenzie reported CALAFCO business.

10. CLOSED SESSION

The meeting convened into closed session at 11:08 a.m. involving the following items:

Item 10a
Public Employee Performance Evaluation
Pursuant to California Government Code Section 54957(b)
Employee: Keene Simonds

Item 10b
Conference with Labor Negotiators
Pursuant to California Government Code Section 54957.6
Agency designated representatives: Individuals Designated Per Agenda Item No. 7d above
Unrepresented Employee: Executive Officer

The meeting reconvened at 11:20 a.m. with Commission Counsel Holly Whatley reported there was no reportable actions.

11. ADJOURNMENT TO NEXT MEETING

With no further business the Chair adjourned the meeting at 11:27 a.m.

I hereby attest the minutes above accurately reflect the deliberations of the Commission at its November 7, 2022 hybrid/videoconference meeting.

ATTEST,



Tamaron Luckett
Commission Clerk