APPROVED MINUTES
SAN DIEGO LAFCO
February 7, 2022 REGULAR MEETING

1. CALL TO ORDER | ROLL CALL

The regular meeting was called to order at 9:00 a.m. by Chair Vanderlaan 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 (VICE CHAIR)*
	Jo MacKenzie, Vista Irrigation District
	Paul McNamara, City of Escondido*
	Mary Casillas Salas, City of Chula Vista*
	Andy Vanderlaan, Public (CHAIR)*
	Barry Willis, Alpine Fire Protection District
Alternates Present:	Kristi Becker, City of Solana Beach*
	David Drake, Rincon del Diablo
	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. Also present at the virtual/hybrid dais were Executive Officer Keene Simonds, Commission Deputy Legal Counsel Aleks R. Giragosian*, Local Government Analyst I Priscilla Allen, Local Government Analyst I Carolanne Ieromnimon, Executive Assistant Erica Blom*, and Commission Clerk Tamaron Luckett.

* Attending by videoconference.

2. PLEDGE OF ALLEGIANCE

Commissioner McNamara led the Pledge of Allegiance.

3. AGENDA REVIEW AND COMMISSIONER DISCLOSURES

Item 3a
Requests to Remove or Rearrange Items
Chair Vanderlaan asked the Executive Officer if there were requests to remove or rearrange items on the agenda. The Executive Officer confirmed there were no changes.

AGENDA REVIEW AND COMMISSIONER DISCLOSURES CONTINUED…

Item 3a Continued
However, the Executive Officer noted there are changes in the recommended procedures for the two public hearing items – 6a and 6b – to start but continue both to the next meeting with additional details to be provideAAd as part of the staff presentations.

Item 3b
Commission Disclosures
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. The Commission Clerk confirmed there were no comments from the chambers or pre-registered speakers. The Executive Assistant also confirmed there were no live e-mail comments received.

5. CONSENT ITEMS

Item 5a
Approval of Meeting Minutes for December 6, 2021
Item presented to approve draft action minutes prepared for the Commission's December 6, 2021 regular meeting. Recommendation to approve.

Item 5b
Commission Ratification | Recorded Payments for November and December 2021
Item presented to ratify recorded payments made and received by the Executive Officer for the months of November and December 2021. Recommendation to ratify.

Item 5c
Proposed "Aldern-Eolus Avenue Change of Organization |
Annexation to the Leucadia Wastewater District (CO21-10)
Item presented to consider a change of organization proposal filed by the Leucadia Wastewater District to annex 0.5 acres consisting of one entire parcel developed with a single-family residence within the City of Encinitas. The proposal purpose is to extend public wastewater service as a preventive measure to replace an aging septic system. Staff recommends conditional approval of the proposal with a modification to include the adjacent public right-of-way on Eolus Avenue to the centerline along with waiving protest proceedings.

Item 5d
Proposed Update to Rule No. 2 | Commissioner Per Diem
Item presented to consider approving an amendment to Rule No. 2 involving per diems to increase payments from $200 to $250. Recommendation to approve.

CONSENT ITEMS CONTINUED…

Item 5e
Budget Update for 2021-2022 |
2nd Quarter Actuals with Year-End Projections
Item presented to review a report comparing budgeted and actual transactions through the second quarter of 2021-2022 and related analysis. The report projects LAFCO finishing with an operating surplus of $0.056 million or 2.9%. Recommendation to receive and file.

Item 5f
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.

Item 5g
Authorizing Continued Hybrid or Fully Teleconferenced Meetings
Item presented to consider authorizing the ongoing use of hybrid and/or fully teleconferenced meetings for a 30-day period as allowed under Assembly Bill 361. Approval would retroactively extend the Commission's previous authorization for hybrid and/or fully remote meetings through March 4, 2022. Recommendation to approve.

Item 5h
Proposed Term Revision for "Bear Valley Parkway Outside of Agency Service Agreement" – City of Escondido (OAS21-07)
Item presented to consider a proposed revision for a term applied to its October 2021 approval of an outside wastewater service extension between the City of Escondido and the landowner at 450 Bear Valley Parkway (239-060-05). The proposed revision would no longer require the landowner to complete annexation proceedings within one calendar year and instead require the landowner to enter an irrevocable offer to annex should it be proposed in the future. Recommendation to approve.

Chair Vanderlaan asked if the Commissioners would like to pull any consent items for discussion. Commissioner Willis requested Item 5h be pulled for discussion.

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Commissioner MacKenzie motioned with a second from Commissioner Willis to approve the balance of the consent calendar and staff recommendations as presented for Items 5a-5g as Alternatives One with 5h pulled for discussion. Roll call requested:

AYES:	Anderson, Cate, Desmond, MacKenzie, McNamara, Salas, Vanderlaan, and Willis
NOES:	Desmond (only Item 5g)
ABSENT:	Vargas and von Wilpert
ABSTAINING:	None

The Commission Clerk confirms the motion was approved 8-0 with the exception of Commissioner Desmond voting no on Item 5g (Desmond aye on all others).

CONSENT ITEMS CONTINUED…

Item 5h Continued
Commissioner Willis asked for clarification regarding the term being waived for Item 5h. Analyst Allen summarized the item to Commissioner Willis' satisfaction.

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Commissioner Willis motioned with a second from Commissioner MacKenzie to approve agenda item 5h and staff recommendations as presented as Alternative One. 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.

6. PUBLIC HEARING ITEMS

Item 6a
Final Report and Related Actions |
Municipal Service Review on the Fallbrook Region
Item presented to receive a final report prepared as part of the scheduled municipal service review on the Fallbrook region. The report addresses the Commission's task in statute to independently evaluate public services in the region with specific focus on the principal local government agencies subject to its oversight – Fallbrook Public Utility District, Rainbow Municipal Water District, North County Fire Protection District, and County Service Area No. 81. The report returns to the Commission from its draft presentation in December 2021 and subsequent public review substantively intact with exceptions detailed.

Executive Officer Simonds advised the Commission of a revised recommendation to receive the staff presentation on the item in step with opening the hearing but to continue deliberations to the next meeting consistent with a request by the County Water Authority. This revision would be consistent with Alternative Two in the agenda report.

Chair Vanderlaan confirmed with the Commission to proceed consistent with the revised recommendation from the Executive Officer.

Analyst Allen provided the formal staff presentation on the item and highlighted the final report's key conclusions and recommendations.

Chair Vanderlaan opened the public hearing and invited comments by pre-registered attendees and live e-mail. The Commission Clerk confirmed there were pre-registered speakers to address the Commission. Comments were received from the following persons:

PUBLIC HEARING ITEMS CONTINUED…

Item 6a Continued

- Jack Bebee, General Manager with Fallbrook Public Utility District
- Paula de Sousa, Representative with Fallbrook Public Utility District
- Claire Collins, Special Counsel with County Water Authority

Chair Vanderlaan invited Commissioner comments or questions.

Commission discussion followed.

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Commissioner Desmond motioned to approve the staff recommendation for Alternative Two as restated by the Executive Officer and the public hearing to remain open until March 7th with a second from Commissioner McNamara. 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 6b
Sphere of Influence Updates for the Fallbrook Region |
Fallbrook Public Utility District, Rainbow Municipal Water District, North County Fire Protection District, and County Service Area No. 81
Item presented to consider approving sphere of influence updates for the four affected agencies in the unincorporated Fallbrook region directly subject to the Commission's oversight. The updates draw on information included in a recently prepared municipal service review on the region and recommends the Commission proceed to affirm the spheres for all four affected agencies – Fallbrook Public Utility District, Rainbow Municipal Water District, North County Fire Protection District (FPD) and County Service Area No. 81 – without changes.

Executive Officer Simonds advised similarly to the preceding item staff was recommending a revised recommendation to receive the staff presentation in step with opening the hearing but to continue deliberations to the March 7th meeting. This revision would be consistent with Alternative Two in the agenda report.

Analyst Allen provided the formal staff presentation on the item and highlighted the recommendation to create a special study area involving North County FPD and lands immediately north of its sphere within Riverside County.

PUBLIC HEARING ITEMS CONTINUED…

Item 6b Continued

Chair Vanderlaan proceeded to open the public hearing and invited comments by pre-registered attendees and live e-mail. The Commission Clerk confirmed there were no pre-registered comments. The Executive Assistant confirmed also there were no live e-mail comments.

Chair Vanderlaan invited Commissioner comments or questions.

Commission discussion followed. Commissioner Desmond requested staff reach out to colleagues in Riverside County to help ensure they are aware of the recommendation to establish a special study area for North County FPD.

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Commissioner Desmond motioned to approve the staff recommendation for Alternative Two as restated by the Executive Officer and the public hearing remain open until March 7th with a second from Commissioner Willis. 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.

7. BUSINESS ITEMS

Item 7a
Proposed Policy on Environmental Justice
Item presented to consider a proposed policy establishing baseline standards with respect to addressing environmental justice as part of its regulatory and planning activities. This includes expanding the scope of municipal service reviews to disclose exiting pollution burdens and proximity to disadvantaged communities and relatedly informing the evaluation of subsequent jurisdictional changes.

Local Government Analyst Ieromnimon provided a formal presentation on the environmental justice policy – including addressing key conclusions and recommendations.

Chair Vanderlaan noted this was not a public hearing but asked staff if there was any comments from members of the public. The Commission Clerk responded there were no pre-registered comments for the item. The Executive Assistant also confirmed there were no live e-mail comments for the item.

BUSINESS ITEMS CONTINUED…

Item 7a Continued

Commissioner Willis motioned to approve the staff recommendation for Alternative Two as provided in the agenda report in order to continue the item until the next meeting with a second from Commissioner MacKenzie.

Chair Vanderlaan asked for discussion on the motion and asked Commissioner Willis the reason for requesting the item be continued.

Commissioner Willis responded that he wanted more information on how the policy would be implemented and its impact on applicants.

Additional Commission discussion followed along with responses from the Executive Officer.

A roll call was called by the Chair on the motion on the floor paused at the request of Commissioner Desmond to request guidance from Deputy Commission Counsel Giragosian on options to make a substitute motion. Counsel Giragosian advised the Commission it would first need to approve a motion to suspend Rosenberg's Rules of Order to allow for a substitute motion to supersede the completion of the current roll call.

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Commissioner Desmond motioned to suspend Rosenberg's Rules of Order with a second from Commissioner Cate to allow for a substitute motion. Roll call requested:

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

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

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Commissioner Desmond substituted a motion to approve Alternative One as detailed in the staff report with a second from Commission Cate. Roll call requested:

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

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

Commissioner Salas left the videoconference at 10:15 a.m.

BUSINESS ITEMS CONTINUED…

Item 7b
Second Quarter Update on the Adopted Workplan & Proposed Amendments
Item presented to receive a quarterly update on the adopted annual workplan as well as approve proposed amendments for 2021-2022.

Executive Officer Simonds provided the staff presentation and focused on workplan projects that are expected to be a focus during the third quarter. Simonds also outlined the proposed amendments to the workplan and highlighted by the addition of a new project to sponsor and/or facilitate changes the municipal service review statute to establish a clear communication loop between LAFCOs and the affected agencies.

Chair Vanderlaan invited initial Commission comments or questions.

Commission discussion followed.

Commissioner MacKenzie noted the proposed amendments were appropriate with the reminder from earlier Commission discussions that a local policy addressing community engagement practices in preparing municipal service reviews was needed. Simonds stated the referenced policy project would be included in the draft workplan for FY2023.

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Commissioner Cate motioned to approve the staff recommendations as provided in the agenda report as Alternative One with a second from Commissioner Willis. Roll call requested:

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

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

Item 7c
Chair and Vice Chair Appointments
Item to consider making officer appointments and select a chair and vice chair consistent with adopted policy. Recommendation to approve.

Chair Vanderlaan made opening remarks and asked the Commission to support the ongoing practice at LAFCO to promote Vice Chair Desmond to Chair as well as make Commissioner and City Member McNamara as Vice Chair for the balance of the calendar year.

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BUSINESS ITEMS CONTINUED…

Item 7c Continued

Commissioner Vanderlaan motioned to appoint Commissioners Demond and McNamara as Chair and Vice Chair, respectively. Roll call requested:

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

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

Chair Vanderlaan thanked LAFCO staff for allowing him to serve as the Chair.

Commissioners thanked Chair Vanderlaan for his service.

8. EXECUTIVE OFFICER REPORT

- Executive Officer Simonds thanked Chair Vanderlaan for his services serving as the LAFCO Chair and noted his appreciation for helping with much appreciated continuity given all of the recent turnover with Commissioners and staff over the last year.

- Executive Officer announced the next Fallbrook-Rainbow Ad Hoc meeting will be held on February 17, 2022 and will include a presentation from Michael Hanemann on this final report addressing several pertinent topics – including potential exit fees.

9. COMMISSIONER ANNOUNCEMENTS | REQUESTS FOR FUTURE ITEMS

- Commissioner MacKenzie provided a brief report on CALAFCO.

10. CLOSED SESSION

None

11. ADJOURNMENT TO NEXT MEETING

With no further business the Chair adjourned the hybrid/videoconference meeting at 10:38 a.m.

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

ATTEST,



Tamaron R. Luckett
Commission Clerk