1. Roll Call and Determination of Quorum

2. Approval of Agenda

Motion was made by Ms. Crockett seconded by Mr. Volpato for approval of agenda. The vote was as follows: Yes – Mr. Shirley, Mr. Volpato, Ms. Whitlock, and Ms. Crockett, No – None; Absent – None; Abstained – None. The motion carried.

3. Approval of Minutes from the Regular Meeting held March 22, 2013

Motion was made by Ms. Crockett seconded by Mr. Volpato for approval of minutes from the Regular Meeting held March 22, 2013. The vote was as follows: Yes – Mr. Shirley, Mr. Volpato, Ms. Whitlock, and Ms. Crockett, No – None; Absent – None; Abstained – None. The motion carried.

4. General Discussion of the purpose of the Extraterritorial Committee

Ms. Riordan said in the state statues citizens means non commission council members. She explained that for the zoning commission it says it needs to be consistent of a equal number of members appointed by the municipal zoning authority, which is the City Council and the County Commission and at least one half of members shall reside in the extraterritorial zone. She said that it does not say that all county members reside in the ETZ or that the City members have to reside in the City. She said that it says one half of the total body have to reside in the ETZ. She added that one member from the area in the County not within the zoning jurisdiction of the municipality or within the area, shall be appointed by the majority of the members. She explained the board has to start off with an equal number and the members will than chose one additional member. Ms. Whitlock asked if it could be someone that does not reside in the ETZ, than it could be Ms. Crockett because she resides in the City limits. Ms. Riordan said it does say that additionally one member from the area of the County not within the zoning jurisdiction of the municipality. She explained that if you live in the City of Carlsbad you live within our zoning jurisdiction. She added that it would have to be from someone far away, not
in the zoning jurisdiction. She explained that if the committee wants to zone only the west side of the ETZ then you can pick someone from the east side from side of town. **Ms. Crockett** said it could be a citizen. **Ms. Riordan** said yes these people are not members of the County Commission or City Council. **Ms. Whitlock** said there had to be two County Commissioners, because if you had three then you have a quorum. **Mr. Shirley** said on what they’ve decided was two County Commissioners and two City Councilors and a County Manager as the third. **Ms. Riordan** said when it says the zoning authority shall consist of one or more members of the municipal governing body and one or more members of the board of County Commissioners provided such membership shall consist of one more County Commission member than municipal governing body. **Mr. Shirley** said they were stuck to two to one. **Ms. Riordan** said when they adopted the new zoning ordinances some of the things that used to go to council now only goes to council on appeal. She also mentioned that the zoning code says that everything goes to the authority and to the commission; she said it could say it of that the authority makes some final decisions and only matters up for appeal come up to the authority. **Ms. Whitlock** said that the County approves and appoints in January every year, in our situation the Mayor appoints and the council just approves. **Ms. Riordan** said the only conflict she can imagine is if someone got appointed in January and then election was held in March two months later and that person decides not to run or did not win election, at that point a vacancy could be filled. She’s not sure if County appoints in January and City appoints after the first year when it would be off cycle depending when the agreement goes into effect. She said with the slight delay that you would not necessary ever have a board meeting or authority meeting where everybody was brand new and therefore some members would have some knowledge to pass on. **Ms. Crockett** said it was a good point.

**Mr. Shirley** asked if there could be additional members. **Ms. Riordan** said County gets one more member than the City. **Mr. Shirley** asked about the citizens. **Ms. Riordan** said the citizen involvement is only on the commission level. **Mr. Shirley** said he’s not thrilled with the idea of having only one member of the City Council to represent the whole City Council, but he understands if that’s the way it has to be. **Ms. Riordan** said there has to be a minimum of one unless we get two members then we have to have the County come in. **Ms. Crockett** said then they would have to have a full meeting. **Ms. Riordan** said then they would have to call County Clerk and minutes would be kept. **Mr. Volpato** said it would enhance an actual open meeting. **Ms. Riordan** asked if all County Commissions boards are five members. **Ms. Crockett** said no there are some that have three members. **Ms. Riordan** said that the minute that there has to be one City Councillor there has to be two County Commissioners, in this case they are always having meetings.

**Ms. Whitlock** asked on 4A under Extraterritorial Zoning Enforcement Officer and Secretary it should say, “The County shall provide an extraterritorial zoning enforcement officer and a secretary who shall be employees of the County.” **Ms. Riordan** said the state statue does not state addresses on the duties. **Ms. Whitlock** said on 4B under Equipment and Supplies it should be, “The City shall provide the extraterritorial zoning enforcement officer and the secretary with office space and the usual and customary
equipment and supplies for use by them in performance of their duties.” “The City shall supply the extraterritorial zoning officer with a vehicle for use in enforcing the extraterritorial zoning ordinance. Also on 4C under Collection of Charges and Fees it should say, “The City shall collect any and all charges and fees authorized pursuant to the extraterritorial zoning ordinance.” The City shall remit to the County 1/3 of such charges and fees on a monthly basis.” Ms. Whitlock asked if the agreement was 2/3-1/3. Mr. Volpato said that was the agreement. Ms. Riordan said when both bodies get to review the agreement and approve the City Council and County Commission will appoint members to the zoning authority and zoning commission and it will be up to the zoning commission to come up with the zoning ordinance. She explained that the zoning ordinance goes to the zoning authority and the authority approves of it, the zoning authority cannot approve zoning plans that have not been suggested to them by the commission and the final approval has to be done within 360 days. Mr. Volpato asked if they do the ordinance is there a way to add other areas without opening up a whole other ordinance. Ms. Riordan said at this level there is only less than all should be zoned. The state statute says, “Upon the initiative of any municipal governing body or the board of County Commissioners of any County where a portion of the extraterritorial zoning commission lies the municipality of the County may enter an agreement providing for the zoning of that portion of the extraterritorial zoning.” She explained where the zoning limited were in the upper north portion called La Huerta area. Mr. Volpato said the City has made the people angry in that area. Ms. Whitlock said everyone wants to grow, but nobody wants it to affect them. Mr. Volpato said he would like to include La Huerta and Happy Valley when they get this started. Ms. Crockett said she has been working with Happy Valley for about fifteen months and they’ve seen huge changes and the people out there want to see some more changes. Mr. Volpato said using consistent usage in the areas. Ms. Riordan said by creating the commission for the ETZ that may give the people more trust in the group because it’s made up of people specifically picked to address these issues and not just to address every issue and the membership being what it is they may feel it’s more likely to be a neighbor. Mr. Shirley said whatever is decided would be decided by the commission. Ms. Riordan said the actual zoning ordinance that would be enforced that is drafted by the commission, which is the citizen group it goes up to the authority and it has to go up to the authority within 360 days of the appointment of the last member to be appointed to the commission. She said whoever within one year of the last appointment the board would have to recommend something to the authority. Mr. Volpato said if they have an ETZ set up and there is a County Planning and zoning could someone make a legal argument. Ms. Riordan said under the state statute if you fall within the ETZ it’s the ETZ group that zones and enforces for that ETZ. Mr. Volpato said no one could purpose a legal challenge; it would not be the City that they would need to talk to. Ms. Riordan said assuming that you had a valid board and ordinance at that point the authority has shifted to them. She added that state law says that it has been agreed to by the County Commission and the City Council the power has been given to a third group. She explained that Ms. Whitlock and herself will have a final draft to bring back to this group for review. Ms. Crockett asked how many members can be in the commission. Ms. Riordan said it’s two from the city and two from the County and they pick one additional to make five members. She explained state statute does not say how many members, it just says equal to equal and one more member.
**Mr. Shirley** said they had talked about how much authority to give the commission depends on how many will be appealed, is it decided the amount of the authority given to the commission would it be decided here or after we appoint or the by the appellant board official. **Ms. Riordan** said on how much authority the commission and authority has they divide that between them and that will be decided within the ordinance that the commission recommends and the authority approves. She explained they draw the line between how many go to the authority and how many get final decision at the commission that would be within the zoning ordinance that the commission recommends the zoning authority approves. **Mr. Shirley** asked are they allowed as commission officials to give input to the board as to what they would like to see. **Ms. Riordan** said it was up to the board. She explained that if a quorum of City Council members or a quorum of County Commissioners attend there will be an issue of coming to a meeting to speak rather than to listen, making it a meeting and a public discussion of County business, City business or both. She added at that point it would be an open meeting which requires notice. **Mr. Shirley** said that they could designate a member to go as an advisor. **Ms. Riordan** said they could go and listen or participate with the understanding so people are aware in advance whether or not they need to post it as a potential quorum. She explained that they have done it in the past when council members wish to listen they just post a potential quorum notice when people show up to see don’t panic when they see five city council members are there, but they did post it as potential quorum and all five staff members listened and they left it at that.

6. **Determine the Time, Date, and Place of Meetings**

Motion was made by **Mr. Volpato** seconded by **Ms. Crockett** to meet Wednesday May 15, 2013 at 8:00 am. The vote was as follows: Yes – **Mr. Shirley, Mr. Volpato, Ms. Whitlock, and Ms. Crockett**, No – None; Absent – None; Abstained – None. The motion carried.

7. **Adjourn**

Motion was made by **Mr. Volpato** seconded by **Ms. Crockett** to adjourn. The vote was as follows: Yes – **Mr. Shirley, Mr. Volpato, Ms. Whitlock, and Ms. Crockett**, No – None; Absent – None; Abstained – None. The motion carried.

There being no further business, the meeting was adjourned at 8:40 a.m.

[Signature]  
Chairman

[Signature]  
Date 5/21/17