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, December 1, 2025

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
Paloma Aguirre	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
Brigette Browning	Commission	General Public
Jo MacKenzie	Independent Special Districts	Vista Irrigation
Dane White	Cities Selection Committee	City of Escondido
Alternate Eileen Delaney	Commission	General Public
Alternate David A. Drake	Independent Special Districts	Rincon del Diablo MWD
Alternate John McCann	Cities Selection Committee	City of Chula Vista
Alternate Monica Montgomery Steppe	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 Commission Clerk Erica Sellen at erica.sellen@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.
- 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.

The Commission may proceed with the meeting, even where there is a disruption that prevents the Commission from broadcasting the meeting to members of the public or from receiving public comment from members of the public using a call-in option or internet-based service option, unless such disruption prevents a member of the Commission is participating under Government Code Section 54953, subdivision (e) or (f).

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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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. **AGENDA REVIEW**
   The Executive Officer will summarize the agenda, advise on any requested changes, and disclose any supplemental communications received. The Chair will also consider requests from Commissioners to rearrange agenda items.

4. **PUBLIC EXPRESSION AND**
   OPPORTUNITY FOR PUBLIC TO REQUEST DISCUSSION ON CONSENT ITEMS
   Opportunity for members of the public to speak on any subject matter within the Commission's growth management duties and interests that is not on the agenda. Speakers are limited to three minutes. This is also an opportunity to request discussion on a consent calendar item.

5. **CONSENT ITEMS**
   All items calendared as consent are considered ministerial and subject to approval by a single motion. The Chair will consider requests by Commissioners to pull items for discussion.

   a) **Approval of Meeting Minutes for November 3, 2025 (action)**
   The Commission will consider action minutes from the November 3, 2025 meeting prepared by the Commission Clerk. Staff recommends approval as presented. (Pages 7-16)

   b) **Commission Ratification | Recorded Payments for October 2025 (action)**
   The Commission will review a report of all payments made and received for October 2025. Staff recommends ratifying payments as presented. (Pages 17-24)

   c) **Authorize 2026 Holiday Office Closure (action)**
   The Commission will consider authorizing closure of the LAFCO office to the public for the four workdays following Christmas – Friday, December 26th through Wednesday, December 31st. Participating staff would take compensatory time-off. Staff recommends approval. (Pages 25-26)

   d) **Approval of 2026 Meeting Calendar (action)**
   The Commission will consider approving a regular meeting schedule for the 2026 calendar year. It is recommended the Commission follow recent practice and approve regular meetings on the first Monday of each month except for January, July, and September. No special meetings are proposed at this time. Staff recommends approval. (Pages 27-40)

   e) **2025-2026 Workplan Status (action)**
   The Commission will receive a workplan update on the 30 projects scheduled for 2025-2026. Staff recommends receiving and filing the update. (Pages 41-46)

   f) **Legislative Report (information)**
   The Commission will receive an update on active and pending legislation relevant to the agency's regulatory and planning responsibilities. Information only. (Pages 47-52)

CONSENT ITEMS CONTINUED…

g) **Report on Applicant Proposals (information)**
The Commission will receive a status report on active and anticipated applicant proposals. This is an informational item that satisfies LAFCO's reporting requirement. (Pages 53-64)

h) **Commissioner Terms (information)**
The Commission will receive its annual notice on individual Commissioner terms. No terms are set to expire in 2026; six terms are scheduled to expire in 2027. Information only with the dual benefit of advising the public on membership composition in the near term. (Pages 65-70)

i) **Election Update |**
Special Districts Advisory Committee (information)
The Commission will receive an update on the election process to fill seven positions on the 15-member Special Districts Advisory Committee. Information only. (Pages 71-76)

6. **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 "Barona Band of Mission Indians Out-of-Agency Potable Water Services" |**
Out-of-Agency Potable Water Agreement between the Ramona Municipal Water District, San Diego County Water Authority, and Metropolitan Water District of Southern California (OAS25-16) (action)
The Commission will consider a request from the Ramona Municipal Water District (MWD) to provide new out-of-agency potable water service to the Barona Reservation. The request also involves concurrent authorizations involving the two wholesale service providers - San Diego County Water Authority and the Metropolitan Water District of Southern California. The affected territory lies immediate adjacent to Ramona MWD and spans 1,784 acres – or just over 25% of the Barona Indian Reservation. As detailed, applicable statutes enable Ramona MWD to request LAFCO approval to extend service to tribal lands outside its boundary, on the same terms as if the lands were annexed. LAFCO must approve the request while retaining discretion to impose terms. Staff recommends approval of the request with only standard terms as detailed. A parallel exemption finding as responsible agency under the California Environmental Quality Act is also recommended. (Pages 77-124)

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

a) **Applicant Request for Discretionary Fee Reduction or Waiver |**
Pending "Turner – Oak Creek Drive Reorganization" (action)
The Commission will consider a request from a landowner (Alan Turner) for a discretionary fee waiver or reduction associated with an anticipated application to annex two unincorporated parcels totaling 2.3 acres to the Lakeside Water District with concurrent detachment from the Padre Dam Municipal Water District. The value of the request under the LAFCO fee schedule is $18,894.75 as detailed. Consistent with past direction to directly evaluate requests on a case-by-case basis on the dais, the request is being forwarded to the Commission to approve, deny, or continue. (Pages 125-142)

BUSINESS ITEMS CONTINUED…

b) **Possible Approval of Amendment to Executive Officer's Employment Contract (action)**
The Executive Officer Compensation Committee – Chair Whitburn, Vice Chair Willis, and Commissioner Becker – will present their review and any recommendations regarding a potential amendment to the Executive Officer's compensation. Item may be heard out-of-order following closed session. (Pages 143-158)

8. SPECIAL PRESENTATION

a) **Elementary School | LAFCO Art Contest Winners (information)**
The Commission will receive a presentation on LAFCO's inaugural Fall Art Contest. Third-, fourth-, and fifth-grade students were invited to illustrate how people can live in harmony with nature as a baseline tenet of LAFCO's orderly-growth mandate. Staff will provide a summary of entry requirements, evaluation criteria, and an overview of all submitted artwork, concluding with the announcement of the three contest winners. Winners will be recognized with a Certificate of Artistic Achievement and a gift card.

9. CLOSED SESSION

a) **Public Employee Performance Evaluation**
California Government Code Section 54957(b)
Employee: Keene Simonds

10. EXECUTIVE OFFICER REPORT

11. COMMISSIONER ANNOUNCEMENTS & REQUESTS FOR FUTURE ITEMS

12. ADJOURNMENT

Attest to Posting:

Erica Sellen
Commission Clerk

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5a

AGENDA REPORT
Consent | Action

December 1, 2025

TO: Chair Whitburn and Commissioners

FROM: Erica Sellen, Commission Clerk

SUBJECT: **Approval of Meeting Minutes | Regular Meeting of November 3, 2025**

SUMMARY

The San Diego County Local Agency Formation Commission (LAFCO) will consider draft minutes prepared for the regular meeting held on November 3, 2025. The minutes are in action form and being presented for formal Commission approval.

BACKGROUND

The Ralph M. Brown Act was enacted by the State Legislature in 1953 and – among other items – requires public agencies to maintain records for qualifying meetings.

DISCUSSION

This item is for San Diego LAFCO to consider approving action minutes for the November 3, 2025 regular meeting. The attendance record for the meeting follows.

- All regular Commissioners were present.
- All alternate Commissioners were present except Monica Montgomery Steppe (County of San Diego) and Marni von Wilpert (City of San Diego).

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Kristi Becker, City of Solana Beach
Dane White, City of Escondido
John McCann Alt., City of Chula Vista
Chair Stephen Whitburn, City of San Diego
Marni von Wilpert, Alt., City of San Diego
Vice Chair Barry Willis, Alpine Fire Protection
Jo MacKenzie, Vista Irrigation
David Drake, Alt., Rincon del Diablo
Brigette Browning, General Public
Eileen Delaney, Alt., General Public

ANALYSIS

The attached draft minutes for the November 3, 2025 regular meeting accurately reflect San Diego LAFCO's deliberations as recorded by the Commission Clerk. A video recording of the meeting has also been posted on the Commission's website (www.sdlafco.org).

RECOMMENDATION

It is recommended San Diego LAFCO approve the draft minutes prepared for the November 3, 2025 regular meeting as presented. This recommendation is consistent with Alternative One outlined in the proceeding section.

ALTERNATIVES FOR ACTION

The following alternatives are available to San Diego LAFCO:

Alternative One (recommended):
Approve the attached draft minutes prepared for the November 3, 2025 regular meeting with any requested corrections or clarifications.

Alternative Two:
Continue the item to the next regular meeting and provide direction as needed.

PROCEDURES

This item has been placed on San Diego LAFCO's agenda as part of the consent calendar. A successful motion to approve the consent calendar will include taking affirmative action on the staff recommendation as provided unless otherwise specified by the Commission.

Respectfully,

Erica A. Sellen

Erica Sellen
Commission Clerk

Attachment:

1) Draft Meeting Minutes for November 3, 2025

DRAFT MINUTES
SAN DIEGO LAFCO
November 3, 2025 REGULAR MEETING

1. 8:15 A.M. – CALL TO ORDER BY CHAIR

Item 1a
ROLL CALL OF COMMISSIONERS PRESENT

The regular meeting was called to order at 8:17 a.m. by Chair Whitburn. The Commission Clerk performed the roll call with the following attendance recorded.

Regulars Present:	Paloma Aguirre, County of San Diego Joel Anderson, County of San Diego Kristi Becker, City of Solana Beach Brigette Browning, Public Jo MacKenzie, Vista Irrigation District Stephen Whitburn, City of San Diego (CHAIR) Dane White, City of Escondido Barry Willis, Alpine Fire Protection District (VICE CHAIR)
Alternates Present:	Eileen Delaney, Public David Drake, Rincon Municipal Water District John McCann, City of Chula Vista
Members Absent:	Monica Montgomery Steppe, County of San Diego (alternate) Marni von Wilpert, City of San Diego (alternate)

The Commission Clerk confirmed a quorum with eight voting members present.

Also present at the time of roll call were the following LAFCO staff members: Executive Officer Keene Simonds, Assistant Executive Officer Priscilla Mumpower, Deputy Commission Counsel Aleks Giragosian, Local Government Analyst II Michaela Peters, Local Government Analyst I Meghan Traynor, Communications Associate Aiden Velasquez, GIS Analyst Dieu Ngu, and Commission Clerk Erica Sellen. LAFCO Consultants Patrick Bouteller, Mike Stein, and Adam Wilson were also present in the audience.

Item 1b
PLEDGE OF ALLEGIANCE

Commissioner Willis led the Pledge of Allegiance.

2. STATEMENT (JUST CAUSE) AND/OR CONSIDERATION OF A REQUEST TO PARTICIPATE REMOTELY (EMERGENCY CIRCUMSTANCES) BY A COMMISSIONER, IF APPLICABLE

None.

3. AGENDA REVIEW

Chair Whitburn asked Executive Officer Simonds if there were any requests to remove or rearrange items on the agenda. Executive Officer Simonds stated no changes to the agenda were needed while also noting Arianna Dreshler will be taking photos of the meeting as part of a update to the LAFCO website.

4. PUBLIC COMMENT AND OPPORTUNITY FOR PUBLIC TO REQUEST DISCUSSION ON CONSENT ITEMS

Chair Whitburn invited anyone from the public to address the Commission on a matter not directly related to an agenda item.

The following online speaker addressed the Commission:

- Tedi Jackson, Protect Rural Escondido

The Commission Clerk confirmed there were no other registered speakers (audience or remote) or live e-mail comments.

5. CONSENT ITEMS

Item 5a
Approval of Meeting Minutes for October 6, 2025
Item presented to approve draft action minutes prepared for the Commission's October 6, 2025 meeting. Recommendation to approve.

Item 5b
Commission Ratification | Recorded Payments for September 2025
Item presented to ratify recorded payments made and received by the Executive Officer for the month of September 2025. Recommendation to ratify.

Item 5c
Budget Update for 2025-2026 |
First Quarter Actuals with Year-End Projections
Item presented to review a report comparing budgeted and actual transactions through the first quarter of 2025-2026 and related analysis. The Commission finished the first quarter expending 20% of total budgeted expenses while collecting 68% of total budgeted revenues. Recommendation to accept the report.

Item 5d
Report on Applicant Proposals
Item presented to receive a status report on active and anticipated applications. Information only.

CONSENT ITEMS CONTINUED…

Item 5e
2025-2026 Workplan Status
Item presented to receive a workplan update on the 30 special projects scheduled for 2025-2026. Recommendation to receive and file.

Item 5f
Legislative Report
Item presented to receive an update on active legislation relevant to the Commission's regulatory and planning responsibilities. Information only.

Commissioner Willis requested to pull item 5f to hear the staff report.

Local Government Analyst I Traynor provided a verbal staff report. No action.

Item 5g
Report on Recent Committee Meeting |
Special Districts Advisory Committee's October 17, 2025 Meeting
Item presented to receive a report on the most recent meeting of the Commission's Special Districts Advisory Committee held on October 17th. Information only.

Item 5h
Designation of Labor Negotiators
Item presented to consider designating its labor negotiators for purposes of reviewing – and negotiating if warranted – the salary and benefits of the Executive Officer as part of the annual performance review. Recommendation for the Commission to designate Chair Whitburn, Vice Chair Willis, and Commissioner Becker as the negotiators.

Item 5i
Amendment to Fee Schedule |
Authorization to Accept Online Payments
Item presented to consider amending the Commission's fee schedule to authorize receipt of online payments via credit card and electronic bank transfer. This action completes a holdover from the prior year workplan to establish procedures for accepting applicant fees through a third-party payment processor. Staff has identified QuickBooks Payments as the preferred solution due to its compatibility with the Commission's existing accounting platform. Authorization and a corresponding amendment to the adopted fee scheduled are required before implementation. Recommendation to approve.

**

Commissioner Aguirre motioned with a second from Commissioner Willis to approve the consent calendar with staff recommendations (Alternative One) as presented.

Roll call requested:

CONSENT ITEMS CONTINUED…

Item 5i Continued…

AYES:	Aguirre, Anderson, Becker, Browning, MacKenzie, Whitburn, White, & Willis
NOES:	None
ABSENT:	Montgomery Steppe & von Wilpert
ABSTAINING:	None

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

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

Item 6a
**Proposed "AJX Homes LLC – Carmichael Drive Reorganization" |
Annexation to the City of La Mesa with Concurrent Detachments from San Miguel FPD and CSA No. 135 and Related Actions (RO22-04)**
Item presented to consider a reorganization proposal from AJX Homes LLC to annex a 0.27-acre parcel into the City of La Mesa. The proposal includes concurrent detachments from San Miguel Consolidated Fire Protection District and County Service Area No. 135. The affected territory – currently developed with an unoccupied single-family residence at 9365 Carmichael Drive (495-335-05) in unincorporated Valle de Oro – is adjacent to La Mesa. Recommendation to conditionally approve with conforming sphere of influence amendments for two of the three agencies. It is also recommended to waive protest proceedings, proceed without a new municipal service review per Policy L-106, and find the reorganization and sphere amendments exempt under State CEQA Guidelines Sections 15319(a) and 15061(b)(3), respectively.

Chair Whitburn invited disclosures from Commissioners on material ex parte communications. No disclosures were reported.

Local Government Analyst II Peters provided the staff presentation.

Chair Whitburn opened the hearing and acknowledged two registered speakers who wished to express their support, but did not wish to speak on the item:

- David B. Parot, Applied Consultants
- Vanessa Ritchey, AJX Homes

The Commission Clerk confirmed there were no registered speakers (audience or remote) or live e-mail comments.

Chair Whitburn proceeded to invite questions and comments from the Commissioners. No discussion.

The Chair proceeded to close the hearing.

PUBLIC HEARING ITEMS CONTINUED…

Item 6a Continued…

**

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

Roll call requested:

AYES:	Aguirre, Anderson, Becker, Browning, MacKenzie, Whitburn, White, & Willis
NOES:	None
ABSENT:	Montgomery Steppe & von Wilpert
ABSTAINING:	None

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

7. BUSINESS ITEMS

Item 7a
Proposed "Bowles – N. Broadway Out-of-Agency Wastewater Services" |
City of Escondido (OAS 25-14)
Item presented to consider a request from the City of Escondido to provide new out-of-agency wastewater service to a 1.2-acre parcel in unincorporated Hidden Meadows. The affected territory at 3216 North Broadway (187-500-59) – a single-family residence within Escondido's sphere of influence and 0.2 miles from the City limits – requires the service to support the planned reconstruction of the existing home and addition of an accessory dwelling unit. Recommendation to approve with standard terms, while waiving the typical requirement for the landowner to file a future annexation proposal due to local conditions detailed in the report. It is also recommended the Commission find the project categorically exempt under State CEQA Guidelines Section 15319(b).

Local Government Analyst I Traynor provided the staff presentation.

Chair Whitburn invited comments from the public. The Commission Clerk confirmed there were no registered speakers (audience or remote) or live e-mail comments.

Chair Whitburn proceeded to invite questions and comments from the Commissioners. No discussion.

**

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

Roll call requested:

BUSINESS ITEMS CONTINUED…

Item 7a Continued…

AYES:	Aguirre, Anderson, Becker, Browning, MacKenzie, Whitburn, White, & Willis
NOES:	None
ABSENT:	Montgomery Steppe & von Wilpert
ABSTAINING:	None

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

Item 7b
Proposed "Rancho Hills Change of Organization" |
Annexation to Rancho Santa Fe CSD & Related Actions (CO16-11)
Item presented to consider a landowner-initiated annexation of 107.0 acres comprising 44 undeveloped parcels to the Rancho Santa Fe Community Services District (CSD). The affected territory – located in unincorporated Santa Fe Valley and within the Rancho Santa Fe CSD's sphere – requires public wastewater service to accommodate a planned 37-unit residential subdivision ("Rancho Hills"), conditionally approved by the County of San Diego. The proposal excludes other CSD services. Recommendation to conditionally approve as submitted and waive protest proceedings and adopt the County's environmental findings for the underlying development.

Local Government Analyst I Traynor provided the staff presentation.

Chair Whitburn invited comments from the public. The Commission Clerk confirmed there were no registered speakers (audience or remote) or live e-mail comments.

Chair Whitburn proceeded to invite questions and comments from Commissioners. General discussion ensued regarding staff's environmental justice analysis.

**

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

Roll call requested:

AYES:	Aguirre, Anderson, Becker, Browning, MacKenzie, Whitburn, White, & Willis
NOES:	None
ABSENT:	Montgomery Steppe & von Wilpert
ABSTAINING:	None

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

8. EXECUTIVE OFFICER REPORT

Executive Officer Simonds made the following comments:

- Planning is underway for the upcoming LAFCO-themed holiday party.

- Executive Officer Simonds deferred to Commissioner Becker, the Commission's representative to the Alliance of LAFCOs, to provide an update as part of Item 9.

9. COMMISSIONER ANNOUNCEMENTS & REQUESTS FOR FUTURE ITEMS

Commissioners made the following comments:

- Commissioner Becker reported on recent activities of the Alliance of LAFCOs, including the adoption of its mission statement and official logo.

- Commissioner MacKenzie inquired whether staff attended the recent CALAFCO Conference. Executive Officer Simonds confirmed staff did not attend.

- Commissioner MacKenzie requested staff provide an informational item on LAFCO Consultant Tom Kennedy's presentation regarding water rate impacts, which was recently presented at the Special Districts Advisory Committee meeting.

10. CLOSED SESSION

a) Conference with Legal Counsel – Existing Litigation:
Government Code section 54956.9(d)(1)
Case name: *City of San Diego v. San Diego County LAFCO et al*
(San Diego Superior Court Case No. 25CU031043C).

b) Public Employee Performance Evaluation
California Government Code Section 54957(b)
Employee: Keene Simonds

c) Conference with Labor Negotiators
California Government Code section 54957.6
Agency designated representatives: EO Compensation Committee (Chair Whitburn; Vice-Chair Willis; Commissioner Becker)
Unrepresented Employee: Executive Officer

Chair Whitburn invited public comments. The Commission Clerk confirmed there were no registered speakers and no live e-mail comments. Chair Whitburn then adjourned the meeting into closed session.

In returning from closed session, Commission Counsel Aleks Giragosian reported there was no reportable action for Items 10a, 10b, and 10c.

11. ADJOURNMENT TO NEXT MEETING

With no further business, Chair Whitburn adjourned the meeting at 9:27 a.m.

I hereby attest the minutes above accurately reflect the deliberations of the Commission at its November 3, 2025 meeting.

ATTEST,

Erica Sellen
Commission Clerk

5b

AGENDA REPORT
Consent | Action

December 1, 2025

TO: Chair Whitburn and Commissioners

FROM: Keene Simonds, Executive Officer
Erica Sellen, Commission Clerk

SUBJECT: **Commission Ratification | Recorded Payments for October 2025**

SUMMARY

The San Diego County Local Agency Formation Commission (LAFCO) will receive a financial report covering transactions for October 2025. The report documents $196,133 in total expenses authorized by the Executive Officer and $57,560 in payments received. All transactions are consistent with the adopted budget. Staff recommends the Commission ratify these payments with the option to pull the item for discussion if needed.

BACKGROUND

San Diego LAFCO's policies require the Executive Officer to maintain appropriate accounting controls for all Commission financial transactions. Competitive bidding is mandatory for purchases between $10,000 and $124,999, unless waived due to unique circumstances. Transactions of $125,000 or more require Commission approval.

DISCUSSION

This item seeks San Diego LAFCO's ratification of all payments made and received by the Executive Officer during October 2025. Detailed transactions appear in Attachment One. The Commission may pull the item for discussion or provide feedback.

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Chair Stephen Whitburn, City of San Diego
Marni von Wilpert, Alt., City of San Diego
Vice Chair Barry Willis, Alpine Fire Protection
Jo MacKenzie, Vista Irrigation
David Drake, Alt., Rincon del Diablo
Brigette Browning, General Public
Eileen Delaney, Alt., General Public

ANALYSIS

October expenses by the Executive Officer total $196,133 with two thirds - $133,548 - going directly to the County of San Diego to cover payroll reimbursements for two pay periods and other support services – including information technology. The remaining expenses largely involve professional services with all consultant charges under contract by the Executive Officer detailed in Appendix A. Revenues collected total $57,560 and include grant reimbursements from the State of California as well as new application filings.

RECOMMENDATION

It is recommended that San Diego LAFCO ratify the payments made and received by the Executive Officer for October 2025 as presented, consistent with Alternative One below.

ALTERNATIVES FOR ACTION

The following alternatives are available to San Diego LAFCO:

Alternative One (recommended):
Ratify the recorded payments received and made by the Executive Officer for October 2025 as shown in Attachments One and Two.

Alternative Two:
Continue to the next regular meeting and provide direction to staff as needed.

Alternative Three
Take no action.[1]

PROCEDURES

This item has been placed on San Diego LAFCO's agenda as part of the consent calendar. A successful motion to approve the consent calendar will include taking affirmative action on the staff recommendation unless otherwise specified by the Commission.

On behalf of the Executive Officer:

Erica A. Sellen

Erica Sellen
Commission Clerk

Appendix: as stated
Attachment: as stated

1 Payment ratifications are not required under LAFCO policy but are presented to the Commission per practice.

Appendix A
Consultant Expenses

Executive Officer Contracts

October 2025

CONSULTANT	TYPE	MAIN PROJECTS	OCTOBER PAYMENTS	TOTAL PAYMENTS IN FY
ADW Consulting LLC *(Adam Wilson)*	Intergovernmental Relations	• Healthcare MSR • Carlsbad-Encinitas MSR • Metropolitan Water District MSR • RCD 2.0	$10,875	$31,650
Area Public Affairs LLC *(Patrick Bouteller)*	Intergovernmental Relations	• San Diego Port MSR • County Water Authority MSR • SANDAG MSR • Homeless Services Governance White Paper	–	$16,312
Kennedy Consulting LLC *(Tom Kennedy)*	Water/Wastewater Utilities	• Multiple Proposals • Carlsbad-Encinitas MSR • SDAC Rate Project	$8,113	$23,925
Christine O'Rourke	Environmental Planning	• Multiple Proposals • MET-CWA MSR	–	$5,288
Michael Stein	Fire Services	• Multiple Proposals • Carlsbad-Encinitas MSR	$1,320	$6,720
Fulton Group *(Bill Fulton)*	Project Specific	• SANDAG MSR	–	$7,500
Progressive Healthcare	Project Specific	• Healthcare MSR	–	–
Technical Assistance Collaborative	Project Specific	• Homeless WP	–	–
Michael Haneman	Project Specific	• CWA-MET MSR	–	–
TOTAL CONSULTANT PAYMENTS			**$20,307.50**	**$91,394.25**

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SAN DIEGO LAFCO
Expenses by Vendor Detail
October 2025

Payable | Receivable Party	Date	Account	Amount	Purpose	Type	Funding Account
E | Accessibe						
	10/1/2025	52270 · Memberships	490.00	Website Compliance Annual Fee	credit card	3558-60 · SDCCU Visa Credit Card
E | Ace Parking						
	10/15/2025	52530 · Office Lease	1,125.00	Monthly Parking Rent	electronic	1000 · County Account (44595)
	10/24/2025	52530 · Office Lease	34.00	Parking Valaidations	electronic	1000 · County Account (44595)
	10/24/2025	52610 · Non-Travel/In-County	40.00	AEO Grand Jury Parking	credit card	3558-60 · SDCCU Visa Credit Card
			1,199.00			
E | ADW Consulting LLC						
	10/24/2025	52370.F · Professional Services	10,875.00	Consultant Services | Intergovernmental	electronic	1000 · County Account (44595)
E | After Effects (Adobe)						
	10/15/2025	52270 · Memberships	19.99	Monthly Adobe DC Pro Upgrade	debit card	3558 · SDCCU Checking
E | Aiden Velasquez						
	10/8/2025	52330 · Office Expense	53.20	Reimbursement | Ethics Training Refreshments	check	3558 · SDCCU Checking
E | Amazon						
	10/14/2025	52344 · Stores Unallocated	345.20	General Office Supplies	credit card	3558-60 · SDCCU Visa Credit Card
	10/28/2025	52344 · Stores Unallocated	101.08	General Office Supplies	credit card	3558-60 · SDCCU Visa Credit Card
			446.28			
E | Ambius						
	10/8/2025	52344 · Stores Unallocated	460.28	Monthly Service for Office Plants	check	3558 · SDCCU Checking
E | ARCC (Assessor Recording County)						
	10/8/2025	52490 · Publications	50.00	NOE Fee | CO25-10	check	3558 · SDCCU Checking
	10/8/2025	52490 · Publications	50.00	NOE Fee | CO25-10 ii	check	3558 · SDCCU Checking
	10/8/2025	52490 · Publications	50.00	NOE Fee | OAS24-06	check	3558 · SDCCU Checking
	10/8/2025	52490 · Publications	50.00	NOE Fee | RO19-26	check	3558 · SDCCU Checking
	10/8/2025	52490 · Publications	50.00	NOD Fee | RO19-26	check	3558 · SDCCU Checking
	10/8/2025	52490 · Publications	50.00	NOD Fee | CO24-14	check	3558 · SDCCU Checking
			300.00			
E | Assura Software						
	10/17/2025	52074 · Telecommunications	750.00	Website Hosting Support Services	electronic	1000 · County Account (44595)
E | AT&T Mobilty						
	10/30/2025	52074 · Telecommunications	588.04	Monthly Cell Phone Bill | LAFCO Staff	check	3558 · SDCCU Checking
E | BJ's Restaurant						
	10/2/2025	52330 · Office Expense	198.78	Vice Chair Briefing: VC, EO, AEO, AII, and CA	credit card	3558-60 · SDCCU Visa Credit Card
E | Canva						
	10/7/2025	52270 · Memberships	30.00	Monthly Subscription	credit card	3558-60 · SDCCU Visa Credit Card
E | City SD Parking						
	10/5/2025	52610 · Non-Travel/In-County	2.21	EO Parking - SD Briefing	debit card	3558 · SDCCU Checking
E | Claim Jumper						
	10/8/2025	52330 · Office Expense	144.68	Debriefing (EO, AEO, PB, AW & Counsel)	debit card	3558 · SDCCU Checking
E | Colantuono, Highsmith & Whatley						
	10/8/2025	52370.B · Professional Services	4,664.00	Commission Counsel Services | Litigation	electronic	1000 · County Account (44595)
	10/15/2025	52370.B · Professional Services	3,129.80	Commission Counsel Services	electronic	1000 · County Account (44595)
			7,793.80			
E | Communal Coffee						
	10/19/2025	52330 · Office Expense	14.45	EO - AII Meeting: MSRs	debit card	3558 · SDCCU Checking
E | Corodata						
	10/30/2025	52330 · Office Expense	62.40	Monthly Document Storage	check	3558 · SDCCU Checking
E | County of San Diego						
	10/1/2025	52354 · Mail/Postage ISF	557.08	Mail/Postage Services	electronic	1000 · County Account (44595)
	10/1/2025	52178 · Vehicle Maintenance	146.89	Vehicle Maintenance Services	electronic	1000 · County Account (44595)
	10/1/2025	52182 · Vehicle Fuel	0.00	Vehicle Fuel	electronic	1000 · County Account (44595)
	10/1/2025	52758 · Vehicle Lease	165.49	Vehicle Lease	electronic	1000 · County Account (44595)
	10/1/2025	52721 et al. · Communications (IT) Services	6,231.80	County IT Services (ITRACK)	electronic	1000 · County Account (44595)
	10/1/2025	52504 · Equipment Rental	1.65	County Surcharge | Xerox	electronic	1000 · County Account (44595)
	10/10/2025	51110 et al. · Employee Payroll	55,375.00	Payroll | Pay Period 2026-08	electronic	1000 · County Account (44595)
	10/24/2025	51110 et al. · Employee Payroll	68,268.50	Payroll | Pay Period 2026-09	electronic	1000 · County Account (44595)
	10/31/2025	52270 · Memberships	2,801.65	ESRI	electronic	1000 · County Account (44595)
			133,548.06			

SAN DIEGO LAFCO
Expenses by Vendor Detail
October 2025

Payable | Receivable Party	Date	Account	Amount	Purpose	Type	Funding Account
E | Dieu Ngu						
	10/2/2025	52330 · Office Expense	10.00	Reimbursement | Office Water Refill	cash	1040 · Petty Cash
E | DoorDash						
	10/30/2025	52330 · Office Expense	23.89	EO-Staff Meeting	debit card	3558 · SDCCU Checking
E | Einstein Bagels						
	10/2/2025	52330 · Office Expense	20.89	EO-Staff Meeting	debit card	3558 · SDCCU Checking
E | Fax Plus						
	10/8/2025	52330 · Office Expense	9.26	Monthly Fax Machine Payment	debit card	3558 · SDCCU Checking
E | Hyatt Hotels						
	10/26/2025	52622 · Training/Registration Out-County	182.12	Deposit | CSDA Clerks Conference (ES)	credit card	3558-60 · SDCCU Visa Credit Card
E | Kennedy Water Consulting LLC						
	10/15/2025	52370.F · Professional Services	8,112.50	Consultant Services | Utilities	electronic	1000 · County Account (44595)
E | Manchester Financial 5th Ave LP						
	10/1/2025	52530 · Office Lease	12,431.72	Office & Storage Rent	electronic	1000 · County Account (44595)
	10/24/2025	52530 · Office Lease	12,413.72	Office & Storage Rent	electronic	1000 · County Account (44595)
			24,845.44			
E | Meghan Traynor						
	10/8/2025	52610 · Non-Travel/In-County	18.32	Reimbursement | Politifest Lunch	check	3558 · SDCCU Checking
E | Michaela Peters						
	10/8/2025	52610 · Non-Travel/In-County	22.90	Reimbursement | Politifest Lunch	check	3558 · SDCCU Checking
	10/8/2025	52330 · Office Expense	44.84	Reimbursement | Commission Meeting Refreshments	check	3558 · SDCCU Checking
			67.74			
E | Michael Stein						
	10/15/2025	52370.F · Professional Services	1,320.00	Consultant Services | Fire	electronic	1000 · County Account (44595)
E | News Library						
	10/20/2025	52270 · Memberships	25.95	SD Tribune Archives Monthly Service	debit card	3558 · SDCCU Checking
E | Port of SD Parking						
	10/12/2025	52610 · Non-Travel/In-County	5.00	EO Parking | Briefing with SD Port	debit card	3558 · SDCCU Checking
E | Postal Annex						
	10/30/2025	52332 · Postage	50.79	Mailing Agenda Packets	debit card	3558 · SDCCU Checking
E | QuickBooks						
	10/3/2025	52330 · Office Expense	115.00	Monthly Service for Online QuickBooks	credit card	3558-60 · SDCCU Visa Credit Card
E | Ready Refresh Water						
	10/11/2025	52330 · Office Expense	86.94	Monthly Water Services	credit card	3558-60 · SDCCU Visa Credit Card
E | RGS						
	10/15/2025	52370 · Professional Services	549.50	HR Services to the AEO	electronic	1000 · County Account (44595)
E | San Diego Union Tribune						
	10/21/2025	52490 · Publications	1,404.33	PHNs | RO19-26	check	3558 · SDCCU Checking
E | Starbucks						
	10/6/2025	52330 · Office Expense	44.00	Commission Meeting Refreshments	credit card	3558-60 · SDCCU Visa Credit Card
E | The Market Place						
	10/10/2025	52330 · Office Expense	95.19	All Staff-Consultant Meeting	debit card	3558 · SDCCU Checking
E | Walmart						
	10/16/2025	52566 · Minor Equipment	1,841.84	Camera Equipment	credit card	3558-60 · SDCCU Visa Credit Card
E | WP Engine						
	10/15/2025	52370.E · Professional Services	59.00	Monthly Web Hosting	debit card	3558 · SDCCU Checking
E | Xerox						
	10/15/2025	52504 · Equipment Rental	246.43	Xerox Rental	electronic	1000 · County Account (44595)
E | YouTube						
	10/11/2025	52270 · Memberships	22.99	Monthly Streaming Support Services	debit card	3558 · SDCCU Checking
EXPENSE TOTAL			196,133.29			

SAN DIEGO LAFCO
Expenses by Vendor Detail
October 2025

Payable | Receivable Party	Date	Account	Amount	Purpose	Type	Funding Account
R | 5780 Quarry Rd LLC						
	10/30/2025	52490 · Publications	50.00	Recording Fees (CO24-14)	check	3558 · SDCCU Checking
R | AJX Homes, LLC						
	10/30/2025	46234 · Applications	4,163.50	Processing Fees (RO22-04)	check	3558 · SDCCU Checking
R | County of San Diego						
	10/31/2025	45918 · LAFCO Apportionment	2,298.39	LAFCO Apportionment FY25-26	electronic	1000 · County Account (44595)
	10/31/2025	49200 · Interest & Dividends	20.89	Interest Payment to Account 46725	electronic	1001 · Committed - Stabilization
	10/31/2025	49200 · Interest & Dividends	32.19	Interest Payment to Account 46726	electronic	1002 · Committed - Opportunity
	10/31/2025	49200 · Interest & Dividends	42.19	Interest Payment to Account 46727	electronic	1003 · Assigned - Executive Office
			2,393.66			
R | Iannacone						
	10/30/2025	52490 · Publications	50.00	Recording Fees (OAS24-06)	check	3558 · SDCCU Checking
R | Jaiswal						
	10/30/2025	46234 · Applications	6,405.00	Processing Fees (CO25-15)	check	3558 · SDCCU Checking
R | Leucadia WWD						
	10/30/2025	52490 · Publications	100.00	Recording Fees (CO25-10)	check	3558 · SDCCU Checking
R | Ramona MWD						
	10/24/2025	46234 · Applications	16,204.66	Processing Fees (OAS25-16)	check	1000 · County Account (44595)
R | State of California						
	10/24/2025	52304 · Miscellaneous	26,688.66	SALC Grant	check	1000 · County Account (44595)
R | The Eden Hills Project Owner, LLC						
	10/30/2025	52490 · Publications	100.00	Recording Fees (RO19-26)	check	3558 · SDCCU Checking
	10/30/2025	52490 · Publications	1,404.33	PHN Fees (RO19-26)	check	3558 · SDCCU Checking
			1,504.33			
REVENUE TOTAL			57,559.81			

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5c

AGENDA REPORT
Consent | Action

December 1, 2025

TO: Chair Whitburn and Commissioners

FROM: Keene Simonds, Executive Officer
Priscilla Mumpower, Assistant Executive Officer

SUBJECT: **Authorize 2025 Holiday Office Closure**

SUMMARY

The San Diego County Local Agency Formation Commission (LAFCO) will consider authorizing closure of the LAFCO office to the public for the four workdays immediately following Christmas – Friday, December 26 through Wednesday, December 31, 2025. Participating staff would take compensatory time off should the closure be approved. Staff choosing not to take compensatory time off would work their regular schedules, however the office would remain closed to the public.

BACKGROUND

San Diego LAFCO's adopted policy specifies the Commission shall maintain regular business hours between 8:00 a.m. to 5:00 p.m. Monday through Friday less any holidays observed by the County of San Diego. All other office closures require Commission approval.

DISCUSSION

This item is for San Diego LAFCO to consider approving the closure of the office to the public immediately after Christmas Day through New Years Eve. (Christmas Day and New Years Day are observed paid holidays.) Participating staff would use accrued compensatory time-off should the closure be approved. Remaining staff would continue to work their regular schedules; however, the office would remain closed to the public.

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Dane White, City of Escondido
John McCann Alt., City of Chula Vista
Chair Stephen Whitburn, City of San Diego
Marni von Wilpert, Alt., City of San Diego
Vice Chair Barry Willis, Alpine Fire Protection
Jo MacKenzie, Vista Irrigation
David Drake, Alt., Rincon del Diablo
Brigette Browning, General Public
Eileen Delaney, Alt., General Public

ANALYSIS

The proposed action aligns with San Diego LAFCO's family-friendly practices to allow staff to be with their families during the holidays. Approval would also separately produce cost-savings by encouraging the use of accrued compensatory time during a period when normal business activity is limited.

RECOMMENDATION

It is recommended San Diego LAFCO approve the holiday office closure beginning Friday, December 26 through Wednesday, December 31, 2025, consistent with Alternative One below.

ALTERNATIVES FOR ACTION

The following alternatives are available to San Diego LAFCO through a single motion:

Alternative One (recommended):
Authorize the LAFCO office to be closed on the following dates in 2025:

- Friday, December 26
- Monday, December 29
- Tuesday, December 30
- Wednesday, December 31

Alternative Two:
Take no action.

PROCEDURES

This item has been placed on the San Diego LAFCO's agenda as part of the consent calendar. A successful motion to approve the consent calendar will include taking affirmative action on the staff recommendation unless otherwise specified by the Commission.

On behalf of the Executive Officer,



Priscilla Mumpower
Assistant Executive Officer

5d

AGENDA REPORT
Consent | Action

December 1, 2025

TO: Chair Whitburn and Commissioners

FROM: Keene Simonds, Executive Officer
Erica Sellen, Commission Clerk

SUBJECT: **Approval of 2026 Meeting Calendar**

SUMMARY

The San Diego County Local Agency Formation Commission (LAFCO) will consider approving a regular meeting schedule for the 2026 calendar year. It is recommended the Commission follow recent practice and approve regular meetings on the first Monday of each month except for January, July, and September. No special meetings are proposed at this time.

BACKGROUND

Policy and Practice

San Diego LAFCO's adopted policy specifies the Commission shall hold regular meetings every month on the first Monday unless provided otherwise due to holidays and/or anticipated lack of business. The policy also provides all regular meetings of the Commission be held starting at 8:00 a.m. in the County of San Diego Administration Center at 1600 Pacific Highway, Room 302 in San Diego. It is also the practice of the Commission to review its upcoming workload each December and formally approve a meeting schedule for the upcoming calendar year. Special meetings are also scheduled by practice either in advance by the Commission as part of the annual calendar or as needed through the Chair.

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John McCann Alt., City of Chula Vista
Chair Stephen Whitburn, City of San Diego
Marni von Wilpert, Alt., City of San Diego
Vice Chair Barry Willis, Alpine Fire Protection
Jo MacKenzie, Vista Irrigation
David Drake, Alt., Rincon del Diablo
Brigette Browning, General Public
Eileen Delaney, Alt., General Public

DISCUSSION

This item is for San Diego LAFCO to consider approving a meeting schedule for the upcoming 2026 calendar year. This includes considering anticipated workload and needs therein for scheduling regular and/or special meetings over the next 12-month period. The item also serves as an opportunity for the Commission to review its policies and practices in conducting meetings (place, time, location, frequency, etc.) and provide related direction to staff for possible actions at a future meeting.

ANALYSIS

San Diego LAFCO's adopted workplan coupled with current and expected proposal activities suggests it would be appropriate to schedule regular meetings for each month in 2026 except for January, July, and September. This proposed schedule is consistent with recent practice. No special meetings are proposed at this time.[1]

RECOMMENDATION

It is recommended San Diego LAFCO schedule regular meetings for each month in 2026 except for January, July, and September as well as confirm direction to continue to meet at the place and time provided under policy. This recommendation is consistent with Alternative Action One in the proceeding section

ALTERNATIVES FOR ACTION

The following alternatives are available to San Diego LAFCO through a single motion:

Alternative One (recommended):

(a) Approve regular meetings on the following dates in 2026:

- Monday, February 2nd
- Monday, March 2nd
- Monday, April 6th
- Monday, May 4th
- Monday, June 1st
- Monday, August 3rd
- Monday, October 5th
- Monday, November 2nd
- Monday, December 7th

(b) Confirm all regular meetings shall be held at the County of San Diego Administration Center at 1600 Pacific Highway in Room 302 starting at 8:00 a.m.

[1] Should the need for a special meeting develop staff will work with the Chair to schedule a time/place.

Alternative Two:
Continue to the next meeting and provide direction to staff as needed.

PROCEDURES

This item has been placed on the San Diego LAFCO's agenda as part of the consent calendar. A successful motion to approve the consent calendar will include taking affirmative action on the staff recommendation unless otherwise specified by the Commission.

On behalf of the Executive Officer:

Erica A. Sellen

Erica Sellen
Commission Clerk

Attachments:

1) San Diego LAFCO Commission, Rule 2 (Meetings)
2) County of San Diego Holiday & Payday 2026 Calendar

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RULES
SAN DIEGO
LOCAL AGENCY FORMATION COMMISSION

ARTICLE II
MEETINGS

2.1 Public Meetings
2.2 Regular Meetings
2.3 Adjourned Meetings
2.4 Special Meetings
2.5 Agendas of Regular Meetings
2.6 Quorum; Votes Needed to Carry a Motion; Effect of Failure to Approve a Matter
2.7 Matters Considered
2.8 Attendance at Meetings
2.9 Disqualification
2.10 Per Diems
2.11 Reimbursements
2.12 Electronic Tablet Use

2.1 PUBLIC MEETINGS -

All meetings and activities of the Commission shall be subject to the Ralph M. Brown Act.

2.2 REGULAR MEETINGS -

Regular meetings of the Commission shall be held on the first Monday of each month unless that Monday is a holiday, in which case that meeting will be held the following Monday. Meetings will commence at 8:00 a.m., in Room 302, County Administration Center, 1600 Pacific Highway, San Diego.

2.3 ADJOURNED MEETINGS -

Any meeting may be adjourned to a specific date, time, and place. The chairperson shall announce the date, time, and place of the adjourned regular meeting. A notice shall be posted at the Commission's regular place of posting specifying the date, time, and place of the adjourned regular meeting. Less than a quorum may adjourn a meeting. If all members are absent, the Commission Clerk may adjourn the meeting to a specified date, time, and place, and post the required notice.

2.4 SPECIAL MEETINGS -

A special meeting may be called at any time by the chairperson, or by a majority of the members of the Commission, by delivering personally or by any other means, notice to each member of the Commission and to each local newspaper of general circulation, radio, or television station requesting notice in writing. The notice must be received at least

24 hours before the time of the meeting as specified in the notice. The call and notice shall specify the date, time, and place of the special meeting and business to be transacted.
No other business shall be considered at such meetings by the Commission. The written notice may be dispensed with as to any member who at or prior to the time the meeting convenes, files with the clerk of the Commission a written waiver of notice. Such waiver may be given by telegram. The written notice may also be dispensed with as to any member who is actually present at the meeting at the time it convenes. The call and notice shall be posted at least 24 hours prior to the special meeting at the Commission's regular place of posting.

2.5 AGENDAS OF REGULAR MEETINGS -

At least 72 hours before a regular meeting, an agenda shall be posted at the Commission's regular place of posting that will contain a brief description of each item of business to be transacted or discussed at the meeting. The agenda shall also be posted on the Commission's website: sdlafco.org. However, failure to post on the Commission's website will not invalidate any action of the Commission. Any person may speak to any item on the agenda. In addition, the agenda will include an item entitled "Public Comment" during which members of public may speak to any matter within the Commission's jurisdiction, but not on the agenda. The Commission will not make a final determination on any issue raised during the Public Comment period that is not included on the agenda. The Commission will have the option of referring the matter to staff or scheduling action for a future agenda. Each speaker shall be limited to no more than three minutes on any item unless extended by permission of the Chairperson.

2.6 QUORUM; VOTES NEEDED TO CARRY A MOTION; EFFECT OF FAILURE TO APPROVE A MATTER -

1. Five members of the Commission constitute a quorum for the transaction of business.
2. An affirmative vote of the majority of the quorum present – and no less than four affirmative votes – is required to adopt any motion.
3. If a proposal for a change of organization or reorganization is wholly disapproved by the Commission, no further proceedings shall be taken on the proposal and no similar proposal involving the same or substantially the same territory, shall be initiated for one year after the date of adoption of the resolution terminating proceedings. The Commission may waive these requirements if it finds it to be in the public interest to do so.
4. If a proposal for a change of organization, reorganization or amendment of a sphere of influence is neither denied, continued nor approved at the meeting at which it is considered, it is deemed denied without prejudice to refiling a petition or resolution of application for the proposal at any time.
5. If a recommendation to adopt an original sphere of influence is neither approved nor continued at the meeting at which it is considered it is deemed automatically continued to the next meeting of the Commission.
6. If an application pursuant to Government Code Section 56895 to amend, modify or revise a resolution of the Commission is not approved or continued at the meeting at

which it is considered, it is deemed denied and no further action shall be taken thereon and no further application for the same or a substantially similar amendment, recodification or revision shall be accepted.

7. Any other recommendation before the Commission is deemed denied if it does not receive affirmative votes of the majority of the quorum present – with no less than four affirmative votes – or is not continued to another meeting.

2.7 MATTERS CONSIDERED -

No matter requiring a determination by the Commission pursuant to the Cortese/ Knox/Hertzberg Local Government Reorganization Act of 2000 shall be brought before the Commission unless it is first filed by the Executive Officer.

Adoption History: Article II, Sections 2.1 to 2.7
Adopted June 30, 1975
Amended February 2, 1987
Amended March 2, 1987
Re-affirmed and adopted December 4, 2000
Administratively Revised and Updated May 24, 2005
Comprehensively Updated and re-adopted March 3, 2008
Amended March 6, 2023 (Section 2:2)
Amended May 1, 2023 (Section 2:10)

2.8 ATTENDANCE AT MEETINGS -

1. Regular members of the Commission shall attend all meetings of the Commission. Alternate members are urged to attend all Commission meetings;
2. If a regular Commissioner cannot attend, s/he shall notify the Executive Officer one working day prior to the Commission meeting;
3. Each Commissioner is expected to remain for each entire meeting. Early departure is considered an absence for the purposes of these policies;
4. The Chairperson may excuse the absence of a Commissioner if s/he determines that the absence is due to sickness, personal emergency or attendance at another governmental function. All excused absences and the reasons for them shall be announced by the Chairperson at a regular meeting of the Commission; and
5. Inadequate attendance by a regular member of the Commission shall be considered non-performance of duties and shall result in the Chairperson notifying the appointing authority of the member's attendance record. Inadequate attendance shall consist of two unexcused absences, or three consecutive absences, for any reason, in any fiscal year.

2.9 DISQUALIFICATION -

By law, the Commission must hold hearings on certain actions, including certain changes of organization and reorganization proposals, adoption of spheres of influence, city protests under the Williamson Act, and other matters. Because of the Commission's concern for the fair and orderly conduct of its hearings, the Commission adopts the following rules, pursuant to Government Code Section 56300:

1. From time to time, any commission member may determine to disqualify him or herself from participating in consideration of a proposal. The member should make every effort to announce his or her disqualification for any reason at the beginning of the Commission's consideration of the item. In those instances where the commission member does not become aware of the reason for disqualification until after the item is before the Commission, the Commission member should disqualify him or herself as soon as s/he becomes aware of the reason for disqualification.

2. A Commission member who is absent from a hearing or a material portion of a hearing on a particular matter is disqualified from participation in the discussion and from voting on that matter unless the member:

   (a) Listens to the tape recording made of the hearing or the portion of the hearing from which the member was absent;
   (b) Examines the documentary material received by the Commission during the hearing or portion of the hearing from which the member was absent; and
   (c) States in public session for the record that s/he has done both of the above.

3. When a member of the Commission is disqualified or determines to disqualify him or herself, the designated alternate member shall serve and vote in his or her place (Government Code Sections 56325, 56325(a), 56331, 56331.3, 56332, 56332(d), 56335 and 56336).

Adoption History: Article II, Sections 2.8 to 2.9
Adopted June 5, 1978
Amended July 13, 1981
Amended January 10, 1983
Amended June 4, 1990
Re-affirmed and adopted December 4, 2000
Administratively Revised and Updated May 24, 2005
Comprehensively Updated and re-adopted March 3, 2008

2.10 PER DIEMS –

Pursuant to Government Code Section 56334, which permits LAFCOs to authorize payment of per diems to commissioners for attending meetings and in performing the duties of their office, the Commission has established a per diem rate of $305 effective July 1, 2025. Per diems shall be provided to Commissioners (regulars and alternates) for each day in attendance at regular and special meetings. Per diems shall also be provided for each day in attendance at standing or ad hoc committee meetings as well as official meetings, conferences, and trainings organized by the California Association of LAFCOs or the Southern Region of LAFCOs. No Commissioner shall receive more than five per diems per month. All requested per diems shall be listed on the LAFCO reimbursement form no later than 30 days after the event.

Adoption History: Article II, Section 2.10

Adopted March 4, 1991
Updated February 7, 2000
Re-affirmed and adopted December 4, 2000
Reaffirmed February 4, 2002
Administratively Revised and Updated May 24, 2005
Comprehensively Updated and re-adopted March 3, 2008
Amended May 7, 2018
Amended May 6, 2019
Updated August 5, 2019
Amended February 7, 2022
Amended May 5, 2023 (Section 2:10)

2.11 REIMBURSEMENTS –

Pursuant to Government Code Section 56380, the Commission shall make its own provisions for the usual and necessary operating expenses incurred by LAFCO. This includes – and as needed – providing reimbursements for Commissioners and staff.

1. The following general provisions apply to reimbursement of Commission expenses:

   (a) Commission members (regulars and alternates) may claim reimbursements for reasonable and necessary expenses incurred in performing the duties of their office.
   (b) The Executive Officer is responsible for reviewing and approving requests for Commission reimbursements.
2. The following general provisions apply to reimbursement of staff expenses:

   (a) Staff shall be reimbursed for all reasonable and necessary expenses in connection with conducting LAFCO business.
   (b) The Executive Officer is responsible for reviewing and approving requests for staff reimbursements other than for himself or herself.
   (c) The Chair or Vice Chair are responsible for reviewing and approving requests for Executive Officer reimbursements.
   (d) For purposes of this section, Commission Counsel shall be considered staff and subject to the reimbursement provisions.
3. The following procedures apply to reimbursements involving Commissioners and staff:
   (a) Expense reimbursement requests should be submitted as soon as possible, although flexibility is permitted for purposes of consolidating multiple expenses, but no later than 45 days after incurring the expense.
   (b) Expense claims for costs incurred in one fiscal year should be – whenever practical – submitted for reimbursement during the same fiscal year.
   (c) Expense claims shall be submitted using the standard LAFCO reimbursement form.
   (d) Applicable receipts shall be provided and attached to the reimbursement form. If receipts are not available, the requester shall succinctly summarize in writing the amount and purpose of the expense and attach to the reimbursement form.
   (e) The following provisions specific to transportation reimbursements apply:
      (i) Transportation requiring outside carrier services – including airlines, rails, shuttles, buses, vehicle rentals, and rideshares – shall be reimbursed equal to actual costs.
      (ii) Transportation requiring private vehicle usage shall be reimbursed using the current mileage rate of the Internal Revenue Service (IRS) plus actuals for tolls and parking. Staff reimbursement for private vehicle usage shall not apply to

normal workday travel to and from the LAFCO office. The Executive Officer shall only be eligible for private vehicle mileage reimbursement for travel outside San Diego County if he or she is receiving an automobile allowance.

(f) The following provisions specific to lodging reimbursements apply:

(i) Lodging reimbursements apply to overnight travel outside San Diego, Imperial, Orange, and Riverside Counties that requires attendance and/or travel before 7:00 a.m. for night-before accommodations and after 6:00 p.m. for night-of accommodations unless waived by the Executive Officer.

(ii) Pre-authorized lodging shall be reimbursed equal to actual costs so long as it does not exceed the maximum group rate published by the activity sponsor (i.e., conference organizer) and available at the time of booking. If a group rate is not available and/or applicable, reimbursement shall be booked at the governmental rate as far in advance as feasible.

(g)The following provisions specific to meals and incidental reimbursements apply:

(i) Meal expenses should be reasonable and moderate, taking into account community standards and the prevailing restaurant costs of the area.

(ii) Where the cost of a meal or meals is included as part of a registration charge or fee, there shall be no per diem meal reimbursement for the applicable meal period covered by such registration.

(iii) Commission and staff may request reimbursement for expenses paid in covering meals and incidentals of those in their company during an authorized function and/or duty that is a person in the service of LAFCO or a person donating service to LAFCO.

(iv) No reimbursements shall be made for alcoholic beverages of any kind.

(h) No prepayments shall be provided to Commission or staff for expected expenses incurred in performing work duties; all related costs shall be provided in the form of approved reimbursements unless otherwise provided under contract.

Adoption History: Article II, Section 2.11

Adopted March 4, 1991
Updated February 7, 2000
Re-affirmed and adopted December 4, 2000
Reaffirmed February 4, 2002
Administratively Revised and Updated May 24, 2005
Comprehensively Updated and re-adopted March 3, 2008
Amended May 7, 2018
Amended May 6, 2019
Administratively Revised and Updated August 5, 2019

2.12 ELECTRONIC TABLET USE -

Use of an electronic tablet (i.e.,iPads, etc.) will assist the Commission in the efficient performance of their duties and reduce material resources. Each Commissioner (regular and alternate) will be provided a tablet and supporting equipment for the principal purpose of reviewing agenda packets at all regular and special meetings. Commissioners shall not use the tablet in any way as to violate the public meeting requirements of the Brown Act. implementing rules follow.

1. Unless otherwise arranged, tablets will be provided to Commissioners on the dais and preloaded with the full agenda packet. The same tablet will be provided to each Commissioner and allow past packets and notes taken therein to be saved

and accessible for future reference. Commissioners shall leave the tablets on the dais for collection by staff at the conclusion of each meeting.

2. Commissioners have the elective to sign-out for a tablet. Under the elective, Commissioners shall be responsible for the security and care of the tablet and downloading all agenda packets and saving all related materials as needed. Upon return and following the preparation any appropriate backup files, the tablet will be wiped clean of any and all information.
3. All tablets will have WI-FI function. No data plans will be provided.
4. Commissioners may use the tablets for incidental personal uses so long as such uses do not conflict with policy or otherwise interfere with LAFCO business.
5. LAFCO will maintain appropriate warranty and service coverage on all tablets. Commissioners shall notify staff immediately should a tablet require service.
6. All other existing LAFCO policies apply to the Commissioners' use of the tablet and conduct on the internet and includes – but not limited to – Administrative Policy A-103 and provided as an appendix.
7. LAFCO reserves the right to inspect any and all files stored on the tablet to ensure compliance with this rule.
8. All Commissioners are encouraged to use tablets and specifically as a substitute for receiving paper agenda packets. Paper agenda packets, nonetheless, will be provided to any Commissioner at their request.

Adoption History: Article II, Section 2.12
Adopted May 6, 2019

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Legend: County Holiday | Payday | Pay Period Divider

County of San Diego

Department of Human Resources

(619) 531-5100

Calendar available on DHR Intranet

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AGENDA REPORT
Consent | Action

December 1, 2025

TO: Chair Whitburn and Commissioners

FROM: Keene Simonds, Executive Officer
Priscilla Mumpower, Assistant Executive Officer

SUBJECT: **2025-2026 Workplan Status**

SUMMARY

The San Diego County Local Agency Formation Commission (LAFCO) will receive a workplan update on the 30 projects scheduled for 2025-2026. Sixteen projects have been substantively initiated with one now complete and six others nearing completion. The most notable update since the last meeting involves the municipal service review on the Carlsbad–Encinitas region. Staff has provided administrative drafts to the two subject agencies in the Carlsbad subregion as part of a 60-day review and comment period. Administrative drafts covering the four subject agencies in the Encinitas subregion are expected to be distributed shortly. Staff recommends the Commission receive and file the update with the opportunity to pull for discussion as needed.

BACKGROUND

San Diego LAFCO adopted its current fiscal year workplan at a public hearing in May 2025. The workplan includes 30 special projects divided into two distinct categories – statutory and administrative – with priority assignments established by the Commission.

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Vice Chair Barry Willis, Alpine Fire Protection
Jo MacKenzie, Vista Irrigation
David Drake, Alt., Rincon del Diablo
Brigette Browning, General Public
Eileen Delaney, Alt., General Public

DISCUSSION

This item provides a regular workplan update to San Diego LAFCO for the 2025–2026 fiscal year. The attached status report lists the statuses on all 30 projects with work underway on eight of the ten high-priority projects. Progress on the workplan since the November meeting includes the following highlights.

Priority No. 4a |
Carlsbad-Encinitas Region Municipal Service Review: Part One – Carlsbad Subregion
This first part examines governance, service delivery, and fiscal accountability within the Carlsbad subregion involving the City of Carlsbad and the Carlsbad Municipal Water District. Technical drafts have already been reviewed and commented on by the agencies. LAFCO staff has advanced the project by recently issuing complete administrative drafts with executive summaries as part of a more formal 60-day review. A public draft is expected to be presented to the Commission as early as February 2026.

Priority No. 4b |
Carlsbad-Encinitas Region Municipal Service Review: Part Two – Encinitas Subregion
This second part examines governance, service delivery, and fiscal accountability within the Encinitas subregion involving the City of Encinitas, Olivenhain Municipal Water District, Leucadia Wastewater District, and San Dieguito Water District. Technical drafts have already been reviewed and commented on by the agencies. LAFCO staff will soon issue complete administrative drafts with executive summaries as part of a more formal 60-day review. A public draft is expected to be presented to the Commission as early as April 2026.

Priority No. 9 |
White Paper on Public Recreation at City Reservoirs
This informational report will assess public recreation opportunities at City of San Diego-owned reservoirs located within unincorporated areas of the County. The project aims to evaluate alternative governance and partnership models that could enhance public access and inter-jurisdictional coordination. Since the November meeting, LAFCO has executed a contract with One Stone Advising (Melanie Woods). The project is now in its early stages and is expected to continue through June 2026.

Priority No. 10 | Sustainable Agricultural Lands Conservation (SALC) 2.0
This multi-year planning grant builds on the findings of SALC 1.0 by quantifying economic challenges facing small-scale farming operations in San Diego County. The project aims to develop countywide policy recommendations to strengthen agricultural viability. A Draft Strategic Plan (Task 5 of 6) has been finalized, and LAFCO – along with the County of San Diego – has opened a public review and comment period from November 10 to December 10, 2025. The public is encouraged to review the materials and provide input. Final deliverables remain scheduled for May 2026.

ANALYSIS

None.

RECOMMENDATION

It is recommended San Diego LAFCO receive and file the progress report. This recommendation is consistent with Alternative Action One in the proceeding section.

ALTERNATIVES FOR ACTION

The following alternatives are available to San Diego LAFCO:

Alternative One (recommended):
Receive and file the progress report on the adopted workplan.

Alternative Two:
Continue the item to the next regular meeting and provide directions to staff as needed.

Alternative Three:
Take no action.

PROCEDURES

This item has been placed on San Diego LAFCO's agenda as part of the consent calendar. A successful motion to approve the consent calendar will include taking affirmative action on the staff recommendation as provided unless otherwise specified by the Commission.

On behalf of the Executive Officer,



Priscilla Mumpower
Assistant Executive Officer

Attachment:

1) 2025-2026 Workplan Status

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Priority	Tier	Type	Project	Description
Ongoing	…	Statutory	Applicant Proposals and Requests	Prioritize resources to address applicant proposals and related requests
Ongoing	…	Administrative	Targeted LAFCO Presentations	Coordinate timely public outreach; emphasis on informing stakeholders ahead of MSR work
Ongoing	…	Statutory	Workplan and Budget Management	Actively manage the workplan and budget resources with regular updates to the Commission

Priority	Tier	Type	Project	Description	Status
1a	Highest	Statutory	MSR | Wholesale Water Service Providers	Service-specific study on principal wholesale water suppliers – CWA (comprehensive) + MET (abbreviated)	
1b	Highest	Statutory	MSR | Healthcare Districts	Service-specific study of the four healthcare districts in San Diego County; addendum expected	
3	Highest	Statutory	MSR | SANDAG	Agency-specific study of SANDAG (transportation, housing planning, + climate adaption planning)	
4a	Highest	Statutory	MSR | Carlsbad-Encinitas Region I: Carlsbad	Region-specific study on City of Carlsbad + Carlsbad MWD	
4b	Highest	Statutory	MSR | Carlsbad-Encinitas Region II: Encinitas	Region-specific study on City of Encinitas + special districts (Olivenhain, Leucadia, San Dieguito)	
6a	High	Statutory	MSR | Vista-San Marcos Region I: San Marcos	Regional MSR on City of San Marcos + special districts (Vallecitos, San Marcos FPD, Vista ID)	
6b	High	Statutory	MSR | Vista-San Marcos Region II: Vista	Regional MSR on City of Vista + Buena SD	
8	High	Administrative	White Paper | Homeless Services	Evaluate the scope-scale of homeless services in SD County + potential governance options	
9	High	Administrative	White Paper | Public Recreation @ City Reservoirs	Assess public recreation at City of SD's unincorporated reservoirs + potential governance alternatives	
10	High	Administrative	SALC Planning Grant 2.0	Complete multi-year grant to inform + enhance small farming operations in SD County	
11a	High-Mid	Statutory	MSR | Solana Beach – Del Mar Region I: Cities	Region-specific study on mid coast I-5 municipalities (Solana Beach and Del Mar)	
11b	High-Mid	Statutory	MSR | Solana Beach – Del Mar Region II: Districts	Regional MSR on mid coast I-5 districts (Santa Fe ID + CSA 17)	
13	High-Mid	Administrative	Website Refresh + Content Expansion	Work with outside consultant to design and launch website refresh w/enhanced end-user features	
14	High-Mid	Statutory	MSR | San Diego Unified Port District	Agency-specific study of the Port (harbor, recreation, public safety, + community development)	
15	High-Mid	Statutory	Special Study | Oceanside SCHD	Prepare special study on SCHD detailing revenues/expenses + potential governance alternatives	
16	Mid	Administrative	Outside Audit | RFP + Selection	Prepare and circulate RFP and select new outside auditor per GASB best practices	
17	Mid	Administrative	Outside Audit | FY2025	Complete outside audit of financial statements for FY25 with supplemental information	
18	Mid	Administrative	Pilot Grant Program	Establish pilot program to explore grant opportunities to help fund special projects at LAFCO	
19	Mid	Administrative	Special Districts Advisory Committee	Provide administrative support to the SDAC and hold no less than three meetings in FY2026	
20	Mid	Administrative	Cities Advisory Committee	Provide administrative support to the CAC and hold no less than two meetings in FY2026	

Priority	Level	Type	Project	Description	Status
21	Mid-Low	Statutory	RCD Ad Hoc Committee: Part II	Complete part II of RCD boundary true ups to inform sphere updates for local RCDs	
22	Mid-Low	Statutory	MSR | South Coast Region I – Cities	Region-specific study on south coast Cities (Chula Vista, Coronado, Imperial Beach and National City)	
23	Mid-Low	Statutory	MSR | Healthcare Districts: Addendum	Address community healthcare needs and related resources + potential governance alternatives	
24	Mid-Low	Administrative	Alternative Membership Organization	Work with other LAFCOs to receive/provide ongoing education and legislative advocacy services	
25	Mid-Low	Administrative	Annual Local Agency Directory	Update and publish annual local agency directory subject to LAFCO oversight	
26	Low	Administrative	Legislative Proposal | UC Berkeley Report	Sponsor/facilitate legislation implementing UC report recommendations on LAFCO efficiencies	
27	Low	Administrative	Commissioner Onboarding	Create a digital toolkit for new Commissioners to help acclimatize to LAFCO	
28	Low	Administrative	Annual SOI-MSR Registry	Update and publish annual registry showing all recorded SOI and MSR actions	
29	Low	Statutory	Applicant Procedures	Update and streamline LAFCO application materials + establish related protocols	
30	Low	Administrative	Featured Work + Tutorial Videos	Produce videos featuring special projects as well as primers on LAFCO duties for online distribution	
	Bullpen	Statutory	MSR | City of San Diego	Agency-specific study and core municipal service functions (water, wastewater, public safety, etc.)	
	Bullpen	Statutory	White Paper | Community Choice	Evaluate the scope and scale of CCAs in SD County and connectivity to LAFCO duties and interests	
	Bullpen	Statutory	Outreach to Sunset/Melrose "Island"	Perform targeted outreach to the island between Oceanside + Vista to assess service needs + possible annexation interests	
	Bullpen	Administrative	Service + Fiscal Indicators	Develop online browser feature to depict service + fiscal indicators among local agencies in SD County	
	Bullpen	Administrative	Liaison with Local Tribes	Establish communication protocols with local tribes with respect to shared interests in regional services + CEQA consultations	
	Bullpen	Statutory	Morro Hills CSD Follow Up	Coordinate and/or otherwise facilitate discussions with County Sheriff to enhance traffic enforcement within the CSD	
	Bullpen	Statutory	Policy Review | Health + Safety Fee Reductions	Review options to revise existing fee reductions for proposals/requests involving public health or safety threats	
	Bullpen	Administrative	LAFCO Meeting Room	Explore opportunities to secure a dedicated LAFCO meeting room with scaled dais and A/V enhancements	
	Bullpen	Statutory	White Paper | Garbage + Landfill Services	Evaluate the scope and scale of garbage collection and disposal services in SD County	
	Bullpen	Statutory	Legislative Proposal | G.C. 56430	Sponsor and/or facilitate amendments establishing community engagement enhancements in MSR statute	
	Bullpen	Statutory	White Paper | School Districts	Evaluate scope and scale of school districts and their baseline capacities for reference in municipal service reviews	
	Bullpen	Statutory	Policy Review | Island Annexations	Consider options to define "substantially surrounded" and provide related mapping services	
	Bullpen	Administrative	LAFCO Workshop	Organize a special workshop for the Commission to discuss strategic objectives over the next five-year period	
	Bullpen	Administrative	Public Access Television	Establish public broadcasting LAFCO meetings on local government channels	
	Bullpen	Administrative	Procedural Flow Charts	Create user friendly flow charts for various LAFCO statutory processes for online publication	
	Bullpen	Statutory	Policy | Fee Schedule Update	Review and update fee schedule to sync with current costs and related considerations	
	Bullpen	Statutory	Policy | CEQA Guidelines	Review and update existing CEQA Implementation guidelines relative to current statute and best practices	
	Bullpen	Statutory	Disadvantaged Unincorporated Communities	Update DUC mapping designations (DUC) in San Diego County based on current census information	
	Bullpen	Administrative	County Planning Groups	Monitor regular meetings of the County's 28 Planning and or Sponsor Groups and directly engage as appropriate	
	Bullpen	Administrative	Local Agency Finder Tool	Develop online feature for users to enter address to identify all overlapping local jurisdictions (cities and districts)	
	Bullpen	Statutory	Policy | Commission Rule No. 4	Modernize Rule No. 4 and its provisions to regulate special districts' service functions and classes	
	Bullpen	Statutory	Special Study | Escondido + Rincon	Study options to consolidate (functional and political) the City of Escondido and Rincon del Diablo MWD	
	Bullpen	Statutory	White Paper | JPAs	Evaluate the status of JPA filings in SD County relative to LAFCO's task in SB 1261	
	Bullpen	Administrative	Policy | Cities Advisory Committee	Coordinate with CAD in updating bylaws and related procedures to sync with current interests/priorities	
	Bullpen	Statutory	Legislative Proposal | G.C. 56133	Sponsor/facilitate amendments to clarify LAFCOs' authority to determine out-of-agency exemptions in (e)	

Complete | Near Complete | Underway | Pending

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AGENDA REPORT
Consent | Information

December 1, 2025

TO: Chair Whitburn and Commissioners

FROM: Meghan Traynor, Analyst I
Patrick Bouteller, LAFCO Consultant

SUBJECT: **Legislative Report**

SUMMARY

The San Diego County Local Agency Formation Commission (LAFCO) will receive a legislative update on bills affecting agency operations, both directly and indirectly. The most notable development since the November meeting involves a workplan directive to pursue legislation expanding LAFCO authority to extend water and wastewater services to underserved communities. This directive is based on recommendations from a UC Berkeley study and first presented to the Commission in 2024. Staff has worked with an internal stakeholder group in drafting a legislative proposal that is now under review by outside stakeholders. Notably, the draft also incorporates a separate Commission interest in expanding the municipal service review statute to ensure greater community awareness and involvement. This item is being presented for information with an opportunity for the Commission to pull it for discussion.

BACKGROUND

San Diego LAFCO staff monitors pending legislation affecting LAFCO operations in line with the workplan and coordinates with the Alliance of California LAFCOs (ACL) on legislative analysis and positions. The Legislature adjourned its 2025 session on September 13 following the September 12 bill passage deadline. The 2026 session convenes January 5.

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John McCann, Alt., City of Chula Vista
Chair Stephen Whitburn, City of San Diego
Marni von Wilpert, Alt., City of San Diego
Vice Chair Barry Willis, Alpine Fire Protection
Jo MacKenzie, Vista Irrigation
David Drake, Alt., Rincon del Diablo
Brigette Browning, General Public
Eileen Delaney, Alt., General Public

DISCUSSION

San Diego LAFCO will receive a legislative update on proposals of interest, divided into two categories: introduced legislation and pending legislation. The item is presented for information with an opportunity to pull it for discussion and provide general direction.

Introduced Legislation

The November report provided a full overview of tracked bills introduced during the 2025 session, including all two-year bills and measures that did not advance from their first house. Since there have been no changes to bill statuses, this report focuses only on bills of interest that have been signed into law – AB 339, SB 777, SB 489, and SB 707 – and bills of interest that will continue as two-year items when the Legislature reconvenes in January 2026. These bills are summarized below.

Passed Legislature + Signed into Law

- **AB 339 (Ortega, Liz)**
  Local Public Employee Organizations: Notice Requirements
  This bill is of statewide interest and affects public agencies regulated by the Meyers-Milias-Brown Act. These agencies must provide recognized employee organizations with at least 60 days' written notice before issuing RFPs or quotes, or before renewing or extending contracts covering services within represented job classifications. San Diego LAFCO employees are not presently represented by a recognized employee organization though most agencies under its oversight have labor organizations.

- **SB 489 (Arreguín, Jesse)**
  Permit Streamlining Act
  This bill is of statewide interest and would improve the Permit Streamlining Act (PSA) by requiring all public agencies post online the information necessary for a housing development application to be deemed complete. The intent is to reduce costly delays in the permitting process and facilitate approval and construction of housing. LAFCO will be required to comply with these PSA requirements to post application information online for applications in connection with housing development projects. SB 489 would not apply any other provisions of the PSA to LAFCO approvals.

- **SB 707 (Durazo, María Elena)**
  Open Meetings: Meeting and Teleconference Requirements
  This bill is of statewide interest and makes various changes to the Ralph M. Brown Act (Brown Act), governing public meetings of local agencies. Beginning July 1, 2026, and through January 1, 2030, eligible legislative bodies will be required to allow remote public participation in their meetings. Additionally, before July 1, 2026, these bodies must, at a noticed public meeting, adopt a policy – in open session – addressing procedures for disruptions in telephonic or internet service during such meetings subject to these provisions. San Diego LAFCO currently offers remote public

participation for its Commission and Advisory Committee meetings and will work with legal counsel to ensure full compliance prior to the July 1, 2026 effective date.

- **SB 777 (Richardson, Laura)**
  Expanding LAFCOs Role to Include Endowment-Funded Cemeteries
  This bill is of statewide interest and was initially introduced to require LAFCOs to identify local agencies to assume ownership and long-term maintenance responsibilities for abandoned (private) endowment-funded cemeteries, including title and fund transfers coordinated with the Cemetery and Funeral Bureau's procedures. In response to stakeholder feedback, the bill has been amended to remove direct mandates on LAFCOs and instead establish a state-convened working group with LAFCO participation – set to convene by March 1, 2026 – to evaluate the issue and develop policy recommendations.

Transition to Two-Year Bills

- **AB 259 (Rubio, Blanca)**
  Open Meetings and Continued Access to Teleconferences
  This bill is of statewide interest and would extend the authorization for legislative bodies of local agencies – including LAFCOs – to use modified teleconferencing procedures during declared emergencies through January 1, 2030. It preserves existing requirements related to public notice and agenda posting while allowing remote participation under defined emergency conditions. San Diego LAFCO adopted a support position on March 2nd. The bill passed the Assembly and a hearing of the bill by Senate Committees on Local Government and Judiciary have been postponed with it now reverting into a two-year bill.

- **AB 356 (Patel, Darshana)**
  Healthcare Districts in Northern San Diego County
  This bill is of local interest and was initially introduced to establish a state-directed working group to assess healthcare access in northern San Diego County and focusing on the Palomar Healthcare District's service area. In response to the Commission taking a support-if-amended position, the bill has been updated to include LAFCO as one of the listed stakeholders and in doing so providing connectivity to the Commission's oversight of Palomar and current municipal service review activities. LAFCO Consultant Adam Wilson provided supportive testimony for the author in conjunction with her accepting the Commission's amendments. While the bill passed through the Assembly, amendments requested by other stakeholders are currently under review, with the author agreeing to transition to a two-year bill.

Pending Legislation

A January 2024 UC Berkeley report by Professor Kristin Dobbin and PhD Candidate Justin McBride examined opportunities to strengthen LAFCOs' roles in improving public water systems, particularly for disadvantaged communities. Building on these recommendations, San Diego LAFCO – along with Alameda, Butte, Napa, Orange County, and Sacramento LAFCOs – has been working with Professor Dobbin to develop a legislative proposal. The effort also includes stakeholders such as the Community Water Center.

Since the November legislative update, the working group has finalized draft proposal with three distinct features:

- Expand LAFCOs' initiating powers to include reorganizations (such as annexations) and outside service extensions when needed to address documented public health or safety threats related to water or wastewater service.

- Amend the municipal service review statute to require LAFCOs to perform and document community outreach before taking final actions. The amendment would also require subject agencies to respond to municipal service reviews.

- Amend the definition of mutual water companies to include mobile home parks that operate community water systems and in doing so require these entities to file service information with LAFCOs.

Staff will continue to provide updates as this effort progresses.

ANALYSIS

The status of bills introduced in this session and detailed in the last update in November remains unchanged. Staff will continue to monitor bills that continue as two-year proposals when the Legislature reconvenes in January 2026. Regarding the legislative proposal based on the UC Berkeley report recommendations, the working group has reached consensus on draft language. The proposal also now includes this Commission's interest to modernizing the municipal service review statute to enhance greater community awareness and involvement. Staff will share additional refinements in subsequent updates.

RECOMMENDATION

This item is presented to the Commission for information only.

ALTERNATIVES FOR ACTION

None.

PROCEDURES

This item has been placed on the Commission's agenda as part of the consent calendar. A successful motion to approve the consent calendar will include taking affirmative action on the staff recommendation unless otherwise specified by the Commission.

On behalf of the Executive Officer,



Meghan Traynor
Analyst I

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AGENDA REPORT
Consent | Information

December 1, 2025

TO: Chair Whitburn and Commissioners

FROM: Priscilla Mumpower, Assistant Executive Officer
Michaela Peters, Analyst II

SUBJECT: **Report on Applicant Proposals**

SUMMARY

The San Diego County Local Agency Formation Commission (LAFCO) will receive a status report on active applicant proposals and requests 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.

BACKGROUND

Procedures and Timelines

Most jurisdictional changes begin with petitions filed by landowners or voters, though local agencies may also initiate through resolutions. LAFCO can independently initiate changes to form, consolidate, or dissolve special districts following approved municipal service reviews. Jurisdictional changes typically require four to six months before hearing, while out-of-agency service requests process in about two months.

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David Drake, Alt., Rincon del Diablo
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Eileen Delaney, Alt., General Public

DISCUSSION

This item updates San Diego LAFCO on active proposals and previews pending submissions anticipated in the near term. The report also satisfies the Commission's statutory obligation to provide agenda notice for petition-initiated jurisdictional changes. Commissioners may consider pulling the item for discussion and/or clarifications.

Twenty-three (23) active proposals are currently on file. Eighteen (18) are under review pending Commission consideration, while five (5) await recordation following conditional approval.[1] Staff has identified six (6) pending proposals through discussions with prospective applicants. A complete listing of all active and pending proposals is attached.

ANALYSIS

None.

RECOMMENDATION

This item is presented to San Diego LAFCO for information only.

ALTERNATIVES FOR ACTION

None.

PROCEDURES

This item has been placed on the San Diego LAFCO's agenda as part of the consent calendar. A successful motion to approve the consent calendar will include taking affirmative action on the staff recommendation unless otherwise specified by the Commission.

On behalf of the staff,

Michaela Peters

Michaela Peters
Local Government Analyst II

Attachment:

1) Active and Pending Proposals as of November 28, 2025

[1] Six additional proposals remain on file with the Commission; however, discussions have been inactive for approximately a decade. The Commission anticipates formally abandoning these proposals pending adoption of related authorizing policies. All proposal files are available for public review upon request at the San Diego LAFCO office.

	File Number	Proposal Name | Affected Agencies	Project Manager	Proposal Summary
ACTIVE PROPOSAL APPLICATIONS | PENDING COMMISSION ACTION				
1	CO21-09	"Otay Lakes Road Change of Organization" - City of Chula Vista: Annexation	Michaela Peters	Application submitted in October 2022 by landowner petition to annex approximately 1,870 acres of unincorporated territory to the City of Chula Vista. (The petitioners originally filed an application in October 2021 seeking approval to annex into the San Diego County Sanitation District. This previous application has since been withdrawn.) The affected territory comprises 6 parcels within the Baldwin and Moller communities and is presently undeveloped. The proposal is intended to facilitate the development of a 1,938 residential subdivision with various ancillary uses as part of the "Otay Ranch Resort Village 13" project. The submitted proposal application is incomplete and pending receipt of additional documentation and information from the applicant – including an agreement with LAFCO to proceed with a targeted/informing municipal service review. Discussions remain active.
2	OAS22-08 CO22-08	"Martinez - North Avenue Reorganization" - City of Escondido: Annexation - County Service Area No. 135: Detachment - Deer Springs Fire Protection District: Detachment	Meghan Traynor	Application submitted in April 2022 by landowner petition and involves an outside-of-agency service agreement for wastewater services to a single-family residence totaling 0.25 acres to remedy a failing septic system. The Executive Officer administratively approved the service request on May 3, 2022 with a conditional approval to annex into the City of Escondido. The application is incomplete pending receipt of additional documentation and related information. Discussions remain active.
3	RO22-11	"Tummala - Rincon MWD Reorganization" - Rincon del Diablo MWD: Annexation - Metropolitan Water District: Annexation - San Diego CWA: Annexation	Michaela Peters	Application submitted in October 2022 by landowner petition involving annexation of approximately 20 acres of unincorporated territory to make available public water services. The affected territory is currently vacant and undeveloped. The proposal's purpose is to position the landowner to proceed in the future with a development plan with the County of San Diego. The application is incomplete pending receipt of additional documentation and related information.

	File Number	Proposal Name | Affected Agencies	Project Manager	Proposal Summary
4	CO23-11	"Nencini Associates Change of Organization" - San Diego County SD: Annexation	Michaela Peters	Application submitted in July 2023 by landowner petition and involves annexation of approximately 20.6 acres to the San Diego County Sanitation District (SD) for the primary purpose of establishing wastewater service. The affected territory is partially developed with one single-family residence, with plans to develop an additional 7 single-family residences through subdivision. Conditional approval for future annexation to the City of Chula Vista is recommended. The application is incomplete pending receipt of additional documentation and related information. Discussions remain active.
5	CO23-15	"Maclachlan - Old Highway 80 Change of Organization" - San Diego County SD: Annexation	Michaela Peters	Application submitted in December 2023 by landowner petition and involves annexation of approximately 0.60 acres to the San Diego County Sanitation District for the primary purpose of establishing wastewater service. The affected territory is currently undeveloped with plans to develop a commercial building and parking lot. The application is incomplete pending receipt of CEQA documentation and related information. Discussions remain active.
6	RO24-07	"Lake Wohlford Resort Reorganization" - Valley Center MWD: Annexation	Meghan Traynor	Fee submitted in March 2024 for an anticipated reorganization application involving the annexation of approximately 127 acres to the Valley Center Municipal Water District for the purpose of receiving potable water service. The affected territory is presently developed with 137 mobile homes and one restaurant currently served by an onsite water system. The application is incomplete pending receipt of a complete application and related information. Discussions remain active.

	File Number	Proposal Name | Affected Agencies	Project Manager	Proposal Summary
7	RO24-08 OAS24-08	"Shen – Pinecrest Ave Out-of-Agency Service Agreement" - City of Escondido: Annexation - County Service Area No. 135: Detachment	Meghan Traynor	Application submitted in August 2024 by landowner petition involving an out-of-agency service agreement to establish wastewater services to a single-family residence totaling 1.09 acres to remedy to a failing septic system. The Executive Officer administratively approved the service request on September 6, 2024. The proposal was approved as a consent (information only) item as part of the Commission's October 7, 2024. The administrative approval is conditioned on the landowner submitting a complete change of organization application to LAFCO for formal annexation into the City of Escondido within one calendar year unless a time extension is authorized. The application is incomplete pending receipt of a complete application and related information. Discussions remain active.
8	RO24-12 OAS24-12	"Delgado-Andrade – 24th Street Outside-of-Agency Service Agreement" - City of National City: Annexation - City of National City: Sphere Action (+) - County Service Area No. 135: Detachment - Lower Sweetwater Fire Protection District: Detachment - South Bay Irrigation District: Detachment	Meghan Traynor	Application submitted in August 2024 by landowner petition involving an out-of-agency service request for wastewater services to a developed single-family residence on less than an acre to remedy a failing septic system. The Executive Officer administratively approved the service request on October 23, 2024 and the proposal was approved as a consent item as part of the Commission's November 4, 2024 meeting. The administrative approval is conditioned on the landowner submitting a complete change of organization application to LAFCO for formal annexation into the City of National City within one calendar year unless a time extension is authorized. The application is incomplete pending receipt of a complete application and related information. Discussions remain active.
9	SRO24-15	"La Jolla Incorporation" - La Jolla: Incorporation - City of San Diego: Detachment - City of San Diego: Sphere Action (-)	Priscilla Mumpower	Notice of Intent to Circulate Petition was submitted May 2024 in anticipation of a special reorganization application filing. The proposal involves the detachment of approximately 8,371 acres from the City of San Diego and the incorporation of the community of La Jolla, along with conforming sphere of influence amendments. LAFCO staff has confirmed the proponents have collected enough valid petitions equal to no less than 25% of all registered voters within the proposed municipal boundary, which covers the entirety of the 92037 zip code with an estimated population of 47,000. LAFCO staff will now proceed in initiating the administrative review on the proposal and headlined by selecting an outside consultant to prepare a comprehensive fiscal analysis evaluating the ability of La Jolla to fund a sufficient level of municipal services while assessing monetary impacts to the City of San Diego.

	File Number	Proposal Name | Affected Agencies	Project Manager	Proposal Summary
10	CO25-01 OAS25-01	"Hallam – Lovely Lane Out-of-Agency Service Agreement" - Buena Sanitation District: Annexation	Meghan Traynor	Application submitted in January 2025 by landowner petition involving an out-of-agency service agreement to establish wastewater services to a single-family residence totaling 0.67 acres to remedy a failing septic system. The Executive Officer administratively approved the service request on January 22, 2025 and the proposal was approved as a consent item as part of the Commission's February 3, 2025 meeting. The administrative approval is conditioned on the landowner submitting a complete change of organization application to annex to the Buena Sanitation District within one calendar year unless a time extension is authorized. The application is incomplete pending receipt of a complete application and related information. Discussions remain active.
11	OAS25-02	"Garza – Touchstone Communities Out-of-Agency Wastewater Services" - City of Escondido: OAS	Michaela Peters	Application submitted in January 2025 by the City of Escondido for an out-of-agency service agreement involving a 10.35-acre unincorporated parcel currently developed with one single-family residence. The proposal is intended to facilitate the development of a 42-unit single-family residential subdivision by "Touchstone Communities" and abate an impending public health and safety threat given the size of the proposed development. The application is incomplete pending receipt of CEQA documentation and related information. Discussions remain active.
12	OAS25-03 RO25-03	"Lopez – Bear Valley Parkway Out-of-Agency Wastewater Services" - City of Escondido: Annexation - County Service Area No. 135: Detachment	Michaela Peters	Application submitted in January 2025 by the City of Escondido on behalf of the landowner requesting an out-of-agency service agreement to establish wastewater services to remedy a failing septic system. The affected territory spans 1.37 acres and is developed with a single-family residence and ADU. The Executive Officer administratively approved the service request on February 7, 2025 and the proposal was approved as a consent item as part of the Commission's March 3, 2025 meeting. The administrative approval is conditioned on the landowner submitting a complete change of organization application to LAFCO for formal annexation into the City of Escondido within one calendar year unless a time extension is authorized. The application is incomplete pending receipt of a complete application and related information. Discussions remain active.

	File Number	Proposal Name | Affected Agencies	Project Manager	Proposal Summary
13	OAS25-09	"Mayer – Santa Fe Avenue Out-of-Agency Wastewater Services" - Buena Sanitation District: OAS	Michaela Peters	Application submitted in March 2025 by the Buena Sanitation District on behalf of the landowner requesting out-of-agency wastewater services to facilitate the development of a 46-unit townhouse development on approximately 2.91-acres. The affected territory includes three APNs located in the City of San Marcos. The application is incomplete pending receipt of a complete application and related information. Discussions remain active.
14	OAS25-11 RO25-11	"Halstead – Olivewood Lane OAS Wastewater Services" - San Diego County Sanitation District: OAS	Meghan Traynor	Application submitted in April 2025 by the San Diego County Sanitation District on behalf of the landowner requesting out-of-agency wastewater services to accommodate an existing single-family residence to remedy a failing septic system. The Executive Officer administratively approved the service request on April 23, 2025. The administrative approval is conditioned on the landowner submitting a complete change of organization application to LAFCO for formal annexation into the City of Escondido within one calendar year unless a time extension is authorized. The Commission conditionally approved the out-of-agency wastewater service agreement on June 2, 2025. The application is incomplete pending receipt of a complete application and related information. Discussions remain active.
15	CO25-12	"Kukkal – Valley Court Change of Organization" - Whispering Palms CSD: Annexation	Meghan Traynor	Application submitted in May 2025 by landowner petition involving annexation of approximately 2.07 acres to the Whispering Palms Community Services District for the primary purpose of establishing wastewater services. The affected territory is currently undeveloped with plans to develop one single-family residence, one ADU and one pool house. The application is incomplete pending receipt of a complete application and related information. Discussions remain active.

	File Number	Proposal Name | Affected Agencies	Project Manager	Proposal Summary
16	OAS25-13 CO25-13	"Goodwin – Pine Valley Improvement Club Out-of-Agency Wastewater Services" - San Diego County Sanitation District: Annexation	Meghan Traynor	Application submitted in July 2025 on behalf of the Pine Valley Improvement Club requesting out-of-agency wastewater services to accommodate an existing commercial building to remedy a public health risk posed by the proximity of the existing septic system to a non-conforming well on-site. The Executive Officer administratively approved the service request on July 22, 2025. The proposal was approved as a consent (information only) item as part of the Commission's August 4, 2025 meeting. The administrative approval is conditioned on the landowner submitting a complete change of organization application to LAFCO for formal annexation into the San Diego County Sanitation District within one calendar year unless a time extension is authorized. The application is incomplete pending receipt of a complete application and related information. Discussions remain active.
17	CO25-15	"Jaiswal – Rio Vista Road Change of Organization" - Rancho Santa Fe CSD: Annexation	Meghan Traynor	Application submitted in October 2025 by a landowner petition involving annexation of approximately 2.6 acres of unincorporated territory in the San Dieguito community to the Rancho Santa Fe Community Services District for the primary purpose of establishing wastewater service. The affected territory consists of four parcels: three are developed with single-family residences, while one remains undeveloped with no current plans for development on any of the parcels. The proposal is currently under administrative review and considered incomplete at this time. Discussions remain active.
18	OAS25-15	"Barona Band of Mission Indians Out-of-Agency Wastewater Services" - Ramona MWD: OAS - San Diego CWA: OAS - Metropolitan Water District of So. CA: OAS	Michaela Peters	Application submitted in October 2025 by the Ramona MWD on behalf of the Barona Band of Mission Indians requesting an out-of-agency service agreement to establish wastewater services to (1) provide reliable water service to support existing residential development where private wells have proven unreliable, and (2) to accommodate future development within the Reservation. The affected territory involves approximately 1,784 unincorporated acres within the Barona Reservation. The Metropolitan Water District of Southern California, the San Diego County Water Authority, and the Ramona Municipal Water District (MWD) are parties to the proposed agreement with the Barona Band of Mission Indians to extend public water service to the affected territory. The territory is located adjacent to Ramona MWD. The Commission is scheduled to consider the proposal as a public hearing item at its December 1st, 2025 meeting.

	File Number	Proposal Name | Affected Agencies	Project Manager	Proposal Summary
ACTIVE PROPOSALS | POST COMMISSION ACTION				
19	CO22-20	"Camino De La Fuente - Wick Change of Organization" - San Diego County SD: Annexation	Michaela Peters	Application submitted in November 2022 by landowner petition and involves annexation of approximately 35.3 acres of unincorporated and undeveloped territory to the San Diego County Sanitation District to make available public water and wastewater services. The proposal's purpose is to position the landowner to proceed in the future with a development plan to grade the land for future industrial and outdoor storage uses. The proposal was approved by the Commission on October 2nd, 2023. The applicant requested a formal extension to September 18th, 2025 in order to satisfy the necessary terms and conditions outlined in the adopted resolution. The applicant filed an additional extension to October 2nd, 2026.
20	RO24-17	"Biermann – N Ash Street Change of Organization" - City of Escondido: Annexation - County Service Area No. 135: Detachment	Meghan Traynor	Application submitted in October 2024 by landowner petition and involves annexation of 0.74-acre parcel in unincorporated territory to the City of Escondido for the purpose of receiving wastewater service. The subject parcel is currently developed with one single-family residence. The request for public wastewater is to accommodate a lot split with a proposed development of an additional single-family residence and two ADUs. The proposal was approved by the Commission on May 2, 2025 and now pending completion of terms and conditions as set forth by the Commission.
21	RO19-26	"Valiano - Eden Valley Reorganization" - San Marcos FPD: Annexation - Rancho Santa Fe FPD: Detachment - Rancho Santa Fe FPD: Sphere Action (-) - Rancho Santa Fe FPD: Extraterritorial Fire	Michaela Peters	Application submitted in January 2025 by landowner petition and the City of Escondido involving a reorganization as part of the "Valiano" planned development in Harmony Grove. The reorganization involves the concurrent annexation of 10.8 unincorporated acres to San Marcos FPD with detachment from Rancho Santa Fe FPD and related sphere amendments. The proposal was approved by the Commission on October 6, 2025 and now pending completion of terms and conditions as set forth by the Commission.

	File Number	Proposal Name | Affected Agencies	Project Manager	Proposal Summary
22	CO16-11	"Rancho Hills Change of Organization" - Rancho Santa Fe CSD: Annexation	Meghan Traynor	*Original application submitted in October 2016 and administratively paused due to pending receipt of additional documentation.* Application re-submitted in May 2025 by landowner petition to annex 44 parcels spanning approximately 107.0 acres of unincorporated territory within the Santa Fe Valley community to the Rancho Santa Fe Community Services District. The planned development – "Pinnacle at Santa Fe Valley" – involves a 37-unit residential subdivision consistent with a November 2006 approval by the County Board of Supervisors. The purpose of the proposal is to facilitate the delivery of wastewater services to the project. The proposal was approved by the Commission on November 3rd, 2025 and now pending completion of terms and conditions as set forth by the Commission.
23	CO22-04	"AJX Homes - Carmichael Change of Organization" - City of La Mesa: Annexation - City of La Mesa: Sphere Action (+) - San Miguel FPD: Detachment - San Miguel FPD: Sphere Action (-) - CSA No. 135: Detachment	Michaela Peters	Application submitted in February 2022 by landowner petition involving annexation of 0.27 acres of unincorporated territory within the Valle de Oro Community to the City of La Mesa for wastewater service. The affected territory is currently developed with a single-family residence, and the landowner intends to update the existing site from a septic system to the public wastewater system. The affected territory requires a conforming sphere of influence amendment to City of La Mesa along with current detachments from San Miguel Fire Protection District and County Service Area No. 135. The proposal was approved by the Commission on November 3, 2025 and now pending completion of terms and conditions as set forth by the Commission.

	File Number	Proposal Name | Affected Agencies	Project Manager	Proposal Summary
PENDING PROPOSAL APPLICATION SUBMITTALS (No project manager; inquiries should be directed to Keene Simonds)				
	Pending	"Harvest Hills Reorganization" - City of Escondido: Annexation		This anticipated reorganization proposal is currently undergoing development and environmental review by the City of Escondido. Submittal to LAFCO anticipated for late 2020-2021 if approved by Escondido. The anticipated proposal involves annexation of approximately 1,098 acres to the City for the primary purpose of developing a 550-lot residential subdivision. All the affected territory presently lies outside the adopted Escondido sphere. Due to the scope of the proposal area a comprehensive update of the City's sphere is warranted along with preparing the supporting municipal service review document. These and other service-related issues have been communicated to the City and are currently under joint review with other local stakeholders. Project was originally titled as "Safari Highlands".
	Pending	"Rancho Lomas Verde Reorganization" - City of Vista: Annexation		This anticipated reorganization proposal is undergoing development and environmental review by the City of Vista. The proposal involves annexation of approximately 300 acres to the City of Vista and concurrent detachments from CSA 135 and the Vista FPD to facilitate a 153-lot residential development. Close to three-fourths of the project area lies outside the adopted Vista sphere. Due to the scope of the proposal area a comprehensive update of the City's sphere is warranted along with preparing the supporting municipal service review document. These and other service-related issues have been communicated to the City and are currently under joint review with other local stakeholders.
	Pending	"Sager Ranch Reorganization" - City of Escondido: Annexation		This anticipated reorganization involves annexation of approximately 1,800 unincorporated acres to the City of Escondido and concurrent detachments from CSA 135 and the Valley Center FPD. The reorganization would facilitate the proposed development of approximately 200 acres to include 203 residential units and a 225-room resort. Portions of the project area lie outside the current City sphere. Fire protection service remains a key discussion point and the source of ongoing discussions with the proponents.

	File Number	Proposal Name | Affected Agencies	Project Manager	Proposal Summary
	Pending	"Harmony Grove Village South" (TM-626) - Rincon del Diablo MWD: Annexation		This anticipated reorganization involves the unincorporated Harmony Grove Village South project and specific to accommodating sewer services (among a variety of options) for the planned development of approximately 111 acres to include 453 residential units. On January 27, 2020 the San Diego Superior Court overturned the County's development approvals for the project. Appeals are pending with no update as of this report.
	Pending	"Escondido Village – Unison Communities" - City of Escondido: Annexation		This anticipated reorganization involves annexation of approximately 17 unincorporated acres to the City of Escondido. The reorganization would facilitate connectivity to public wastewater service and in doing so accommodate the proposed development of approximately 200 residential units on the affected territory. The entire project lies within the City of Escondido sphere of influence. Complete application is pending.
	Pending	"Pasqual Heights – Touchstone Communities" - City of Escondido: Annexation		This anticipated out-of-agency service agreement involves approximately 10.4 unincorporated acres to the City of Escondido. The OAS would facilitate connectivity to public wastewater service and in doing so accommodate the proposed development of a 42-Single- Family unit subdivision within the affected territory. The entire project lies within the City of Escondido sphere of influence although not contiguous to the established service area boundary. Complete application and letter of request via the City is pending.

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AGENDA REPORT
Consent | Information

December 1, 2025

TO: Chair Whitburn and Commissioners

FROM: Erica Sellen, Commission Clerk

SUBJECT: **Commissioner Terms**

SUMMARY

The San Diego County Local Agency Formation Commission (LAFCO) will receive its annual notice on individual Commissioner terms. No terms are set to expire in 2026; six terms are scheduled to expire in 2027. The report is being presented to the Commission for information with the dual benefit of advising the public on membership composition in the near term.

BACKGROUND

State law prescribes the composition of San Diego LAFCO shall include 13 Commissioners divided between eight "regular" and five "alternate" members. Members are drawn from five membership categories as detailed below.

- Three "county" members are appointed by the County of San Diego Board of Supervisors and divided by two regulars and one alternate. All three county members must be on the Board and can be selected from any of the supervisorial districts.

- Three "city" members are appointed by the City Selection Committee (mayors) and divided by two regulars and one alternate. All three city members must be on city councils of 17 of the 18 incorporated communities. The City of San Diego is excluded from this category and provided separate appointments to the Commission.

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Dane White, City of Escondido
John McCann Alt., City of Chula Vista
Chair Stephen Whitburn, City of San Diego
Marni von Wilpert, Alt., City of San Diego
Vice Chair Barry Willis, Alpine Fire Protection
Jo MacKenzie, Vista Irrigation
David Drake, Alt., Rincon del Diablo
Brigette Browning, General Public
Eileen Delaney, Alt., General Public

- Two "San Diego" members are appointed by the City of San Diego Council through special legislation in LAFCO statute and divided by a regular and alternate. Both members must be on the Council and can be selected from any of the council districts.

- Three "district" members are elected by the Independent Special District Committee (board presidents) and divided by two regulars and one alternate. All three district members must be board members on independent special districts.

- Two "public" members are appointed by the other four membership categories on the Commission and divided by a regular and alternate. The public members must be residents in San Diego County and cannot be officers or employees of local agencies.

All Commission seats are four-year terms that commence on the first Monday of May of the applicable year.[1] Terms go with the seat and not the member. Should a Commissioner leave LAFCO mid-term for any reason, the successor appointee assumes the unexpired term.

DISCUSSION

This item is being presented to San Diego LAFCO to receive an annual report on current Commissioner terms consistent with practice. This includes receiving confirmation none of the 13 terms on the Commission are set to expire in 2026. Close to one-half of all terms are scheduled to expire in 2027. A complete listing of all terms is provided as Attachment One.

ANALYSIS

None.

RECOMMENDATION

This item is presented to San Diego LAFCO for information only.

ALTERNATIVES FOR ACTION

None.

PROCEDURES

This item has been placed on the San Diego LAFCO's agenda as part of the consent calendar. A successful motion to approve the consent calendar will include taking affirmative action on the staff recommendation unless otherwise specified by the Commission.

[1] Reference to Government Code Section 56334.

On behalf of staff,



Erica Sellen
Commission Clerk

Attachment:

1) Commissioner Terms

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San Diego County Local Agency Formation Commission
Political Subdivision of the State of California
Regional Municipal Service Planning

COMMISSION ROSTER

COUNTY MEMBERS

Regular	Term	Alternate	Term
Paloma Aguirre Supervisor District No. 1	May 2027	Monica Montgomery Steppe Supervisor District No. 4	May 2029
Joel Anderson Supervisor District No. 2	May 2029		

CITY MEMBERS

Regular	Term	Alternate	Term
Kristi Becker Solana Beach	May 2027	John McCann Chula Vista	May 2027
Dane White Escondido	May 2029		

CITY OF SAN DIEGO MEMBERS

Regular	Term	Alternate	Term
Stephen Whitburn Council District No. 3	May 2029	Marni von Wilpert Council District No. 5	May 2029

SPECIAL DISTRICT MEMBERS

Regular	Term	Alternate	Term
Jo MacKenzie Vista Irrigation	May 2028	David Drake Rincon del Diablo MWD	May 2027
Barry Willis Alpine FPD	May 2027		

PUBLIC MEMBERS

Regular	Term	Alternate	Term
Brigette Browning Chula Vista Resident	May 2029	Eileen Delaney Fallbrook Resident	May 2027

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AGENDA REPORT
Consent | Information

December 1, 2025

TO: Chair Whitburn and Commissioners

FROM: Keene Simonds, Executive Officer
Erica Sellen, Commission Clerk

SUBJECT: **Election Update |**
Special Districts Advisory Committee

SUMMARY

The San Diego County Local Agency Formation Commission (LAFCO) will receive an update on the election process to fill seven positions on the 15-member Special Districts Advisory Committee. An open nomination process among all 60 independent special districts was recently completed by LAFCO staff and produced 10 nominees. A special mail-ballot election to select the top seven nominees is underway through December 22, 2025 with winners assuming new four-year terms on January 1, 2026. This item is for information only.

BACKGROUND

San Diego LAFCO established the Advisory Committee in 1971 as a resource to support the Commission in its expanding responsibilities related to overseeing local agency jurisdictional boundaries. The Committee's formation - notably - preceded the 1975 legislation authorizing formal special district representation on LAFCOs. The Committee is composed of 15 elected representatives from independent special districts with eligibility extended to both board members and senior agency staff. The Committee meets quarterly with all 15 members currently serving on expired terms as authorized by the Commission and done so to allow LAFCO to prioritize completing a comprehensive update to the governing rules, which was

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John McCann Alt., City of Chula Vista
Chair Stephen Whitburn, City of San Diego
Marni von Wilpert, Alt., City of San Diego
Vice Chair Barry Willis, Alpine Fire Protection
Jo MacKenzie, Vista Irrigation
David Drake, Alt., Rincon del Diablo
Brigette Browning, General Public
Eileen Delaney, Alt., General Public

approved in June 2025. The update – among other changes – expands Committee's scope to cover LAFCO planning activities, most notably municipal service reviews.

A listing of all 15 members of the Advisory Committee follows and is organized by the seven members whose terms are up for election in December 2025 and the other eight members whose terms are up for election in December 2028.

Members with Expired Terms December 2025 Election	Members with Expired Terms December 2028 Election
Jack Bebee (Vice Chair) Fallbrook Public Utility District	**Ann Baldridge** RCD of Greater San Diego
James Gordon Deer Springs Fire Protection District	**Paul Bushee** Leucadia Wastewater District
Albert Lau Rancho Santa Fe Irrigation District	**Jeff Egkan** North County Fire Protection District
David McQuead Rancho Santa Fe Fire Protection District	**Tracy Largent** San Diego Unified Port District
Mark Robak Otay Water District	**Hector Martinez** South County Water District
Mike Sims Bonita-Sunnyside Fire Protection District	**Rachel Mason** Fallbrook Regional Healthcare District
Kimberly Thorner (Chair) Olivenhain Municipal Water District	**Marty Miller** Vista Irrigation District
	Joel Scalzitti Helix Water District

DISCUSSION

This item is being presented to San Diego LAFCO for information only and serves as an update on the election process to fill seven four-year terms on the 15-member Advisory Committee. The Independent Special Districts Selection Committee – consisting of the presiding officers of the 60 independent districts in San Diego County – forwarded 10 nominations to LAFCO ahead of an October 31 deadline set by the Executive Officer. These 10 nominees are listed in the appendix. A special election by mail is now underway through December 22. The top seven vote-getters will be seated to four-year terms beginning January 1.[1]

ANALYSIS

None.

RECOMMENDATION

This item is presented to San Diego LAFCO for information only.

[1] A successful election requires a majority of independent special districts to submit ballots by the deadline – otherwise the process starts anew.

ALTERNATIVES FOR ACTION

None.

PROCEDURES

This item has been placed on the San Diego LAFCO's agenda as part of the consent calendar. A successful motion to approve the consent calendar will include taking affirmative action on the staff recommendation unless otherwise specified by the Commission.

On behalf of the Executive Officer,

Erica Sellen
Commission Clerk

Appendix:

A) Official Nominees to the Special Districts Advisory Committee

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Appendix A

Official Nominees to the Special Districts Advisory Committee

Mike Sims (Chief, Bonita-Sunnyside FPD)
James Gordon (Director, Deer Springs FPD)
Erica Wolski (General Manager, Ramona MWD)
Jack Bebee (General Manager, Fallbrook PUD)
Kurt Worden (Director, Lower Sweetwater FPD)
Lindsay Leahy (General Manager, Valley Center MWD)
Abert C. Lau (General Manager, Santa Fe ID)
Kimberly Thorner (General Manager, Olivenhain MWD)
Dave McQuead (Chief, Rancho Santa Fe FPD)
Mark Robak (Director, Otay WD)

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AGENDA REPORT
Public Hearing | Action

December 1, 2025

TO: Chair Whitburn and Commissioners

FROM: Keene Simonds, Executive Officer
Meghan Traynor, Analyst I

SUBJECT: **Proposed "Barona Band of Mission Indians Out-of-Agency Potable Water Services" | Out-of-Agency Potable Water Agreement between the Ramona Municipal Water District, San Diego County Water Authority, and Metropolitan Water District of Southern California (OAS25-16)**

SUMMARY

The San Diego County Local Agency Formation Commission (LAFCO) will consider a request from the Ramona Municipal Water District (MWD) on behalf of the Barona Band of Mission Indians (Barona) to approve new out-of-agency potable water service. The request also involves concurrent authorizations involving the two wholesale service providers - San Diego County Water Authority (CWA) and the Metropolitan Water District of Southern California (MET). The affected territory lies immediately adjacent to Ramona MWD and spans 1,784 acres – or just over 25% of the Barona Indian Reservation. The area consists of 24 parcels presently developed with 282 homes and approximately 14 business and community entities – including the Barona Resort and Casino. The estimated population is 514. LAFCO approval would facilitate a new pipeline conveying potable water to Barona, with a separate recycled-water out-of-agency request anticipated in a future application. As detailed, applicable statutes enable Ramona MWD to request LAFCO approval to extend service to tribal lands outside its boundary, on the same terms as if the lands were annexed. LAFCO must approve the request while retaining authority to impose discretionary conditions. Accordingly, staff has applied annexation-level analysis to this request and the scope of review is limited to whether terms and conditions are merited. Staff recommends approval as submitted, along with adoption of

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parallel findings made by Ramona MWD's in approving the underlying potable water project. The item has been placed on the public hearing calendar given the uniqueness of the request.

BACKGROUND

Legislation + Local Policy

Requests for Out-of-Agency Service | General Provisions

State statute requires cities and special districts to obtain LAFCO approval before providing new or extended out-of-agency services, subject to limited exemptions.[1] Agencies may be authorized by LAFCOs to serve outside territory within their spheres of influence in anticipation of a near-term annexation. Outside their spheres, services may only be authorized by LAFCOs in response to documented threats to public health and safety.

San Diego LAFCO's policies authorize the Executive Officer to approve out-of-agency water and wastewater service requests involving documented and direct threats to public health, safety, or welfare, with such administrative approvals reported to the Commission for information only. All other out-of-agency service requests require Commission approval.

Requests for Out-of-Agency Service | Specific to Municipal Water Districts & Indian Tribes

State statute provides a special provision specific to districts formed under the Municipal Water District Act – Municipal Water Districts (MWDs) – to provide out-of-agency water services to an Indian tribe through a streamlined LAFCO approval process.[2] This streamlined process limits LAFCO's discretion over approval to only conditions; so long as other statutory provisions are satisfied, LAFCO must approve the request. Further, the statute and its legislative intent to permit "expedited annexations" require the MWD to provide the out-of-agency service on terms equivalent to annexed lands – i.e., at the same inside-boundary retail rate and without potential for ending the agreement unless requested by the tribe. The administrative review of a request under this special provision is accordingly evaluated using annexation-level analysis to determine whether any conditions are warranted.

Applicant Request

Ramona MWD requests San Diego LAFCO's authorization on behalf of Barona – and consistent with Water Code §71611.5 – to extend new out-of-agency potable water service to approximately 1,784 acres within the Barona Indian Reservation and via a four-party agreement between the Barona Band of Mission Indians, Ramona MWD, CWA, and MET. The item is presented for Commission review and approval, adoption of Ramona MWD's

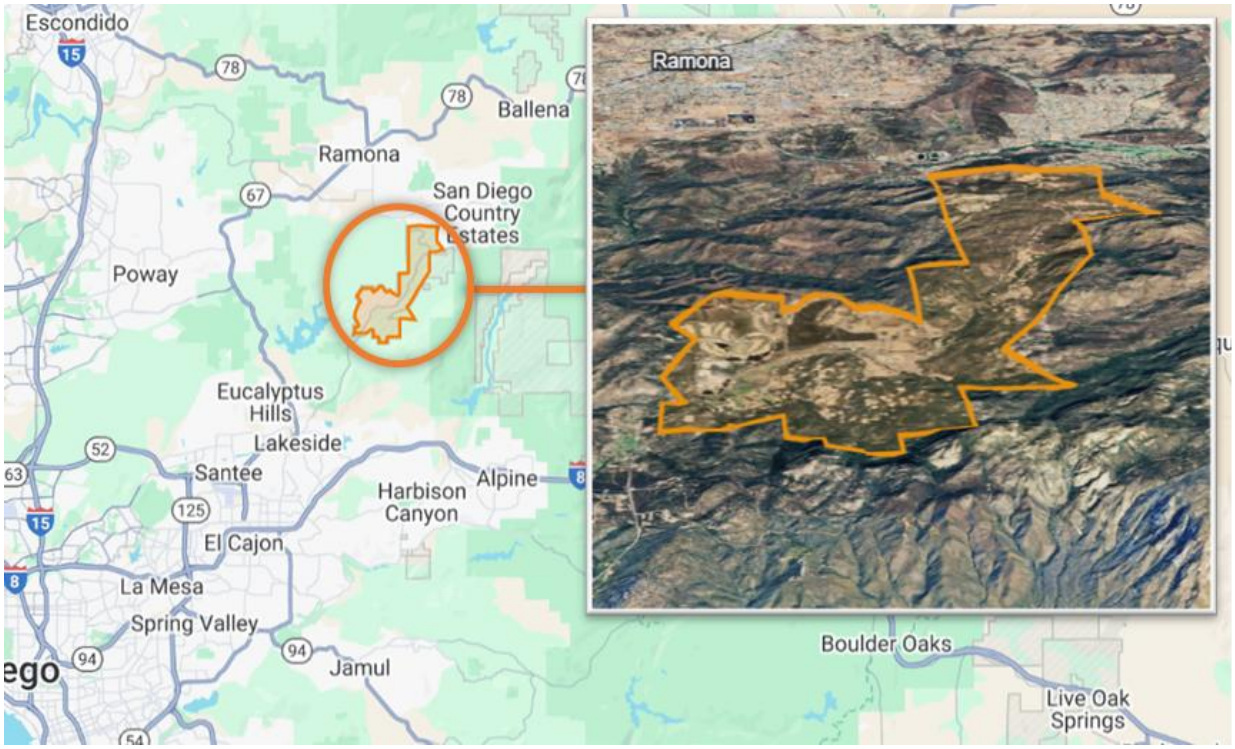
[1] Reference to California Government Code 56133.

[2] Reference to California Water Code 716115.5. This statute authorizes a MWD, upon meeting specified conditions with an Indian tribe, to "extend water service at substantially the same terms applicable to customers of the district to Indian lands that are not within a district as if the lands had been fully annexed into the district." The statute further provides that LAFCO "shall approve the application and may impose conditions… in accordance with Section 56886 of the Government Code," provided such conditions do not impair service to the tribal lands and are applied without discrimination. The district is also required to provide the executed agreement to LAFCO. Code Section is available at the following link: California Water Code section 71611.5 (2025)

environmental findings, and consideration of any conditions warranted under Government Code §56886. The affected territory is adjacent to Ramona MWD's jurisdictional boundary and sphere of influence, encompasses 24 legal parcels, and is developed with 282 homes and roughly 14 business and community uses. The affected APNs are provided in Attachment 2.

Regional Setting

The affected territory comprises just over 25% of the Barona Indian Reservation – with the entire reservation spanning approximately 7,000 acres – and located approximately 30 miles northeast of San Diego, near the unincorporated community of Ramona and the San Vicente Reservoir. Principal access is provided by Wildcat Canyon Road to the south and San Vicente Road to the North. The immediate surrounding area is largely mountainous and undeveloped. Barona is recognized as a sovereign government, governed by a General Council, comprised of approximately 240 voting members. In addition, there is a Tribal Council comprised of seven elected Tribal officials: Chairman Raymond Welch, Vice-Chairwoman Beth Glasco, Manuel Navarro, Tawnya Phoenix, Clayton Curo, Joseph Yeats, and Joseph "JoJo" Banegas. An aerial map follows, with a detailed map showing parcel boundaries and Ramona MWD's jurisdictional boundary provided as Attachment One.



Google Earth

Subject Agencies

The proposed out-of-agency water service request filed with San Diego LAFCO involves three subject agencies: Ramona MWD, CWA, and MET.[3] A cursory summary of the agencies in terms of governance, resident population, municipal functions, and financial standing follows.

- **Ramona MWD** is an independent special district governed by a five-member board of directors. An appointed general manager - Erica Wolski - oversees day-to-day activities, and this includes a current full-time budgeted staff of 53.5. MWD was formed in 1956 with a present jurisdictional boundary totaling 45,800 acres or 75 square miles. The jurisdictional boundary spans the width of the Santa Maria Valley and includes two distinct local communities: Ramona Village and San Diego Country Estates. Authorized service functions within the entirety of the jurisdictional boundary involve water and parks and recreation. A third activated function – wastewater – is limited to two distinct portions of the jurisdictional boundary totaling 11,761 acres and identified as the "San Vicente" and Santa Maria" systems. The sphere was most recently reviewed and affirmed in 2022 with a same-as-agency designation. LAFCO also established a special study area specific to the secondary sphere (wastewater) to capture the proposed Cumming Ranch subdivision in 2023. This territory was subsequently annexed to Ramona MWD's secondary sphere in May 2023, and the special study area was eliminated. MWD's current adopted budget (2026) totals $34.9 million. The most recent audit (2023-2024) shows net position of $121.1 million with an unrestricted balance of $27.0 million and cash balance of $41.7 million. Net position has increased 2.74% over the last three audited years.

- **CWA** is an independent special district governed by a 34-member board of directors representing 22 local member agencies with authorization to provide its principal municipal function: water (wholesale class). An appointed general manager – Dan Denham – oversees day-to-day activities with a current full-time budgeted staff of 249. CWA was formed by special legislation in 1944 for the initial purpose of delivering wholesale supplies sourced from the Colorado River and later State Water Project via MET. CWA subsequently has expanded its wholesale water supplies to include desalinated water pulled from the Pacific Ocean. Its jurisdictional boundary spans 1,331 square miles and includes all 18 cities in San Diego County as well as many unincorporated areas – including Ramona MWD. LAFCO estimates the current population at 3,150,679. LAFCO established a sphere of influence for CWA in 2005. The sphere was most recently reviewed and affirmed in 2013 with a same-as-agency designation. CWA's audited net position is $1.605 billion as of June 30, 2024, with an undesignated balance of $326.4 million. This includes an ending cash balance of $137.4 million. CWA's total net position has changed by 0.5% over the prior three audited years.

- **MET** is an independent special district governed by a 38-member board of directors that represent 26 member agencies with authorization to provide its principal municipal function: water (wholesale class). An appointed general manager – Shivaji Deshmukh

[3] State law defines "subject agency" to mean any district or city for which a change of organization or reorganization is proposed.

– oversees day-to-day activities with a current full-time budgeted staff of 1,929. MET was formed by special legislation in 1928 to provide wholesale imported water to participating members throughout Southern California via the Colorado River and later the State Water Project. The jurisdictional boundary currently spans approximately 3.3 million acres, or 5,200 square miles, and includes significant portions of Los Angeles, Orange, Riverside, San Bernardino, San Diego, and Ventura counties. LAFCO estimates the total resident population at approximately 19 million. LAFCO established a sphere of influence for MET in 2005 with a same-as-agency designation (specific to only San Diego County). MET's audited net position is $7.4 billion as of June 30, 2024, with an unrestricted fund balance of $318.5 million. This includes an ending cash balance of $11,000. MET's total net position has changed by 2.4% over the prior three audited years.

Affected Local Agencies

The affected territory presently lies within the jurisdictional boundaries and/or spheres of influence of 8 local agencies directly subject to San Diego LAFCO's planning and regulatory responsibilities. These agencies qualify as "affected agencies" relative to the proposed outside-agency service agreement and are listed below.[4]

- County Service Area No. 135 (regional communications)
- Grossmont Healthcare District
- Lakeside Water District (LAFCO Special Study Area)
- Palomar Healthcare District
- Pomerado Cemetery District
- Ramona Cemetery District
- Resource Conservation District of Greater San Diego
- San Diego County Fire Protection District

A voluntary notice of public hearing was issued to the agencies, this also included notice to the following community groups:

- Barona Band of Mission Indians
- Ramona Community Planning Group

DISCUSSION

San Diego LAFCO will consider Ramona MWD's request pursuant to Water Code Section 71611.5 and Government Code Section 56668 to provide new out-of-agency potable water service to the affected territory, via an out-of-agency services agreement between the Barona Band of Mission Indians, Ramona MWD, CWA, and MET. As detailed above, the Commission's consideration is limited to applying discretionary terms to the otherwise ministerial approval required under statute. Potential terms are unencumbered under statute so long as they do not directly regulate land use, property development, or subdivision requirements.

[4] State law defines "affected local agency" as any entity that contains, or would contain, or whose sphere contains or would contain, any territory for which a change of organization is proposed or ordered.

Proposal Purpose

The purpose of the proposed out-of-agency service before San Diego LAFCO is to enable Ramona MWD to extend potable water service to a portion of the Barona Reservation in east San Diego County.[5] The out-of-agency service would address uncertainty in local groundwater supplies and provide support to the existing 282 homes and 14 business and community entities developed within the affected territory. The timing of the request follows an approximate three-year process initiated after Barona's long-term water demand was projected to exceed the sustainable yield of the underlying groundwater basin, prompting a 2021 Water Supply Feasibility Study that identified MWD as the most cost-effective provider. The four-party potable water agreement among Barona, MWD, CWA, and MET was finalized in October 2025, with Barona financing $4.995 million in connection charges and committing to an annual in-lieu property tax payment of approximately $194,456, along with capacity fees and other applicable charges from MWD, and separate fees assessed by CWA and MET.

No other service extensions are proposed; a separate recycled-water request is anticipated in a future application.

Current and Planned Land Uses

The affected territory is entirely within the sovereign nation of the Barona Band of Mission Indians, with land use authority governed by an elected tribal council. The affected territory is currently developed with 282 homes and approximately 14 business and community entities – including the Barona Resort & Casino – with plans to expand density in the future.

Commission Focus

San Diego LAFCO's focus is statutorily limited to consider only whether discretionary terms are appropriate in its otherwise ministerial task to approve Ramona MWD's request to provide out-of-agency water service to the Barona Reservation. LAFCOs' authority to impose terms is under Government Code Section 56886 and covers a broad range of potential conditions. Most notably, this includes requirements for payments or levying of fees and taxes, prioritizing uses, the initiation, conduct, or completion of subsequent proposals or requests, or any other term deemed necessary to effectuate orderly and efficient local government.

ANALYSIS

San Diego LAFCO's analysis of Ramona MWD's request to provide out-of-agency water services to the Barona Reservation is organized similarly to evaluating a jurisdictional change proposal. This approach is consistent with the legislative intent in authorizing these types of out-of-agency services between MWDs and Indian lands and the intended effect of serving as expedited annexations, as addressed above. This baseline analysis is intended to inform the succeeding and lead task in statute to consider whether approval terms are appropriate. An evaluation of the request under CEQA is also provided.

[5] The affected territory spans 1,784 acres – or just over 25% of the Barona Indian Reservation.

Informing Baseline Factors

The following analysis addresses the jurisdictional change factors under statute and staff believes appropriately apply to Ramona MWD's request to provide out-of-agency water service to the Barona Reservation and its legislative effect as an expedited annexation.

Statutory Factors

State law tasks LAFCOs to consider several multifaceted factors whenever reviewing jurisdictional changes. These factors range from basic disclosures (land uses, assessed values, registered voters) to discretionary analyses evaluating the proposal's relationship to community needs, service capacities, and the receiving agency's financial resources. Key conclusions follow and are organized to address three statutory themes: (a) service needs, (b) service availability and capacity, and (c) financial considerations.

Service Needs | The affected territory's existing residential and commercial uses paired with documented uncertainty involving groundwater flows merits organized public water service. The out-of-agency service extension of retail water service (through CWA & MET's wholesale supplies) accommodates this need and serves as a preferred alternative to depending on uncertain groundwater flows and/or the need to truck in potable water supplies.

Service Availability and Capacities | Ramona MWD has available and sufficient capacities to accommodate projected potable water demands in the affected territory at its current and planned maximum uses. An existing MWD distribution main is located north of the affected territory within the public right-of-way of San Vicente Road. A new and approximate 0.5-mile pipeline will be constructed between San Vicente Road and the Reservation in the public right-of-way on Wildcat Canyon Road.[6] It is projected the average day water flow generated within the affected territory based on current development is 670,450 gallons or 2.06 acre-feet. This projected amount can be readily accommodated by MWD and represents 4.0% of its available treatment capacity remaining within its water system.[7] Full development potential on the reservation would increase the projected average day water flow to 1,340,006 gallons. This latter projection would equal 7.9% of MWD's existing available capacity.

Related Financial Considerations | Ramona MWD has adequate financial resources and administrative controls to serve the affected territory without adversely impacting current ratepayers given MWD's overall standing paired with its negotiated agreement with Barona. MWD's most recent audit covers 2023-2024 and shows sufficient liquidity and capital levels, with a current ratio of 8:1 and low debt ratio of 16.0%. Further, MWD

[6] The pipeline segment up to the metering station will be owned by Ramona MWD, after which water will be distributed through Barona's existing system, and the Tribe will own the internal pipelines. The alignment also allows potential future connections for customers in the Klondike neighborhood should they elect to connect. Barona's current facilities include six potable reservoirs across five pressure zones with 3.9 million gallons of treated storage and 34 groundwater wells—11 active potable wells, with the remainder inactive or non-potable due to insufficient production or water quality.

[7] The average water demand for Ramona MWD in FY24-25 was 11.6 acre-feet daily or 4,237.3 acre-feet annually. Ramona MWD's total available daily supply (supply less infrastructure limitations) is 63.5 acre-feet. This results in Ramona MWD's having an estimated excess capacity amount of 51.9 acre-feet.

has maintained positive year-end balances with an average total margin of 7.8% over the last 36 months. Service establishment requires Barona pay a $4,995,200 connection fee, an ongoing annual service charges in lieu of property taxes estimated at $194,495 for FY 24, along with other charges such as capacity fees.

Local Policy Factors

Consideration of Policy L-102

San Diego LAFCO's L-102 (adopted August 1990) guides sphere actions. Consistent with Government Code §56076, spheres are to be developed in cooperation with each agency to represent . . . *the probable physical boundaries and service area of a local agency as determined by the Commission*. The policy further directs the Commission to use spheres to guide deliberations on future reorganizations, preserve community identities, discourage duplication of municipal services, encourage local agency consolidations – whether functional or political – and determine the need for specific governmental reorganization studies.

- Staff recognizes the unique service relationship between the tribal trust lands and the MWD. Given the expected permanency of the relationship going forward, it would be appropriate to consider formalizing the arrangement under LAFCO statute through a sphere amendment. However, given the statutory purpose of a sphere and unique distinctions associated with tribal trust lands, staff believes it is premature to address these issues as part of this out-of-agency service request. Staff recommends deferring consideration of any sphere amendment or special study area to the next Ramona-region MSR, where these topics can be evaluated more comprehensively.

Consideration of Policy L-107

LAFCO Policy L-107 (adopted May 2010) requires applicants to disclose jurisdictional disputes associated with their proposals. No disputes have been disclosed by Ramona MWD, CWA, or MET, nor has staff identified any concerns during administrative review. The four-party agreement between the parties was finalized in October 2025 and is provided as Attachment Two.

Approval Terms

Drawing from the above baseline analysis of statutory and local policy factors, it appears only standard approval terms are merited; no material issues and/or deficiencies involving service needs and capacities or financial impacts have been identified. Staff further recommends waiving the typical requirement that out-of-agency service agreements include a landowner(s) file a future annexation proposal, as this request involves sovereign tribal lands and is before the Commission pursuant to Water Code §71611.5. Standard conditions involve the applicant (Ramona MWD) paying any outstanding fees to complete the approval process under the adopted LAFCO fee schedule.

Environmental Review

San Diego LAFCO is obligated under CEQA to assess whether environmental impacts would result from activities approved under the Commission's authority, either as a lead or responsible agency. Accordingly, the Commission is tasked with making findings under CEQA in consideration of the proposed outside-agency service request. Staff's analysis follows.

- Ramona MWD serves as lead agency under CEQA for considering the out-of-agency service request as part of its discretion to approve the actual service agreement and underlying pipeline project. Notably, while CEQA analysis is not a requirement of projects on Tribal lands, the approximate 0.5-mile construction of pipeline on non-tribal lands requires CEQA analysis. An initial study was prepared and considered for this project pursuant to the provisions of CEQA and finalized June 2025. This initial study analyzed the whole of the project, including the on-reservation portion for full public disclosure. In its role as lead agency, on June 11, 2025 Ramona MWD adopted a Mitigated Negative Declaration (MND) and in doing so made findings that the project will not have a significant effect on the environment with approved mitigation measures. CWA and MET also considered the findings made by Ramona MWD and adopted parallel findings in their role as responsible agency on August 28, 2025 and September 9, 2025, respectively. Staff independently believes the Ramona MWD has prepared sufficient documentation as lead agency in assessing and mitigating impacts and it would be appropriate for the Commission to adopt parallel findings as responsible agency.

RECOMMENDATION

Staff recommends San Diego LAFCO approve the outside agency service request with only standard terms and deferring consideration of a potential sphere action – amendment or special study area – to a future municipal service review covering Ramona MWD.

This recommendation is consistent with Alternative One below.

ALTERNATIVES FOR ACTION

The following alternative actions are available to San Diego LAFCO:

Alternative One (recommended):

a) Approve the out-of-agency wastewater service authorization between Ramona MWD – and by extension CWA and MET – with the Barona Band of Mission Indians subject to the scope and terms provided in preceding sections.

b) Direct the Executive Officer to revisit consideration of a potential sphere of influence action – amendment or special study area – involving the affected territory to the next scheduled municipal service review covering Ramona MWD.

c) Authorize the Executive Officer to file a Notice of Determination adopting parallel CEQA findings to Ramona MWD.

Alternative Two:
Continue consideration to the next regular meeting.

PROCEDURES FOR CONSIDERATION

This item has been placed on San Diego LAFCO's agenda as part of a noticed public hearing. The following procedures are suggested in consideration of this item:

1) Disclose any ex parte communications.
2) Receive verbal report from staff unless waived.
3) Open the public hearing and invite comments from the applicant and general public.
4) Discuss item and consider recommendation.

On behalf of the Executive Officer,

Meghan Traynor
Analyst I

Appendix:

A) Analysis Proposal Review Factors

Attachments:

1) Vicinity Map of the Affected Territory
2) Application Materials
3) Mitigated Negative Declaration (MND)
4) Initial Study (online only) https://www.rmwd.org/home/showpublisheddocument/4749/638847956664970000

APPENDIX A
Government Code Section 56668
Baseline Proposal Review Factors

a) Population and population density; land area and land use; per capita assessed valuation; topography, natural boundaries, and drainage basins; proximity to other populated areas; the likelihood of significant growth in the area, and in adjacent areas, in the next 10 years.

The affected territory as submitted comprises 24 parcels totaling 1,784 acres within the Barona Band of Mission Indians Reservation. Tribal lands in San Diego County held under trust are not assessed for land value. A complete listing of Assessor Parcel Numbers is provided as part of Attachment Two.

b) The need for municipal services; the present cost and adequacy of municipal services and controls in the area; probable future needs for those services and controls; probable effect of the proposed incorporation, formation, annexation, or exclusion and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas.

The sovereign Barona Band of Mission Indians is the purveyor of governmental services to the affected territory. These governmental services include community planning, fire protection, law enforcement, and recreation. This proposal affects only potable water and is the focus of the succeeding analysis.

- **Retail and Wholesale Water Service**
  The affected territory presently relies on uncertain groundwater flows and an outside-agency service agreement will enable Ramona MWD – concurrently with CWA and MET – to assume retail & wholesale water service responsibilities for the affected territory. Connection to Ramona MWD will become available through the construction of an approximate 0.5-mile pipeline which will be located within the public right-of-way on Wildcat Canyon Road. The projected average daily water flow for the affected territory is 670,450 gallons. This projected amount can be readily accommodated by Ramona MWD and represents 4.0% of its available treatment capacity remaining within its potable water system. Ultimate buildout on the reservation would increase the average day water flow to 1,340,006 gallons per day or 7.9% of the remaining available capacity.

c) The effect of the proposed action and of alternative actions, on adjacent areas, on mutual social and economic interests, and on local governmental structure.

Approving the outside-agency service agreement between Barona, Ramona MWD, CWA and MET would formalize and strengthen economic and social ties between the Districts and the affected territory.

d) The conformity of the proposal and its anticipated effects with both the adopted commission policies on providing planned, orderly, efficient patterns of urban development, and the policies/priorities set forth in G.C. Section 56377.

Approving the proposed outside-agency service agreement between Barona, Ramona MWD, CWA and MET would facilitate the establishment of public potable water services to remedy uncertain groundwater flows and support residential uses in the affected territory in accordance with Water Code Section 71611.5. No conflicts exist under Government Code Section 56377. Additional analysis concerning conformance with germane Commission policies follows.

- San Diego LAFCO Policy L-107 requires applicants to disclose and address potential jurisdictional issues associated with their proposals, and if applicable, requires a consultation process with affected agencies, interested parties, or organizations to help discuss and potentially remedy concerns, unless waived by the Executive Officer. No jurisdictional disputes or related concerns were identified or disclosed by the applicant, affected agencies, or interested parties in the review of the proposal.

e) The effect of the proposal on maintaining the physical and economic integrity of agricultural lands, as defined by G.C. Section 56016.

Not applicable.

f) The definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment, the creation of islands or corridors of unincorporated territory, and other similar matters.

No irregular or otherwise illogical boundary features would be generated from the approval of this outside-agency service agreement.

g) A regional transportation plan adopted pursuant to Section 65080.

The Barona Band of Mission Indians is a sovereign nation not subject to compliance with *San Diego Forward*, the regional transportation plan adopted by SANDAG.

h) Consistency with the city or county general and specific plans.

The proposal's purpose to provide potable water to the affected territory is consistent with the Barona Reservation's present and planned residential and commercial uses.

i) The sphere of influence of any local agency affected by the proposal.

The affected territory lies immediately adjacent to the existing sphere of influence established for the three subject agencies, however does not lie within any other district's boundaries or spheres of influence.

j) The comments of any affected local agency or other public agency.

Notice of the submitted out-of-agency service agreement proposal was distributed to all affected and subject agencies. It was also distributed to the Barona Reservation and the Ramona Community Planning Group. No written comments on the proposal were received ahead of preparing this agenda report for distribution on November 24, 2025.

k) The ability of the newly formed or receiving entity to provide the services that are the subject of the application to the area, including the sufficiency of revenues for those services following the proposed boundary change.

Information collected and reviewed as part of this proposal indicates Ramona MWD has sufficient and available financial resources and administrative controls therein relative to serving the affected territory without adversely impacting existing constituents. This statement is supported by the following factors.

- Ramona MWD's last audit covers FY 2023-2024 and shows the District finished with strong liquidity levels with an agency-wide current ratio of 8:1 (i.e. $8.00 in current assets for every $1.00 in current liabilities).

- Ramona MWD finished FY 2023-2024 with a debt ratio of 16.0% (i.e. only $16.00 out of every $100.00 in net assets are financed).

- Ramona MWD finished FY 2023-2024 with an overall total margin of 7.8%.

l) Timely availability of adequate water supplies for projected needs as specified in G.C. Section 65352.5.

Barona's water systems currently consist of six potable water reservoirs, providing five pressure zones and a treated storage capacity of 3.9 million gallons supplied by 34 groundwater wells, including 11 active potable water wells that are chlorinated, 2 golf course wells that provide groundwater seasonally, and 21 wells that are either abandoned or inactive due to poor production and / or water quality. Approval of the proposed out-of-agency service agreement would remedy reliance on uncertain future groundwater flows for primarily residential uses within the affected territory.

m) The extent to which the proposal will affect a city or cities and the county in achieving their respective fair shares of the regional housing needs as determined by the appropriate council of governments.

The proposed out-of-agency service agreement would not impact any local agencies in accommodating their regional housing needs.

n) Any information or comments from the landowners, voters, or residents.

No written comments on the proposal were received ahead of preparing this agenda report for distribution on November 24, 2025.

o) Any information relating to existing land use designations.

See above analysis for (h).

p) The extent to which the proposal will promote environmental justice.

The outside-agency service agreement is expected to have a positive impact on environmental justice by enhancing potable water service within the affected territory and for any groups that are susceptible to pollution burdens and their effects. Consideration of existing environmental justice factors within the affected territory draws on staff analyzing data available from the California Environmental Protection Agency through its online assessment tool (CalEnviroScreen 4.0). Two composite percentile rankings for the affected territory are generated within this analysis and involve (a) pollution burdens and (b) susceptible population to pollution burdens relative to all census tracts in California.

- The affected territory's **composite pollution burden ranking** falls in the 33rd percentile. Four individual pollution burden indicators exceed the 50th percentile and are considered elevated, including air quality: ozone, groundwater threats, impaired water, and solid waste. Of these, impaired water ranks above the 90th percentile, indicating a very high impact. This further reinforces the benefit of the proposal in providing water service to the affected territory, thereby avoiding potential pollutants to local wells and waterways.

- The affected territory's **composite susceptible population** ranking falls in the 28th percentile. One sensitive population indicator, low birth weight, exceeds the 50th percentile and considered as elevated.

A summary of all tracked pollution burdens and susceptible populations follows.

Census Tract No. 6073016902 Pollution Burdens and Susceptible Population (Source: California Environmental Protection Agency and SD LAFCO)	
	Affected Territory + Surrounding Lands
Census Tract No.	6073016902
Estimated Population	2,841
Pollution Burden	Weighted Percentile
… Percentile	33.8
Indicator | Air Quality: Ozone	**74.2**
Indicator | Air Quality: PM 2.5:	20.3
Indicator | Air Quality: Diesel PM:	1.9
Indicator |Pesticides:	0.1
Indicator | Toxic Releases:	21.8
Indicator |Traffic:	19.2
Indicator | Drinking Water Contaminants:	45.9
Indicator | Lead in Housing:	41.3
Effects | Cleanup Sites:	40.8
Effects | Groundwater Threats:	**64.2**
Effects | Hazardous Waste:	1.8
Effects | Impaired Water:	**94.6**
Effects | Solid Waste:	**70.6**
Sensitive Population	Weighted Percentile
… Percentile	28.3
Population | Asthma:	25.8
Population | Low Birth Weight:	**74.2**
Population | Cardiovascular Disease:	22.8
Population | Education:	46.2
Population | Linguistic Isolation:	14.3
Population | Poverty:	37.4
Population | Unemployment:	36.4
Population | Housing Burden:	17.9

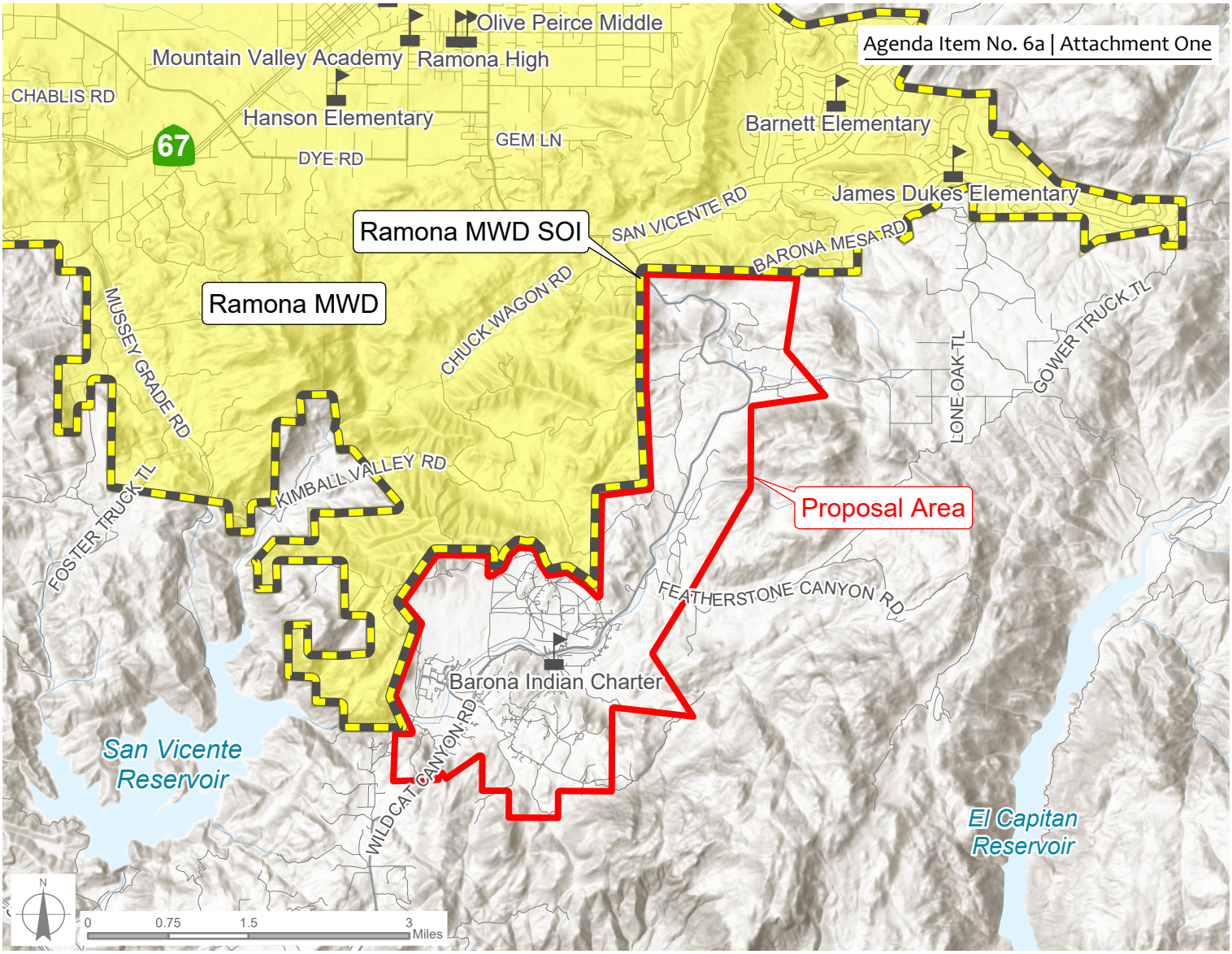
q) Information contained in a local hazard mitigation plan, information contained in a safety element of a general plan, and any maps that identify land as a very high fire hazard zone or maps that identify land determined to be in a state responsibility area, if it is determined that such information is relevant to the affected territory.

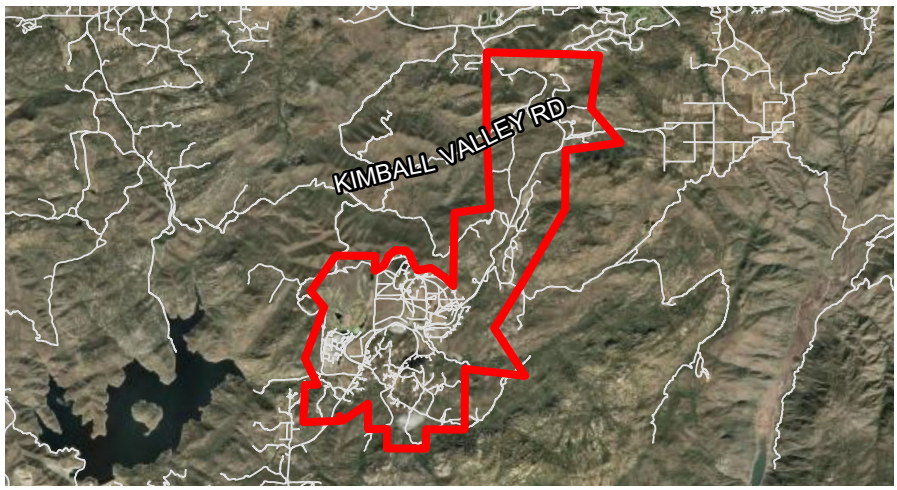
The County of San Diego General Plan includes a hazard mitigation plan addressing risks related to wildfire, flooding, and seismic activity. Portions of the affected territory are designated with "Very High" fire hazard severity zones and the majority of the territory falls within a "Level 4 Hazard" earthquake hazard zone.[8]

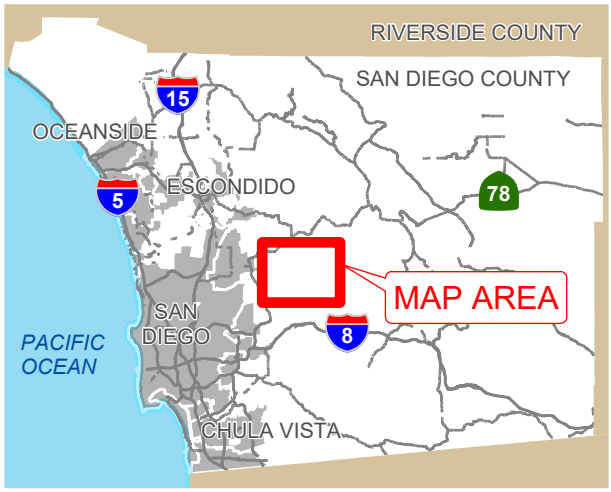
[8] The Modified Mercalli Intensity (MMI) scale measures how much shaking can be expected from future earthquakes. The MMI is based on the amount of shaking that has a 2% chance of being exceeded in the next 50 years. In California, the lowest level of shaking is a 3, which means strong shaking. Level 4 indicates very strong shaking. Source: County of San Diego Know Your Hazards Tool

r) Section 56668.3(a)(1) Whether the proposed annexation will be for the interest of the landowners or present or future inhabitants within the district and within the territory proposed to be annexed to the district.

Annexation-level analysis is warranted pursuant to Water Code §71611.5, which requires service to tribal lands on terms equivalent to annexation. Approval of the out-of-agency service agreement is in the best interest of current and future landowners and residents within the affected territory by ensuring the provision of a reliable potable water supply.







OAS25-16

"BARONA BAND OF MISSION INDIANS OUT-OF-AGENCY POTABLE SERVICES" | RAMONA MWD, SAN DIEGO COUNTY WATER AUTHORITY, AND METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

- Proposal Area
- Ramona MWD
- Ramona MWD SOI

SOI = Sphere of Influence

San Diego County
Local Agency Formation Commission
Regional Service Planning | Subdivision of the State of California

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Created by Dieu Ngu -- 11/19/2025

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CONTRACTUAL SERVICE AGREEMENT APPLICATION FORM

In addition to the materials required for any change(s) of organization, submit the following items:

1. One copy of either an approved Resolution of the City Council/District Board of Directors or a letter from the City Manager/District General Manager requesting approval for a contractual service agreement.

2. One copy of the contract or agreement stipulating the terms and conditions of extending service to the property signed by the property owner(s) and the agency that is to provide the service.

3. LAFCO processing fee. Contact the LAFCO office or refer to fee schedule.

Print/Type Name: Ramona Municipal Water District

Property Address: 105 Earlham Street, Ramona, CA 92065

Phone #: 760-789-1330 Date: 10/8/2025

This application is used by LAFCO staff to provide supplemental information for contractual service agreement requests.

1. What type or types of public service(s) will be provided? potable water

2. Why is the service needed? If the service agreement is in response to an emergency health and safety situation, such as a failed septic system, provide information documenting the circumstances (e.g., letter from the County Department of Environmental Health). Barona reservation is solely reliant on limited groundwater supplies. Connection will secure reliant supplies through the Ramona MWD.

3. If a jurisdictional change, such as annexation, is not possible at this time, explain the circumstances that prevent annexation and when the jurisdictional change is anticipated. service agreement due to tribal sovereignty per Water Code Section 71611.5

4. Are there any jurisdictional issues associated with the ☐ YES ☑ NO proposed contractual service agreement?
(If yes, please complete the LAFCO Policy L-107 form)

San Diego Local Agency Formation Commission
2550 Fifth Ave., Suite 725
San Diego, CA 92103
(619) 321-3380

Revised November 2022

RAMONA MUNICIPAL WATER DISTRICT
105 Earlham Street Phone: (760) 789 -1330
Ramona, CA 92065-1599 Fax: (760) 788 - 2202

October 9, 2025

Keene Simonds
Executive Officer
San Diego Local Agency Formation Commission
2550 Fifth Avenue, Suite 725
San Diego, CA 92103

Re: Out-of-Agency Service (OAS) Contract to Provide Potable Water Service to the Barona Band of Mission Indians

Dear Mr. Simonds:

Ramona Municipal Water District (District), the Barona Band of Mission Indians, San Diego County Water Authority (SDCWA) and Metropolitan Water District of Southern California (Metropolitan) have been working cooperatively towards providing water service to the Barona Reservation since 2022.

Water Code section 71611.5 requires Municipal Water Districts, such as the District, upon the request of an Indian tribe, to extend water services to an Indian tribe's lands that are not within the boundaries of a district, at substantially the same terms applicable to customers of the district if certain conditions are met. These conditions include:

1) compliance by the Indian tribe with all federal and tribal laws;
2) acquisition by the Indian tribe of all applicable approvals necessary for the district to provide water service to the tribal lands on substantially the same terms applicable to customers of the district;
3) acceptance by the Indian tribe by agreement of "all terms of, and payments including service payments, to the district and any public agency providing water to said district, as if the Indian tribe's lands were fully annexed into the district and into the service area of any other public agency, which terms and payments are also a condition of continued service by a district and by any public agency providing water to the district."

(Water Code section 71611.5 (b)(1)-(3).)

If these conditions are met, a Municipal Water District may then apply to the Local Agency Formation Commission (LAFCO) to extend the water service to the Indian lands at substantially the same terms applicable to customers of the district, as if those lands had been fully annexed into the district. LAFCO must approve the arrangement but "may impose conditions on the district with regard to the extension of service in accordance with Section 56996 of the Government Code, as long as those terms and

conditions do not impair the provision of the water service to the Indian lands. . . and are similar to those imposed on all agency service recipients without discrimination." (Water Code section 71611.5 (a)(2)(A).) These procedures apply to "Indian lands" as defined in Water Code section 71611.5 to include only "Indian Lands, as defined in Section 2703 of Title 25 of the United States Code, that were part of a reservation or held in trust.

The four parties have negotiated an agreement to provide water service to the Barona Reservation. The Four-Party Agreement was approved by each council or board on the following dates:

- District: June 10, 2025
- Barona Tribal Council: August 21, 2025
- San Diego County Water Authority: August 28, 2025
- Metropolitan: September 9, 2025

A copy of the District's approved minutes showing approval of the agreement is attached as Enclosure 4. A copy of the Summary of Board Actions for the San Diego County Water Authority is attached as Enclosure 5 and the meeting minutes will be provided after approval at the September 25, 2025 Board Meeting. Metropolitan Board Meeting minutes will not be available until after October 14, 2025; however, Metropolitan passed a resolution for approval of the 4-party agreement and the resolution is attached as Enclosure 6. A copy of the meeting minutes from the Barona Tribal Council Meeting is also attached as Enclosure 7.

CEQA

The District and Tribe entered a Memorandum of Understanding (MOU) in October 2023 to develop a joint environmental document that would meet both the District's needs as the lead agency for California Environmental Quality Act (CEQA) and the Tribe's needs as the lead agency for the National Environmental Policy Act (NEPA). This coordination resulted in an Initial Study (IS)/Environmental Assessment which determined a Mitigated Negative Declaration (MND) should be prepared under CEQA and a Finding of No Significant Impact be made under NEPA. As noted above, the District is lead agency under CEQA and is responsible for adoption of the IS/MND.

The draft IS/MND was released for a 30-day public review period between May 2 and June 2, 2025. A Notice of Intent to consider adoption of the IS/MND was filed with the State Clearinghouse on May 2, 2025 and the Notice was published on May 1, 2025 in the Ramona Sentinel. The Notice was mailed to those along the off-reservation pipeline alignment including the neighborhoods off of Tombill Road and Little Klondike Road. No comments were received on the document. The District's Board of Directors adopted the IS/MND and the Mitigation Monitoring and Reporting Program on June 10, 2025. The District filed the Notice of Determination (NOD) on June 11, 2025 with the County Clerk of San Diego and on June 12, 2025 with the State Clearinghouse. The 30-day statute of limitations for legal challenges ended on July 11, 2025. No legal challenges were received.

A copy of the NOD and required filing fees is enclosed. The IS/MND is available on the District's website: https://www.rmwd.org/about-us/engineering/district-projects

On August 28, 2025, the San Diego County Water Authority considered the IS/MND and found that no further environmental analysis was required and authorized the filing of a NOD. San Diego County Water Authority filed the NOD with the State Clearinghouse on September 4, 2025. The 30-day statute of limitations for legal challenges will end October 3, 2025. A copy of this NOD is enclosed.

On September 9, 2025, Metropolitan considered the IS/MND and found that no further environmental analysis was required and authorized the filing of a NOD. Metropolitan filed the NOD with the State Clearinghouse on September 11, 2025. The 30-day statute of limitations for legal challenges will end October 10, 2025. A copy of this NOD is enclosed.

If there are any questions, I can be reached at ewolski@rmwd.org or at 760-789-1330.

Sincerely,



Erica Wolski
General Manager

cc (via email):

Art Bunce, Tribal Attorney, buncelaw@aol.com
Jennifer Lyon, Counsel for RMWD: jlyon@mcdougallawfirm.com
Paula de Sousa, Special Counsel for RMWD: Paula.deSousa@bbklaw.com
Cathy Stites, Counsel for MWDSC: cstites@mwdh2o.com
Dave Edwards, Counsel for SDCWA: DEdwards@sdcwa.org

Enclosures: (1) OAS processing fee of $16,204.66
(2) Contractual Service Agreement Application Form
(3) Four-Party Agreement between Ramona Municipal Water District, Barona Band of Mission Indians, San Diego County Water Authority and Metropolitan Water District of Southern California
(4) Ramona Municipal Water District – Minutes from June 10, 2025 Board Meeting
(5) San Diego County Water Authority – Summary of Board Actions from the August 28, 2025 Board Meeting
(6) Metropolitan Water District Resolution 9381
(7) Barona Tribal Council Meeting Minutes – 8/21/25
(8) Notice of Determination and Proof of Filing Fees Filed by Ramona Municipal Water District
(9) Notice of Determination Filed by San Diego County Water Authority
(10) Notice of Determination Filed by Metropolitan Water District

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AGREEMENT FOR WATER SERVICE TO THE BARONA BAND OF MISSION INDIANS

This Agreement for Water Service to the Barona Band of Mission Indians ("Agreement") is made as of the Effective Date set forth herein, by and between the Barona Band of Mission Indians ("Barona"), a federally recognized Indian Tribe; the Ramona Municipal Water District ("Ramona"), a California municipal water district operating under the Municipal Water District Law of 1911 (Water Code section 71000, et seq.); the San Diego County Water Authority ("Authority"), a county water authority operating under Chapter 45, section 2 of the California County Water Authority Act; and The Metropolitan Water District of Southern California ("Metropolitan"), a metropolitan water district organized under the Metropolitan Water District Act. Collectively, all the foregoing are at times referenced herein as the "Parties." Collectively, Ramona, the Authority, and Metropolitan are at times referenced herein as the "Agencies."

RECITALS

1. Ramona owns and operates a water supply system consisting of water distribution and other facilities to provide water for municipal, domestic, agricultural, industrial, and other uses. Ramona is a member agency of the Authority and follows the Authority's rules and regulations regarding the service of water.

2. The Authority is a wholesale water supply agency that provides water to its twenty-two (2) member agencies in the western portions of San Diego County. The Authority is a member agency of Metropolitan; and follows Metropolitan's rules and regulations regarding the service of water.

3. Metropolitan is a wholesale water supply agency that delivers water to twenty-six (26) member agencies in Los Angeles, Orange, Riverside, San Bernardino, San Diego, and Ventura counties. Metropolitan was organized and exists to provide wholesale water service to the 26 public agencies that make up its service area in southern California. Metropolitan owns and operates the Colorado River Aqueduct, 16 hydroelectric facilities, nine reservoirs, 830 miles of large-scale pipes and five water treatment plants for importing water into Southern California and treating it for use by Metropolitan's member agencies. Metropolitan also has a participation interest in the State Water Project from which it imports water.

4. Metropolitan provides wholesale water service to its member agencies for domestic and municipal uses.

5. Barona is a federally recognized Indian Tribe, exercising sovereign governmental authority over its territory, all of which is within the County of San Diego, California, the residents of that territory, and its citizens.

6. Barona's Water Systems currently consists of six potable water reservoirs, providing five pressure zones and a treated storage capacity of 3.9 Million Gallons supplied by 34 groundwater wells, including 11 active potable water wells that are chlorinated, 2 golf course wells that provide groundwater seasonally, and 21 wells that are either abandoned

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or inactive due to poor production and/or water quality. Barona's potable system currently serves 282 homes and approximately 14 business/community entities including the Tribal Government Building, Community Centers, Museum, Senior Center, charter school and other educational facilities, Fire Station, Tribal Enforcement, Casino, Hotel, parks, various offices, and athletic and support facilities, all located on the Barona Lands and not providing water to, or receiving water from, any source external to the Barona Lands. All potable delivered water meets standards of the Environmental Protection Agency.

As a sovereign tribal government, Barona has developed, and may develop further, its own local and imported water supplies, to use as it deems appropriate.

7. California Water Code section 71611.5 ("Water Code section 71611.5") permits Ramona to provide Barona with water service under substantially the same terms and conditions applicable to other Ramona customers. As a condition of water service, Barona must among other things, accept, by agreement, all terms of, and payments (including service payments) to the Agencies, as if the Indian lands to be served, defined as Barona Lands below, were fully annexed into each of the Agencies. Additionally, Ramona must apply to the San Diego County Local Agency Formation Commission ("SD LAFCO") in order to extend water service to Barona, which approval must be granted by SD LAFCO pursuant to Water Code section 71611.5. SD LAFCO may also impose conditions subject to the limitations set forth in Water Code section 71611.5.

8. Ramona has the capability to convey potable water to the Barona Indian Reservation, pursuant to Water Code section 71611.5, and Barona requests that Ramona provide water service to an approximately 1,784.03 acre portion of the overall Barona Reservation ("Barona Lands"), as fully described in the legal description attached hereto as **Exhibit "A"** to this Agreement, and depicted in the map attached hereto as **Exhibit "B"** to this Agreement, which exhibits by this reference are incorporated herein. The entire Barona Reservation is currently over 7,000 acres in size. Also, as set forth in **Exhibits "A" and "B,"** when the acreage of Wildcat Canyon Road was excluded from Metropolitan's connection fee calculations, pursuant Metropolitan's standard customer practice, the resulting total water service area is approximately 1,784.03 acres.

9. Pursuant to the water supply feasibility study dated September 20, 2022 ("Water Study") and the Preliminary Design Report dated June 2022, ("Preliminary Design Report"), commissioned by Barona, attached hereto as **Exhibit "C"** and **Exhibit "D,"** respectively, and by this reference incorporated herein, additional infrastructure is needed to provide water service to, and provide the necessary flow rates for, the Barona Lands. Should Barona's desired flow rates increase, Ramona may require reasonable additional studies and/or infrastructure improvements. Any such studies, conducted with input from Barona, will determine whether additional infrastructure is required to meet Barona's desired flow rate increase.

10. The Parties desire to define the terms and conditions under which Barona shall receive water service from Ramona, in addition to the applicable rules and regulations of the Agencies, as required by Water Code section 71611.5.

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11. Water Code section 71611.5 and this Agreement require the Agencies to provide water service to the Barona Lands on substantially the same terms that would apply if the Agencies had fully annexed them.

12. The Parties agree that the foregoing recitals are a substantive and enforceable part of this Agreement and desire in this Agreement to provide for water service to the Barona Lands and to set forth terms and conditions that will govern such service.

NOW THEREFORE, the Parties agree as follows:

AGREEMENT

A. PROVISIONS PERTAINING TO PROVISION OF WATER SERVICE TO BARONA LANDS BY RAMONA

1. Service on Substantially the Same Terms. Subject to the requirements and preconditions set forth herein, Ramona shall provide water service to the Barona Lands upon substantially the same terms as Ramona establishes, amends from time to time, and generally applies to its customers, as defined in this Agreement and as set forth in Ramona's Legislative Code and other applicable Ramona policies, or as may be established by federal or state laws, regulations, orders or rules.

2. Water Service.

   (a) Quantity of Water Delivered and Water Delivery Points. Barona shall accept for use on the Barona Lands water delivered through a 6-inch meter installed at the distribution point ("Delivery Point"), identified in **Exhibit "E"** of this Agreement, attached hereto and by this reference incorporated herein, at a maximum flow rate of 854 gallons per minute ("gpm") (average day demand 860 acre feet per year ("AFY")). However, in the future, Ramona can deliver water through an 8-inch meter at the Delivery Point at a maximum flow rate of 1,488 gpm (average day demand 1,500 AFY), subject to the requirements in Section A.4.

   (b) Quality of Water Delivered. Water delivered by Ramona to Barona shall meet applicable water quality standards established by the State Water Resources Control Board's Division of Drinking Water, the State of California, or other applicable federal or state laws regulations, orders or rules, governing the consumption of water by humans or other domestic uses at the Delivery Point. Barona agrees and acknowledges that Ramona shall not be responsible for water service or water quality downstream of the Delivery Point and that Barona shall be solely responsible for water service, distribution, storage, and water quality within Barona's Water System and within the Barona Lands.

   (c) Flow Changes; Notification. Barona shall notify Ramona of any water flow delivery changes, by calling and/or emailing the Systems Division of Ramona's Water Operations Department at least thirty (30) minutes prior

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to the Authority's established flow change request deadlines, which at the time of execution of this Agreement are at 0800/1400/2000. Barona acknowledges that Ramona may stop delivery of water to Barona as a result of any Authority scheduled aqueduct shutdowns or any unforeseen emergency for the duration of repairs.

3. Rate, Deposit, Billing, and Payment.

(a) Ramona shall bill Barona on a billing cycle, pursuant to the provisions of the Ramona Legislative Code. The cost for water and the payment thereof shall be made at the then applicable rates established by Ramona and in accordance with the Ramona Legislative Code, and shall include any pass-through charges collected by Ramona for the Authority or Metropolitan, and in-lieu fees equivalent to the taxes Ramona generally collects from taxable entities on behalf of the Authority or Metropolitan, which the Parties acknowledge may be revised from time to time in accordance with law and with prior notice to and consultation with Barona.

(b) Upon the setting of the meter and delivery of water to Barona Lands, Barona shall pay to Ramona the estimated water costs of two (2) months' worth of water to create a security deposit ("Barona Security Deposit") with Ramona. The Barona Security Deposit shall be subject to review every 5 years and as a result of the review, after consultation with Barona, may be increased or decreased by Ramona from time to time to account for changes in Ramona's rates and Barona's monthly usage.

(c) If Barona fails to make payment to Ramona by the due date specified in the applicable Ramona monthly billing statement (including failure to pay the annual fee in lieu of property taxes specified in Paragraph A.4(b)(i), below), Ramona will follow the procedures required in the Ramona Legislative Code pertaining to discontinuance of service. Should water service be discontinued because of non-payment, any unpaid water delivery charges shall be deducted from the Barona Security Deposit. Upon cessation of water delivery services to Barona Lands, and upon deduction of all appropriate charges from the Barona Security Deposit, any funds remaining in the Barona Security Deposit shall be refunded to Barona. In the event that funds in the Barona Security Deposit are insufficient, Barona shall reimburse Ramona for any amounts owed for water delivery services under this Agreement.

4. Required Infrastructure; Payment of Administrative and Investigatory Costs and other Fees.

(a) Required Infrastructure. As set out in the Water Study and Preliminary Design Report further infrastructure is required to serve the Barona Lands at or below the flow rate described in Paragraph A.2.(a). Barona will reimburse Ramona for all costs associated with designing and constructing

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the necessary infrastructure improvements (including the cost of environmental review) to Ramona's water distribution system to provide water service to the Barona Lands. Consistent with advanced deposits Ramona requires of other customers, Ramona may require Barona to provide an advanced deposit from which Ramona may draw to pay the costs described above. While at the time of execution of the Agreement the necessary infrastructure improvements to provide water service to the Barona Lands include only installation of a meter and upsizing of a water distribution pipeline (both as specified below), Barona agrees and acknowledges that any additional necessary improvements to provide water service to the Barona Lands will be paid for by Barona.

i. Meter Size and Costs.

Barona shall pay for all fees, costs, and charges associated with, including costs for installation of, a 6-inch meter at the Delivery Point, including the Ramona Capacity Fee set out in Paragraph A.4(b) below, and the then applicable Authority System Capacity Charge and Authority Treatment Capacity Charge immediately prior to the setting of the meter. In addition, Barona shall upsize the 6-inch meter to an 8-inch meter upon any of the below listed circumstances and shall pay the then applicable fees, costs, and charges associated with the 8-inch meter. If/when required to upsize its meter, Barona will receive a credit from Ramona and the Authority for the previously paid Authority System Capacity Charge and Authority Treatment Capacity Charge for the existing 6-inch meter. Barona may coordinate with Ramona on installation of the upsized meter, or may provide a deposit to Ramona for Ramona to purchase and install the upsized meter on Barona's behalf.

(1) If during any calendar year, the average annual daily demand ("ADD") or maximum daily demand ("MDD") flow for water service to the Barona Lands exceeds the ADD and/or MDD flow delivered through the 6-inch meter.

(2) If the actual flows delivered through the 6-inch meter cause physical damage to the meter or result in erroneous readings.

In the event Barona desires to initiate any project that would require increased ADD or MDD flow above the flow that can be delivered through an 8-inch meter, Barona shall complete a preliminary application for water service and complete an Application for Water System Evaluation to initiate the review and evaluation by Ramona on Ramona's ability to provide the requested additional flow. In such an instance, Barona shall pay for any and all Ramona costs to complete the Water System Evaluation. Any additional fees, costs, and charges associated with the Barona's additional flow needs shall

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be paid for by Barona, as set out in Paragraph A.4(b) or as otherwise agreed to in writing by Barona and Ramona.

ii. Mt. Woodson Pipeline Upgrade.

Barona shall pay a portion of the construction cost associated with upsizing Ramona's existing 18-inch Mt. Woodson Pipeline to a 30-inch pipeline. The construction cost is currently estimated at $8,469,213 and Barona's ultimate contribution will be based on a cost share of 25.9% (currently $2,193,526) of the final construction cost, which share of the construction cost shall be made within 30 calendar days of the Effective Date, or on such schedule and terms as is otherwise agreed to in writing by Barona and Ramona. Ramona shall be responsible for payment of all costs associated with the design, inspection, construction management and other soft costs of the Mr. Woodson Pipeline upgrade project, and for 74.1% of the final construction cost.

(b) Payments to Ramona for Various Fees or Fees in Lieu.

i. Barona shall pay Ramona fee equal to, and in lieu of fees that would have been paid by Barona had Barona annexed into Ramona:

(1) Fee in lieu of annexation fee in the amount of $4,995,200 ($2,800 per acre) for the area of Barona Lands to be served (1,784.03 acres) as shown in **Exhibit "A,"** to be paid within 30 calendar days of the Effective Date, or on such schedule and terms as is otherwise agreed to in writing by Barona and Ramona; and

(2) An annual fee in lieu of property taxes, currently estimated at $194,456 (Fiscal Year 2024), will be divided into twelfths and the first 1/12 will be issued concurrently with Barona's first monthly water bill following setting of the meter. The in lieu property tax amount will be prorated the first year based on the month that the meter is set. The annual fee in lieu of property taxes is calculated based on Ramona's annual property tax received per year divided by the acres in Ramona's boundary and multiplied by 1,784.03 (being the approximately 1,784.03 acres of the Barona Lands to be served). This basis shall be subject to review and revision by Ramona on an annual basis.

ii. Barona shall pay Ramona the Ramona Capacity Fee for a 6-inch meter, as established and adopted at its December 12, 2023 Board Meeting (effective February 10, 2024), which fee shall be paid immediately prior to the setting of the meter. Payment of the

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Ramona Capacity fee is a condition precedent to the delivery of water by Ramona to the Barona Lands.

iii. Adjustments to Various Fees or Fees in Lieu: In addition to the above, Barona shall notify Ramona prior to commencing any project that would require reassessment and/or recalculation of any fees paid by Barona in lieu of Ramona's annexation fee, in lieu of property taxes, or capacity fee.

(c) Administrative and Investigatory Costs. Ramona will provide Barona with a written invoice setting forth the amount of the administrative and investigatory costs and other fees and the calculations made in determining the amount of such costs and fees, which fees shall be paid by Barona prior to commencement of water service under this Agreement.

5. Water Meter(s) Accuracy. If either Ramona or Barona determines that the meter installed at a Delivery Point is suspected of improper operation, either party may request it be tested for accuracy. An estimate of the actual water flow may be made in the event a meter is found to be inaccurate. Barona will be billed for estimated uses as follows:

(a) If Barona requests that the meter be tested for accuracy, Barona may request an independent test in which case all costs of the test will be assumed by Barona. Barona may request Ramona to perform the test. If Ramona is to perform the test, a deposit representing the cost to test a meter shall be placed with Ramona to cover the cost of the test. Ramona will provide Barona with an estimate to test the meter.

(b) If it is found that the meter does not register within an allowable three percent (3%) of the actual flow, another meter will be installed by Ramona, the deposit returned to Barona, and an upward or downward adjustment made to Barona's bills to reflect the actual flow for the preceding twelve (12) months.

(c) In no event shall Ramona be responsible for payment of any costs related to required testing and calibration of individual meters located within the boundary of the Barona Lands.

(d) State laws regarding cross connection do not apply on Barona lands and therefore, Ramona will not review Barona's water system and connections downstream of the Delivery Point for cross connections and backflow incidents. However, Ramona is required to prevent backflow from Barona into the Ramona water system at the Delivery Point in order to meet state law. The meter facility at the Delivery Point, as depicted in Exhibit "C" includes two single check valves as the proposed operating pressure of the meter facility exceeds the pressure that can be handled by a testable backflow preventer, such as a double check ("DC") valve or a reduced

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pressure principle backflow device ("RP"). It is Barona's responsibility to maintain and service these two single check valves as they are located downstream of the Delivery Point. Ramona's supervisory control and data acquisition (i.e., SCADA) system will continue monitor flow through the meter at the Delivery Point. If backflow is detected, Ramona will shut off water flow at the Delivery Point and cease providing water to Barona until the backflow issue can be remedied. This remedy may include installation of a testable DC or RP backflow preventer. In the event a testable backflow device is installed, Barona will be required to comply with Ramona's Legislative Code and the State Water Resources Control Board's Cross Connection Policy Handbook regarding backflow installation and testing, as both may be revised from time to time.

6. Access to the Meter Facility. The pipeline and the meter facility required to serve water to the Barona Lands are located in San Diego County right-of-way. The meter facility, depicted in Exhibit "E," Delivery Point, is owned by both Barona and Ramona, and from time to time Barona or Ramona may need to access and/or conduct work on or around their portion of the meter facility. Accordingly, Barona and Ramona agree to provide notice to the other prior conducting work on or around their portion of the meter facility, as follows:

   (a) In the event of an emergency, Barona and Ramona shall provide as much notice as feasible to the other, and shall limit entry to the meter facility only to employees acting in the course and scope of their employment by, or agent acting on behalf of, Barona or Ramona, as the case may be, and shall limit entry only to those areas necessary to address the emergency.

   (b) For non-emergency work, Barona and Ramona shall provide the other with at least Forty-Eight (48) hours written notice of its prior to conducting work on or around the meter facility.

   Ramona and Barona each agree to make repairs to the meter facility. including its enclosure, caused by its actions or inactions and to share costs associated to the meter facility including its enclosure not caused by either Ramona or Barona. The Authority and Metropolitan shall only be permitted access to the meter facility upon 48 hours written notice to Barona and Ramona.

7. Environmental Review. Barona and Ramona have worked cooperatively, pursuant to the October 27, 2023 Memorandum of Understanding for the "Ramona/Barona Tribe Potable and Recycled Water Infrastructure Project Finding of No Significant Impact/Mitigated Negative Declaration" by and between Barona and Ramona, regarding the environmental review process.

B. BARONA PAYMENTS TO THE COUNTY WATER AUTHORITY

1. Barona shall pay to the Authority all initial and ongoing fees and charges that would apply if the Barona Lands were fully annexed into the Authority's service area,

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including but not limited to any annexation application fee, and meter and capacity fees payable through Ramona. The Authority shall directly invoice Barona for the annexation application fee, if any, prior to or promptly upon execution of this Agreement.

2. Barona shall also pay to the Authority—in lieu of any taxes, property-related assessments, other property-related charges, and standby charges—the same amounts that are charged by the Authority to other customers of Ramona. Barona and the Authority hereby acknowledge that though the Water Authority does not have the right to levy on the Barona Lands, this in-lieu payment agreement is a contractually binding obligation by Barona to pay the same amounts as other customers of Ramona as if the Barona Lands were subject to such taxes, levies, or charges. Such amounts shall be billed by the Authority to Ramona and passed-through to Barona pursuant to Paragraph A.3 of this Agreement.

3. For purposes of calculating the Authority's preferential right to purchase water pursuant to Section 135 of the Metropolitan Water District Act (Stats. 1969, Ch. 209, as amended), the Authority's payments to Metropolitan in lieu of taxes and other assessments for the capital cost and operating expense of Metropolitan's works that would otherwise be payable on the Barona Lands, but for their tax exempt status, shall be included. Nothing in this Agreement affects Metropolitan's right to include any of its rate components, including but not limited to the Readiness-to-Serve Charge and Capacity Charge, in its preferential right calculation.

C. BARONA PAYMENTS TO METROPOLITAN

1. Barona shall pay to Metropolitan a Connection Fee for the extension of Metropolitan's service area that is calculated in the same manner, and paid in lieu of, the annexation fee charged by Metropolitan. This fee shall equal the sum of the present value of the amount equivalent to the ad valorem taxes that would apply but for the status of Barona Lands as Indian lands and the processing fee established by Metropolitan Administrative Code section 3100(b)(7) and an amount equal to the annexation charge that would be due on the total acreage of the Barona Lands using the per-acre charge formula set forth in Metropolitan Administrative Code sections 3300 and 4301. If paid in 2025 and based on the approximately 1,784.03 acres of the Barona Lands, the fee is estimated to be approximately $14,824.008. Barona elected to pay Metropolitan's Connection Fee, including its annexation fees and charges and in lieu ad valorem taxes, over time as set forth in the Agreement for Payment for Water Service to the Barona Band of Mission Indians ("Payment Agreement"), between Barona and Metropolitan, which is incorporated herein by reference. Metropolitan will calculate the fee immediately following approval by SD LAFCO as required in the Metropolitan Administrative Code. As set forth in the Payment Agreement, an upfront payment is due within 30 days of approval of this Agreement by SD LAFCO. Barona acknowledges that Metropolitan's per-acre annexation charge is recalculated pursuant to the Metropolitan Administrative Code each January 1 and the applicable rate in place when SD LAFCO approves

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this Agreement will apply for final Connection Fee calculations. Metropolitan will provide Barona with a written invoice setting forth the amount of the fee and the calculations made in determining the fee. Timely payments of Metropolitan's Connection Fee pursuant to the Payment Agreement is a condition precedent to the delivery of water to the Barona Lands.

2. Except as provided in Paragraph C.1 above and in recognition of the sovereignty of Barona, Metropolitan shall not charge Barona any other processing fees, property-related assessments, or other property-related charges that would normally be imposed for the annexation of land, in connection with the procedures for obtaining approvals required for execution and implementation of this Agreement and the extension of the Ramona, Authority, and Metropolitan service areas and, to the extent required and not provided otherwise herein, Metropolitan hereby expressly waives all such property-related fees, assessments, and charges that are not charged to other customers of Ramona.

D. GENERAL PROVISIONS PERTAINING TO PROVISION OF WATER SERVICE TO BARONA LANDS APPLICABLE TO ALL PARTIES

1. Consistent with Water Code section 71611.5(b)(3), provided that all terms and payments are substantially the same as those applicable to other customers of Ramona, Barona hereby accepts all terms of, and payments (including service payments) to the Agencies, as if the Barona Lands were fully annexed into the service areas of the Agencies, which terms and payments are also a condition of continued service by Ramona and by the Authority, which supplies water to Ramona, and Metropolitan, which supplies water to the Authority.

   (a) Conservation. The Parties agree that water service to the Barona Lands is subject to the Agencies' rules and regulations, administrative codes, and other applicable policies, including but not limited to any water use or volume restrictions imposed by the Agencies or as may be established by federal or state laws, regulations, orders, or rules generally applicable to the customers of Ramona, as amended over time. While water is furnished to Barona pursuant to this Agreement, Barona shall be bound by and subject to all applicable provisions of the Ramona Legislative Code related to water conservation, which may include but shall not be limited to, Chapter 7.40 (Water Conservation), Chapter 7.08 (Water System Failure), and Section 7.04.030 (Water Use), as well as all water conservation requirements established and/or imposed by the State of California or the Authority on Ramona and/or its customers.

2. Consistent with Water Code section 71611.5(b)(1) & (2), Barona represents and warrants that it has complied with all federal and tribal laws, and acquired all federal and tribal approvals necessary for Ramona to provide water service to the Barona Lands on substantially the same terms applicable to customers of Ramona.

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3. The Parties expressly agree that the water provided by Ramona includes water provided by Metropolitan, and that the water service to Barona is subject to Sections 3104(b), 4200, and 4509 of Metropolitan's Administrative Code to the same degree as water service to Ramona's other customers. Except upon the terms and conditions specifically approved by the Board of Directors of Metropolitan, Barona agrees that it will not use water sold and delivered by Metropolitan in any manner which intentionally or avoidably results in the direct or indirect benefit of areas outside Metropolitan's service area including the Barona Lands, including use of such water outside Metropolitan's service area including the Barona Lands or use thereof within Metropolitan's service area including the Barona Lands in substitution for other water outside Metropolitan's service area including the Barona Lands. For clarity, Barona agrees not to sell water from the potable water system on the Barona Lands outside the Barona Reservation and use Metropolitan water in its place.

4. Payment to the Agencies for Water Service. Barona shall pay Ramona in accordance with the terms and conditions of Paragraph A.3, above; Ramona shall pay the Authority, which shall in turn pay Metropolitan for all water purchased from Metropolitan that is delivered by Ramona to Barona at the applicable rates charged by Metropolitan and/or the Authority. Payments due from Ramona to the Authority or from the Authority to Metropolitan shall be made in accordance with the Authority's and Metropolitan's Administrative Codes, respectively.

6. Payment of Administrative and Investigatory Costs and other Fees. Barona shall pay to the Agencies substantially the same administrative, processing, investigation, and review costs charged to other customers, including the costs of water supply and infrastructure studies required to provide water service to the Barona Lands, and any environmental review that may be required. Additionally Barona shall pay for all costs associated with applying to SD LAFCO for its approval of this Agreement, including but not limited to any SD LAFCO fees.

7. Specific Indemnification for Provision of Water Service to the Barona Lands. Barona will defend, indemnify, and hold harmless the Agencies from any and all legal challenges to the Agencies' provision of water service specifically to the Barona Lands, including but not limited to the following:

   (a) challenges to rate structures, costs, or fees for the provision of water to the Barona Lands;

   (b) challenges to the authority of the Agencies to provide water to the Barona Lands;

   (c) challenges to any decision of the Agencies regarding the availability of water for service to the Barona Lands;

   (d) challenges to environmental compliance for the provision of water to the Barona Lands or entering into this Agreement; and

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(e) challenges to Barona's having complied with all federal and tribal laws, and having acquired all federal and tribal approvals necessary for Ramona to provide water service to the tribal lands, or entering into this Agreement.

8. Dispute Resolution and Limited Waiver of Sovereign Immunity.

(a) This Section shall govern the resolution of all disputes or claims between one or more of the Agencies and Barona that arise from this Agreement, other than disputes arising out of non-payment or late payment by Barona to Ramona for water delivery services, which shall be subject to the provisions in Paragraph A.3.

(b) Disputes between the Agencies that do not include Barona, including non-payment or late payments between them, shall be subject to their respective agreements, administrative codes, and applicable state and federal law, and shall not affect water service to the Barona Lands.

(c) Barona hereby grants to the Agencies a limited waiver of its immunity from suit solely for enforcement of this Agreement, subject to strict compliance with the following limitations. The limited waiver is only for the benefit of the Agencies, and not for any other individual or entity, including without limitation, employees, contractors, and agents of the Agencies. All claims must be provided in writing to the other Parties to this Agreement at least sixty (60) days prior to filing a complaint in court, during which time the statute of limitations shall be tolled. The limited waiver shall only be valid as to complaints filed in U.S. District Court for the Southern District of California, the California Superior Court for the County of San Diego, or—by agreement of all the Parties involved—in a tribal court of competent jurisdiction or an arbitration or mediation service. The limited waiver shall only apply to complaints for the interpretation, violation, or breach of this Agreement, and shall only apply to the remedies for breach of contract, including equitable remedies and actual damages, and shall not include punitive or exemplary damages or termination of this Agreement except as expressly provided otherwise in this Agreement. The limited waiver is granted by the tribal government of the Barona Band of Mission Indians, and does not extend to any other tribal entities, authorities, or enterprises, or any Tribal officer, Councilmember, employee or agent.

(d) Available Remedies. Termination of the Agreement is not a remedy except where termination is expressly provided for in this Agreement. The Parties acknowledge that in the event a final monetary judgment for breach of the Agreement is entered against Barona, no judgment lien shall be enforceable against any Barona Lands, but as a non-exclusive remedy water deliveries provided pursuant to this Agreement may be suspended by the Agencies until the judgment is paid in full.

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9. Termination and Survival. Except as otherwise provided herein, this Agreement may only be terminated by a Party in the event of breach of the Agreement, by mutual written agreement of the Parties, or as otherwise required by law.

(a) If a Party ("Claimant") reasonably concludes that one or more Parties ("Respondent") is in breach of this Agreement, that Claimant must first schedule and conduct an informal in-person conference with a senior officer of the Respondent (other than that Party's legal counsel) in an effort to resolve the Claimant's Claim informally. Such conference will occur within 15 days after the Claimant contacts the Respondent to schedule the in-person conference. If such an in-person conference does not resolve the Claimant's claim, then the Claimant may inform all Parties of its conclusions and the evidence therefor in writing ("Notice of Breach"). A Respondent shall have sixty (60) days from receipt of the Notice of Breach to cure the breach or demonstrate that it is not in breach. If a Respondent remains in breach after the sixty (60) day period, a Claimant may give notice in writing to all Parties of its intent to terminate this Agreement ("Notice of Termination"). The provisions of this Agreement governing the Parties' financial obligations and allocation of liability, as well as the general provisions, shall continue until the specified obligations have been fulfilled. The remainder of the Agreement shall terminate sixty (60) days after all Parties receive the Notice of Termination.

(b) If the Barona Lands, or any portion thereof, lose their character as Indian lands, water deliveries to the Barona Lands may be reduced by the average annual amount used during the previous five (5) years on those Barona Lands that no longer qualify as Indian lands upon sixty (60) days' notice to all Parties. Nothing herein shall interfere with future full annexation of such former Indian lands.

10. Integration. This Agreement, including the attached Exhibits, represents the entire understanding of the Parties as to those matters contained in it, and supersedes and cancels any prior oral or written understandings, promises or representations with respect to those matters covered in it. This Agreement may not be modified or altered except in writing signed by all Parties.

11. No Third-Party Beneficiaries. Nothing in this Agreement shall confer any rights upon any person or entity which is not a party to this Agreement.

12. Notice. Any written notice or instrument required to be given or delivered by this Agreement other than Service of Process as set forth above, may be given or delivered by depositing the same in any United States Post Office, certified mail, return receipt requested, postage prepaid, addressed to the following or their respective successors in office:

Docusign Envelope ID: 508D0EDB-B1F7-4E01-B723-E7E1938A896C

Barona:	Raymond Welch, Chairman Barona Band of Mission Indians 1095 Barona Road Lakeside, California 92040 Art Bunce Counsel Barona Band of Mission Indians P.O. Box 2516 Escondido, CA 92033
Ramona:	Erica Wolski, P.E. General Manager Ramona Municipal Water District 105 Earlham Street Ramona, California 92065 Jennifer Lyon General Counsel McDougal Love Boehmer Foley Lyon & Mitchell La Mesa Village Plaza 8100 La Mesa Boulevard, Suite 200 La Mesa, CA 91942
Authority	San Diego County Water Authority General Manager 4677 Overland Ave San Diego, CA 92123 San Diego County Water Authority General Counsel 4677 Overland Ave San Diego, CA 92123
Metropolitan	General Manager The Metropolitan Water District of Southern California P.O. Box 54153 Los Angeles, CA 90054-0153 officeofthegeneralmanager2@mwdh2o.com

13. Uncontrollable Force. No Party shall be considered to be in default in the performance of any of its obligations under this Agreement when a failure of performance shall be due to an uncontrollable force. The term "uncontrollable force" shall mean an action of the elements, the act or threat of any public enemy; Acts of God; court order; war and war defense conditions; and strikes or other labor

Docusign Envelope ID: 508D0EDB-B1F7-4E01-B723-E7E1938A896C

disputes; or other causes beyond its control. Each Party shall use reasonable diligence to avoid any such delay or default and to resume performance under this Agreement as promptly as possible after any such delay or default. However, nothing contained herein shall be construed so as to require a Party to settle any strike or labor dispute in which it may be involved. A Party rendered unable to fulfill any of its obligations under this Agreement by reason of an uncontrollable force shall give prompt written notice of such fact to the other Parties and shall exercise due diligence to remove such inability to the fullest extent practicable with all reasonable dispatch.

14. Severability. In the event any one of the provisions of this Agreement shall for any reason be held invalid, illegal or unenforceable, the remaining provisions of this Agreement shall be unimpaired, and the invalid, illegal or unenforceable provision(s) shall be replaced by a mutually acceptable provision, which being valid, legal and enforceable, comes closest to the intention of the Parties underlying the invalid, illegal or unenforceable provision.

15. Assignment. In no event shall this Agreement be assigned by any Party without first obtaining the prior written consent of all other Parties.

16. Waiver. No covenant, term or condition of this Agreement shall be deemed to be waived by any Party hereto unless such waiver is in writing and executed by the Party making the waiver. No waiver of any breach of any of the terms, covenants or conditions of this Agreement shall be construed or held to be a waiver of any succeeding or preceding breach of the same or any other term, covenant or condition contained herein.

17. Preparation of Agreement. The terms and conditions contained herein shall not be construed in favor of or against any Party, but shall be construed as if all parties prepared the Agreement.

18. Execution of Agreement. This Agreement shall not be deemed to have been accepted and shall not be binding upon any Party until duly authorized officers of all Parties have executed it.

19. Counterparts. This Agreement may be signed in counterparts, and copies, faxes or e-mail signatures shall constitute an original.

20. Effective Date. Following execution by the Parties, Ramona shall apply to SD LAFCO for approval of this Agreement pursuant to Water Code section 71611.5. This Agreement shall be effective on upon the date of approval by the SD LAFCO ("Effective Date").

Docusign Envelope ID: 508D0EDB-B1F7-4E01-B723-E7E1938A896C

IN WITNESS WHEREOF, the Parties have executed this AGREEMENT FOR WATER SERVICE TO THE BARONA BAND OF MISSION INDIANS.

BARONA BAND OF MISSION INDIANS

Signed by:
Raymond Welch
3FD2409A886E342D...

Raymond Welch
Tribal Chairman

10/17/2025
Date

Approved as to form:

Signed by:
Art Bunce
890B94CE070E420...

Art Bunce
Counsel

RAMONA MUNICIPAL WATER DISTRICT

Signed by:
Erica Wolski
435706D5D81864E3...

Erica Wolski, P.E.
General Manager

10/20/2025
Date

Approved as to form:

Signed by:
Jennifer Lyon
C2667A20CDA94B0...

Jennifer Lyon
General Counsel

DocuSigned by:
C28C7D55DA1264E7...

Paula C. P. de Sousa
Special Counsel

SAN DIEGO COUNTY WATER AUTHORITY

Signed by:
Dan Denham
E0376E38ED42490...

Dan Denham
General Manager

10/20/2025
Date

Approved as to form:

Signed by:
E69BFC6C316344D...

David Edwards
General Counsel

METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

Signed by:
714E4875B5CC4ED...

Deven N. Upadhyay
General Manager

10/21/2025
Date

Approved as to form:

Signed by:
C9CC9C40ED634B8...

Marcia Scully
General Counsel

“Barona Band of Mission Indians – Ramona Municipal Water Distrct Out-of-Agency Wastewater Services” Affected APNs

1) 328-050-01

2) 331-010-01

3) 328-120-03

4) 330-020-01

5) 330-070-21

6) 328-080-01

7) 328-100-02

8) 330-070-20

9) 330-070-18

10) 329-070-01

11) 329-070-02

12) 330-030-05

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SAN DIEGO COUNTY CLERK
CEQA FILING COVER SHEET

FILED
Jun 11, 2025 02:45 PM
JORDAN Z. MARKS
SAN DIEGO COUNTY CLERK
File # 2025-000483
State Receipt # 37061120250438
Document # 252-NOD-59

THIS SPACE FOR CLERK'S USE ONLY

Complete and attach this form to each CEQA Notice filed with the County Clerk

TYPE OR PRINT CLEARLY

Project Title

RAMONA MUNICIPAL WATER DISTRICT / BARONA INDIAN TRIBE POTABLE AND RECYCLED WATER INFRASTRUCTURE PROJECT

Check Document being Filed:

- ○ Environmental Impact Report (EIR)
- ◉ Mitigated Negative Declaration (MND) or Negative Declaration (ND)
- ○ Notice of Exemption (NOE)
- ○ Other (Please fill in type):

FILED IN THE OFFICE OF THE SAN DIEGO COUNTY CLERK ON June 11, 2025
Posted June 11, 2025 **Removed** _____
Returned to agency on _____
DEPUTY _____

Filing fees are due at the time a Notice of Determination/Exemption is filed with our office. For more information on filing fees and No Effect Determinations, please refer to California Code of Regulations, Title 14, section 753.5.

NOTICE OF DETERMINATION

TO:	☐ Clerk of the Board of Supervisors or ☒ County Clerk Address: County of San Diego 1600 Pacific Highway, Room 402 San Diego, CA 92101	FROM:	Public Agency/Lead Agency Name: **Ramona Municipal Water District** Address: 105 Earlham Street Ramona, CA 92065 Contact: Erica Wolski Phone: 760-789-1330
			Email: ewolski@rmwd.org
TO:	☒ Office of Land Use and Climate Innovation State Clearinghouse 1400 Tenth Street, Rm. 113 Sacramento, CA 95814	Lead Agency (if different from above)	
		Address:	
		Contact:	
		Phone:	

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number (If submitted to SCH): 2025050138

Project Title: **Ramona Municipal Water District / Barona Indian Tribe Potable and Recycled Water Infrastructure Project**

Project Applicant (include address, telephone number and email address):

Ramona Municipal Water District, 105 Earlham Street, Ramona, CA 92065; ewolski@rmwd.org; 760-789-1330

Specific Project Location – Identify street address and cross street or attach a map showing project site (preferably a USGS 15' or 7 ½' topographical map identified by quadrangle name):

The Project in San Diego County/Community of Ramona and Barona Indian Reservation: San Diego County. Beginning at the San Vicente Wastewater Reclamation Plant to San Vicente Road and Wildcat Canyon Road, then southward onto the Barona Reservation.

All elements of the Proposed Project lie within Section 35, T13S, R1E, SBB&M (off-Reservation), and T14S, R1 and 2E, SBB&M (unsectioned because formerly Mexican land grant – Rancho Barona). The Project Site includes all or a portion of the following APNs:

328-050-01	330-070-21	330-070-18
331-010-01	328-080-01	329-070-01
328-120-03	328-100-02	329-070-02
330-020-01	330-070-20	330-030-05

General Project Location (City and/or County): Ramona, Unincorporated Area, Barona Indian Reservation, San Diego County

Project Description: The Project proposes an 8-inch recycled water pipeline commences at the San Vicente Wastewater Reclamation Plant, at an existing District pump station located just northeast of the intersection of Vicente

Meadows Road and San Vicente Road. Once the proposed 8-inch recycled water pipeline leaving the San Vicente Wastewater Treatment Plant reaches the intersection of San Vicente Road and Wildcat Canyon Road, it will share the alignment and run parallel with the proposed 12-inch potable water pipeline in Wildcat Canyon Road. A horizontal separation of 4 feet must be maintained between the recycled and potable water pipelines throughout the alignment. This portion of Wildcat Canyon Road is maintained by the San Diego County Department of Public Works (DPW) and thus subject to the County's design standards and permitting requirements. Approximately 3000 LF of recycled water pipeline and 2100 LF of potable water pipeline will be constructed off-Reservation. After crossing the Barona Tribal Reservation boundary, the proposed recycled and potable water pipelines will run within the Wildcat Canyon Road right-of-way for approximately 0.35 miles before shifting eastward and moving off the road outside of the County right-of-way. The pipes continue to share an alignment until the recycled water line connects to the existing Golf Course Line approximately 1200 feet southeast of the Giant San Diego Paintball Park while the potable line continues overland approximately 20,200 feet until it joins the existing domestic water distribution system.
Identify the person or entity undertaking the project, including any private applicant, any other person undertaking an activity that receives financial assistance from the Public Agency as part of the project, and any person receiving a lease, permit, license, certificate, or other entitlement of use from the Public Agency as part of the project. Ramona Municipal Water District is responsible for the off-reservation portion of the project being constructed between the northern Barona Reservation boundary and the San Vicente Water Reclamation Plant on San Vicente Road. Barona Band of Mission Indians is responsible for the on-reservation portion of the project that is being constructed from the northern boundary of the Reservation down to the Barona Tribal Office on Barona Road.

This is to advise that the (☒ Lead Agency or ☐ Responsible Agency), **the Board of Directors of Ramona Municipal Water District,** has approved the above described project on **June 10, 2025** and has made the following determinations regarding the above described project:

1.	The project [☐ will ☒ will not] have a significant effect on the environment.	
2. ☐	An Environmental Impact Report was prepared and certified for this project pursuant to the provisions of CEQA and reflects the independent judgment of the Lead Agency.	
☐	A Negative Declaration was prepared for this project pursuant to the provisions of CEQA and reflects the independent judgment of the Lead Agency.	
☒	A Mitigated Negative Declaration was prepared for this project pursuant to the provisions of CEQA and reflects the independent judgment of the Lead Agency.	
3. ☒	Mitigation measures [☒ were ☐ were not] made a condition of the approval of the project.	
4. ☒	A Mitigation Monitoring or Reporting Plan [☒ was ☐ was not] adopted for this project.	
5. ☐	A Statement of Overriding Considerations [☐ was ☒ was not] adopted for this project.	
6. ☒	Findings [☒ were ☐ were not] made pursuant to the provisions of CEQA.	
	This is to certify that the Final EIR with comments and responses and record of project approval, or the Negative Declaration, is available to General Public at:	
	Custodian: Ramona Municipal Water District and Barona Band of Mission Indians	Location: 105 Earlham Street, Ramona, CA 92065 1095 Barona Road, Lakeside, CA 92040

Date: 6/11/2025	Erica Wolski **Name** Erica Wolski **Title** General Manager

Clerk's File Stamp:

Authority cited: Sections 21083, Public Resources Code.
Reference Section 21000-21174, Public Resources Code.

San Diego County

Transaction #: 8423452
Receipt #: 2025221039

JORDAN Z. MARKS
Assessor/Recorder/County Clerk
1600 Pacific Highway Suite 260
P. O. Box 121750, San Diego, CA 92112-1750
Tel. (619) 237-0502 Fax (619) 557-4155
www.sdarcc.gov

Cashier Date: 06/11/2025
Cashier Location: SD

Print Date: 06/11/2025 2:46 pm

Payment Summary

Total Fees:	$3,018.75
Total Payments:	$3,018.75
Balance:	$0.00

Payments

CHECK PAYMENT #022361	$50.00
CHECK PAYMENT #022623	$2,968.75
Total Payments	$3,018.75

Filing

CEQA - NOD — FILE #: 2025-000483 Date: 06/11/2025 2:45PM Pages: 4

State Receipt # 37-06/11/2025-0438

Fees:	Fish & Wildlife County Administrative Fee	$50.00
Fees:	Fish & Wildlife Mitigated/Negative Declaration	$2,968.75
Total Fees Due:		$3,018.75

Grand Total - All Documents: $3,018.75

State of California - Department of Fish and Wildlife

2025 ENVIRONMENTAL DOCUMENT FILING FEE CASH RECEIPT

DFW 753.5a (Rev. 01/01/25) Previously DFG 753.5a

RECEIPT NUMBER:
37-06/11/2025-0438
STATE CLEARING HOUSE NUMBER(*If applicable*)
2025050138

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

LEAD AGENCY	LEAD AGENCY EMAIL	DATE
RAMONA MUNICIPAL WATER DISTRICT		06/11/2025

COUNTY/STATE AGENCY OF FILING	DOCUMENT NUMBER
SAN DIEGO	252-NOD-0059

PROJECT TITLE
RAMONA MUNICIPAL WATER DISTRICT / BARONA INDIAN TRIBE POTABLE AND RECYCLED WATER INFRASTRUCTURE PROJECT

PROJECT APPLICANT NAME	PROJECT APPLICANT EMAIL		PHONE NUMBER
RAMONA MUNICIPAL WATER DISTRICT			760-789-1330
PROJECT APPLICANT ADDRESS	**CITY**	**STATE**	**ZIP CODE**
105 EARLHAM STREET	RAMONA	CA	92065

PROJECT APPLICANT (*Check appropriate box*)

☐ Local Public Agency ☐ School District ☒ Other Special District ☐ State Agency ☐ Private Entity

CHECK APPLICABLE FEES:

☐ Environmental Impact Report (EIR)	$4,123.50	$	0.00
☒ Mitigated/Negative Declaration (MND)/(ND)	$2,968.75	$	2,968.75
☐ Certified Regulatory Program (CRP) document - payment due directly to CDFW	$1,401.75	$	0.00

☐ Exempt from fee
- ☐ Notice of Exemption (attach)
- ☐ CDFW No Effect Determination (attach)

☐ Fee previously paid (attach previously issued cash receipt copy)

☐ Water Right Application or Petition Fee(State Water Resources Control Board only)	$850.00	$	0.00
☒ County documentary handling fee		$	50.00
☐ Other		$	0.00

PAYMENT METHOD:

☐ Cash ☐ Credit ☒ Check ☐ Other **TOTAL RECEIVED** $ 3,018.75

SIGNATURE	AGENCY OF FILING PRINTED NAME AND TITLE
X	San Diego County Clerk, JESSADITH EDORA, Deputy

Payment Reference #: Check # 022361 and Check # 022623

VENDOR: CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE 01648 | 06/05/2025 | 22623

DATE	INVOICE #	DESCRIPTION	AMOUNT
6/5/2025	06052025	CDFW FEE/NOTICE OF DETERMINATION/IS/MND BARONA WTR	2,968.75

CHECK TOTAL 2,968.75

VENDOR: CO SD/RECORDER/CO CLERK'S OFFICE 107 | 04/30/2025 | 22361

DATE	INVOICE #	DESCRIPTION	AMOUNT
4/30/2025	04302025	PROJ: #22119-3 CLERK FEE/FILING	50.00

CHECK TOTAL 50.00

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7a

AGENDA REPORT
Business | Action

December 1, 2025

TO: Commissioners

FROM: Keene Simonds, Executive Officer
Meghan Traynor, Analyst I

SUBJECT: **Applicant Request for Discretionary Fee Reduction or Waiver | Pending "Turner – Oak Creek Drive Reorganization"**

SUMMARY

The San Diego County Local Agency Formation Commission (LAFCO) will consider a request from a landowner (Alan Turner) for a discretionary fee reduction or waiver associated with an anticipated application to annex two unincorporated parcels totaling 2.3 acres to the Lakeside Water District (WD) with concurrent detachment from the Padre Dam Municipal Water District (MWD). The proposal will also necessitate conforming sphere of influence amendments to both subject agencies. The purpose of the proposal is to make public water service available to the affected territory and in doing so accommodate the planned development of a single-family residence. Connection to Padre Dam MWD is reportedly infeasible and costly at this time while connection to Lakeside WD is readily available. The application cost under the LAFCO fee schedule is $18,894.75, based on the assumption the reorganization would proceed without protest proceedings and qualifies as categorically exempt under the California Environmental Quality Act. LAFCO policies allow applicants to request a fee waiver or reduction. Any approval must be based on a demonstrated financial hardship and serve a public interest, as determined by the Commission. Consistent with past direction to directly evaluate requests on a case-by-case basis, staff recommends the Commission consider the merits of this request and any potential alternatives – including a partial fee reduction or payment plan—and take action as deemed appropriate.

Administration
Keene Simonds, Executive Officer
2550 Fifth Avenue, Suite 725
San Diego, California 92103
T 619.321.3380
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BACKGROUND

Adopted Fee Schedule + Waivers

San Diego LAFCO's adopted fee schedule outlines applicant costs for processing jurisdictional changes and related requests, such as out-of-agency service approvals. Most fees are fixed and non-refundable, reflecting a predetermined allocation of staff resources based on a full cost-recovery model. The schedule provides for two distinct types of fee waivers and reductions: pre-approved and discretionary.

- Pre-approved fee waivers ranging between 50-75% reduction, and may be granted by the Executive Officer limited to proposals that advance specific legislative objectives, including addressing public health threats, eliminating unincorporated islands, and annexing disadvantaged unincorporated communities into cities.

- Discretionary fee waivers or reductions must be formally approved by the Commission in response to a written request submitted by the applicant. These requests are limited to one of two qualifying circumstances: (1) the action aligns with a prior recommendation of the Commission, or (2) the applicant demonstrates a financial hardship as determined by the Commission.

Recent Discussion on Fee Waivers or Reductions

At its December 4, 2023 meeting, San Diego LAFCO reviewed its existing policies and practices related to applicant fee waivers and reductions. The item was presented at the request of Commissioner Willis and included a discussion of potential options to provide fee relief for applicants that also serve as LAFCO funding agencies. Following discussion, and pertinently, the Commission affirmed its preference to evaluate waiver and reduction requests on a case-by-case basis.[1]

At its June 2, 2025 meeting, the Commission was presented with a request from the Pauma Valley Community Services District (CSD) to waive all fees associated with its anticipated application to annex nine unincorporated parcels, totaling $6,405.00. A discussion on precedent-setting implications – in allowing special districts to waive LAFCO application fees – by Commissioners ensued and the request for a fee waiver by the District was subsequently denied. Commissioners requested staff to work with Pauma Valley CSD on a payment plan based on full cost recovery.

[1] The Commission also expressed interest in revisiting the broader topic – including the possibility of sliding-scale reductions for smaller special districts – as part of a future comprehensive update to the fee schedule.

DISCUSSION

This item is presented for San Diego LAFCO to consider a request from landowner Alan Turner to reduce or waive all processing fees associated with an anticipated reorganization application involving the annexation of two unincorporated, undeveloped parcels to Lakeside WD with concurrent detachment from Padre Dam MWD.[2] The total application cost under the current LAFCO fee schedule is $18,895.[3]

The landowner's written request is on file. In discussion the topic with LAFCO staff, the landowner has also provided documentation of their household income in 2024. Staff confirms this amount falls below the County of San Diego's 2024 "low income threshold" of $130,950 for a five-person household, based on HUD's 80% AMI threshold with additional details footnoted.[4] A report summarizing HUD's 2024 State Income Limits is provided as Attachment One.

ANALYSIS

San Diego LAFCO does not have precedent for evaluating the requested fee waiver or reduction under the statutory and policy requirements that any approval be based on demonstrated financial hardship and serve the public interest. If the Commission is inclined to grant the request – whether as a full waiver, partial reduction, or payment plan – staff suggest basing the decision on a nexus between the applicant's documented financial hardship and the public interest in enabling increased housing stock on land zoned for residential development by the County of San Diego. Conversely, the Commission could reasonably deny the request on the grounds that the underlying project – construction of a private residence – does not directly serve a public interest.

RECOMMENDATION

It is recommended San Diego LAFCO consider the request and take one of the alternative actions listed in the proceeding section as deemed appropriate.

ALTERNATIVES FOR ACTION

The following alternatives are available to San Diego LAFCO:

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[2] The subject parcels are currently within Padre Dam MWD's boundary and adopted sphere of influence and outside of Lakeside WD's jurisdictional boundary and sphere of influence. The parcels span 2.3 acres and identified by the County of San Diego Assessor's office as 379-040-66 and 379-040-67.

[3] Fee estimate based on the assumption the reorganization would proceed without protest proceedings and qualifies as categorically exempt under the California Environmental Quality Act.

[4] This landowner's request cites financial hardship and is the first such request received during the current Executive Officer's tenure. In evaluating the request, staff conducted research on statewide local government policies related to fee waivers for financial hardship and identified the County of El Dorado's fee waiving policy as a reasonable model. Under this policy, fees, permit charges, and other administrative costs may be waived based on income eligibility using the California Department of Housing and Urban Development (HUD) Area Median Income (AMI) table, with ow-income eligibility for fee waivers set at 80% of the AMI.

Alternative One:
Approve the requested fee waiver in full.

Alternative Two:
Approve a partial fee reduction in an amount determined by the Commission.

Alternative Three:
Direct the Executive Officer to work with the applicant on a payment plan for future consideration by the Commission with any specific guardrails.

Alternative Four
Deny the request.

PROCEDURES

This item has been placed on the agenda for action as part of San Diego LAFCO's business calendar. The following procedures, accordingly, are recommended.

1) Receive verbal report from staff unless waived.
2) Invite testimony from the public.
3) Discuss the item and take one of the alternative actions listed.

Respectfully on behalf of the Executive Officer,



Meghan Traynor
Analyst I

Attachment:

1) California Department of Housing and Community Development 2024 State Income Limits

STATE OF CALIFORNIA - BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY GAVIN NEWSOM, *Governor*

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT
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Sacramento, CA 95833
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May 9, 2024

MEMORANDUM FOR: Interested Parties

FROM: Megan Kirkeby, Deputy Director
Division of Housing Policy Development

SUBJECT: **2024 State Income Limits**

Attached are briefing materials and 2024 State Income Limits that are now in effect, replacing the previous 2023 State Income Limits. Income limits reflect updated median income and household income levels for acutely low -, extremely low-, very low-, low-, and moderate-income households for California's 58 counties. The 2024 State Income Limits are on the Department of Housing and Community Development (HCD) website at https://www.hcd.ca.gov/grants-and-funding/income-limits/state-and-federal-income-rent-and-loan-value-limits.

State Income Limits apply to designated programs, are used to determine applicant eligibility (based on the level of household income) and may be used to calculate affordable housing costs for applicable housing assistance programs. Use of State Income Limits are subject to a particular program's definition of income, family, family size, effective dates, and other factors. In addition, definitions applicable to income categories, criteria, and geographic areas sometimes differ depending on the funding source and program, resulting in some programs using other income limits.

The attached briefing materials detail California's 2024 State Income Limits and were updated based on: (1) changes to income limits the U.S. Department of Housing and Urban Development (HUD) released on April 1, 2024, for its Public Housing, Section 8, Section 202, and Section 811 programs; and (2) adjustments HCD made based on State statutory provisions and its 2013 Hold Harmless (HH) Policy.

For questions concerning State Income Limits, please see the Questions and Answers on page 5 or contact StateIncomeLimits@hcd.ca.gov.

2024 State Income Limits Briefing Materials
California Code of Regulations, Title 25, Section 6932

Overview

The Department of Housing and Community Development (HCD), pursuant to Health & Safety Code Section 50093(c), must file updates to its State Income Limits with the Office of Administrative Law. HCD annually updates these income limits based on U.S. Department of Housing and Urban Development (HUD) revisions to the Public Housing and Section 8 Income Limits that HUD most recently released on April 1, 2024.

HUD annually updates its Public Housing and Section 8 Income Limits to reflect changes in median family income levels for different size households and income limits for extremely low-, very low-, and low-income households. HCD, pursuant to statutory provisions, makes the following additional revisions: (1) if necessary, increases a county's area median income to equal California's non-metropolitan median income, (2) adjusts Area Median Income (AMI) and household income category levels to not result in any year-over-year decrease for any year after 2009 pursuant to HCD's February 2013 Hold Harmless (HH) Policy. (HCD's HH Policy was implemented to replace HUD's HH Policy, discontinued in 2009, to ensure income limits and area median income levels do not fall below a prior year's highest level), and (3) determines income limits for California's acutely low-income and moderate-income categories.

Following are brief summaries of technical methodologies used by HUD and HCD in updating income limits for different household income categories. For additional information, please refer to HUD's briefing materials at https://www.huduser.gov/portal/datasets/il//il24/IncomeLimitsMethodology-FY24.pdf.

HUD Methodology

HUD Public Housing and Section 8 Income Limits begin with the production of median family incomes. HUD uses the Section 8 program's Fair Market Rent (FMR) area definitions in developing median incomes, which means developing median incomes for each metropolitan area, parts of some metropolitan areas, and each non-metropolitan county. The 2024 FMR area definitions for California are unchanged from last year. HUD calculates Income Limits for every FMR area with adjustments for family size and for areas with unusually high or low family income or housing-cost-to-income relationships.

Extremely Low-Income

In determining the extremely low-income limit, HUD uses the Federal Poverty Guidelines, published by the Department of Health and Human Services. The Federal Poverty Guidelines are a simplified version of the Federal Poverty Thresholds used for administrative purposes — for instance, determining financial eligibility for certain federal programs. HUD compares the appropriate poverty guideline with 60% of the very low-income limit and chooses the greater of the two as the extremely low-income limit. The value may not exceed the very low-income level.

Very Low-Income

The very low-income limits are the basis for the extremely low- and low-income limits. The very low-income limit typically reflects 50 percent of median family income (MFI), and HUD's MFI figure generally equals two times HUD's 4-person very low-income limit. However, HUD may adjust the very low-income limit for an area or county to account for conditions that warrant special considerations. As such, the very low-income limit may not always equal 50% MFI.

Low-Income

In general, most low-income limits represent the higher level of: (1) 80 percent of MFI or, (2) 80 percent of state non-metropolitan median family income. However, due to adjustments that HUD sometimes makes to the very low-income limit, strictly calculating low-income limits as 80 percent of MFI could

produce unintended anomalies inconsistent with statutory intent (e.g., very low-income limits being higher than low-income limits). Therefore, HUD's briefing materials specify that, with some exceptions, the low-income limit reflect 160 percent of the very low-income limit. HUD may apply additional adjustments to areas with unusually high or low housing-costs-to-income relationships and for other reasons. This can result in low-income limits exceeding MFI in certain counties.

Median Family Income/Area Median Income
HUD references and estimates the MFI in calculating the income limits. California law and State Income Limits reference AMI that, pursuant to Health & Safety Code section 50093(c), means the MFI of a geographic area of the State, as estimated annually by HUD for its Section 8 Program.

In estimating FY 2024 median family incomes, HUD uses median family income data (as opposed to median household income data) from the 2022 American Community Survey (ACS) as calculated by the Census Bureau. The Census Bureau produces two types of ACS estimates: the "one-year" data, which represent estimates as of 2022; and the "five-year" data, which represent estimates as of 2018-2022 (but are inflated to 2022 dollars). HUD requires special tabulations of the ACS to match its custom HMFA definitions described above.

HUD uses the 2022 ACS median family income data (as opposed to household income data) as the basis of FY 2024 Income Limits for all areas of California. HUD uses an inflation forecast from the Congressional Budget Office (CBO) in updating ACS estimates. For FY 2024, CBO has produced a forecast CPI of 310.683, which divided by annual 2022 of 292.613 is 1.062 (an increase of 6.2 percent).

For additional information on MFI's please see HUD's briefing materials at https://www.huduser.gov/portal/datasets/il/il24/Medians-Methodology-FY24.pdf.

Adjustment Calculations
HUD may apply adjustments to areas with unusually high or low family income, uneven housing-cost-to-income relationship, or other reasons. For example, HUD applies an increase if the four-person very low-income limit would otherwise be less than the amount at which 35 percent of it equals 85 percent of the annualized two-bedroom Section 8 FMR (or 40th percentile rent in 50th percentile FMR areas). The purpose is to increase the income limit for areas where rental-housing costs are unusually high in relation to the median income. In certain cases, HUD also applies an adjustment to the income limits based on the state non-metropolitan median family income level.

In addition, HUD restricts adjustments, so income limits do not increase more than five percent of the previous year's very low-income figure OR twice the increase in the national MFI as measured by the ACS with an absolute cap of 10 percent, whichever is greater. For 2024, the annualized change is measured by the ACS from 2021 to 2022. Twice this change is approximately 14.8 percent, which is greater than the 10 percent absolute cap. So, for FY 2024, the income limits "cap" is 10 percent. HUD first announced this methodology on January 10, 2024 in a Federal Register Notice. The cap and floor rules do not apply to the extremely low-income limits.

Please refer to HUD briefing materials for additional information on the adjustment calculations.

Income Limit Calculations for Household Sizes Other Than 4-Persons
The income limit statute requires adjustments for family size. The legislative history and conference committee report indicates that Congress intended that income limits should be higher for larger families and lower for smaller families. The same family size adjustments apply to all income limits, except extremely low-income limits, which are set at the poverty income threshold. They are as follows:

Number of Persons in Household:	1	2	3	4	5	6	7	8
Adjustments:	70%	80%	90%	Base	108%	116%	124%	132%

Income Limit Calculations for Household Sizes Greater Than 8-Persons
For households of more than eight persons, refer to the formula at the end of the table for 2024 Income Limits. Due to the adjustments HUD can make to income limits in a given county, table data should be the only method used to determine program eligibility. Arithmetic calculations are applicable only when a household has more than eight members. New for FY 2024, family size-adjusted income limits are retested for compliance with the cap and floor rules. Please refer to HUD's briefing material for additional information on family size adjustments.

HCD Methodology

State law (see, e.g., Health & Safety Code section 50093) prescribes the methodology HCD uses to update the State Income Limits. HCD utilizes HUD's Public Housing and Section 8 Income Limits. HCD's methodology involves: (1) if necessary, increasing a county's median income established by HUD to equal California's non-metropolitan county median income determined by HUD, (2) applying HCD's HH Policy, in effect since 2013, to not allow decreases in AMI levels and household income category levels, (3) applying to the median income the same family size adjustments HUD applies to the income limits, (4) determining income limit levels applicable to California's acutely low-income households defined by law as household income not exceeding 15 percent of county AMI, and (5) determining income limit levels applicable to California's moderate-income households defined by law as household income not exceeding 120 percent of county AMI.

Area Median Income and Income Category Levels
HCD, pursuant to federal and State law, adjusts median income levels for all counties so they are not less than the non-metropolitan county median income established by HUD ($87,900 for 2024). Next, HCD applies its HH Policy to ensure AMI and income limits for all household income categories do not fall below any level achieved in the prior year. Health and Safety Code section 50093 requires HCD to adjust the AMI for family size in accordance with adjustment factors adopted by HUD and illustrated on the previous page. This establishes that the MFI published by HUD equals the four-person AMI for California counties.

Acutely low-Income Levels
Beginning in 2022, Health and Safety Code section 50063.5 established California's acutely low-income household levels. After calculating the 4-person area median income (AMI) level as previously described, HCD sets the maximum acutely low-income limit to equal 15 percent of the county's AMI, adjusted for family size.

Moderate-Income Levels
HCD is responsible for establishing California's moderate-income limit levels. After calculating the 4-person AMI level as previously described, HCD sets the maximum moderate-income limit to equal 120 percent of the county's AMI, adjusted for family size.

Applicability of California's Official State Income Limits
Applicability of the State Income Limits are subject to particular programs as program definitions of factors such as income, family, and household size vary. Some programs, such as Multifamily Tax Subsidy Projects (MTSPs), use different income limits. For MTSPs, separate income limits apply per provisions of the Housing and Economic Recovery Act (HERA) of 2008 (Public Law 110-289). Income limits for MTSPs are used to determine qualification levels as well as set maximum rental rates for projects funded with tax credits authorized under Section 42 of the Internal Revenue Code (Code). In addition, MTSP income limits apply to projects financed with tax-exempt housing bonds issued to provide qualified residential rental development under Section 142 of the Code. These income limits are available at http://www.huduser.org/datasets/mtsp.html.

2024 State Income Limits Briefing Materials
California Code of Regulations, Title 25, Section 6932

Questions and Answers

In Los Angeles, as well as several other counties in the state, why does the very low-income limit not equal 50% of AMI (or the low-income limit not equal 80% of AMI)?

There are many exceptions to the arithmetic calculation of income limits. These include adjustments for high housing cost relative to income, the application of state nonmetropolitan income limits in low-income areas, and national maximums in high-income areas. **In Los Angeles County, as well as several others, the magnitude of these adjustments results in the low-income limit exceeding AMI.** These exceptions are detailed in the FY 2024 Income Limits Methodology Document, https://www.huduser.gov/portal/datasets/il/il24/Medians-Methodology-FY24.pdf.

For further information on the exact adjustments made to an individual area of the country, please see HUD's FY 2024 Income Limits Documentation System. The documentation system is available at https://www.huduser.gov/portal/datasets/il/il2024/select_Geography.odn. Once the area in question is selected, a summary of the area's median income, Very Low-Income, Extremely Low-Income, and Low-Income Limits are displayed. Detailed calculations are obtained by selecting the relevant links.

Why don't the income limits for my area reflect recent gains?

Although HUD uses the most recent data available concerning local area incomes, there is still a lag between when the data are collected and when the data are available for use. For example, FY 2024 Income Limits are calculated using 2018-2022 5-year American Community Survey (ACS) data, and one-year 2022 data where possible. This is a two-year lag, so more current trends in median family income levels are not available.

HUD estimates Median Family Income (MFI) annually for each metropolitan area and non-metropolitan county. The basis for HUD's median family incomes is data from the ACS, table B19113 - MEDIAN FAMILY INCOME IN THE PAST 12 MONTHS. A Consumer Price Index (CPI) forecast as published by the Bureau of Labor Statistics is used in the trend factor calculation to bring the 2021 ACS data forward to FY 2023.

For additional details concerning the use of the ACS in HUD's calculations of MFI, please see HUD's FY 2024 Median Family Income methodology document, at https://www.huduser.gov/portal/datasets/il/il23/Medians-Methodology-FY24.pdf

Additionally, full documentation of all calculations for MFIs is available in the FY 2024 Median Family Income and the FY 2024 Income Limits Documentation System. These systems are available at https://www.huduser.gov/portal/datasets/il/il2024/select_Geography.odn

Why didn't the income limits for my county change from last year?

HCD's 2013 Hold Harmless Policy likely prevented the income limits from decreasing from last year's levels and has maintained them despite a decrease in median income and/or income limits published by HUD.

Why do the income limits or area median income for my county not match what was published by HUD?

HCD adjusts each county's AMI to at least equal the state non-metropolitan county median income, as published by HUD. Further, HCD's 2013 Hold Harmless Policy prevents any decrease in income limits or median family income published by HUD to be applied to State Income Limits.

Section 6932. 2024 Income Limits

Number of Persons in Household:		1	2	3	4	5	6	7	8
Last page instructs how to use income limits to determine applicant eligibility and calculate affordable housing cost and rent									
Alameda County Area Median Income: $155,700	Acutely Low	16350	18700	21000	23350	25200	27100	28950	30800
	Extremely Low	32700	37400	42050	46700	50450	54200	57950	61650
	Very Low Income	54500	62300	70100	77850	84100	90350	96550	102800
	Low Income	84600	96650	108750	120800	130500	140150	149800	159500
	Median Income	109000	124550	140150	**155700**	168150	180600	193050	205500
	Moderate Income	130800	149500	168150	186850	201800	216750	231700	246650
Alpine County Area Median Income: $119,300	Acutely Low	12550	14300	16100	17900	19350	20750	22200	23650
	Extremely Low	22200	25400	28550	31700	36580	41960	47340	52720
	Very Low Income	37000	42250	47550	52850	57050	61300	65550	69750
	Low Income	59200	67650	76100	84550	91350	98100	104850	111650
	Median Income	83500	95450	107350	**119300**	128850	138400	147950	157500
	Moderate Income	100200	114500	128850	143150	154600	166050	177500	188950
Amador County Area Median Income: $101,900	Acutely Low	10700	12250	13750	15300	16500	17750	18950	20200
	Extremely Low	21200	24200	27250	31200	36580	41960	47340	52720
	Very Low Income	35300	40350	45400	50400	54450	58500	62500	66550
	Low Income	56450	64550	72600	80650	87150	93600	100050	106500
	Median Income	71350	81500	91700	**101900**	110050	118200	126350	134500
	Moderate Income	85600	97850	110050	122300	132100	141850	151650	161450
Butte County Area Median Income: $96,600	Acutely Low	10150	11600	13050	14500	15650	16800	18000	19150
	Extremely Low	19050	21800	25820	31200	36580	41960	47340	52720
	Very Low Income	31750	36300	40850	45350	49000	52600	56250	59850
	Low Income	50750	58000	65250	72500	78300	84100	89900	95700
	Median Income	67600	77300	86950	**96600**	104350	112050	119800	127500
	Moderate Income	81150	92700	104300	115900	125150	134450	143700	153000
Calaveras County Area Median Income: $96,200	Acutely Low	10100	11550	13000	14450	15600	16750	17900	19050
	Extremely Low	20050	22900	25820	31200	36580	41960	47340	52720
	Very Low Income	33400	38150	42900	47650	51500	55300	59100	62900
	Low Income	53400	61000	68650	76250	82350	88450	94550	100650
	Median Income	67350	76950	86600	**96200**	103900	111600	119300	127000
	Moderate Income	80800	92350	103900	115450	124700	133900	143150	152400
Colusa County Area Median Income: $87,900	Acutely Low	9250	10550	11900	13200	14250	15300	16350	17400
	Extremely Low	18450	21100	25820	31200	36580	41960	47340	52720
	Very Low Income	30800	35200	39600	43950	47500	51000	54500	58050
	Low Income	49250	56250	63300	70300	75950	81550	87200	92800
	Median Income	61550	70300	79100	**87900**	94950	101950	109000	116050
	Moderate Income	73850	84400	94950	105500	113950	122400	130800	139250
Contra Costa County Area Median Income: $155,700	Acutely Low	16350	18700	21000	23350	25200	27100	28950	30800
	Extremely Low	32700	37400	42050	46700	50450	54200	57950	61650
	Very Low Income	54500	62300	70100	77850	84100	90350	96550	102800
	Low Income	84600	96650	108750	120800	130500	140150	149800	159500
	Median Income	109000	124550	140150	**155700**	168150	180600	193050	205500
	Moderate Income	130800	149500	168150	186850	201800	216750	231700	246650

Number of Persons in Household:		1	2	3	4	5	6	7	8
Del Norte County Area Median Income: $87,900	Acutely Low	9250	10550	11900	13200	14250	15300	16350	17400
	Extremely Low	18450	21100	25820	31200	36580	41960	47340	52720
	Very Low Income	30800	35200	39600	43950	47500	51000	54500	58050
	Low Income	49250	56250	63300	70300	75950	81550	87200	92800
	Median Income	61550	70300	79100	**87900**	94950	101950	109000	116050
	Moderate Income	73850	84400	94950	105500	113950	122400	130800	139250
El Dorado County Area Median Income: $113,900	Acutely Low	11950	13700	15400	17100	18450	19850	21200	22550
	Extremely Low	24750	28300	31850	35350	38200	41960	47340	52720
	Very Low Income	41300	47150	53050	58950	63650	68400	73100	77850
	Low Income	66050	75450	84900	94300	101850	109400	116950	124500
	Median Income	79750	91100	102500	**113900**	123000	132100	141250	150350
	Moderate Income	95700	109350	123050	136700	147650	158550	169500	180450
Fresno County Area Median Income: $87,900	Acutely Low	9250	10550	11900	13200	14250	15300	16350	17400
	Extremely Low	18450	21100	25820	31200	36580	41960	47340	52720
	Very Low Income	30800	35200	39600	43950	47500	51000	54500	58050
	Low Income	49250	56250	63300	70300	75950	81550	87200	92800
	Median Income	61550	70300	79100	**87900**	94950	101950	109000	116050
	Moderate Income	73850	84400	94950	105500	113950	122400	130800	139250
Glenn County Area Median Income: $87,900	Acutely Low	9250	10550	11900	13200	14250	15300	16350	17400
	Extremely Low	18450	21100	25820	31200	36580	41960	47340	52720
	Very Low Income	30800	35200	39600	43950	47500	51000	54500	58050
	Low Income	49250	56250	63300	70300	75950	81550	87200	92800
	Median Income	61550	70300	79100	**87900**	94950	101950	109000	116050
	Moderate Income	73850	84400	94950	105500	113950	122400	130800	139250
Humboldt County Area Median Income: $88,300	Acutely Low	9300	10600	11950	13250	14300	15350	16450	17500
	Extremely Low	18550	21200	25820	31200	36580	41960	47340	52720
	Very Low Income	30950	35350	39750	44150	47700	51250	54750	58300
	Low Income	49500	56550	63600	70650	76350	82000	87650	93300
	Median Income	61800	70650	79450	**88300**	95350	102450	109500	116550
	Moderate Income	74150	84750	95350	105950	114450	122900	131400	139850
Imperial County Area Median Income: $87,900	Acutely Low	9250	10550	11900	13200	14250	15300	16350	17400
	Extremely Low	18450	21100	25820	31200	36580	41960	47340	52720
	Very Low Income	30800	35200	39600	43950	47500	51000	54500	58050
	Low Income	49250	56250	63300	70300	75950	81550	87200	92800
	Median Income	61550	70300	79100	**87900**	94950	101950	109000	116050
	Moderate Income	73850	84400	94950	105500	113950	122400	130800	139250
Inyo County Area Median Income: $87,900	Acutely Low	9250	10550	11900	13200	14250	15300	16350	17400
	Extremely Low	18450	21100	25820	31200	36580	41960	47340	52720
	Very Low Income	30800	35200	39600	43950	47500	51000	54500	58050
	Low Income	49250	56250	63300	70300	75950	81550	87200	92800
	Median Income	61550	70300	79100	**87900**	94950	101950	109000	116050
	Moderate Income	73850	84400	94950	105500	113950	122400	130800	139250

Number of Persons in Household:		1	2	3	4	5	6	7	8
Kern County Area Median Income: $87,900	Acutely Low	9250	10550	11900	13200	14250	15300	16350	17400
	Extremely Low	18450	21100	25820	31200	36580	41960	47340	52720
	Very Low Income	30800	35200	39600	43950	47500	51000	54500	58050
	Low Income	49250	56250	63300	70300	75950	81550	87200	92800
	Median Income	61550	70300	79100	**87900**	94950	101950	109000	116050
	Moderate Income	73850	84400	94950	105500	113950	122400	130800	139250
Kings County Area Median Income: $87,900	Acutely Low	9250	10550	11900	13200	14250	15300	16350	17400
	Extremely Low	18450	21100	25820	31200	36580	41960	47340	52720
	Very Low Income	30800	35200	39600	43950	47500	51000	54500	58050
	Low Income	49250	56250	63300	70300	75950	81550	87200	92800
	Median Income	61550	70300	79100	**87900**	94950	101950	109000	116050
	Moderate Income	73850	84400	94950	105500	113950	122400	130800	139250
Lake County Area Median Income: $87,900	Acutely Low	9250	10550	11900	13200	14250	15300	16350	17400
	Extremely Low	18450	21100	25820	31200	36580	41960	47340	52720
	Very Low Income	30800	35200	39600	43950	47500	51000	54500	58050
	Low Income	49250	56250	63300	70300	75950	81550	87200	92800
	Median Income	61550	70300	79100	**87900**	94950	101950	109000	116050
	Moderate Income	73850	84400	94950	105500	113950	122400	130800	139250
Lassen County Area Median Income: $87,900	Acutely Low	9250	10550	11900	13200	14250	15300	16350	17400
	Extremely Low	18450	21100	25820	31200	36580	41960	47340	52720
	Very Low Income	30800	35200	39600	43950	47500	51000	54500	58050
	Low Income	49250	56250	63300	70300	75950	81550	87200	92800
	Median Income	61550	70300	79100	**87900**	94950	101950	109000	116050
	Moderate Income	73850	84400	94950	105500	113950	122400	130800	139250
Los Angeles County Area Median Income: $98,200	Acutely Low	10350	11800	13300	14750	15950	17100	18300	19450
	Extremely Low	29150	33300	37450	41600	44950	48300	51600	54950
	Very Low Income	48550	55450	62400	69350	74900	80450	86000	91550
	Low Income	77700	88800	99900	110950	119850	128750	137600	146500
	Median Income	68750	78550	88400	**98200**	106050	113900	121750	129600
	Moderate Income	82500	94300	106050	117850	127300	136700	146150	155550
Madera County Area Median Income: $87,900	Acutely Low	9250	10550	11900	13200	14250	15300	16350	17400
	Extremely Low	18450	21100	25820	31200	36580	41960	47340	52720
	Very Low Income	30800	35200	39600	43950	47500	51000	54500	58050
	Low Income	49250	56250	63300	70300	75950	81550	87200	92800
	Median Income	61550	70300	79100	**87900**	94950	101950	109000	116050
	Moderate Income	73850	84400	94950	105500	113950	122400	130800	139250
Marin County Area Median Income: $186,600	Acutely Low	19600	22400	25200	28000	30250	32500	34700	36950
	Extremely Low	41150	47000	52900	58750	63450	68150	72850	77550
	Very Low Income	68550	78350	88150	97900	105750	113600	121400	129250
	Low Income	109700	125350	141000	156650	169200	181750	194250	206800
	Median Income	130600	149300	167950	**186600**	201550	216450	231400	246300
	Moderate Income	156750	179100	201500	223900	241800	259700	277650	295550

Number of Persons in Household:		1	2	3	4	5	6	7	8
Mariposa County Area Median Income: $87,900	Acutely Low	9250	10550	11900	13200	14250	15300	16350	17400
	Extremely Low	18450	21100	25820	31200	36580	41960	47340	52720
	Very Low Income	30800	35200	39600	43950	47500	51000	54500	58050
	Low Income	49250	56250	63300	70300	75950	81550	87200	92800
	Median Income	61550	70300	79100	**87900**	94950	101950	109000	116050
	Moderate Income	73850	84400	94950	105500	113950	122400	130800	139250
Mendocino County Area Median Income: $90,400	Acutely Low	9500	10850	12200	13550	14650	15700	16800	17900
	Extremely Low	19000	21700	25820	31200	36580	41960	47340	52720
	Very Low Income	31650	36200	40700	45200	48850	52450	56050	59700
	Low Income	50650	57850	65100	72300	78100	83900	89700	95450
	Median Income	63300	72300	81350	**90400**	97650	104850	112100	119350
	Moderate Income	75950	86800	97650	108500	117200	125850	134550	143200
Merced County Area Median Income: $87,900	Acutely Low	9250	10550	11900	13200	14250	15300	16350	17400
	Extremely Low	18450	21100	25820	31200	36580	41960	47340	52720
	Very Low Income	30800	35200	39600	43950	47500	51000	54500	58050
	Low Income	49250	56250	63300	70300	75950	81550	87200	92800
	Median Income	61550	70300	79100	**87900**	94950	101950	109000	116050
	Moderate Income	73850	84400	94950	105500	113950	122400	130800	139250
Modoc County Area Median Income: $87,900	Acutely Low	9250	10550	11900	13200	14250	15300	16350	17400
	Extremely Low	18450	21100	25820	31200	36580	41960	47340	52720
	Very Low Income	30800	35200	39600	43950	47500	51000	54500	58050
	Low Income	49250	56250	63300	70300	75950	81550	87200	92800
	Median Income	61550	70300	79100	**87900**	94950	101950	109000	116050
	Moderate Income	73850	84400	94950	105500	113950	122400	130800	139250
Mono County Area Median Income: $105,900	Acutely Low	11150	12700	14300	15900	17150	18450	19700	21000
	Extremely Low	19650	22450	25820	31200	36580	41960	47340	52720
	Very Low Income	32700	37400	42050	46750	50450	54200	57950	61700
	Low Income	52350	59800	67300	74800	80750	86750	92750	98750
	Median Income	74150	84700	95300	**105900**	114350	122850	131300	139800
	Moderate Income	88950	101700	114400	127100	137250	147450	157600	167750
Monterey County Area Median Income: $103,200	Acutely Low	10850	12400	13950	15500	16750	18000	19200	20450
	Extremely Low	27800	31800	35750	39700	42900	46100	49250	52720
	Very Low Income	46350	53000	59600	66200	71500	76800	82100	87400
	Low Income	74150	84800	95400	105950	114450	122950	131400	139900
	Median Income	72250	82550	92900	**103200**	111450	119700	127950	136200
	Moderate Income	86700	99100	111450	123850	133750	143650	153550	163500
Napa County Area Median Income: $129,600	Acutely Low	13600	15550	17500	19450	21000	22550	24100	25650
	Extremely Low	30850	35250	39650	44050	47600	51100	54650	58150
	Very Low Income	51400	58700	66100	73400	79300	85150	91050	96900
	Low Income	82150	93900	105650	117350	126750	136150	145550	154900
	Median Income	90700	103700	116650	**129600**	139950	150350	160700	171050
	Moderate Income	108850	124400	139950	155500	167950	180400	192800	205250

Number of Persons in Household:		1	2	3	4	5	6	7	8
Nevada County Area Median Income: $112,500	Acutely Low	11850	13500	15200	16900	18250	19600	20950	22300
	Extremely Low	21900	25000	28150	31250	36580	41960	47340	52720
	Very Low Income	36500	41700	46900	52100	56300	60450	64650	68800
	Low Income	58350	66700	75050	83350	90050	96700	103400	110050
	Median Income	78750	90000	101250	**112500**	121500	130500	139500	148500
	Moderate Income	94500	108000	121500	135000	145800	156600	167400	178200
Orange County Area Median Income: $129,000	Acutely Low	13550	15500	17400	19350	20900	22450	24000	25550
	Extremely Low	33150	37900	42650	47350	51150	54950	58750	62550
	Very Low Income	55250	63100	71050	78900	85250	91550	97850	104150
	Low Income	88400	101000	113650	126250	136350	146450	156550	166650
	Median Income	90300	103200	116100	**129000**	139300	149650	159950	170300
	Moderate Income	108350	123850	139300	154800	167200	179550	191950	204350
Placer County Area Median Income: $113,900	Acutely Low	11950	13700	15400	17100	18450	19850	21200	22550
	Extremely Low	24750	28300	31850	35350	38200	41960	47340	52720
	Very Low Income	41300	47150	53050	58950	63650	68400	73100	77850
	Low Income	66050	75450	84900	94300	101850	109400	116950	124500
	Median Income	79750	91100	102500	**113900**	123000	132100	141250	150350
	Moderate Income	95700	109350	123050	136700	147650	158550	169500	180450
Plumas County Area Median Income: $92,400	Acutely Low	9700	11100	12450	13850	14950	16050	17150	18300
	Extremely Low	19400	22150	25820	31200	36580	41960	47340	52720
	Very Low Income	32250	36850	41450	46050	49750	53450	57150	60800
	Low Income	51600	59000	66350	73700	79600	85500	91400	97300
	Median Income	64700	73900	83150	**92400**	99800	107200	114600	121950
	Moderate Income	77650	88700	99800	110900	119750	128650	137500	146400
Riverside County Area Median Income: $97,500	Acutely Low	10250	11700	13200	14650	15800	17000	18150	19350
	Extremely Low	21550	24600	27700	31200	36580	41960	47340	52720
	Very Low Income	35900	41000	46100	51250	55350	59450	63550	67650
	Low Income	57400	65600	73800	82000	88600	95150	101650	108250
	Median Income	68250	78000	87750	**97500**	105300	113100	120900	128700
	Moderate Income	81900	93600	105300	117000	126350	135700	145100	154450
Sacramento County Area Median Income: $113,900	Acutely Low	11950	13700	15400	17100	18450	19850	21200	22550
	Extremely Low	24750	28300	31850	35350	38200	41960	47340	52720
	Very Low Income	41300	47150	53050	58950	63650	68400	73100	77850
	Low Income	66050	75450	84900	94300	101850	109400	116950	124500
	Median Income	79750	91100	102500	**113900**	123000	132100	141250	150350
	Moderate Income	95700	109350	123050	136700	147650	158550	169500	180450
San Benito County Area Median Income: $140,200	Acutely Low	14750	16850	18950	21050	22750	24400	26100	27800
	Extremely Low	25700	29400	33050	36700	39650	42600	47340	52720
	Very Low Income	42850	49000	55100	61200	66100	71000	75900	80800
	Low Income	68550	78350	88150	97950	105800	113600	121450	129300
	Median Income	98150	112150	126200	**140200**	151400	162650	173850	185050
	Moderate Income	117750	134600	151450	168250	181700	195150	208650	222100

Number of Persons in Household:		1	2	3	4	5	6	7	8
San Bernardino County Area Median Income: $97,500	Acutely Low	10250	11700	13200	14650	15800	17000	18150	19350
	Extremely Low	21550	24600	27700	31200	36580	41960	47340	52720
	Very Low Income	35900	41000	46100	51250	55350	59450	63550	67650
	Low Income	57400	65600	73800	82000	88600	95150	101650	108250
	Median Income	68250	78000	87750	**97500**	105300	113100	120900	128700
	Moderate Income	81900	93600	105300	117000	126350	135700	145100	154450
San Diego County Area Median Income: $119,500	Acutely Low	12550	14350	16150	17950	19400	20800	22250	23700
	Extremely Low	31850	36400	40950	45450	49100	52750	56400	60000
	Very Low Income	53050	60600	68200	75750	81850	87900	93950	100000
	Low Income	84900	97000	109150	121250	130950	140650	150350	160050
	Median Income	83650	95600	107550	**119500**	129050	138600	148200	157750
	Moderate Income	100400	114700	129050	143400	154850	166350	177800	189300
San Francisco County Area Median Income: $186,600	Acutely Low	19600	22400	25200	28000	30250	32500	34700	36950
	Extremely Low	41150	47000	52900	58750	63450	68150	72850	77550
	Very Low Income	68550	78350	88150	97900	105750	113600	121400	129250
	Low Income	109700	125350	141000	156650	169200	181750	194250	206800
	Median Income	130600	149300	167950	**186600**	201550	216450	231400	246300
	Moderate Income	156750	179100	201500	223900	241800	259700	277650	295550
San Joaquin County Area Median Income: $103,800	Acutely Low	10900	12450	14000	15550	16800	18050	19300	20550
	Extremely Low	20250	23150	26050	31200	36580	41960	47340	52720
	Very Low Income	33750	38600	43400	48200	52100	55950	59800	63650
	Low Income	54000	61700	69400	77100	83300	89450	95600	101800
	Median Income	72650	83050	93400	**103800**	112100	120400	128700	137000
	Moderate Income	87200	99650	112100	124550	134500	144500	154450	164400
San Luis Obispo County Area Median Income: $125,600	Acutely Low	13200	15100	16950	18850	20350	21850	23350	24900
	Extremely Low	26750	30600	34400	38200	41300	44350	47400	52720
	Very Low Income	44600	50950	57300	63650	68750	73850	78950	84050
	Low Income	71350	81550	91700	101900	110100	118250	126350	134500
	Median Income	87900	100500	113050	**125600**	135650	145700	155750	165800
	Moderate Income	105500	120550	135650	150700	162750	174800	186850	198900
San Mateo County Area Median Income: $186,600	Acutely Low	19600	22400	25200	28000	30250	32500	34700	36950
	Extremely Low	41150	47000	52900	58750	63450	68150	72850	77550
	Very Low Income	68550	78350	88150	97900	105750	113600	121400	129250
	Low Income	109700	125350	141000	156650	169200	181750	194250	206800
	Median Income	130600	149300	167950	**186600**	201550	216450	231400	246300
	Moderate Income	156750	179100	201500	223900	241800	259700	277650	295550
Santa Barbara County Area Median Income: $119,100	Acutely Low	12500	14300	16050	17850	19300	20700	22150	23550
	Extremely Low	34200	39050	43950	48800	52750	56650	60550	64450
	Very Low Income	56950	65050	73200	81300	87850	94350	100850	107350
	Low Income	91200	104250	117300	130350	140800	151250	161600	172050
	Median Income	83350	95300	107200	**119100**	128650	138150	147700	157200
	Moderate Income	100050	114300	128600	142900	154350	165750	177200	188650

Number of Persons in Household:		1	2	3	4	5	6	7	8
Santa Clara County Area Median Income: $184,300	Acutely Low	19350	22100	24900	27650	29850	32050	34300	36500
	Extremely Low	38750	44250	49800	55300	59750	64150	68600	73000
	Very Low Income	64550	73750	82950	92150	99550	106900	114300	121650
	Low Income	102300	116900	131500	146100	157800	169500	181200	192900
	Median Income	129000	147450	165850	**184300**	199050	213800	228550	243300
	Moderate Income	154800	176900	199050	221150	238850	256550	274250	291900
Santa Cruz County Area Median Income: $132,800	Acutely Low	13950	15900	17900	19900	21500	23100	24700	26250
	Extremely Low	38050	43500	48950	54350	58700	63050	67400	71750
	Very Low Income	63400	72450	81500	90550	97800	105050	112300	119550
	Low Income	101750	116250	130750	145300	156950	168550	180200	191800
	Median Income	92950	106250	119500	**132800**	143400	154050	164650	175300
	Moderate Income	111550	127500	143400	159350	172100	184850	197600	210350
Shasta County Area Median Income: $89,800	Acutely Low	9400	10750	12100	13450	14550	15600	16700	17750
	Extremely Low	18750	21400	25820	31200	36580	41960	47340	52720
	Very Low Income	31200	35650	40100	44550	48150	51700	55250	58850
	Low Income	49950	57050	64200	71300	77050	82750	88450	94150
	Median Income	62850	71850	80800	**89800**	97000	104150	111350	118550
	Moderate Income	75450	86200	97000	107750	116350	125000	133600	142250
Sierra County Area Median Income: $90,000	Acutely Low	9450	10800	12150	13500	14600	15650	16750	17800
	Extremely Low	18900	21600	25820	31200	36580	41960	47340	52720
	Very Low Income	31500	36000	40500	45000	48600	52200	55800	59400
	Low Income	50400	57600	64800	72000	77800	83550	89300	95050
	Median Income	63000	72000	81000	**90000**	97200	104400	111600	118800
	Moderate Income	75600	86400	97200	108000	116650	125300	133900	142550
Siskiyou County Area Median Income: $87,900	Acutely Low	9250	10550	11900	13200	14250	15300	16350	17400
	Extremely Low	18450	21100	25820	31200	36580	41960	47340	52720
	Very Low Income	30800	35200	39600	43950	47500	51000	54500	58050
	Low Income	49250	56250	63300	70300	75950	81550	87200	92800
	Median Income	61550	70300	79100	**87900**	94950	101950	109000	116050
	Moderate Income	73850	84400	94950	105500	113950	122400	130800	139250
Solano County Area Median Income: $113,200	Acutely Low	11900	13600	15300	17000	18350	19700	21100	22450
	Extremely Low	26450	30200	34000	37750	40800	43800	47340	52720
	Very Low Income	44050	50350	56650	62900	67950	73000	78000	83050
	Low Income	70450	80500	90550	100650	108700	116750	124850	132850
	Median Income	79250	90550	101900	**113200**	122250	131300	140350	149400
	Moderate Income	95100	108700	122250	135850	146700	157600	168450	179300
Sonoma County Area Median Income: $128,400	Acutely Low	13500	15400	17350	19250	20800	22350	23850	25400
	Extremely Low	29050	33200	37350	41500	44850	48150	51500	54800
	Very Low Income	48450	55350	62250	69150	74700	80250	85750	91300
	Low Income	77500	88600	99650	110700	119600	128450	137300	146150
	Median Income	89900	102700	115550	**128400**	138650	148950	159200	169500
	Moderate Income	107850	123300	138700	154100	166450	178750	191100	203400

Number of Persons in Household:		1	2	3	4	5	6	7	8
Stanislaus County Area Median Income: $92,600	Acutely Low	9750	11100	12500	13900	15000	16100	17250	18350
	Extremely Low	19150	21900	25820	31200	36580	41960	47340	52720
	Very Low Income	31900	36450	41000	45550	49200	52850	56500	60150
	Low Income	51050	58350	65650	72900	78750	84600	90400	96250
	Median Income	64800	74100	83350	**92600**	100000	107400	114800	122250
	Moderate Income	77750	88900	100000	111100	120000	128900	137750	146650
Sutter County Area Median Income: $87,900	Acutely Low	9250	10550	11900	13200	14250	15300	16350	17400
	Extremely Low	18450	21100	25820	31200	36580	41960	47340	52720
	Very Low Income	30800	35200	39600	43950	47500	51000	54500	58050
	Low Income	49250	56250	63300	70300	75950	81550	87200	92800
	Median Income	61550	70300	79100	**87900**	94950	101950	109000	116050
	Moderate Income	73850	84400	94950	105500	113950	122400	130800	139250
Tehama County Area Median Income: $87,900	Acutely Low	9250	10550	11900	13200	14250	15300	16350	17400
	Extremely Low	18450	21100	25820	31200	36580	41960	47340	52720
	Very Low Income	30800	35200	39600	43950	47500	51000	54500	58050
	Low Income	49250	56250	63300	70300	75950	81550	87200	92800
	Median Income	61550	70300	79100	**87900**	94950	101950	109000	116050
	Moderate Income	73850	84400	94950	105500	113950	122400	130800	139250
Trinity County Area Median Income: $87,900	Acutely Low	9250	10550	11900	13200	14250	15300	16350	17400
	Extremely Low	18450	21100	25820	31200	36580	41960	47340	52720
	Very Low Income	30800	35200	39600	43950	47500	51000	54500	58050
	Low Income	49250	56250	63300	70300	75950	81550	87200	92800
	Median Income	61550	70300	79100	**87900**	94950	101950	109000	116050
	Moderate Income	73850	84400	94950	105500	113950	122400	130800	139250
Tulare County Area Median Income: $87,900	Acutely Low	9250	10550	11900	13200	14250	15300	16350	17400
	Extremely Low	18450	21100	25820	31200	36580	41960	47340	52720
	Very Low Income	30800	35200	39600	43950	47500	51000	54500	58050
	Low Income	49250	56250	63300	70300	75950	81550	87200	92800
	Median Income	61550	70300	79100	**87900**	94950	101950	109000	116050
	Moderate Income	73850	84400	94950	105500	113950	122400	130800	139250
Tuolumne County Area Median Income: $97,700	Acutely Low	10250	11700	13200	14650	15800	17000	18150	19350
	Extremely Low	20350	23250	26150	31200	36580	41960	47340	52720
	Very Low Income	33900	38750	43600	48450	52350	56200	60100	63950
	Low Income	54250	62000	69750	77450	83650	89850	96050	102250
	Median Income	68400	78150	87950	**97700**	105500	113350	121150	128950
	Moderate Income	82100	93800	105550	117250	126650	136000	145400	154750
Ventura County Area Median Income: $125,600	Acutely Low	13200	15100	16950	18850	20350	21850	23350	24900
	Extremely Low	29550	33800	38000	42200	45600	49000	52350	55750
	Very Low Income	49250	56300	63350	70350	76000	81650	87250	92900
	Low Income	78800	90050	101300	112550	121600	130600	139600	148600
	Median Income	87900	100500	113050	**125600**	135650	145700	155750	165800
	Moderate Income	105500	120550	135650	150700	162750	174800	186850	198900

Number of Persons in Household:		1	2	3	4	5	6	7	8
Yolo County Area Median Income: $117,000	Acutely Low	12300	14050	15800	17550	18950	20350	21750	23150
	Extremely Low	24250	27700	31150	34600	37400	41960	47340	52720
	Very Low Income	40400	46150	51900	57650	62300	66900	71500	76100
	Low Income	64600	73800	83050	92250	99650	107050	114400	121800
	Median Income	81900	93600	105300	**117000**	126350	135700	145100	154450
	Moderate Income	98300	112300	126350	140400	151650	162850	174100	185350

Yuba County Area Median Income: $87,900	Acutely Low	9250	10550	11900	13200	14250	15300	16350	17400
	Extremely Low	18450	21100	25820	31200	36580	41960	47340	52720
	Very Low Income	30800	35200	39600	43950	47500	51000	54500	58050
	Low Income	49250	56250	63300	70300	75950	81550	87200	92800
	Median Income	61550	70300	79100	**87900**	94950	101950	109000	116050
	Moderate Income	73850	84400	94950	105500	113950	122400	130800	139250

Instructions:

Eligibility Determination:

Use household size income category figures in this chart.
Determine eligibililty based on actual number of persons in household and total of gross income for all persons.

Determination of Income Limit for Households Larger than Eight Persons:

Per person (PP) adjustment above 8: (1) multiply 4-person income limit by eight percent (8%),
(2) multiply result by number of persons in excess of eight,
(3) add the amount to the 8-person income limit, and (4) round to the nearest $50.

Nine Person Calculation - Example County

E X A M P L E	4 persons	8% PP Adj	+ 8 persons	=9 persons
Acutely Low Income	13,200	1056	17,400	18,450
Extremely Low Income	31,200	2496	52,720	55,200
Very Low Income	43,950	3516	58,050	61,550
Lower Income	70,300	5624	92,800	98,400
Moderate Income	105,500	8440	139,250	147,700

Ten Person Calculation - Example County

4 persons	8 person +	8% Adj x 2	=10 persons
13,200	17,400	2112	19,500
31,200	52,720	4992	57,700
43,950	58,050	7032	65,100
70,300	92,800	11248	104,050
105,500	139,250	16880	156,150

Calculation of Housing Cost and Rent:

Refer to Heath & Safety Code Sections 50052.5 and 50053. Use benchmark household size and multiply against applicable percentages defined in H&SC using Area Median Income identified in this chart.

Determination of Household Size:

For projects with no federal assistance, household size is set at number of bedrooms in unit plus one.
For projects with federal assistance, household size may be set by multiplying 1.5 by the number of bedrooms in unit.

HUD Income Limits release: 4/1/2024

HUD FY 2024 California median incomes:
State median income: $111,300
Metropolitan county median income: $111,900
Non-metropolitan county median income: $87,900

Note: Authority cited: Section 50093, Health and Safety Code. Reference: Sections 50063.5, 50079.5, 50093, 50105 and 50106, Health and Safety Code.

7b

AGENDA REPORT
Business | Action

December 1, 2025

TO: Chair Whitburn and Commissioners

FROM: Holly O. Whatley, Commission Counsel

SUBJECT: **Consideration and Possible Approval of Eighth Amendment to Executive Officer's Employment Contract, Including Compensation Adjustment**

SUMMARY

The San Diego County Local Agency Formation (LAFCO) Commission conducts an annual performance evaluation of its Executive Officer, Keene Simonds and typically during its October meeting. As part of this evaluation, delayed slightly to December, the Commission may propose and consider amendments to the Executive Officer's employment contract. The Executive Officer Compensation Committee – including Chair Whitburn, Vice Chair Willis, and Commissioner Becker – will present their recommendation regarding a potential amendment to the Executive Officer's compensation. The proposed amendment is provided as Attachment One, the final form of which will depend on the approved action, if any.

DISCUSSION

Section 11 of the Employment Agreement Between the San Diego LAFCO and Keene Simonds, dated September 11, 2017 ("Agreement") requires the Commission to evaluate the Executive Officer's ("EO") performance at least once annually. The Agreement is an attachment to Exhibit A, the proposed amendment.

Under Rule 6 (Appendix B) of the LAFCO Personnel Rules, the Commission may consider an adjustment of the Executive Director's current salary dependent on the EO Compensation Committee's performance evaluation and recommendation. Rule 6 also authorizes the

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Keene Simonds, Executive Officer
2550 Fifth Avenue, Suite 725
San Diego, California 92103
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E lafco@sdcounty.ca.gov
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Paloma Aguirre, County of San Diego
Joel Anderson, County of San Diego
Monica M. Steppe, Alt., County of San Diego
Kristi Becker, City of Solana Beach
Dane White, City of Escondido
John McCann Alt., City of Chula Vista
Chair Stephen Whitburn, City of San Diego
Marni von Wilpert, Alt., City of San Diego
Vice Chair Barry Willis, Alpine Fire Protection
Jo MacKenzie, Vista Irrigation
David Drake, Alt., Rincon del Diablo
Brigette Browning, General Public
Eileen Delaney, Alt., General Public

Commission to consider a one-time annual payment between 1-10% (in increments of one percent of base salary based on the Committees recommendation.

The EO's current salary is $251,659.20 which includes the recent 3.0% cost-of-living adjustment provided to all employees. The established salary range for the position is $156,416.00 to $277,472.00. For additional context, a chart of current salaries of Executive Officers for LAFCOs in the Southern California Region is provided as Attachment Two and reflects an average salary is $228,043.

The EO Compensation Committee consists of Chair Whitburn, Vice Chair Willis, and Commissioner Becker. The Committee met on November 7, 2025, as part of the Executive Officer's annual performance review process and will present their recommendation to the full Commission for consideration during the meeting.

FISCAL IMPLICATIONS

The changes to compensation provided by this amendment are within existing budget appropriations.

ALTERNATIVES FOR ACTION

The Commission may refuse to approve the amendment, request changes to the amendment, or give other appropriate direction on this subject.

Respectfully,

Holly O. Whatley,
Commission Counsel

Attachments:

1) Proposed Eighth Amendment to Employment Agreement (including attached original agreement)
2) Chart of Comparative EO Salaries in Southern California Region

EIGHTH AMENDMENT TO EMPLOYMENT AGREEMENT

RECITAL

On October 7, 2024, the San Diego Local Agency Formation Commission approved amending the Employment Agreement Between the San Diego Local Agency Formation Commission (hereafter "LAFCO") and Keene Simonds ("Executive Officer") dated September 11, 2017 ("Employment Agreement"), attached as Exhibit A. The Employment Agreement has been amended seven times. This Eighth Amendment followed the Executive Officer's annual performance review and is made as permitted by Paragraph 19 of the Employment Agreement and Rule 6 (Appendix B) of the LAFCO Personnel Rules. The Parties agree as follows:

AMENDMENT

1. Paragraph 4 ("Compensation"), subparagraph "A" is hereby amended to add the following provision to the end of subparagraph "A":

A. Additionally, as permitted by Rule 6 of LAFCO's Personnel Rules, the Executive Officer shall be paid a one-time payment of $_____, via a lump sum payment issued as soon as practicable following execution of the Eighth Amendment to the Employment Agreement.

2. All other recitals, paragraphs, subparagraphs and clauses of the Employment Agreement, and the Vacation Leave amendments in the First and Seventh Amendments to Employment Agreement remain unchanged by this Eighth Amendment to Employment Agreement.

EXECUTIVE OFFICER

Dated: _____ _____

Keene Simonds

LAFCO

Dated: _____ _____

Stephen Whitburn, Chair

Approved as to form:

_____ Dated: _____

Holly O. Whatley
General Counsel

Attest:

_____ Dated: _____

Erica Sellen
LAFCO Commission Clerk

EXHIBIT A

EMPLOYMENT AGREEMENT
BETWEEN THE SAN DIEGO LOCAL AGENCY FORMATION COMMISSION AND KEENE SIMONDS

RECITAL

On August 7, 2017 the San Diego Local Agency Formation Commission selected Keene Simonds (hereafter "Executive Officer") to serve as Executive Officer of the San Diego Local Agency Formation Commission ("LAFCO"), and Executive Officer accepted such employment. Executive Officer and LAFCO are referenced in this Agreement as Parties and, individually, as a Party. Accordingly, the Parties agree as follows:

AGREEMENT

1. **Effective Date**

This agreement shall become effective when it has been executed by Executive Officer and duly approved by the LAFCO Commission which the Parties anticipate will be on or before September 11, 2017.

2. **Term of Employment**

Pursuant to the Cortese-Knox-Hertzberg Act, California Government Code sections 56000 et seq. ("CKH"), and this Agreement, Executive Officer serves at the pleasure of the LAFCO Commission and on an "at will" basis and has no vested right to his employment during the term of this Agreement, subject to the terms and provision of this Agreement as set forth below. The term of this Agreement shall extend from its Effective Date until terminated by a Party pursuant to sections 14 – 16 of this Agreement below.

3. **Duties; Hours of Work**

A. Executive Officer shall perform those functions and duties specified by CKH and other applicable laws, adopted policies and procedures of LAFCO and by formal direction of the LAFCO Commission. Executive Officer shall perform such duties in accordance with the highest professional and ethical standards of the public management profession. Executive Officer shall not engage in any activity, which is, or which may become, incompatible with the office of Executive Officer, as provided for

by State law. During the term of this agreement, Executive Officer shall be exclusively employed by the LAFCO, unless prior authorization otherwise is received from the LAFCO Commission, which authorization will not be unreasonably withheld.

B. Executive Officer shall maintain a regular work schedule consistent with that approved for other Executive Service employees of the LAFCO. Executive Officer's duties may require more than eight hours per day and/or (40 hours per week, and may also include time outside normal office hours, such as attendance at LAFCO Commission meetings. Executive Officer shall not be entitled to additional compensation for such time. Commission acknowledges that Executive Officer intends to work a four-day, 10-hour work week until January 1, 2018 and consents to his doing so, provided that he is available on the last business day before Commission meetings and at other times as the work of LAFCO may require.

4. **Compensation**

A. The Executive Officer's annual salary shall be $160,000 and as otherwise provided in section 6.20 of LAFCO's Personnel Rules ("Rules").

B. Executive Officer's compensation shall be reviewed at least annually in connection with the annual review required by section 11 below or at other times as may be determined by the LAFCO Commission.

C. To assist Executive Officer in relocating himself and his family from the Bay Area, Executive Officer shall receive, at his option, (i) an additional, $1,000 in taxable compensation in each of the first six months of his employment, (ii) reimbursement of housing, travel and moving expenses up to $6,000, or (iii) any combination of the two which does not exceed a cost to LAFCO of $6,000 excluding employer's payroll taxes. This benefit is in addition to the moving expense allowance provided by section 6.20 of the Rules.

5. **Flexible Benefits Program**

LAFCO shall provide Executive Officer with the same flexible benefit program covering medical, dental and vision insurance benefits as provided to all other County of San Diego Executive Service employees and at the cost charged to those employees. At present, the monthly allowances are $646 for an employee, $937 for an employee with one dependent, and $1,313.00 for an employee with two or more dependents.

6. **Other Benefits**

A. LAFCO shall provide, without cost to the Executive Officer, term life insurance in the amount of his annual salary, $2,000.00 for his spouse and dependent children up to age 26. LAFCO shall also provide accidental death and dismemberment insurance up to the amount of Executive Officer's annual salary. These coverages may be supplemented via the flexible benefit plan described above.

B. Executive Officer may participate in the flexible spending plan on the same terms available to other County of San Diego Executive Service employees. At present the plan allows reimbursement on a pre-tax basis of eligible health care and dependent day care expenses.

C. Executive Officer may participate in the health savings plan on the same terms available to other County of San Diego Executive Service employees.

D. Executive Officer may participate in the limited-purpose, flexible-spending plan for otherwise unreimbursed dental and vision expenses on the same terms available to other County of San Diego Executive Service employees.

E. Executive Officer will be afforded pension benefits under the terms established by the San Diego Employees Retirement Association on the same terms afforded other similarly qualified County of San Diego Executive Service employees.

F. Executive Officer may participate in the County's 457 and 401A deferred compensation programs on the same terms available to other County of San Diego Executive Service employees.

7. **Vacation Leave**

A. Executive Officer shall be afforded vacation benefits per the Rules. At present, these afford 10 days per year for employees with one to five years' service, 15 days per year for employees with five to 10 years' service, and 20 days per year to employees with more than 10 year' service.

B. The Executive Officer may carry a balance of no more than twice his annual accrual of vacation leave.

8. **Other Leaves, Holidays, and Benefits**

The Executive Officer is entitled to 10 paid holidays as recognized by the LAFCO, plus two days of floating holiday time-off annually. LAFCO shall afford Executive Officer such other benefits as are provided to other Executive Service employees of the LAFCO on the same terms as provided to those employees except as otherwise expressly provided herein. These include as of the Effective Date:

A. An initial bank of 10 days of reserve sick leave pending normal accrual during the first year of employment. Thereafter, accruals are credited on a biweekly basis (4 hours per 80-hour pay period). Employee will accrue 13 sick days per year in every subsequent year.
B. Miscellaneous leaves including those for military service, bereavement, and jury duty.

9. **Automobile Allowance**

As the Executive Officer's normal duties require frequent use of his automobile, Executive Officer shall be entitled to $600 per month as an automobile allowance. This allowance is in lieu of mileage reimbursement or other expenses that may be incurred by Executive Officer in connection with his use of his own automobile for LAFCO purposes. In consideration for said allowance, Executive Officer shall be responsible for all costs of maintenance and operation of his vehicle. Executive Officer shall at all times maintain automobile liability insurance on any vehicle him uses in the course of LAFCO employment. Such insurance shall have coverage limits acceptable in form and amounts to LAFCO. Executive Officer shall provide a certificate or other evidence of such insurance to LAFCO. Executive Officer acknowledges that this allowance will be subject to payroll taxes unless he maintains the records required by law to permit other treatment of this allowance. Executive Officer may not drive the County of San Diego vehicle provided to LAFCO staff more than three times per month under the policies and regulations adopted by the County of San Diego.

10. **Professional Memberships & Meetings; Other Expenses**

A. LAFCO shall maintain its membership in the California Association of LAFCOs to support Executive Officer's professional development. LAFCO shall pay for Executive Officer to attend the annual CALAFCO staff workshop and annual conference. LAFCO will pay for such other professional memberships and conference attendance as may be approved and budgeted by the LAFCO Commission.

B. LAFCO recognizes that the Executive Officer may incur certain expenses of a non-personal and job-related nature. LAFCO agrees to reimburse Executive Officer for reasonable expenses which are authorized by the LAFCO budget; submitted to the LAFCO Commission for approval; and which are supported by expense receipts, statements or personal affidavits, and audit thereof in like manner as other demands against the LAFCO.

11. Annual Performance Evaluation

The LAFCO Commission shall evaluate Executive Officer's performance at least once annually. The LAFCO Commission and Executive Officer shall annually develop mutually agreeable performance goals and criteria which the LAFCO Commission shall use in reviewing Executive Officer's performance in the following year. It shall be Executive Officer's responsibility to initiate this review each year. Executive Officer will be afforded an adequate opportunity to discuss each evaluation with the LAFCO Commission.

12. Indemnification

LAFCO shall defend, hold harmless and indemnify Executive Officer against any claim, demand, judgment, or action of any type or kind arising within the course and scope of Executive Officer's employment to the extent required by Government Code Sections 825 and 995.

13. Other Terms and Conditions of Employment

A. The LAFCO Commission may from time to time fix other terms and conditions of employment relating to the performance of Executive Officer, provided such terms and conditions are not inconsistent with or in conflict with the provision of this Agreement, CKH, or other applicable law.

B. The provisions of the Rules shall apply to Executive Officer to the extent they explicitly apply to the position of Executive Officer or as provided elsewhere in this Agreement, except that if the specific provisions of this Agreement conflict with the Rules, the terms of this Agreement shall prevail. Without limiting the generality of the exception noted in the previous sentence, however, no provision of the Rules or this Agreement shall confer upon Executive Officer a property right in his employment or a right to be discharged only upon cause. Executive Officer is an at-will employee serving at the pleasure of the LAFCO Commission and may be dismissed at any time with or without cause, subject only to the provisions of this Agreement.

14. Termination Without Cause

The LAFCO Commission may terminate Executive Officer's employment with the LAFCO at any time and without cause, upon 30 days' written notice to Executive Officer. In the event of such termination without cause, Executive Officer shall be entitled to a severance benefit, of six months of the Executive Officer's current base

salary plus payment of accumulated vacation upon termination from service. This base salary and leave pay-out shall be made on a bi-weekly basis at such time as other LAFCO employees are paid; provided, however, that the balance on any accrued leave which has not then been paid shall be payable in a lump sum upon termination of severance pay. Upon payment of such severance compensation, LAFCO shall have no further obligation to Executive Officer and Executive Officer shall have no claim for further compensation from LAFCO.

15. **Termination With Cause**

The LAFCO Commission may terminate Executive Officer's employment with LAFCO for cause upon 30 days' written notice to Executive Officer. In that event, LAFCO shall have no obligation to continue the employment of Executive Officer and shall have no obligation to provide any severance compensation, although Executive Officer shall be entitled to payment of the value of accrued leave. For purposes of this agreement, the term "for cause" means malfeasance or misfeasance in office or conviction of a crime involving moral turpitude, including but not limited to:

(a) use of alcohol or drugs that impedes performance of duties;
(b) conviction of a felony or misdemeanor involving moral turpitude (a plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed a conviction for this purpose);
(c) a proven claim of either sexual harassment or abuse of employees in violation of law or adopted LAFCO policy;
(d) willful and repeated failure to carry out the lawful directives or policy decisions of the LAFCO Commission; or
(e) willful abandonment of the position or continued and unexcused absence from duty.

16. **Voluntary Termination; Death**

A. Executive Officer may voluntarily terminate his employment, by resignation or retirement, at any time during the term of this Agreement, subject to at least 30 days' written notice by Executive Officer to LAFCO, unless the LAFCO Commission and Executive Officer agree otherwise. In such case, LAFCO shall have no further obligation to provide payments and benefits, including severance benefits, upon the effective date of termination of employment, other than payment of accrued leave.

B. In the event the Executive Officer dies while employed by the LAFCO, his beneficiaries or those entitled to his estate shall be paid any earned salary and accrued leave at the Executive Officer's pay rate on the date of death.

17. **Compliance With Law**

This Agreement is subject to all applicable provisions of CKH and other State and Federal law and LAFCO policies, rules and regulations applicable to the Executive Officer.

18. **General Provisions**

A. This Agreement constitutes the entire Agreement between the Parties. LAFCO and Executive Officer hereby acknowledge that they have neither made nor accepted any other promise or obligation with respect to the subject matter of this Agreement.

B. If any provision or any portion of this Agreement is held to be unconstitutional, invalid or unenforceable, the remainder of the Agreement shall be deemed severable and shall not be affected and shall remain in full force and effect.

C. Any notice to LAFCO pursuant to this Agreement shall be given in writing, either by personal service or by registered or certified mail, postage prepaid, addressed as follows:

Chair and Members of the LAFCO Commission
San Diego LAFCO
9335 Hazard Way, Suite 200
San Diego, CA 92123

With a courtesy copy to the LAFCO General Counsel at the following address or the address then shown in the records of the LAFCO for the LAFCO General Counsel:

Michael G. Colantuono, Esq.
San Diego LAFCO General Counsel
420 Sierra College Drive, Ste. 140
Grass Valley, CA 95945-5091.

Any notice to Executive Officer shall be given in a like manner, and, if mailed, shall be addressed to Executive Officer at the address then shown in LAFCO's personnel records. For the purpose of determining compliance with any time limit stated in this Agreement, a notice shall be deemed to have duly given: (a) on the date of delivery, if served personally, or (b) on the second calendar day after mailing, if mailed.

D. Venue for any disputes arising from or relating to this Agreement shall lie in San Diego County, California. If an action at law or in equity is necessary to enforce or interpret this Agreement, the prevailing party shall be entitled to reasonable and actual attorneys' fees and costs with respect to the action.

E. A waiver of any of the terms and conditions of this Agreement shall not be construed as a general waiver and either Party shall be free to enforce any term or condition of this Agreement with or without notice to the other, notwithstanding any prior waiver of that term or condition.

19. **Amendments**

This represents the entire agreement between the Parties as to its subject. Amendments to this Agreement may be made at such times as approved by the LAFCO Commission and Executive Officer and shall be in writing.

EXECUTIVE OFFICER

Dated: August 9, 2017

Keene Simonds

LAFCO

Dated: Aug. 15, 2017

Sam Abed, Chair

Approved as to form:

Dated: 8/11/17

Michael G. Colantuono
LAFCO Attorney

Attest:

Dated: 8/15/2017

[name] Tamaron R. Luckett
LAFCO Clerk

Current Annual Salaries Among the Executive Officers in the Southern California Region

LAFCO	Executive Officer	Salary
Los Angeles	Paul Novak	$ 284,280.00
Ventura	Kai Luoma	$ 252,202.00
San Bernardino	Sam Martinez	$ 206,378.00
Orange	Luis Tapia (newly appointed)	$ 206,000.00
Riverside	Gary Thompson	$ 191,356.00
	Average	**$ 228,043.20**

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