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, February 3, 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
Jim Desmond	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
Jo MacKenzie	Independent Special Districts	Vista Irrigation
Dane White	Cities Selection Committee	City of Escondido
Harry Mathis	Commission	General Public
Alternate David A. Drake	Independent Special Districts	Rincon del Diablo MWD
Alternate Brigette Browning	Commission	General Public
Alternate John McCann	Cities Selection Committee	City of Chula Vista
Vacant	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. These comments will also be referenced at 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.

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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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 as well as to advise of any requested changes. The Chair will also consider requests from Commissioners.

4. **PUBLIC COMMENT AND**
   OPPORTUNITY FOR PUBLIC TO REQUEST DISCUSSION ON CONSENT ITEMS
   Opportunity for members of the public to speak to the Commission on any subject matter within the Commission's growth management duties/interests but not on the agenda. Three-minute limit. This is also an opportunity for the public to request discussion on a consent calendar item.

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

   a) **Approval of Meeting Minutes for December 2, 2024 (action)**
   The Commission will consider action minutes prepared by the Commission Clerk for the December 2, 2024 meeting. Recommendation to approve as presented. (Pages xx-xx)

   b) **Commission Ratification | Recorded Payments for November and December 2024 (action)**
   The Commission will review a report identifying all payments made and received for November and December 2024. Recommendation to ratify payments as presented. (Pages xx-xx)

   c) **Progress Report on 2024-2025 Workplan + Proposed Amendments (action)**
   The Commission will receive a progress report on the adopted workplan, and activities associated with the 30 special projects set for 2024-2025. Recommendation to formally receive the item and approve the proposed amendments as presented. (Pages xx-xx)

   d) **Biennial Report | 2023 & 2024**
   Sphere of Influence and Municipal Service Review Summary of Actions (information)
   The Commission will receive a biennial report chronicling sphere of influence and municipal service review actions in San Diego County. The report covers calendar years 2023 and 2024 and marks the Commission approving 26 distinct sphere actions as well as two municipal service reviews. Recommendation to receive and file as presented. (Pages xx-xx)

   e) **Proposed "Ortega – Olde Highway 80 Change of Organization" |**
   Annexation to the San Diego County Sanitation District (CO19-04) (action)
   The Commission will consider a change of organization proposal initiated by landowner petition (Ortega). The proposal seeks Commission approval to annex two partially developed parcels comprising 5.1 acres of unincorporated territory within Lakeside to the San Diego County Sanitation District. Recommendation to adopt the draft resolution conditionally approving the proposal as submitted along with standard approval terms, waiver of protest proceedings, and finding under CEQA. (Pages xx-xx)

CONSENT ITEMS CONTINUED…

f) **Proposed "Dragovic – Sunset Drive Out-of-Agency Wastewater Services" | City of Vista and 1678 Sunset Drive (OAS24-10b) (action)**
The Commission will consider a request by the City of Vista to authorize the extension of out-of-agency wastewater services to an unincorporated parcel within its sphere of influence. The 1.25-acre parcel is developed with a single-family residence. Staff recommends approval of the request and related legal allowance to maintain the current wastewater service agreement along with standard terms. It is also recommended to waive the special condition typically requiring the landowner to file an annexation proposal with LAFCO, based on local conditions. A categorical exemption is recommended to comply with CEQA. (Pages xx-xx)

g) **Notice of Administrative Approval "Hallam-Lovely Lane Out-of-Agency Wastewater Services" | Buena Sanitation District (OAS25-01) (information)**
The Commission will receive notice of an administrative approval by the Executive Officer for the Buena Sanitation District to provide out-of-agency services to an unincorporated parcel. The authorization is specific to wastewater service to an existing single-family residence at 1515 Lovely Lane and premised on abating a public health and safety threat. The approval is limited to the existing primary residential dwelling unit and is termed on the landowner submitting an annexation proposal within one year. Information only. (Pages xx-xx)

h) **Report on Active Proposals and Related Activities (information)**
The Commission will receive a status report on active proposals currently on file as well as anticipated filings based on ongoing discussions with proponents. The item is for information and satisfies LAFCO's reporting requirement. (Pages xx-xx)

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) **Establishment of an Interim Sphere of Influence | San Diego Unified Port District (Port of San Diego) (action)**
The Commission will consider establishing an interim sphere of influence for the San Diego Unified Port District. The item follows Commission's March 2024 determination that the Port is an independent special district under LAFCO oversight as well as the December 2024 approval of an MOU outlining next steps. The interim SOI matches the existing sphere designations of the Port's five member cities —Chula Vista, Coronado, Imperial Beach, San Diego, and National City—and any other territory conveyed to the Port under the Port Act. A permanent SOI will be considered following an inaugural municipal service review covering the Port. A draft resolution establishing the interim SOI and making a CEQA exemption finding is presented, with adoption subject to a 30-day reconsideration period. (Pages xxx-xxx)

7. BUSINESS CALENDAR

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

a) Proposed Policy on Public Member Appointments (discussion)

The Commission will consider approving a policy to establish rules and procedures for making regular and alternate public member appointments. This item ties to the adopted workplan and returns to the Commission with revisions following its draft presentation in December 2024 and a public review and comment period. The proposed policy aims to create a clear, transparent process for appointments with revisions limited and involve expanding candidate eligibility as well as allowing the Commission to draw from a prior recruitment pool under certain conditions. Staff is also forwarding a recommendation by the Cities Advisory Committee for the Commission to consider term limits for public members. Recommendation to approve the proposed policy with any revisions as identified. (Pages xxx-xxx)

b) Proposed Amendments to Rule No. 6 | Changes to Employee Leave Allowances (action)

The Commission will consider approving proposed amendments to Rule No. 6 involving sick and vacation leave accruals to align with comparable positions with the County of San Diego. These amendments result from internal discussions aimed at creating administrative consistency with other benefits, such as group insurance, provided to LAFCO employees through the County. This includes increasing the entry vacation accrual rate by two days per year, from 10 to 12 days, for most filled positions at LAFCO. Other changes are detailed. Recommendation to approve. (Pages xxx-xxx)

c) CALAFCO Update and Non-Renewal of Membership in FY2026 (information)

The Commission will receive an update on CALAFCO regarding previously reported governance and administrative concerns. The update substantiates these concerns in greater depth and are marked by increasing Board underperformance and – by direct extension – diminishing membership services. As a result, and consistent with policy delegations and earlier telegraphing, staff intends to provide notice that LAFCO will not renew its annual CALAFCO membership for the upcoming fiscal year. The expected savings totals $30,000, which staff will redirect towards partnering with other LAFCOs that have and/or expected to take similar actions to leave CALAFCO. Information only with an invitation for Commissioners to discuss and provide feedback. (Pages xx-xx)

d) Update on Current Grant Activities + Related Opportunities | Sustainable Agricultural Lands Conservation Planning Grant 2.0 (information)

The Commission will receive an update on its ongoing SALC planning grant – "SALC 2.0" – in partnership with the County of San Diego's Planning and Development Services (PDS). Since the last update provided in May 2024, LAFCO's consultant, Agricultural Impact Associates, has completed draft reports for Task 2 (Market Analysis) and Task 3 (Gap Analysis). The focus is now on Tasks 4 (Outreach) and 5 (Strategic Planning), with support from RICK Engineering. The final report is expected by September 2025, in line with the original timeline. Staff is also exploring the possibility of submitting a third grant application to advance a recommendation from the SALC 1.0 report to fund an agricultural liaison position to assist farmers with grant writing and regulatory compliance. This item is presented for information, with an invitation for feedback on SALC 2.0 activities and the merits of pursuing the third grant. (Pages xxx-xxx)

BUSINESS ITEMS CONTINUED…

e) **Notice of Administrative Approval of "Benter - Alto Drive Out-of-Agency Services: Wastewater" | City of La Mesa (OAS24-04) (information)**
The Commission will receive notice of an administrative approval by the Executive Officer for the City of La Mesa to provide out-of-agency wastewater services to the unincorporated property at 9365 Alto Drive. The approval is limited to serving an existing 1,783 square-foot single-family residence and a planned accessory dwelling unit (ADU). This decision addresses a public health and safety threat, as the current septic system is near the end of its lifespan, unable to support the ADU, and the existing collection system can accommodate the connection without new infrastructure. Information only with a request for discussion to ensure the administrative approval and associated public health and safety determination is appropriate going forward. (Pages xxx-xxx)

f) **Chair and Vice Chair Appointments (action)**
The Commission will consider making officer appointments and select a chair and vice chair consistent with adopted policy. The appointees will serve the balance of 2025 consistent with policy unless otherwise specified. (Pages xxx-xxx)

8. EXECUTIVE OFFICER REPORT

9. COMMISSIONER ANNOUNCEMENTS & REQUESTS FOR FUTURE ITEMS

10. ADJOURNMENT

Attest to Posting:

Erica Sellen
Commission Clerk

5a

AGENDA REPORT
Consent | Action

February 3, 2025

TO: Commissioners

FROM: Erica Sellen, Commission Clerk

SUBJECT: **Approval of Meeting Minutes | Regular Meeting of December 2, 2024**

SUMMARY

The San Diego County Local Agency Formation Commission (LAFCO) will consider draft minutes prepared for the regular meeting held on December 2, 2024. 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 written minutes for qualifying meetings.

DISCUSSION

This item is for San Diego LAFCO to consider approving action minutes for the December 2, 2024 meeting. The attendance record for the meeting follows.

- All regular Commissioners were present.

- All alternate Commissioners were present except for David Drake (Rincon del Diablo Municipal Water District), Nora Vargas (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
Harry Mathis, General Public
Brigette Browning, Alt., General Public

ANALYSIS

The attached draft minutes for the December 2, 2024 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 December 2, 2024 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 December 2, 2024 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 December 2, 2024

DRAFT MINUTES
SAN DIEGO LAFCO
December 2, 2024 REGULAR MEETING

1. 8:15 A.M. – CALL TO ORDER BY CHAIR

Item 1a
ROLL CALL

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:	Joel Anderson, County of San Diego Kristi Becker, City of Solana Beach Jim Desmond, County of San Diego Jo MacKenzie, Vista Irrigation District Harry Mathis, Public Stephen Whitburn, City of San Diego (CHAIR) Dane White, City of Escondido Barry Willis, Alpine Fire Protection District (VICE CHAIR)
Alternates Present:	Brigette Browning, Public John McCann, City of Chula Vista
Members Absent:	David Drake, Rincon Municipal Water District (alternate) Nora Vargas, County of San Diego (alternate) Marni von Wilpert, City of San Diego (alternate)

The Commission Clerk confirmed a quorum with ten members present.

Also present at the time of roll call were the following LAFCO staff: Executive Officer Keene Simonds; Assistant Executive Officer Priscilla Mumpower; Commission Counsel Holly Whatley; Local Government Analyst II Michaela Peters; Local Government Analyst I Joelle Burila; Local Government Analyst I Meghan Traynor; Communications Associate Aiden Velasquez; GIS Analyst Dieu Ngu; and Commission Clerk Erica Sellen. LAFCO Consultants Chris Cate and Adam Wilson were also present.

Commissioner Anderson arrived at 8:19 a.m.

Item 1b
PLEDGE OF ALLEGIANCE

Commissioner Browning 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 and no supplemental correspondence had been received.

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 Commission Clerk confirmed there were no registered speakers and no live e-mail comments.

5. CONSENT ITEMS

Item 5a
Approval of Meeting Minutes for November 4, 2024
Item presented to approve draft action minutes prepared for the Commission's November 4, 2024 meeting. Recommendation to approve.

Item 5b
Commission Ratification | Recorded Payments for October 2024
Item presented to ratify recorded payments made and received by the Executive Officer for the month of October 2024. Recommendation to ratify.

Item 5c
Authorize Holiday Office Closures
Item presented to consider authorization for the closure of the LAFCO office for the four workdays following Christmas – Thursday, December 26th through Tuesday, December 31st. Recommendation to approve.

Item 5d
Approval of 2025 Meeting Calendar
Item presented to consider approving a regular meeting schedule for the 2025 calendar year. Recommendation to approve regular meetings on the first Monday of each month except for January, July, and September. Recommendation to approve.

Item 5e
Commissioner Terms
Item presented to receive its annual report on individual Commissioner terms. Seven terms are set to expire in May 2025 and affect four of the five membership categories on the Commission. Information only.

Item 5f
Progress Report on 2024-2025 Workplan
Item presented to receive a progress report on the adopted workplan, and activities associated with the 30 projects set for 2024-2025. Recommendation to formally receive and file with the opportunity to identify potential amendments for future consideration.

CONSENT ITEMS CONTINUED…

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

**

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

Roll call requested:

AYES:	Anderson, Becker, Desmond, MacKenzie, Mathis, Whitburn, White, & Willis
NOES:	None
ABSENT:	Drake, Vargas and 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 Sphere of Influence Actions | Oceanside Region
Item presented to consider proposed sphere of influence updates for three affected local agencies in the Oceanside region under LAFCO oversight involving City of Oceanside, Oceanside Small Craft Harbor District, and Morro Hills Community Services District (CSD). The item drew on the recent municipal service review on the Oceanside region and recommendations to proceed with limited updates for all three subject agencies and marked by affirming all three existing sphere designations with no changes. A special study area was separately recommended for the Morro Hills CSD. No special study areas were recommended for the other two subject agencies. Recommendation to approve updates to affirm without changes the spheres of influence for all three affected agencies in the Oceanside region while also establishing a special study area for Morro Hills CSD.

Chair Whitburn invited any 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 invited public comments from the following registered speaker:

- Thomas Harrington, President, Morro Hills Community Services District

The Commission Clerk confirmed there was one online speaker. Chair Whitburn invited comments from the following online speaker:

- Janet Kister

PUBLIC HEARING ITEMS CONTINUED…

Continued Item 6a |
Proposed Sphere of Influence Actions | Oceanside Region

Chair Whitburn proceeded to invite questions and comments from the Commissioners. Discussion followed with an agreement to remove the special study area for the Morro Hills CSD and approve the balance of the recommendation.

The Chair proceeded to close the hearing and invited a motion.

**

Commissioner Desmond motioned with a second from Commissioner Anderson to approve the staff recommendation (Alternative One) as listed in the agenda report with the modification of removing the special study area for the Morro Hills CSD.

Roll call requested:

AYES:	Anderson, Becker, Desmond, MacKenzie, Mathis, Whitburn, White, & Willis
NOES:	None
ABSENT:	Drake, Vargas and von Wilpert
ABSTAINING:	None

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

7. BUSINESS ITEMS

Item 7a
Draft Policy on Public Member Appointments
Item presented to review a draft policy to establish rules and procedures in making regular and alternate public member appointments. The item ties to the adopted workplan. Feedback will be incorporated into a revised draft ahead of staff initiating a public comment period and presenting a final version for action at a future meeting. Recommendation to discuss the draft policy to establish protocols for making public member appointments.

Assistant Executive Officer Mumpower provided the staff presentation.

Chair Whitburn proceeded to invite questions and comments from the Commissioners.

Commission discussion followed. Among other comments, Commissioner Anderson stated he would not want to exclude candidates who make land use decisions, adding that the Commissioner could recuse themselves should there be a conflict.

Chair Whitburn invited public comments. The Commission Clerk confirmed there were no registered speakers and no live e-mail comments.

Chair Whitburn noted the upcoming retirement of Commissioner Mathis and thanked him for his outstanding service. Commissioner Mathis expressed his gratitude to the Commission.

BUSINESS ITEMS CONTINUED…

Item 7b
Quarterly Update on High Priority Project and Related Actions |
Ad Hoc on Resource Conservation Districts – 2.0
Item presented to receive a scheduled update on a high priority workplan project involving all three local resource conservation districts (RCDs) – Greater San Diego, Mission, and Upper San Luis Rey – in San Diego County. The workplan project is termed "RCDs' 2.0" and currently focusing on mapping potential and otherwise orderly boundary changes covering all three subject agencies. The update provides the Commission the opportunity to revisit the project and provide real-time input to LAFCO staff in proceeding forward. The update also – pertinently – includes a recommendation for the Commission to transition 2.0 from its current six-member Ad Hoc format to a less informal working group to provide more flexibility in advancing the project. Recommendation to approve the proposed amendments with an immediate effective date.

Local Government Analyst II Peters and LAFCO Consultant Adam Wilson provided the staff presentation.

Chair Whitburn invited public comments. The Commission Clerk confirmed there were no registered speakers and no live e-mail comments.

**

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

Roll call requested:

AYES:	Anderson, Becker, Desmond, Mathis, MacKenzie, Whitburn, White, & Willis
NOES:	None
ABSENT:	Drake, Vargas and von Wilpert
ABSTAINING:	None

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

Item 7c
Update on Informational Report |
Public Recreation at City Owned Reservoirs and Enhancement Opportunities
Item presented to receive an update on an informational report on public recreational services at City of San Diego-owned reservoirs in unincorporated San Diego County. The update is in memorandum form and ties to a previously approved workplan project in 2023-2024 to assess public amenities at the City's seven unincorporated reservoirs and explore enhancement options – including forming a special district – to expand accessibility. Should the Commission's discussion support continuing the project, staff will present an amendment at the next meeting. Information only.

Local Government Analyst I Burila provided the staff presentation.

BUSINESS ITEMS CONTINUED…

Item 7c
Update on Informational Report |
Public Recreation at City Owned Reservoirs and Enhancement Opportunities

Chair Whitburn invited public comments from the following registered speaker:

- David Seaburg, Member, Friends of the San Diego Lakes

The Commission Clerk confirmed there were no other registered speakers and no live e-mail comments.

Chair Whitburn proceeded to invite questions and comments from the Commissioners. General discussion of support followed.

No action.

Item 7d
Local Agencies Directory Under LAFCO Oversight
Item presented to receive an annual local agencies directory prepared as part of the Commission's adopted workplan. The directory lists all 102 local agencies – cities and special districts – within San Diego County subject to the Commission's planning and regulatory duties and identifies current council and board members along with senior staff members. Information only.

Local Government Analyst I Traynor provided the staff presentation.

Chair Whitburn invited public comments. The Commission Clerk confirmed there were no registered speakers and no live e-mail comments.

Chair Whitburn proceeded to invite questions and comments from the Commissioners. Commissioner Becker stated there are changes needed for some Cities and Special Districts. To add to Commissioner Becker's comment, Commissioner MacKenzie noted waiting to print until February to make sure all changes are updated. No action.

8. EXECUTIVE OFFICER REPORT

Executive Officer Keene Simonds noted the following item:

- La Jolla is finalizing signatures and should have an update at the next meeting.

9. COMMISSIONER ANNOUNCEMENTS | REQUESTS FOR FUTURE ITEMS

Commissioner Willis would like to add a new position to help the farming community – Farming Liaison and Grant Writer.

10. CLOSED SESSION

Conference with Legal Counsel--Anticipated Litigation:
Pursuant to Government Code Section 54956.9(d)(3)): Significant exposure to litigation pursuant to paragraph (3) of subdivision (d) of Section 54956.9 related to San Diego Unified Port District. (One case.)

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 close session.

In returning from closed session, Chair Whitburn reported there was no reportable action.

11. ADJOURNMENT TO NEXT MEETING

With no further business, Chair Whitburn adjourned the meeting at 9:59 a.m.

I hereby attest the minutes above accurately reflect the deliberations of the Commission at its November 4, 2024 meeting.

ATTEST,

Erica Sellen
Commission Clerk

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5b

AGENDA REPORT
Consent | Action

February 3, 2025

TO: Commissioners

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

SUBJECT: **Commission Ratification | Recorded Payments for November and December 2024**

SUMMARY

The San Diego County Local Agency Formation Commission (LAFCO) will receive a report identifying payments made and received between November and December 2024. The payments cover all recorded transactions for the two-month period and include $0.436 million in total distributions made by the Executive Officer. Nearly two-thirds of all payments made tie to the County of San Diego for payroll reimbursements as well as charges for general overhead and information technology services. Most of the remaining payments made involve professional services tying to consultant and legal usage. Payments received total $0.034 million and primarily involve receipt of local agency apportionments.

BACKGROUND

Accounting Policies and Procedures

San Diego LAFCO's policies provide direction to the Executive Officer to maintain appropriate accounting controls for all financial transactions on behalf of the Commission. Spending allowances are specified and include bid procedures for financial transactions at or above $10,000 (unless waived due to unique circumstances) and separate Commission approval for any transactions at or above $125,000.

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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
Harry Mathis, General Public
Brigette Browning, Alt., General Public

DISCUSSION

This item is for San Diego LAFCO to consider ratification of all payments made and received by the Executive Officer for November and December 2024. A detailing of these transactions is provided in Attachments One (November) and Two (December). The item separately provides the Commission the opportunity to provide feedback to LAFCO staff and inform potential changes in purchasing practices and/or accounting procedures going forward.

ANALYSIS

San Diego LAFCO's recorded payments made by the Executive Officer covering November and December 2024 total $435,900 with 64% – or $280,217 – tied to transactions with the County of San Diego. This includes payroll reimbursements covering four pay periods as well as expenses for general overhead and information technology services. All expenses are consistent with the adopted budget. Revenues collected total $33,752 and primarily involve collecting local agency apportionments with the balance involving a new application filing.

RECOMMENDATION

It is recommended San Diego LAFCO ratify the payments made and received by the Executive Officer for November and December 2024 as presented. This recommendation is consistent with Alternative One in the proceeding section.

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 November and December 2024 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]

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

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 Sellen
Commission Clerk

Attachments:

1) Recorded Transactions in November 2024
2) Recorded Transactions in December 2024

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SAN DIEGO LAFCO
Expenses by Vendor Detail
November 2024

Payable | Receivable Party	Date	Account	Amount	Purpose	Type	Funding Account
E | 3MC Strategies						
	11/22/2024	52370.F · Professional Services	7,935.00	Consultant Services | Intergovernmental	electronic	1000 · County Account (44595)
E | Ace Parking						
	11/21/2024	52610 · Non-Travel/In-County	10.00	AEO Parking	credit card	3558-60 · SDCCU Visa Credit Card
	11/22/2024	52530 · Office Lease	50.00	Parking Validations	electronic	1000 · County Account (44595)
	11/22/2024	52530 · Office Lease	960.00	Monthly Parking Rent	electronic	1000 · County Account (44595)
			1,020.00			
E | ADW Consulting LLC						
	11/22/2024	52370.F · Professional Services	20,625.00	Consultant Services | Intergovernmental (2 months)	electronic	1000 · County Account (44595)
E | After Effects (Adobe)						
	11/10/2024	52270 · Memberships	22.99	Monthly Video Editing Software Subscription	credit card	3558-60 · SDCCU Visa Credit Card
	11/15/2024	52270 · Memberships	19.99	Monthly Adobe DC Pro Upgrade	debit card	3558 · SDCCU Checking
			42.98			
E | Amazon						
	11/18/2024	52344 · Stores Unallocated	598.28	General Office Supplies	credit card	3558-60 · SDCCU Visa Credit Card
E | Ambius						
	11/18/2024	52344 · Stores Unallocated	434.23	Monthly Service for Office Plants	check	3558 · SDCCU Checking
E | ARCC (Assessor Recording County)						
	11/18/2024	52490 · Publications	50.00	NOE Fee | Bryant-Felicita Rd. Reorg. Annexation (RO24-03)	check	3558 · SDCCU Checking
	11/18/2024	52490 · Publications	50.00	NOE Fee | Bryant-Felicita Rd. Reorg. Detachment (RO24-03)	check	3558 · SDCCU Checking
	11/18/2024	52490 · Publications	50.00	NOE Fee | Dragovic-Sunset Dr. (OAS24-10)	check	3558 · SDCCU Checking
			150.00			
E | Assura Software						
	11/22/2024	52074 · Telecommunications	750.00	Website Hosting Support Services	electronic	1000 · County Account (44595)
E | AT&T Mobility						
	11/18/2024	52074 · Telecommunications	620.35	Monthly Cell Phone | LAFCO Staff	check	3558 · SDCCU Checking
	11/26/2024	52074 · Telecommunications	631.97	Monthly Cell Phone | LAFCO Staff	check	3558 · SDCCU Checking
			1,252.32			
E | Blue Barn LLC						
	11/22/2024	52074 · Telecommunications	3,000.00	Video Recording Seervices	electronic	1000 · County Account (44595)
E | Byron Nkhoma						
	11/18/2024	52304 · Miscellaneous	50.00	SALC | Farming Questionnaire	check	3558 · SDCCU Checking
E | Canva						
	11/7/2024	52270 · Memberships	12.99	Monthly Subscription	credit card	3558-60 · SDCCU Visa Credit Card
E | Chase Design Inc						
	11/22/2024	52334 · Printing	75.00	Workplan & Budget Edits	electronic	1000 · County Account (44595)
E | City SD Parking						
	11/22/2024	52610 · Non-Travel/In-County	1.25	AEO Parking	credit card	3558-60 · SDCCU Visa Credit Card
E | Claim Jumper						
	11/4/2024	52610 · Non-Travel/In-County	82.69	EO, AEO & Counsel Debriefing	debit card	3558 · SDCCU Checking
E | Colantuono, Highsmith & Whatley						
	11/6/2024	52370.B · Professional Services	6,329.50	Commission Counsel Services	electronic	1000 · County Account (44595)
E | Copy 2 Copy						
	11/19/2024	52334 · Printing	438.49	Business Cards | New Hires	check	3558 · SDCCU Checking
E | Corodata						
	11/26/2024	52330 · Office Expense	60.45	Document Storage	check	3558 · SDCCU Checking
E | County of San Diego						
	11/1/2024	52354 · Mail/Postage ISF	529.84	Mail/Postage Services	electronic	1000 · County Account (44595)
	11/1/2024	52178 · Vehicle Maintenance	242.44	Vehicle Maintenance Services	electronic	1000 · County Account (44595)
	11/1/2024	52182 · Vehicle Fuel	39.42	Vehicle Fuel	electronic	1000 · County Account (44595)
	11/1/2024	52758 · Vehicle Lease	165.49	Vehicle Lease	electronic	1000 · County Account (44595)
	11/1/2024	52721 et al. · Communications (IT) Services	6,470.45	County IT Services (ITRACK)	electronic	1000 · County Account (44595)
	11/8/2024	51110 et al. · Employee Payroll	59,946.53	Payroll | Pay Period 2025-10	electronic	1000 · County Account (44595)
	11/22/2024	51110 et al. · Employee Payroll	61,284.83	Payroll | Pay Period 2025-11	electronic	1000 · County Account (44595)
	11/30/2024	52550.B · County Overhead Costs	14,323.35	A-87 2nd Quarter	electronic	1000 · County Account (44595)
	11/30/2024	52504 · Equipment Rental	1.85	County Surcharge | Xerox	electronic	1000 · County Account (44595)
			143,004.20			

SAN DIEGO LAFCO
Expenses by Vendor Detail
November 2024

Payable | Receivable Party	Date	Account	Amount	Purpose	Type	Funding Account
E | CSDA San Diego Chapter						
	11/15/2024	52610 · Non-Travel/In-County	160.00	Quarterly Dinner Meeting (JB & MP)	check	3558 · SDCCU Checking
E | Donut Star						
	11/5/2024	52330 · Office Expense	40.75	Commission Meeting Refreshments	debit card	3558 · SDCCU Checking
E | Extraordinary Desserts						
	11/14/2024	52610 · Non-Travel/In-County	66.00	Office Bonding	debit card	3558 · SDCCU Checking
E | Fax Plus						
	11/8/2024	52330 · Office Expense	9.26	Monthly Fax Machine Payment	debit card	3558 · SDCCU Checking
E | Gary Etchemendy						
	11/19/2024	52304 · Miscellaneous	50.00	SALC | Farming Questionnaire	check	3558 · SDCCU Checking
E | Jimmy Carter's Mexican Café						
	11/6/2024	52610 · Non-Travel/In-County	93.90	EO, AEO, Consultant Briefing	credit card	3558-60 · SDCCU Visa Credit Card
E | Jo MacKenzie						
	11/18/2024	52610 · Non-Travel/In-County	6.60	Reimbursement | Tolls for Commission Meeting	check	3558 · SDCCU Checking
E | Keene Simonds						
	11/21/2024	52612 · Employee Auto	332.14	CALAFCO Conference | Rental Car & Rideshare Reimbursement	check	3558 · SDCCU Checking
E | Lazy Dog						
	11/1/2024	52610 · Non-Travel/In-County	121.10	EO, AEO, AV, BW Briefing	debit card	3558 · SDCCU Checking
E | Manchester Financial 5th Ave LP						
	11/6/2024	52530 · Office Lease	11,816.47	Office & Storage Rent	electronic	1000 · County Account (44595)
E | Mary Munk						
	11/18/2024	52610 · Non-Travel/In-County	30.86	Reimbursement | La Jolla Meeting with MP	check	3558 · SDCCU Checking
E | Meghan Traynor						
	11/18/2024	52610 · Non-Travel/In-County	72.00	Reimbursement | MTS Pass	check	3558 · SDCCU Checking
E | Michaela Peters						
	11/21/2024	52610 · Non-Travel/In-County	30.40	Reimbursement | Consultant Lunch Meeting	check	3558 · SDCCU Checking
	11/21/2024	52182 · Vehicle Fuel	69.69	Reimbursement | LAFCO Car Fuel	check	3558 · SDCCU Checking
			100.09			
E | News Library						
	11/8/2024	52270 · Memberships	25.95	SD Tribune Archives Monthly Service	debit card	3558 · SDCCU Checking
E | Postal Annex						
	11/3/2024	52332 · Postage	25.74	Mailing Agenda Packet to BW	debit card	3558 · SDCCU Checking
	11/26/2024	52332 · Postage	57.17	Mailing Agenda Packet to BW	credit card	3558-60 · SDCCU Visa Credit Card
			82.91			
E | QuickBooks						
	11/4/2024	52330 · Office Expense	99.00	Monthly Service for Online QuickBooks	debit card	3558 · SDCCU Checking
E | Ready Refresh						
	11/9/2024	52330 · Office Expense	97.73	Monthly Water Service	credit card	3558-60 · SDCCU Visa Credit Card
E | RGS						
	11/6/2024	52370 · Professional Services	108.93	HR Services to AEO	electronic	1000 · County Account (44595)
E | Rick Engineering Co						
	11/21/2024	52304 · Miscellaneous	13,504.75	SALC Grant (2 invoice payments)	check	3558 · SDCCU Checking
E | San Diego History Center						
	11/20/2024	52490 · Publications	107.75	MSR Photos | Ocaenside Region	credit card	3558-60 · SDCCU Visa Credit Card
E | SDCCU						
	11/21/2024	52304 · Miscellaneous	10.00	Stop Check Fee	debit card	3558 · SDCCU Checking
E| Sloan Sakai Yeung & Wong LLP						
	11/6/2024	52370.B · Professional Services	7,161.22	Special Counsel Services	electronic	1000 · County Account (44595)
E | Starbucks						
	11/6/2024	52330 · Office Expense	45.00	Commission Meeting Refreshments	credit card	3558-60 · SDCCU Visa Credit Card
E | The Westbean Coffee						
	11/21/2024	52610 · Non-Travel/In-County	57.95	EO, AEO & MP Briefing	credit card	3558-60 · SDCCU Visa Credit Card
E | William Fulton Group						
	11/22/2024	52370.F · Professional Services	10,800.00	Consultant Services | Planning	electronic	1000 · County Account (44595)
E | Xerox						
	11/13/2024	52504 · Equipment Rental	271.64	Xerox Rental	electronic	1000 · County Account (44595)

SAN DIEGO LAFCO
Expenses by Vendor Detail
November 2024

Payable | Receivable Party	Date	Account	Amount	Purpose	Type	Funding Account
E | YouTube						
	11/7/2024	52270 · Memberships	12.65	Monthly Streaming Support Services	debit card	3558 · SDCCU Checking
EXPENSE TOTAL			231,147.03			
R | 5780 Quarry Rd LLC						
	11/26/2024	46234 · Applications	640.50	Processing Fees (CO24-14)	check	3558 · SDCCU Checking
R | Bryant						
	11/26/2024	52490 · Publications	100.00	Recording Fees (RO24-03)	check	3558 · SDCCU Checking
R | County of San Diego						
	11/30/2024	45918 · LAFCO Apportionment	30,824.70	LAFCO Apportionment FY24-25	electronic	1000 · County Account (44595)
R | Dragovic						
	11/26/2024	46234 · Applications	1,921.50	Processing Fees (OAS24-10)	check	3558 · SDCCU Checking
	11/26/2024	52490 · Publications	50.00	Recording Fees (OAS24-10)	check	3558 · SDCCU Checking
			1,971.50			
REVENUE TOTAL			33,486.70			

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SAN DIEGO LAFCO
Expenses by Vendor Detail
December 2024

Payable | Receivable Party	Date	Account	Amount	Purpose	Type	Funding Account
E | 3MC Strategies						
	12/11/2024	52370.F · Professional Services	7,820.00	Consultant Services | Intergovernmental	electronic	1000 · County Account (44595)
E | After Effects (Adobe)						
	12/10/2024	52270 · Memberships	22.99	Monthly Video Editing Software Subscription	credit card	3558-60 · SDCCU Visa Credit Card
	12/15/2024	52270 · Memberships	19.99	Monthly Adobe DC Pro Upgrade	debit card	3558 · SDCCU Checking
			42.98			
E | Amazon						
	12/3/2024	52566 · Minor Equipment	850.15	Camera & Equipment	credit card	3558-60 · SDCCU Visa Credit Card
	12/16/2024	52344 · Stores Unallocated	40.39	General Office Supplies	credit card	3558-60 · SDCCU Visa Credit Card
			890.54			
E | Ambius						
	12/20/2024	52344 · Stores Unallocated	434.23	Monthly Service for Office Plants	check	3558 · SDCCU Checking
E | ARCC (Assessor Recording County)						
	12/20/2024	52490 · Publications	50.00	NOE Fee | Oceanside MSR	check	3558 · SDCCU Checking
	12/20/2024	52490 · Publications	50.00	NOE Fee | Oceanside MSR SOI	check	3558 · SDCCU Checking
	12/20/2024	52490 · Publications	50.00	NOE Fee | Oceanside SCHD SOI	check	3558 · SDCCU Checking
	12/20/2024	52490 · Publications	50.00	NOE Fee | Morro Hills CSD SOI	check	3558 · SDCCU Checking
			200.00			
E | Assura Software						
	12/11/2024	52074 · Telecommunications	750.00	Website Hosting Support Services	electronic	1000 · County Account (44595)
E | Best Buy						
	12/4/2024	52344 · Stores Unallocated	161.61	Wireless Microphones	check	3558 · SDCCU Checking
E | Billing Hostway						
	12/4/2024	52370.E · Professional Services	299.40	Website Support Annual Fee	debit card	3558 · SDCCU Checking
E | Blue Barn LLC						
	12/11/2024	52074 · Telecommunications	3,000.00	Video Recording Seervices	electronic	1000 · County Account (44595)
E | Canva						
	12/7/2024	52270 · Memberships	30.00	Monthly Subscription	credit card	3558-60 · SDCCU Visa Credit Card
E | Chase Design Inc						
	12/6/2024	52334 · Printing	4,050.00	Local Directory	electronic	1000 · County Account (44595)
E | Claim Jumper						
	12/4/2024	52610 · Non-Travel/In-County	83.36	EO, AEO & Counsel Debriefing	debit card	3558 · SDCCU Checking
	12/20/2024	52610 · Non-Travel/In-County	261.16	Team 2nd Quarter Lunch	credit card	3558-60 · SDCCU Visa Credit Card
			344.52			
E | Colantuono, Highsmith & Whatley						
	12/6/2024	52370.B · Professional Services	5,086.91	Commission Counsel Services	electronic	1000 · County Account (44595)
E | Corodata						
	12/20/2024	52330 · Office Expense	60.45	Document Storage	check	3558 · SDCCU Checking
E | County of San Diego						
	12/1/2024	52354 · Mail/Postage ISF	593.74	Mail/Postage Services	electronic	1000 · County Account (44595)
	12/1/2024	52178 · Vehicle Maintenance	143.20	Vehicle Maintenance Services	electronic	1000 · County Account (44595)
	12/1/2024	52182 · Vehicle Fuel	39.17	Vehicle Fuel	electronic	1000 · County Account (44595)
	12/1/2024	52758 · Vehicle Lease	165.49	Vehicle Lease	electronic	1000 · County Account (44595)
	12/1/2024	52721 et al. · Communications (IT) Services	7,159.02	County IT Services (ITRACK)	electronic	1000 · County Account (44595)
	12/6/2024	51110 et al. · Employee Payroll	69,436.41	Payroll | Pay Period 2025-12	electronic	1000 · County Account (44595)
	12/20/2024	51110 et al. · Employee Payroll	59,673.61	Payroll | Pay Period 2025-13	electronic	1000 · County Account (44595)
	12/31/2024	52504 · Equipment Rental	1.84	County Surcharge | Xerox	electronic	1000 · County Account (44595)
			137,212.48			
E | CVS						
	12/18/2024	52330 · Office Expense	180.37	Office Supplies	credit card	3558-60 · SDCCU Visa Credit Card
E | Donut Star						
	12/2/2024	52330 · Office Expense	40.75	Commission Meeting Refreshments	cash	1040 · Petty Cash
E | Dropbox						
	12/9/2024	52270 · Memberships	199.00	Annual Subscription	credit card	3558-60 · SDCCU Visa Credit Card
E | Fax Plus						
	12/8/2024	52330 · Office Expense	9.26	Monthly Fax Machine Payment	debit card	3558 · SDCCU Checking

SAN DIEGO LAFCO
Expenses by Vendor Detail
December 2024

Payable | Receivable Party	Date	Account	Amount	Purpose	Type	Funding Account
E | Lazy Dog						
	12/20/2024	52610 · Non-Travel/In-County	81.36	EO, AEO, MP and BW Briefing	debit card	3558 · SDCCU Checking
E | Lofty Coffee						
	12/15/2024	52610 · Non-Travel/In-County	16.13	EO and KB Briefing	debit card	3558 · SDCCU Checking
E | Manchester Financial 5th Ave LP						
	12/6/2024	52530 · Office Lease	11,816.47	Office & Storage Rent	electronic	1000 · County Account (44595)
E | Meghan Traynor						
	12/20/2024	52610 · Non-Travel/In-County	72.00	Reimbursement | MTS Pass	check	3558 · SDCCU Checking
	12/20/2024	52344 · Stores Unallocated	440.66	Reimbursement | WFH Office Supplies	check	3558 · SDCCU Checking
			512.66			
E | News Library						
	12/8/2024	52270 · Memberships	25.95	SD Tribune Archives Monthly Service	debit card	3558 · SDCCU Checking
E | Parc Bistro Brasserie						
	12/9/2024	52610 · Non-Travel/In-County	102.92	EO, AEO & Intern Candidate Meeting	credit card	3558-60 · SDCCU Visa Credit Card
E | QuickBooks						
	12/4/2024	52330 · Office Expense	99.00	Monthly Service for Online QuickBooks	debit card	3558 · SDCCU Checking
E | Ready Refresh						
	12/7/2024	52330 · Office Expense	69.15	Monthly Water Service	credit card	3558-60 · SDCCU Visa Credit Card
E | RGS						
	12/6/2024	52370 · Professional Services	1,607.75	HR Services to AEO	electronic	1000 · County Account (44595)
E | San Diego Union Tribune						
	12/20/2024	52490 · Publications	1,621.06	PHNs | Oceanside MSR	check	3558 · SDCCU Checking
E | Southwest Airlines						
	12/5/2024	52622 · Training/Registration Out-County	137.96	CALAFCO Board Meeting 1/10/25 in Sacramento (EO & AEO)	credit card	3558-60 · SDCCU Visa Credit Card
E | Starbucks						
	12/2/2024	52330 · Office Expense	49.45	Commission Meeting Refreshments	credit card	3558-60 · SDCCU Visa Credit Card
	12/19/2024	52330 · Office Expense	44.00	Cities Meeting Refreshments	credit card	3558-60 · SDCCU Visa Credit Card
	12/20/2024	52330 · Office Expense	23.00	SDAC Meeting Refreshments	credit card	3558-60 · SDCCU Visa Credit Card
	12/23/2024	52330 · Office Expense	100.00	Holiday Gifts for Manchester Building Staff	credit card	3558-60 · SDCCU Visa Credit Card
			216.45			
E | Stephen Abbott						
	12/11/2024	52370.F · Professional Services	5,080.00	Consultant Services | Fire	electronic	1000 · County Account (44595)
E | The Westbean Coffee						
	12/4/2024	52330 · Office Expense	30.70	EO, AEO and Consultant Briefing	debit card	3558 · SDCCU Checking
E | Vons						
	12/19/2024	52330 · Office Expense	200.00	Gift Cards for Office Security and Cleaning Staff	credit card	3558-60 · SDCCU Visa Credit Card
	12/19/2024	52330 · Office Expense	29.95	Cities & SDAC Meeting Refreshments	credit card	3558-60 · SDCCU Visa Credit Card
			229.95			
E | W. Michael Hanemann						
	12/6/2024	52370.F · Professional Services	22,000.00	Consultant Services | SDCWA MSR	electronic	1000 · County Account (44595)
E | Xerox						
	12/11/2024	52504 · Equipment Rental	270.11	Xerox Rental	electronic	1000 · County Account (44595)
E | YouTube						
	10/30/2024	52270 · Memberships	22.99	Monthly Streaming Support Services	debit card	3558 · SDCCU Checking
EXPENSE TOTAL			204,753.11			
R | County of San Diego						
	12/31/2024	49200 · Interest & Dividends	57.16	Interest Payment to Account 46725	electronic	1001 · Committed - Stabilization (min. balance of $250k)
	12/31/2024	49200 · Interest & Dividends	84.99	Interest Payment to Account 46726	electronic	1002 · Committed - Opportunity (min. balance of $300k)
	12/31/2024	49200 · Interest & Dividends	123.07	Interest Payment to Account 46727	electronic	1003 · Assigned - Executive Officer (up to $125k)
			265.22			
REVENUE TOTAL			265.22			

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AGENDA REPORT
Consent | Action

February 3, 2025

TO: Commissioners

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

SUBJECT: **Progress Report on 2024-2025 Workplan + Proposed Amendments**

SUMMARY

The San Diego County Local Agency Formation Commission (LAFCO) will receive a progress report on the adopted workplan and activities associated with the 30 special projects set for 2024-2025. Three projects are completed and headlined by a municipal service review on the Oceanside region. Another four projects are nearing their completion and includes launching an online project tracker. Progress also continues on the Commission's highest priorities projects for the fiscal year involving municipal service reviews on healthcare districts, wholesale water services, and SANDAG. Amendments are separately proposed to account for recent Commission feedback to return a white paper on enhancing water-based public recreation opportunities in the unincorporated area while removing a white paper on community choice aggregation services. It is recommended the Commission formally receive the item and approve the proposed amendments as presented.

BACKGROUND

San Diego LAFCO's current fiscal year workplan was adopted at a noticed public hearing held in May 2024. It includes 30 special projects that are divided into two distinct categories – statutory and administrative – along with priority assignments set by 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
Harry Mathis, General Public
Brigette Browning, Alt., General Public

DISCUSSION

Progress Report & Proposed Amendments

This item provides San Diego LAFCO with a regular progress report on special projects outlined in the adopted 2024-2025 workplan. Nearly two-thirds of all projects have been initiated, with four now completed. These involve filling all budgeted positions, completing a regional municipal service review for the Oceanside region, and updating and publishing the annual local agency directory. This item also provides the Commission the opportunity to consider previously discussed amendments headlined by reinstating a project from the previous fiscal year — a white paper on enhancing water-based public recreation opportunities in the unincorporated area. This paper will specifically evaluate potential governance models for San Diego-owned reservoirs in unincorporated area – including a special district option. This amendment is consistent with feedback provided at the December 2024 meeting and as proposed would take the place of a scheduled white paper on community choice aggregation services (No. 27), which would be moved to the bullpen.

A full listing of projects – along with one of four status categories ranging from pending to complete – are provided and detailed in Attachment One. A copy of the five-year rolling study schedule is also provided for context and provided as Attachment Two.

ANALYSIS

San Diego LAFCO is making steady progress on special projects outlined in the adopted workplan, with ongoing focus on the top three priorities: municipal service reviews for wholesale water providers, healthcare districts, and SANDAG. The proposed amendments, as outlined above, adjust the Commission's activities and resource allocation to reflect evolving priorities since the initial workplan adoption in May 2024. Specifically, these amendments include re-scheduling a white paper on water-based public recreation opportunities and replacing a scheduled white paper on community choice aggregations in San Diego County. These adjustments will allow staff to maintain focus on 30 special projects.

RECOMMENDATION

It is recommended San Diego LAFCO receive and file the progress report on the adopted workplan consistent with practice and approve the proposed amendments as detailed. These recommendations are covered in Alternative Action One in the proceeding section.

ALTERNATIVES FOR ACTION

The following alternatives are available to San Diego LAFCO:

Alternative One (recommended):

1. Receive and file the progress report on the adopted workplan.

2. Amend the adopted workplan as follows:

   a) Add a new workplan project involving a white paper on water-based public recreation opportunities at No. 27.

   b) Remove the workplan project involving a white paper on Community Choice Aggregations (No. 27).

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

Attachments:

1) 2024-2025 Workplan Status with track-changes
2) Five-Year Rolling Study Schedule

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ADOPTED WORKPLAN FOR FY2024-2025
Status as of January 23, 2025

Priority	Level	Type	Project	Description	Status
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	
1a	High	Statutory	MSR | Wholesale Water Service Providers	Service-specific MSR on wholesale water suppliers – CWA (comprehensive) + MET (abbreviated)	
1b	High	Statutory	MSR | Healthcare Districts: Part I	Service-specific MSR of the four healthcare districts in San Diego County	
3	High	Statutory	MSR | SANDAG	Agency-specific MSR of SANDAG (housing, transportation, + climate adaption)	
4	High	Administrative	Transition to Online Accounting	Complete transition to QuickBooks accounting from desktop to online platform	
5	High	Statutory	MSR | North Coast Region – Part I	Regional-specific MSR for north coast – cities phase (Carlsbad and Encinitas)	
6	High	Administrative	SALC Planning Grant 2.0	Complete multi-year grant to inform + enhance small farming operations in San Diego County	
7	High	Administrative	RCD Ad Hoc Committee: Part II	Complete second part of RCD true ups; boundaries	
8	High	Statutory	MSR | Central 78 Corridor Region: Part I	Regional-specific MSR for central 78 corridor – cities phase (San Marcos + Vista)	
9	High	Statutory	MSR | Central 78 Corridor Region: Part II	Regional-specific MSR for central 78 corridor – districts phase (San Marcos and Vista FPDs, Vista ID, etc.)	
10	High	Administrative	Policy Review | Audit and Accounting	Prepare update to modernize and expand audit + accounting policies; address auditor recommendations	
11	High	Statutory	MSR | Oceanside Region MSR	Complete regional MSR on Oceanside (City of Oceanside, Oceanside SCHD + Morro Hills CSD)	
12	Medium	Administrative	Staffing and Professional Development	Fill all 8.0 budgeted positions + establish ongoing training	
13	Medium	Administrative	Policy Review | Personnel: Part III	Prepare update to modernize and harmonize all LAFCO job descriptions	
14	Medium	Administrative	Custom Project Management Tracker	Work with outside consultant to develop and implement custom online project tracking platform	
15	Medium	Statutory	Special Districts Advisory Committee	Provide administrative support to the SDAC and hold no less than three formal meetings in FY	
16	Medium	Administrative	White Paper | Homeless Services	Evaluate the scope-scale of governmental homeless services in SD County + potential governance options	
17	Medium	Statutory	Cities Advisory Committee	Provide administrative support to the CAC and hold no less than two formal meetings in FY	
18	Medium	Statutory	MSR | North Coast Region – Part II	Regional-specific MSR for north coast – Part II cover districts (Carlsbad MWD, Leucadia WD, et al.)	
19	Medium	Administrative	Prepare Outside Audit + Enhancements	Complete outside audit of financial statements for FY24 with supplemental information for added value	
20	Medium	Statutory	MSR | Del Mar-Solana Beach Region	Complete regional MSR covering the Cities of Del Mar and Solana Beach + Santa Fe ID et al.	

Priority	Level	Type	Project	Description	Status
21	Low	Administrative	Website Refresh + Content Expansion	Proceed with a website refresh and context expansion with multi-media adds	
22	Low	Administrative	Annual Local Agency Directory	Update and publish annual local agency directory subject to LAFCO oversight	
23	Low	Statutory	Policy | Applicant Procedures	Update and streamline application materials and establish related protocols	
24	Low	Administrative	Establish Credit Card Payments	Establish processes and related rules to accept card payments for applicant proposals	
25	Low	Statutory	Legislative Proposal | G.C. 56133	Sponsor/facilitate amendment to clarify LAFCOs' authority to determine out-of-agency exemptions in (e)	
26	Low	Administrative	Policy Review | SDAC Bylaws	Coordinate with SDAC in updating bylaws to sync with current member interests/priorities	
27	Low	Administrative	White Paper | ~~Community Choice~~Public Recreation Opportunities	Evaluate ~~the scope and scale of CCAs and their operations in San Diego County and connectivity to LAFCO~~potential governance models involving San Diego-owned reservoirs in unincorporated areas	
28	Low	Administrative	Liaison with Local Tribes	Establish communication protocols with local tribes with respect to shared interests in regional services	
29	Low	Administrative	Service + Fiscal Indicators	Develop online browser feature to depict service + fiscal indicators among local agencies in SD County	
30	Low	Administrative	Policy Review | Public Member Appointments	Establish local policies and procedures to guide recruitment, vetting, and selection of public members	
	Bullpen	Statutory	Legislative Proposal | G.C. 56430	Sponsor and/or facilitate amendment establishing community engagement enhancements in MSR statute	
	Bullpen	Statutory	Policy Review | Island Annexations	Consider options to define "substantially surrounded" and provide related mapping services	
	Bullpen	Administrative	White Paper | Garbage Services	Evaluate the scope and scale of garbage collection services and possible governance alternatives	
	Bullpen	Administrative	LAFCO Workshop	Organize a Commission Workshop to discuss core responsibilities + powers and implementing preferences	
	Bullpen	Administrative	Public Access Television	Broadcast LAFCO meetings on local government channels	
	Bullpen	Statutory	MSR | Pauma Valley Region	Initiate a regional study covering the north county special districts in the Pauma/Rincon communities	
	Bullpen	Administrative	SOI/MSR Annual Report	Update and publish an annual report documenting all recorded municipal service review and sphere of influence actions	
	Bullpen	Statutory	Policy | Fee Schedule	Review and update fee schedule to sync with current costs and related considerations	
	Bullpen	Statutory	Policy | CEQA Guidelines	Review and update existing implementing guidelines relative to current statute and best practices	
	Bullpen	Administrative	County Planning Groups	Monitor regular meetings of the County's 28 Planning and or Sponsor Groups and directly engage as appropriate	
	Bullpen	Statutory	Disadvantaged Unincorporated Communities	Update DUC mapping designations (DUC) in San Diego County based on current census information	
	Bullpen	Administrative	Local Agency Finder Tool	Develop online feature for users to enter address to identify all overlapping local jurisdictions (cities and districts)	
	Bullpen	Administrative	Southern California LAFCOs	Participate in quarterly meetings with other Southern California LAFCOs and related projects and/or trainings	
	Bullpen	Administrative	White Paper | School Districts	Evaluate scope and scale of school districts and their baseline capacities for reference in municipal service reviews	
	Bullpen	Administrative	CALAFCO	Participate in CALAFCO sponsored programs and related trainings (conferences, workshops, committees, etc.)	
	Bullpen	Statutory	Policy | Commission Rule No. 4	Modernize Rule No. 4 and its provisions to regulate special districts' service functions and classes	
	Bullpen	Statutory	Escondido Region Governance Study	Study options to consolidate (functional and political) the City of Escondido and Rincon del Diablo MWD	
	Bullpen	Administrative	White Paper | JPAs	Evaluate the status of JPA filings in San Diego County relative to LAFCO's task in SB 1261	
	Bullpen	Administrative	White Paper | Community Choice	Evaluate the scope and scale of CCAs and their operations in San Diego County and connectivity to LAFCO	
	Bullpen	Statutory	Policy | Cities Advisory Committee	Coordinate with CAD in updating bylaws and related procedures to sync with current member interests/priorities	

Complete | Near Complete | Underway | Pending

Commission Rolling Study Schedule 5-YEAR PLAN

FY2025 Through FY2029

Regional Service Planning
Subdivision of the State of California



Study Directive

State law directs San Diego LAFCO to review spheres of influence for all cities and special districts and update as needed (affirm, expand, reduce, etc.) every five years and by extension mark the agencies' appropriate current and future boundaries and service areas. Pertinently, local agencies cannot annex and/or extend services outside their spheres with limited exceptions. State law also specifies San Diego LAFCO must inform the sphere updates by preparing comprehensive evaluations – titled municipal service reviews – to determine the availability and adequacy of local governmental services as well as governance responsiveness relative to community needs.

Study Schedule

San Diego LAFCO has established a five-year rolling Study Schedule to guide its statutory task to review and update as appropriate the spheres of influence of cities and special districts under the Commission's oversight. The rolling Study Schedule is premised on the Commission's policy interest to proactively calendar municipal service reviews and use these documents to determine the subsequent scope of any related sphere of influence updates for the affected agencies. The Commission also regularly draws on the municipal service reviews to inform its' decision-making on boundary changes.

Rolling Study Schedule Format

The Study Schedule is a living or rolling document that the Commission resets yearly in concert with the annual budget and workplan adoptions. The rolling study schedule spans 5 fiscal years with only the first year being set. The second through fifth years are tentatively calendared, and done so to help guide and telegraph future decision-making. This approach allows the Commission the flexibility to redirect staff resources where needed should calendar studies extend beyond one year while also granting staff the ability to prioritize applicant proposals.

THE COMMISSIONERS »



Otay Lakes in Chula Vista ▶

San Diego LAFCO's Commission

San Diego LAFCO is governed by a 13-member "Commission" comprising county, city, special district, and public members. All Commissioners are appointed elected officials with the exception of the two public members. Commissioners serve four–year terms and divided between "regulars" and "alternates" and must exercise their independent judgment on behalf of the interests of residents, landowners, and the public as a whole. Commissioners are subject to standard disclosure requirements and must file annual statements of economic interests. The Commission has sole authority in administering its legislative responsibilities and decisions therein are not subject to an outside appeal process.



Stephen Whitburn
Chair
City of San Diego



Baron Willis
Vice Chair
Alpine Fire Protection



Joel Anderson
Commissioner
County of San Diego



Kristi Becker
Commissioner
City of Solana Beach



Jim Desmond
Commissioner
County of San Diego



Jo MacKenzie
Commissioner
Vista Irrigation



Harry Mathis
Commissioner
Public Member



Dane White
Commissioner
City of Escondido



Brigette Browning
Alternate
Public Member



David Drake
Alternate
Special District Member



John McCann
Alternate
City of Chula Vista



Nora Vargas
Alternate
County of San Diego



Marni von Wilpert
Alternate
City of San Diego

2024-2025 + 2025-2026: SET

NORTH COUNTY FOCUS

Carlsbad + Encinitas Region

- **Part I: Cities**
  - City of Carlsbad
  - City of Encinitas
- **Part II: Special Districts**
  - Carlsbad MWD
  - Leucadia WWD
  - Olivenhain WD
  - San Dieguito WD

Central 78 Corridor Region

- **Part I: Cities**
  - City of San Marcos
  - City of Vista
- **Part II: Special Districts**
  - Vista ID
  - Buena SD
  - Vallecitos WD
  - San Marcos FPD
  - Vista FPD

San Diego County Healthcare Districts

- **Part I: Macro + Part II: Micro**
  - Palomar HD
  - Tri-City HD
  - Fallbrook HD
  - Grossmont HD

Del Mar + Solana Beach Region

- **Part I: Cities**
  - City of Del Mar
  - City of Solana Beach
- **Part II: Special Districts**
  - Santa Fe ID
  - CSA 17 – Ambulance*

Oceanside Region

- City of Oceanside
- Morro Hills CSD
- Oceanside Harbor District

Wholesale Water Services

- San Diego County Water Authority
- Metropolitan Water District

Council of Governments

- San Diego Association of Governments (SANDAG)

*Denotes a special district included in more than one study.

Oceanside State Beach ▶





Chula Vista is the second largest city in the San Diego metropolitan area.

2026-2027: TENTATIVE

SOUTHWEST COUNTY FOCUS

Macro Fire Service Study

- State: CAL FIRE
- Cities
- Special Districts
- Tribes

Metro San Diego Region

- City of San Diego
- San Diego Unified PD

Rancho Santa Fe Region

- Fairbanks Ranch CSD
- Questhaven MWD
- Rancho Santa Fe CSD
- Rancho Santa Fe FPD
- Whispering Palms CSD
- CSA No. 17 – Ambulance*
- CSA No. 83 – San Dieguito Parks

Silver Strand Region

- City of Coronado
- City of Imperial Beach

South Coast Region

- City of Chula Vista
- City of National City
- Bonita-Sunnyside FPD
- Lower Sweetwater FPD
- Otay WD*
- San Diego County SD*
- South Bay ID
- CSA No. 122 – Planning

Transit Services

- North County TD
- Metropolitan Transit System

*Denotes a special district included in more than one study.



2027-2028: TENTATIVE

EAST COUNTY FOCUS

Alpine – Lakeside Region

- Alpine FPD
- Lakeside FPD
- Lakeside WD
- Padre Dam MWD*
- San Diego County SD*
- CSA No. 69 – Ambulance
- CSA No. 136 – Sundance Basin

El Cajon – Santee Region

- City of El Cajon
- City of Santee
- Helix WD*
- Padre Dam MWD*

Pauma Valley Region

- Mootamai MWD
- Rincon Ranch CSD
- Pauma CSD
- San Luis Rey MWD
- Yuima MWD

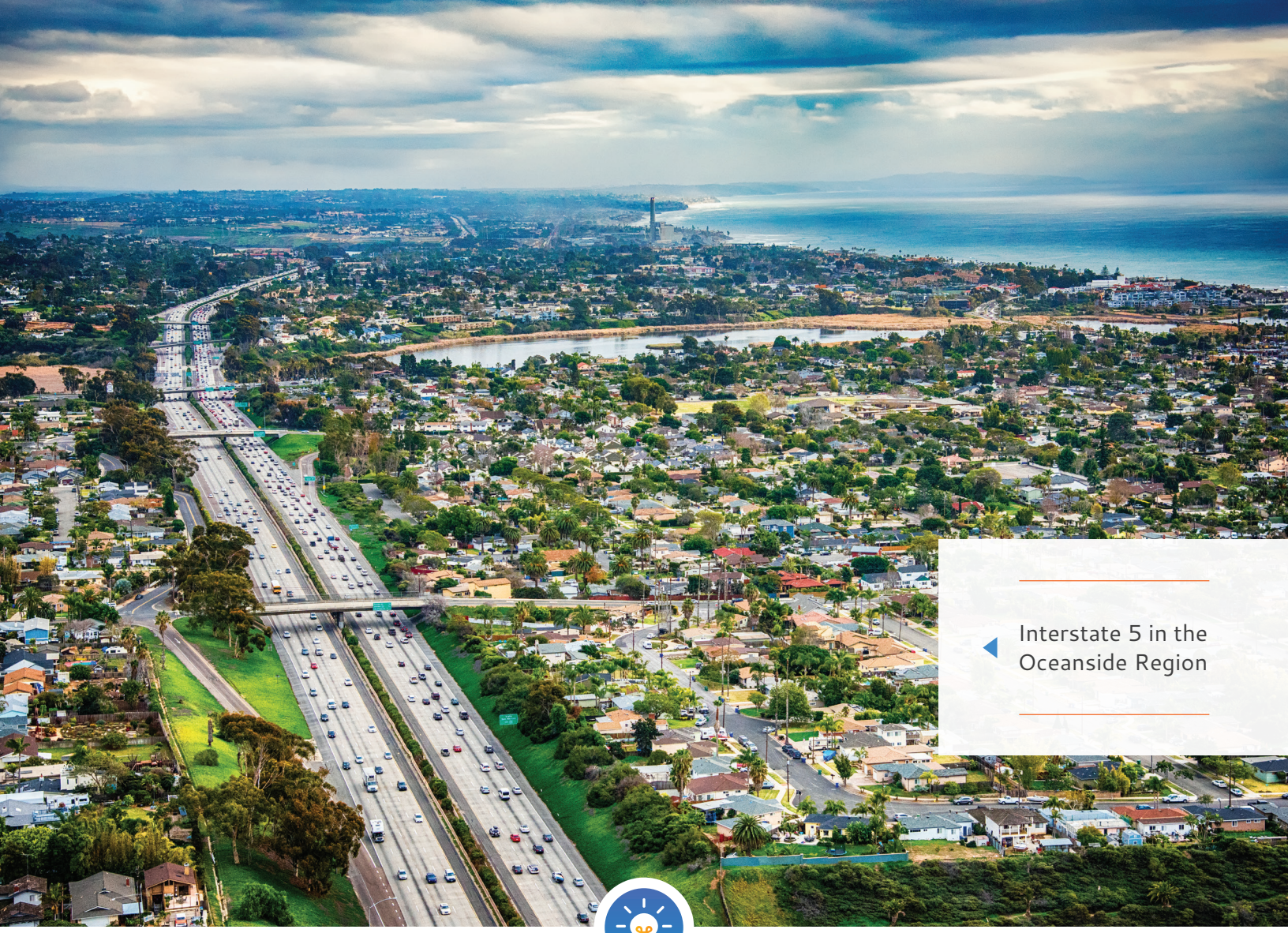
La Mesa – Lemon Grove Region

- City of La Mesa
- City of Lemon Grove
- Helix WD*
- Lemon Grove Roadway LD
- Lemon Grove SD
- San Diego County SD*

Spring Valley Region

- Otay MWD*
- San Miguel FPD
- San Diego County SD*
- CSA No. 69 – Ambulance*
- CSA No. 128 – Parks

*Denotes a special district included in more than one study.



Interstate 5 in the Oceanside Region

2028-2029: TENTATIVE

MISCELLANEOUS

Borrego Region
- Borrego WD
- Coachella Valley WD

Cemetery Services
- North County CD
- Pomerado CD
- Ramona CD
- Valley Center CD

Flood Control Services
- San Diego County FCD
- Cities
- Special Districts

Alpine – Lakeside Region
- Alpine FPD
- Lakeside FPD
- Lakeside WD
- Padre Dam MWD*
- San Diego County SD
- CSA No. 69 – Ambulance
- CSA No. 136 – Sundance Basin

East Laguna Summit Region
- Canebrake WD
- Descanso WD
- Jacumba CSD
- San Diego County SD*
- CSA No. 137 – Live Oak Springs

San Diego County Airports

5d

AGENDA REPORT
Consent | Action

February 3, 2025

TO: Commissioners

FROM: Meghan Traynor, Analyst I
Dieu Ngu, GIS Analyst

SUBJECT: **Biennial Report | 2023 & 2024**
Sphere of Influence and Municipal Service Review Summary of Actions

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SUMMARY

The San Diego Local Agency Formation Commission (LAFCO) will receive a biennial report chronicling sphere of influence and municipal service review actions in San Diego County. The update covers calendar years 2023 and 2024 and marked by the Commission approving 26 distinct sphere actions as well as two municipal service reviews covering four local agencies. The biennial report serves as the official registry cataloging all related actions and is being presented to the Commission for formal filing.

BACKGROUND

It is the established practice for San Diego LAFCO to regularly prepare a report tracking the Commission's municipal service review and sphere of influence actions. This practice has evolved from annual to biennial reporting. Completed reports are transmitted to cities and special districts to help ensure consistency across regional and local mapping records.

DISCUSSION

This item is for San Diego LAFCO to receive a biennial report chronicling approved municipal service review and sphere of influence actions in San Diego County for the 2023 and 2024 calendar years. The report serves as the official record of all sphere establishments and

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Jo MacKenzie, Vista Irrigation
David Drake, Alt., Rincon del Diablo
Harry Mathis, General Public
Brigette Browning, Alt., General Public

subsequent changes since 1972 as well as cataloging municipal service reviews beginning in 2001. The report also includes an appendix providing current sphere maps for all agencies under Commission oversight.

With respect to spheres of influence, 27 distinct actions were approved by the Commission between 2023 and 2024 as summarized below.

Summary |
2023 & 2024 Sphere of Influence Actions

No.	Date	Agencies	Resolution	Type	Acres
1	February 6, 2023	City of San Diego	(2030-003)	Amendment - Addition	3.8
2	February 6, 2023	City of San Diego	(2030-003)	Amendment - Reduction	1.5
3	February 6, 2023	City of Santee	(2030-003)	Amendment - Reduction	3.8
4	February 6, 2023	City of Santee	(2030-003)	Amendment - Addition	1.5
5	February 6, 2023	Padre Dam MWD	(2030-003)	Amendment - Reduction	3.8
6	February 6, 2023	Padre Dam MWD	(2030-003)	Amendment - Addition	1.5
7	March 6, 2023	San Diego County FPD	(2023-005)	Amendment - Addition	198,400
8	March 6, 2023	Borrego Springs FPD	(2023-005)	Dissolved	198,400
9	May 1, 2023	Ramona MWD	(2023-007)	Amendment - Addition	390
10	June 5, 2023	San Diego County SD	(2023-010)	Amendment - Addition	0.16
11	July 10, 2023	San Diego CWA	(2023-012)	Amendment - Reduction	50,857
12	July 10, 2023	San Diego CWA	(2023-012)	Amendment - Reduction	28,193
13	July 10, 2023	Eastern MWD	(2023-012)	Establishment	70,050
14	October 2, 2023	San Diego County SD	(2023-021)	Amendment - Addition	35.32
15	November 6, 2023	Lakeside WD	(2023-019)	Amendment - Addition	80.34
16	November 6, 2023	Metropolitan Water District	(2023-019)	Amendment - Addition	80.34
17	November 6, 2023	San Diego CWA	(2023-019)	Amendment - Addition	80.34
18	December 4, 2023	Olivenhain MWD	(2023-020)	Amendment - Reduction	5.14
19	December 4, 2023	Santa Fe ID	(2023-020)	Amendment - Addition	5.14
20	February 5, 2024	Leucadia WWD	(2024-005)	Amendment - Reduction	202
21	March 4, 2024	Bonita-Sunnyside FPD	(2024-003)	Amended - Reduction	2.16
22	May 6, 2024	Helix WD	(2024-008)	Amended - Reduction	26.50
23	October 7, 2024	Otay WD	(2024-010)	Amendment - Addition	8.11
24	December 2, 2024	City of Oceanside	SOI	Update - Affirm	26,880
25	December 2, 2024	Oceanside Small Craft HD	SOI	Update - Affirm	26,880
26	December 2, 2024	Morro Hills CSD	SOI	Update - Affirm	1,107

With respect to municipal service reviews, four local agencies were covered as follows.

Summary |
2023 & 2024 Municipal Service Reviews

No.	Date	Municipal Service Review	File No.	Agencies
1	June 5, 2023	Eastern MWD	MSR	Eastern MWD
2	December 2, 2024	Oceanside Region	MSR	City of Oceanside Oceanside Small Craft HD Morro Hills CSD

ANALYSIS

None.

RECOMMENDATION

It is recommended San Diego LAFCO receive and file the item with the invitation to discuss and/or provide feedback to staff on related matters. This recommendation would be accommodated by taking the actions outlined in the succeeding section as Alternative One.

ALTERNATIVES FOR ACTION

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

Alternative One (recommended):
Receive and file as presented.

Alternative Two:
Continue consideration of item to a future meeting and provide direction to staff for more information as needed.

Alternative Three:
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 staff,



Meghan Traynor
Analyst I

Attachment:

1) 2023 & 2024 Annual Report on Sphere and Municipal Service Review Actions (online only due to size)

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AGENDA REPORT
Consent | Action

February 3, 2025

TO: Commissioners

FROM: Keene Simonds, Executive Officer
Michaela Peters, Local Government Analyst II

SUBJECT: **Proposed "Ortega – Olde Highway 80 Change of Organization" | Annexation to the San Diego County Sanitation District (LAFCO File No. CO19-04)**

SUMMARY

The San Diego County Local Agency Formation Commission (LAFCO) will consider a change of organization proposal initiated by landowner petition (Archie M. Ortega). The proposal seeks Commission approval to annex approximately 5.1 acres of unincorporated territory within Lakeside to the San Diego County Sanitation District (County SD). The affected territory as proposed consists of two contiguous – partially developed – legal parcels. The purpose of the proposal is to make public wastewater service available to the affected territory and in doing so accommodate the construction of a 30,000 square-foot warehouse and office building. The affected territory lies within the existing County SD sphere of influence. Staff recommends conditional approval of the proposal as submitted along with waiving protest proceedings. It is also recommended the Commission make parallel exemption findings with the County of San Diego and find the project is exempt under CEQA Guidelines Section 15183.

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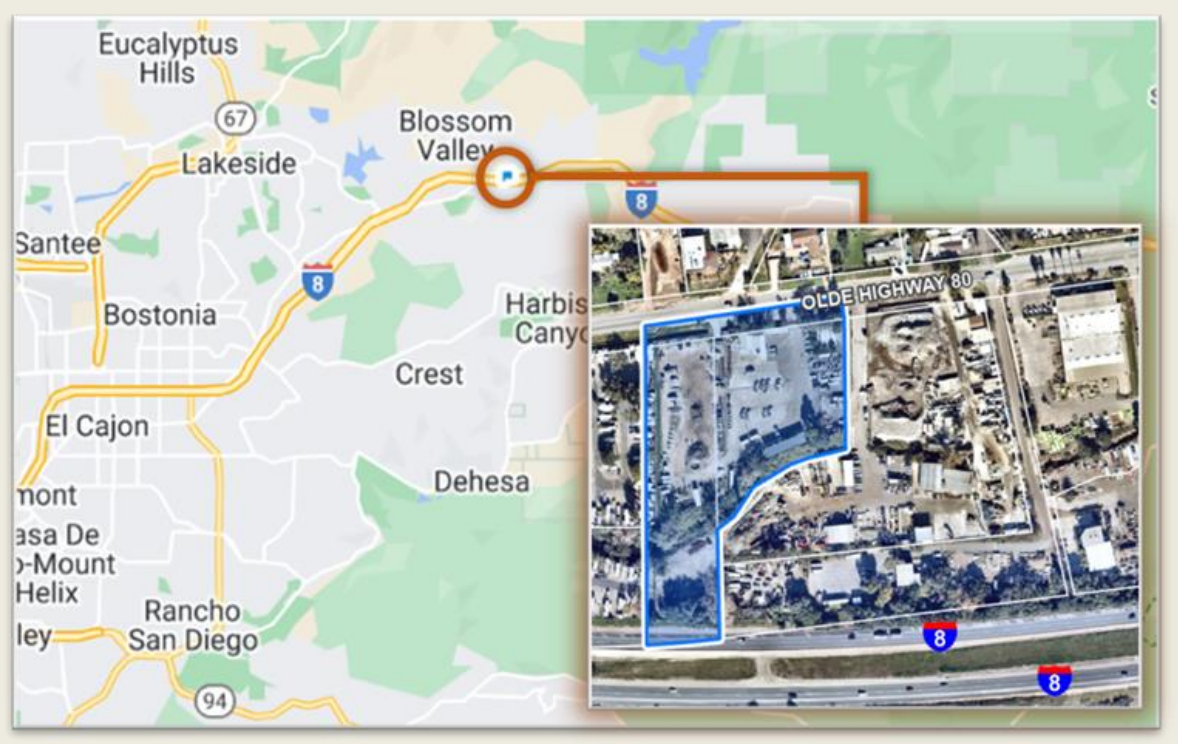
BACKGROUND

Applicant Request

San Diego LAFCO has received a change of organization proposal initiated by an interested landowner (Archie M. Ortega) requesting approval to annex approximately 5.1 acres within the unincorporated community of Lakeside to the County SD. The affected territory as proposed (see footnote) comprises two contiguous parcels containing existing office structures, accessory structures, and a shade structure.[1] The subject parcels have assigned situs addresses of 15229 Highway 8 & 15247 Olde Highway 80 and identified by the County of San Diego Assessor's Office as 396-111-10 & -17 respectively.

Regional Setting

The affected territory lies in eastern San Diego County within the unincorporated community of Lakeside which generally lies east of State Route 67, south of Olde Highway 80, and north of Interstate 8. All of the affected territory lies within County Supervisorial District No. 2 (Joel Anderson), Assembly District No. 75 (Carl DeMaio), and Senate District No. 40 (Brian W. Jones). An aerial map of the affected territory and its regional setting follows with a more detailed map – including showing the subject parcels and County SD's jurisdictional boundary – provided as Attachment One.



[1] The original proposal, re-submitted in May 2024, requested the annexation of three parcels totaling 11.2 acres. During the staff's administrative review, it was identified that one of the parcels (396-111-18) lacked CEQA analysis and a formal determination by the County of San Diego. Consequently, the applicant amended the proposal to include only two parcels, totaling 5.1 acres, which are now being considered as part of the proposed annexation.

Subject Agency

The proposed change of organization filed with San Diego LAFCO involves one subject agency: County SD.[2] A summary of the subject agency in terms of governance, resident population, municipal functions, and financial standing follows.

- **County SD** is a dependent special district governed by the County of San Diego and serves as successor agency to a multi-agency consolidation completed by LAFCO in 2010. The lone active service function is wastewater (collection, treatment, and disposal classes). The jurisdictional boundary spans approximately 46 square miles – or 29,571 acres – and is divided between seven distinct service areas – Alpine-Lakeside, Campo, East Otay Mesa, Julian, Pine Valley, Spring Valley, and Winter Gardens – with a combined LAFCO estimated resident population of 141,950. The affected territory subject to the proposal before LAFCO lies in the Alpine-Lakeside Sewer Service Area (SSA) which has an estimated resident population of 40,409. Wastewater collected within Alpine-Lakeside SSA flows to the City of San Diego's adjacent collection system and thereafter to the Point Loma Treatment Facility before discharge into the Pacific Ocean; the latter operated by the Metro Wastewater Joint Powers Authority with the District as one of the signatories. LAFCO established a sphere of influence for County SD in 2010. The sphere was most recently reviewed and affirmed in 2019 with a "larger-than-agency" designation and marked by the inclusion of approximately 9,300 non-jurisdictional acres, including the affected territory. The County SD's audited net position is $152.3 million as of June 30, 2024, with an unrestricted balance of $73.2 million. This includes an ending accrued cash balance of $73.1 million. The ending net position reflects an overall change during the three last audited years of 8.9%.

Affected Local Agencies

The affected territory presently lies within the jurisdictional boundaries and/or spheres of influence of nine local agencies directly subject to San Diego LAFCO's planning and regulatory responsibilities. These agencies qualify as "affected agencies" relative to the proposed change of organization and listed below.[3]

- County Service Area No. 135 (Regional Communications)
- Grossmont Healthcare District
- Lakeside Fire Protection District
- Metropolitan Water District of Southern California
- Padre Dam Municipal Water District
- Resource Conservation District of Greater San Diego County
- San Diego County Flood Control District
- San Diego County Street Lighting District
- San Diego County Water Authority

2 State law defines "subject agency" to mean any district or city for which a change of organization or reorganization is proposed.
3 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. Notice of the proposal and hearing were provided to the agencies.

The affected territory also lies within the following school and college districts, and accordingly have received notice of the proposal as part of the administrative review:

- Cajon Valley Union School District
- Grossmont Union High School District
- Grossmont-Cuyamaca Community College District.

DISCUSSION

This item is for San Diego LAFCO to consider approving – with or without discretionary modifications to the physical footprint – the change of organization proposal to annex the affected territory to County SD. The Commission may also consider applying approval conditions so long as it does not directly regulate land use, property development, or subdivision requirements. Additional discussion on purpose, current and planned land uses, and Commission focus follows.

Proposal Purpose

The purpose of the proposed change of organization before San Diego LAFCO is to extend public wastewater to the affected territory and in doing so accommodate the existing commercial structures and additional planned development of a 30,000 square-foot warehouse and office building as allowed under County zoning. The timing of the proposal follows the County of San Diego's conditional approval of the expanded development in March 2024, which includes requiring the landowner establish wastewater services via the County SD. No other municipal service establishments are proposed given the affected territory is receives water service from Padre Dam Municipal Water District and fire protection, emergency medical, and ambulance from the Lakeside Fire Protection District.

Current and Planned Land Uses

The affected territory is entirely unincorporated and under the land use authority of the County of San Diego and its adopted policies. Specific development policies for the affected territory are delegated in the County's Lakeside Community Plan under the Semi-Rural General Plan Regional Category. The present land use designations applied to the subject parcels are Limited Impact Industrial (I-1) and Medium Impact Industrial (I-2), which both set minimum lot sizes of 2.0 acres. Current zoning for the parcels are Limited Impact Industrial (M52) and General Impact Industrial (M54) with matching minimum lot requirements as well as authorizing uses associated with the planned addition to the existing construction yard.

Commission Focus

San Diego LAFCO's current sphere of influence designation for the County SD includes the affected territory and can readily accommodate the proposed annexation without amendment. This existing sphere determination narrows the Commission's consideration to two central and sequential policy items. These policy items ultimately take the form of determinations and orient the Commission to consider the stand-alone merits of the (a) timing of the change of organization and (b) whether discretionary modifications or approval terms are appropriate. The Commission must also consider other relevant statutes in and outside LAFCO law as detailed.

ANALYSIS

San Diego LAFCO's analysis of the proposed change of organization is divided into two subsections. The first subsection pertains to evaluating the central issues referenced in the preceding section relative to both statutory and local policy considerations. The second subsection considers other germane issues and is highlighted by applicability under the California Environmental Quality Act (CEQA).

Central Policy Items

Item No. 1 | Change of Organization Timing

San Diego LAFCO's consideration of the proposed change of organization's timing draws on analyzing baseline factors required in statute as well as applicable policies set by the Commission.[4] Applicable local policies prompted for consideration are headlined by L-107 and its attention to disclosing and/or addressing any known or perceived jurisdictional disputes.

An analysis of these two related timing factors follows.

- Timing Factor No. 1:
  Baseline Considerations: Regional Policies + Service Relationships

  State law prescribes the mandatory consideration of certain and multifaceted factors anytime LAFCOs consider jurisdictional changes. These factors range in substance from disclosures – such as the affected territory's current land uses, assessed values, registered voter counts, and so on – to discretionary analyses. This latter category is highlighted by evaluating the proposed annexation relationship to community needs as well as the service capacities and related financial resources of the receiving agency. A summary of key conclusions generated in reviewing these discretionary matters for the proposed change of organization regarding (a) service needs, (b) service availability and capacities, and (c) related financial considerations follow.

4 Most of the baseline factors in statute focus on disclosing and otherwise addressing compatibility issues with external goals and policies of other state, regional, and local agencies as well as assessing the ability of subject agencies to provide services going forward. (Reference to Government Code Section 56668.)

- With respect to **service needs**, the affected territory's planned use to accommodate a commercial warehouse and office building merits public wastewater services. Annexation of the affected territory to County SD for the purpose of making available public wastewater service accommodates this known need and serves as a preferred alternative to portable facilities and/or an onsite septic system in sync with the planned development authorized by the County.

- With respect to **service availability and capacities,** County SD has available and sufficient wastewater capacities to accommodate the projected service demands in the affected territory at its planned uses. Specifically, an existing County SD wastewater main is located within the public right-of-way of Acacia Avenue and can readily serve the affected territory through the extension of an approximate 20-foot private lateral connection. Based on planned developments – to include the construction of the commercial warehouse and office building – it is projected the maximum average day wastewater flow generated within the affected territory is 240 gallons. [5] This projected amount can be readily accommodated by County SD and represents .002% of its available treatment and discharge capacity remaining within its wastewater system.[6]

- With respect to **related financial considerations**, County SD has adequate financial resources and related administrative controls to provide wastewater services to the affected territory in support of its planned development without adversely impacting current ratepayers. This comment is reflected in the staff analysis of recent audited statements, which shows the County SD having established high liquidity (short-time financial standing) and capital (long-term financial standing) levels via an ending current ratio of 41.6 to 1 and debt ratio of 1.24% respectively, at the end of 2023-2024.

- Timing Factor No. 2:
  Consideration of Policy L-107

  San Diego LAFCO adopted L-107 in May 2010 to require all applicants to disclose jurisdictional disputes or related items that are associated with their proposal filings with additional details footnoted.[7] No jurisdictional disputes have been disclosed by County SD in filing the change of organization proposal. LAFCO staff, similarly, has not identified any related concerns in the administrative review.

[5] Based on a per unit daily wastewater demand estimate of 240 gallons.
[6] County SD's current average day wastewater flow is 11.0 million gallons while its overall capacity is 25.0 million gallons.
[7] The Executive Officer retains discretion to determine the extent of consultation needed.

CONCLUSION |
MERITS OF CHANGE OF ORGANIZATION TIMING

The timing of the change of organization involving the annexation of the affected territory to County SD is sufficiently warranted. Justification is marked by the preceding analysis and highlighted by appropriately syncing a planned need paired with utilizing available public facilities and capacities. Additional analysis supporting the conclusion is provided in Appendix A.

Item No. 2 |
Modifications and Terms

No modifications to the submitted change of organization have been identified by San Diego LAFCO staff meriting Commission consideration at this time. This includes – materially – the applicant agreeing during the administrative review to scale the proposal to only the territory associated with the development approval with the County. Any development proposed for the applicant's adjacent properties will require separate annexation approvals and related environmental analysis. It is separately confirmed the annexation of the affected territory as now proposed would not generate any corridors and/or otherwise illogical jurisdictional features for the subject agency.

CONCLUSION |
MODIFICATIONS AND TERMS

No modifications to the proposal appear warranted. Standard approval terms are recommended and include receipt of all remaining payments associated with the processing of the proposal by the Commission through recordation.

Other Statutory Considerations

Exchange of Property Tax Revenues

California Revenue and Taxation Code Section 99(b)(6) requires the adoption of a property tax exchange agreement by the affected local agencies before San Diego LAFCO can consider any jurisdictional change unless an applicable master agreement applies. The associated statutes also empower the County of San Diego to make all related property tax exchange determinations on behalf of special districts. Staff has confirmed the County Board of Supervisors has adopted a master agreement to govern the tax exchange for the proposed change of organization. The master agreement specifies no transfer of property taxes would occur following annexation of the affected territory to County SD.

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. The Commission is tasked with making findings under CEQA in consideration of the proposed change of organization. Staff's analysis follows.

- The County of San Diego serves as lead agency under CEQA for considering the change of organization as part of its discretion to approve the underlying development project at 15229 Highway 8 and 15247 Olde Highway 80. The County attests the project is exempt from further review under CEQA Guidelines Section 15183 given it is consistent with the development density and use regulations established by the existing general plan guidelines for which an Environmental Impact Report (EIR) was certified. Staff independently concurs.

Protest Proceedings

Protest proceedings for the proposed change of organization may be waived by LAFCO should the Commission proceed with an approval under Government Code Section 56662. The waiver appropriately applies under this stature given the affected territory is uninhabited as defined under LAFCO law (i.e., less than 11 voters); the subject agency has not filed an objection to the waiver; and the landowners have consented to the underlying action.[8]

RECOMMENDATION

Staff recommends conditional approval of the change of organization proposal as submitted along with standard terms. This recommendation is consistent with the action outlined as Alternative One in the proceeding section.

ALTERNATIVES FOR ACTION

The following alternative actions are available to San Diego LAFCO:

Alternative One (recommended):
Adopt the attached draft resolution conditionally approving the change of organization proposal as submitted (without modifications) along with standard approval terms, waiver of protest proceedings, and finding under CEQA.

Alternative Two:
Continue consideration to the next regular meeting.

Alternative Three:
Disapprove the change of organization proposal with direction to staff to return at the next regular meeting with a conforming resolution for adoption.

[8] LAFCO law defines uninhabited as territory in which less than 11 registered voters reside.

PROCEDURES FOR CONSIDERATION

This item has been placed on San Diego LAFCO's agenda for action 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.

On behalf of the Executive Officer,



Michaela Peters
Analyst II

Appendices:

A) Analysis Proposal Review Factors

Attachments:

1) Vicinity Map of the Affected Territory
2) Draft Resolution of Approval
3) Application Materials

APPENDIX A
Government Code Section 56668
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 two contiguous legal parcels totaling approximately 5.1 acres of unincorporated territory within Lakeside. The purpose of the proposal is to make public wastewater available to the property and in doing so accommodate the planned development of a 30,000 square-foot warehouse and office building. The affected territory's total assessed *land* value is calculated to be $1,951,575. (emphasis)

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 County of San Diego serves as the primary purveyor of general governmental services to the affected territory. These governmental services include community planning, roads, and law enforcement. Other pertinent public service providers include Padre Dam MWD (potable water) and Lakeside FPD (fire protection, emergency medical and ambulance). This proposal affects only wastewater and is the focus of the succeeding analysis.

- **Extending Public Wastewater to Affected Territory**
  County SD has available and sufficient wastewater capacities to accommodate the projected service demands in the affected territory at its planned uses. Specifically, an existing County SD wastewater main is located within the public right-of-way of Acacia Avenue and can readily serve the affected territory through the extension of an approximate 20-foot private lateral connection. Based on planned developments – to include the construction of the commercial warehouse and office building – it is projected the maximum average day wastewater flow generated within the affected territory is 240 gallons. This projected amount can be readily accommodated by County SD and represents .002% of its available treatment and discharge capacity remaining within its wastewater system.

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 change of organization to and annexation therein to County SD would reflect and strengthen existing economic and social ties between the District and the affected territory that tie back to LAFCO placing lands within the District's sphere of influence. This existing designation signals the explicit policy expectation of the lands meriting wastewater service from County SD when the timing is separately deemed appropriate.

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 change of organization and annexation to County SD would facilitate the orderly expansion of the District's jurisdictional boundary consistent with the sphere of influence. The affected territory does not contain "open space" as defined under LAFCO law and 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.

The affected territory does not presently contain "prime agricultural land", or "agricultural land" as defined under LAFCO law. Specifically, the affected territory does not contain lands currently used for any of the following purposes: producing an agricultural commodity for commercial purposes; left fallow under a crop rotational program; or enrolled in an agricultural subsidy program. Approval of the proposal and annexation to County SD would not adversely affect the physical or economic well-being of agricultural lands.

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.

LAFCO is in receipt of a draft map and geographic description of the affected territory that details metes and bounds that appear consistent with the standards of the State Board of Equalization and conforming with lines of assessment. LAFCO approval would be conditioned on approval of the map and geographic description by the County Assessor's Office and

address any modifications enacted by the Commission. No irregular or otherwise illogical boundary features would be generated from proposal approval.

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

The proposed change of organization would extend wastewater service to the planned construction of a 30,000 square-foot warehouse and office building consistent with current zoning regulations. The proposal and its anticipated outcomes do not generate any known conflicts with *San Diego Forward*, the regional transportation plan adopted by the San Diego Association of Governments.

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

See the agenda report.

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

The affected territory lies entirely within the existing sphere of influence designated for the County SD.

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

Notice of the submitted change of organization proposal was distributed to all affected and subject agencies as required under LAFCO law. Notices were also provided to all local college and school districts. No written comments on the proposal were received ahead of preparing this agenda report for distribution on January 27, 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 the County SD has overall 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.

- County SD's last audit covers 2023-2024 and shows the County finished with low liquidity levels with an agency-wide current ratio of 41.6 (i.e., $41.60 in current assets for every $1.00 in current liabilities).
- County SD finished 2023-2024 with low capital levels and marked by a high debt ratio of 1.24% (i.e., $124.00 out of every $100.00 in net assets are financed).
- County SD finished 2023-2024 with an overall total margin of 1.5%.

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

The affected territory's existing commercial uses are presently within the Padre Dam MWD boundary and eligible for water service. Approval of the proposed change of organization would not affect the timely availability of water supplies to 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 change of organization would not impact any local agencies in accommodating their regional housing needs.

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

The affected territory is considered uninhabited as defined by LAFCO law (containing 11 registered voters or less). The landowners support the proposed change of organization and have provided written consent to the proceedings as the petitioners.

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 change of organization is expected to have a positive impact on environmental justice by enhancing wastewater and integrated public safety services 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 with an internal range between the 0 and 93 percentiles. Four pollution burden measurements exceed the 50th percentile which are considered relatively high and involve air quality, drinking water contaminants, impaired water, and solid waste. Within this category, air quality exceeds the 66th percentile and is considered significant.

- The affected territory's **composite susceptible population** ranking falls in the 20th percentile with an internal range between 7 to 54 percentiles. One of these at-risk groups exceeds the 50th percentile and considered relatively high in magnitude and involves individuals with the housing burden. It is not – however – considered significant given it falls below the 66th percentile.

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

Census Tract No. 6073016802
Pollution Burdens and Susceptible Population
(Source: California Environmental Protection Agency and SD LAFCO)

	Affected Territory + Surrounding Lands
Census Tract No.	6073016802
Estimated Population	7,213
Pollution Burden	Weighted Percentile
… Percentile	32.7
Indicator | Air Quality: Ozone	**75.3**
Indicator | Air Quality: PM 2.5:	27.6
Indicator | Air Quality: Diesel PM:	11.9
Indicator |Pesticides:	32.2
Indicator | Toxic Releases:	25.4
Indicator |Traffic:	21.7
Indicator | Drinking Water Contaminants:	**50.2**
Indicator | Lead in Housing:	12.7
Effects | Cleanup Sites:	0.0
Effects | Groundwater Threats:	47.4
Effects | Hazardous Waste:	0.0
Effects | Impaired Water:	**93.4**
Effects | Solid Waste:	**83.3**
Sensitive Population	Weighted Percentile
… Percentile	19.8
Population | Asthma:	30.9
Population | Low Birth Weight:	17.7
Population | Cardiovascular Disease:	20.6
Population | Education:	33.9
Population | Linguistic Isolation:	7.4
Population | Poverty:	43.1
Population | Unemployment:	44.4
Population | Housing Burden:	**54.6**

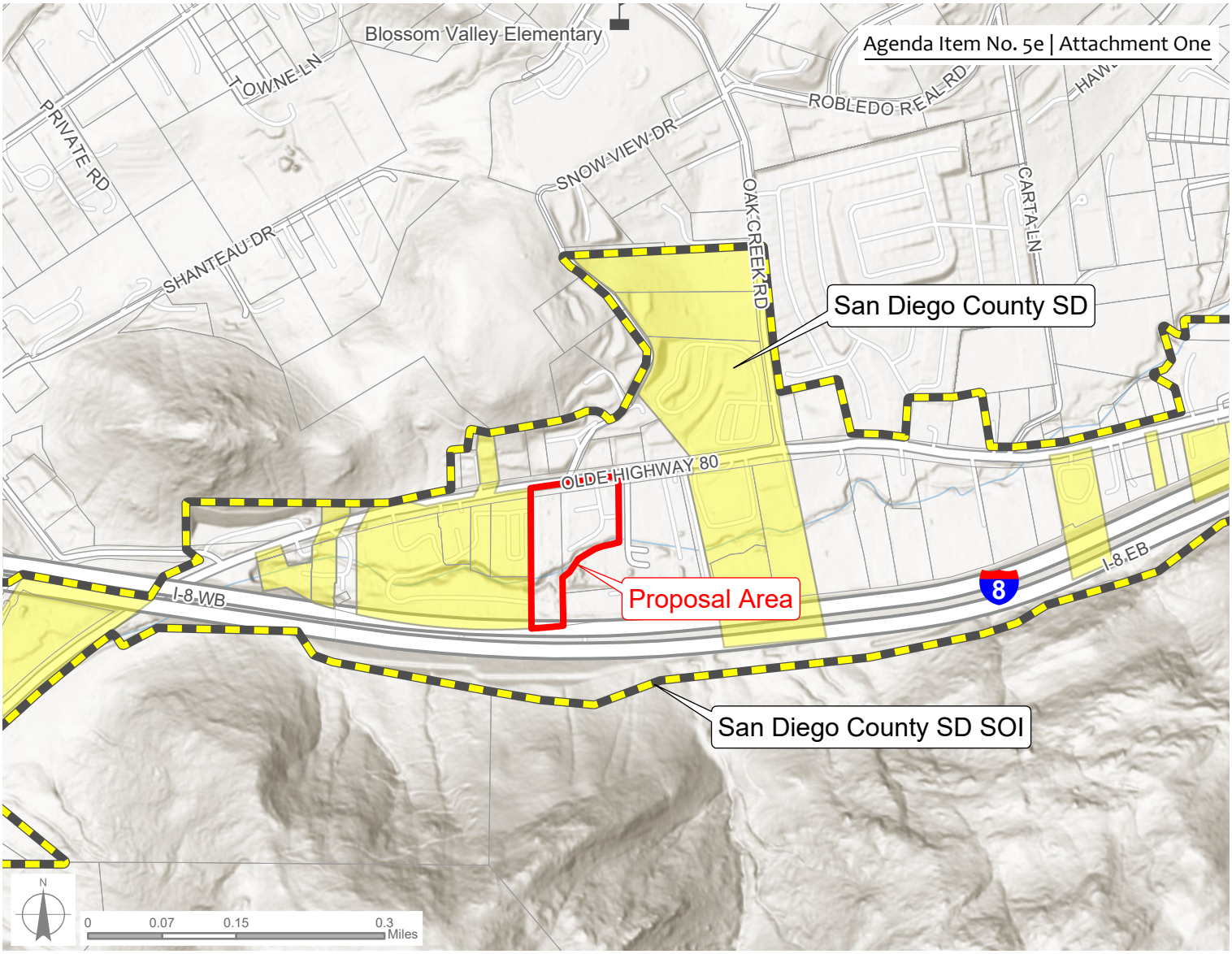
q) Information contained in a local hazard mitigation plan, information contained in a safety element of a general plan, and any maps that identify land as a very high fire hazard zone or maps that identify land determined to be in a state responsibility area, if it is determined that such information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

The County of San Diego General Plan contains a hazard mitigation plan for potential fire, flooding, and earthquakes. The affected territory lies within a "Very High" fire hazard zone and a "Low-Level' earthquake zone.

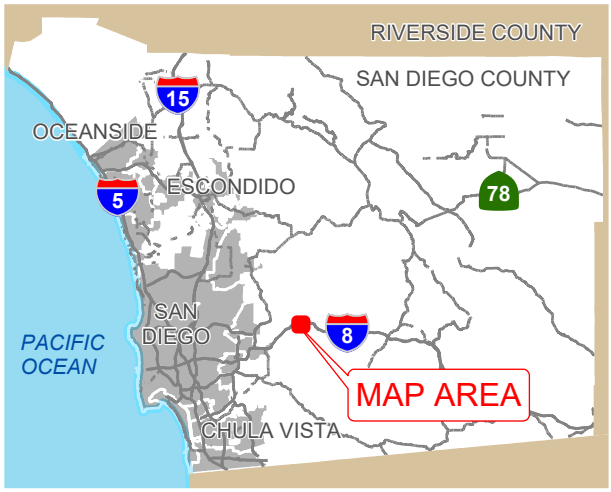
r) Section 56668.3(a)(1) Whether the proposed annexation will be for the interest of the landowners or present or future inhabitants within the district and the territory proposed to be annexed to the district.

Approval of the change of organization would be in the best interest of the current and future landowners and/or visitors of the affected territory by providing access to reliable public wastewater service going forward.

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CO19-04 "ORTEGA - OLDE HIGHWAY 80 CHANGE OF ORGANIZATION" | ANNEXATION TO SAN DIEGO COUNTY SD

- Proposal Area
- San Diego County SD SOI
- San Diego County SD

SOI = Sphere of Influence

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

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G:\GIS\Vicinity_Maps\agendamaps2019\19-04 Ortega SDC SD.aprx

Created by Dieu Ngu -- 1/3/2025

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RESOLUTION NO. _____

SAN DIEGO COUNTY LOCAL AGENCY FORMATION COMMISSION

MAKING DETERMINATIONS, APPROVING, AND ORDERING A CHANGE OF ORGANIZATION

"ORTEGA – OLDE HIGHWAY 80 CHANGE OF ORGANIZATION"
ANNEXATION TO THE SAN DIEGO COUNTY SANITATION DISTRICT
LAFCO FILE NO: CO19-04

WHEREAS, on May 13, 2024, interested landowner – Archie M. Ortega – filed a petition to reinitiate proceedings and an application with the San Diego County Local Agency Formation Commission, hereinafter referred to as "Commission", pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000; and

WHEREAS, the application before the Commission seeks approval of a change of organization of approximately 5.1 acres of unincorporated territory in the County of San Diego involving annexation to the San Diego County Sanitation District; and

WHEREAS, the affected territory as proposed includes two contiguous legal parcels containing existing office and accessory structures and identified by the County of San Diego's Assessor's Office as 396-11-10 & 396-111-17; and

WHEREAS, an applicable master property tax transfer agreement applies to the proposed change of organization dated December 14, 1982; and

WHEREAS, the Commission's Executive Officer has reviewed the proposed change of organization and prepared a report with recommendations; and

WHEREAS, the Executive Officer's report and recommendations on the proposal have been presented to the Commission in the manner provided by law; and

WHEREAS, the Commission heard and fully considered all the evidence presented at a noticed public meeting on the proposal on February 3, 2025;

WHEREAS, the Commission considered all the factors required by law under Government Code Section 56668 as well as adopted local policies and procedures.

NOW, THEREFORE, THE COMMISSION DOES HEREBY RESOLVE, DETERMINE, AND ORDER as follows:

1. The public meeting was held on the date set therefore, and due notice of said meeting was given in the manner required by law.

2. At the public meeting, the Commission considered the Executive Officer's report.

3. With respect to considering the effects of the proposed change of organization under the California Environmental Quality Act (CEQA), the Commission's makes the following findings:

a) The County of San Diego serves as lead agency under CEQA for considering the change of organization as part of its discretion to approve the underlying development project at 15229 Highway 8 and 15247 Olde Highway 80. The County of San Diego attests the project is exempt from further review under State CEQA Guidelines Section 15183 given it is consistent with the development density and use regulations established by the existing general plan guidelines for which an Environmental Impact Report (EIR) was certified. The Commission – in its role as responsible agency - independently concur this exemption appropriately applies.

4. The Commission APPROVES the change of organization without modifications and subject to conditions as provided. Approval involves all of the following:

    a. Annexation of the affected territory to the San Diego County Sanitation District is shown in "Exhibit A-1" and described in "Exhibit A-2."

6. The Commission CONDITIONS all approvals on the following terms being satisfied by February 3, 2026 unless an extension is requested in writing and approved by the Executive Officer:

    a) Completion of the 30-day reconsideration period provided under Government Code Section 56895.

    b) Submittal to the Commission of final map and geographic description of the affected territory as approved by the Commission conforming to the requirements of the State Board of Equalization – Tax Services Divisions.

    c) Submittal to the Commission of the following payments:

        - A check made payable to LAFCO in the amount of $50.00 for the County of San Diego-Clerk Recorder to reimburse for filing a CEQA Notice of Exemption consistent with the finding in the resolution.

        - A check made payable to the State Board of Equalization for processing fees in the amount of $350.00.

7. The Commission assigns the proposal the following short-term designation:

    "Ortega – Olde Highway 80 Change of Organization".

8. The affected territory as designated by the Commission is uninhabited as defined in Government Code Section 56046.

9. The Commission waives conducting authority proceedings under Government Code Section 56662.

10. The San Diego County Sanitation District is a registered-voter district.

11. The San Diego County Sanitation District utilizes the County of San Diego assessment roll.

12. The affected territory will be liable for any existing bonds, contracts, and/or obligations of the San Diego County Sanitation District as provided under Government Section 57328.

13. The effective date of the approval shall be the date of recordation but not before the completion of a 30-day reconsideration period and only after all terms have been completed as attested by the Executive Officer.

14. As allowed under Government Code Section 56107, the Commission authorized the Executive Officer to make non-substantive corrections to the resolution to address any technical defects, errors, irregulates, or omissions.

15. The Executive Officer is hereby authorized and directed to transmit copies of this resolution as provided in Sections 56880-56882 of the Government Code.

16. The Executive Officer is further authorized and directed to prepare, execute, and record a Certificate of Completion, make the required filings with the County Assessor, County Auditor, and the State Board of Equalization as required by Section 57200, et seq., of Government Code.

**

PASSED AND ADOPTED by the Commission on February 3, 2025 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINING:

**

ATTEST:

_____
Keene Simonds
Executive Officer

EXHIBIT A-1
VICINITY MAP OF AFFECTED TERRITORY

-Placeholder-

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EXHIBIT A-2
GEOGRAPHIC DESCRIPTION OF THE AFFECTED TERRITORY

-Placeholder-

PETITION FOR PROCEEDINGS PURSUANT TO THE CORTESE-KNOX-HERTZBERG LOCAL GOVERNMENT REORGANIZATION ACT OF 2000

RECEIVED

MAY 13 2024

SAN DIEGO LAFCO

Part I: NOTICE OF INTENT TO CIRCULATE PETITION

Proponents are required to file a **NOTICE OF INTENT TO CIRCULATE PETITION** with the Executive Officer of the San Diego Local Agency Formation Commission before a petition to initiate a change of organization or reorganization can be circulated (Govt. Code § 56700.4).

1. Notice is hereby given to circulate a petition proposing to: Annex to San Diego County Sanitation District

2. The reason(s) for the proposal are: hook up to sewer

Archie Maurice Ortega
Proponent's Name (print) — Signature of proponent or representative

10125 Channel Road — Lakeside, CA 92040
Proponent's Address — City, State, Zip

Pursuant to Section 56700.4 of the California Government Code, this **NOTICE OF INTENT TO CIRCULATE PETITION** was filed with me on 05-24-24
Date

Executive Officer (Print and Sign)

PART II: DISCLOSURE REQUIREMENTS

The Political Reform Act prohibits a person appointed to the Local Agency Formation Commission from soliciting or accepting campaign contributions of more than $250 within the preceding 12 months from parties, participants, or their agents while a proceeding is pending before LAFCO and for three months following the decision. LAFCO commissioners who receive such contributions are required to disqualify themselves from participating in the proceedings. Both commissioners and contributors who are parties to the proceeding are required to disclose the contributions received or made. Names of current LAFCO commissioners and LAFCO disclosure forms are available at HTTP://WWW.SDLAFCO.ORG or by calling 858/614-7755.

Pursuant to Government Code Section 56700.1, any person or combination of persons who, for political purposes, directly or indirectly contributes $1,000 or more, or expend $1,000 or more in support of, or in opposition to a proposal for a change of organization or reorganization that will be submitted to the Commission, shall disclose and report to the Commission to the same extent and subject to the same requirements of the Political Reform Act (Title 9 [commencing with Section 81000]) as provided for local initiative measures.

Pursuant to Government Code Section 57009, any person or combination of persons who directly or indirectly contributes $1,000 or more, or expends $1,000 or in support of, or in opposition to, the conducting authority proceedings for a change of organization or reorganization, must comply with the disclosure requirements of the Political Reform Act of 1974, (Government Code section 81000 et seq.). Applicable reports must be submitted to the Secretary of State and the appropriate city or county clerk. Copies of the reports must also be filed with the Executive Officer of San Diego LAFCO.

Part III: PETITION FOR CHANGE OF ORGANIZATION OR REORGANIZATION

This proposal is made pursuant to Part 3, Division 3, Title 5 of the California Government Code, Section 56000 et seq. of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

(a) The specific change(s) of organization proposed is/are: Annex to San Diego County Sanitation District

(b) The boundary of the territory included in the proposal is as described in the attached legal description and map and is by this reference incorporated herein.

(c) The proposed action(s) will be subject to the following terms and conditions: _____

(d) The reason(s) for the proposal is/are: Owner proposes a new building but will need to connect to sewer.

(e) Signers of this petition have signed as (select one): ☑ landowner; ☐ registered voter.

(f) The name(s) and mailing address(es) of the chief petitioner(s) (not to exceed three) is/are:

1. Archie Maurice Ortega — 10125 Channel Road Lakeside, CA 92040
   Name of chief proponent (print) — mailing address
2. _____
   Name of chief proponent (print) — mailing address
3. _____
   Name of chief proponent (print) — mailing address

(g) It is requested that proceedings for this proposal be taken in accordance with Section 56000 et seq. of the Government Code.

(h) This proposed change of organization (select one) ☑ is ☐ is not consistent with the sphere-of-influence of any affected city or district.

(i) The territory included in the proposal is (select one) ☐ inhabited (12 or more registered voters) ☑ uninhabited (11 or less registered voters).

(j) If the formation of a new district(s) is included in the proposal:

1. The principal act under which said district(s) is/are proposed to be formed is/are: _____
2. The proposed name(s) of the new district(s) is/are: _____

3. The boundary(ies) of the proposed new district(s) is/are described in the attached legal description and map and are by this reference incorporated herein.

(k) If an incorporation is included in the proposal:

1. The name of the proposed city is: _____
2. Provisions are requested for appointment of: ☐ city manager ☐ city clerk ☐ city treasurer

(l) If the proposal includes a consolidation of special districts, the proposed name of the consolidated district is: N/A

RECEIVED

MAY 13 2024

SAN DIEGO LAFCO

Part IVb: LANDOWNER PETITION

Petitions must meet minimum signature requirements (see Part V). Signatures must be secured within six months of the date on which the first signature was affixed. Petitions must be submitted to the LAFCO Executive Officer within 60 days after the last signature is affixed (Govt. Code § 56705).

Each of the undersigned states:

- I personally signed this petition.
- I am a landowner of the affected territory.
- I personally affixed hereto the date of my signing this petition and the Assessor's Parcel Number(s), or a description sufficient to identify the location of my land.

Name of Signer	Assessor's Parcel Number(s)	Date Signed	Official Use
Sign _____ Print Archie Maurice Ortega	396-111-10 & 17 & 18		
Sign _____ Print _____			
Sign _____ Print _____			
Sign _____ Print _____			
Sign _____ Print _____			
Sign _____ Print _____			

NOTICE OF EXEMPTION

TO: Recorder/County Clerk
1600 Pacific Highway, M.S. A33
San Diego, CA 92101

FROM: County of San Diego
Planning & Development Services, M.S. O650
Attn: Project Planning Division Section Secretary

SUBJECT: FILING OF NOTICE OF EXEMPTION IN COMPLIANCE WITH PUBLIC RESOURCES CODE SECTION 21108 OR 21152

Project Name: Ortega Construction Expansion; PDS2018-STP-98-031W1; PDS2023-ER-23-14-013

Project Location: 15247 Olde Highway 80 and 15229 Highway 8 Business in the Lakeside Community Planning Area in the unincorporated County of San Diego (APN: 396-111-10-00, 396-111-17-00)

Project Applicant: Archie Maurice Ortega; 10125 Channel Road, Lakeside, CA 92040 (619) 719-8710

Project Description: The project is proposed on an approximately 5.07-acre project site consisting of two adjacent parcels in order to expand an existing construction yard as well as construct an approximately 30,000 square foot warehouse with 10,000 total square feet of office in two stories within the building. Access would be provided by two driveways on the eastern parcel connecting to Olde Highway 80 and a single driveway on the western parcel connecting to Olde Highway 80. Earthwork will consist of a balanced site of 10,000 cubic yards of cut and fill of material. Water service is proposed to be provided by Padre Dam Municipal Water District. Sewer service for the expansion is proposed to be provided by the San Diego County Sanitation District in the Lakeside Service Area. The project will require annexation into the applicable sewer district upon coordination with the Local Agency Formation Commission (LAFCO). The proposed project is located at 15247 Olde Highway 80 and 15229 Highway 8 Business in the Lakeside Community Planning Area in the unincorporated County of San Diego.

Agency Approving Project: County of San Diego

County Contact Person: Sean Oberbauer Telephone Number: (619) 323-5287

Date Form Completed: March 21, 2024

This is to advise that the County of San Diego Director of Planning and Development Services has approved the above-described project on March 21, 2024 and found the project to be exempt from the CEQA under the following criteria:

1. Exempt status and applicable section of the CEQA ("C") and/or State CEQA Guidelines ("G"): (check only one)
   - ☐ Declared Emergency [C 21080(b)(3); G 15269(a)]
   - ☐ Emergency Project [C 21080(b)(4); G 15269(b)(c)]
   - ☐ Statutory Exemption. C Section:
   - ☐ Categorical Exemption. G Section:
   - ☐ G 15061(b)(3) - It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment and the activity is not subject to the CEQA.
   - ☐ G 15182 – Residential Projects Pursuant to a Specific Plan
   - ☒ G 15183 – Projects Consistent with a Community Plan, General Plan, or Zoning (March 21, 2024 Zoning Administrator Hearing)
   - ☐ Activity is exempt from the CEQA because it is not a project as defined in Section 15378.
2. Mitigation measures ☒ were ☐ were not made a condition of the approval of the project.
3. A Mitigation reporting or monitoring plan ☐ was ☒ was not adopted for this project.

Statement of reasons why project is exempt: The proposal is exempt from further environmental review pursuant to Section 15183 of the State of California Environmental Quality Act Guidelines, because the project is consistent with the development density and use regulations established by the existing zoning, community plan, and general plan for which an Environmental Impact Report (EIR) was certified. The proposed use is consistent with the Zoning Use Regulations and no significant impacts not already identified in the General Plan EIR (i.e., peculiar impacts) would result from implementation of the Project.

The following is to be filled in only upon formal project approval by the appropriate County of San Diego decision-making body.

Signature: _____ Telephone: (619) 323-5287

Name (Print): Sean Oberbauer Title: Planning Manager

This Notice of Exemption has been signed and filed by the County of San Diego.

This notice must be filed with the Recorder/County Clerk as soon as possible after project approval by the decision-making body. The Recorder/County Clerk must post this notice within 24 hours of receipt and for a period of not less than 30 days. At the termination of the posting period, the Recorder/County Clerk must return this notice to the Department address listed above along with evidence of the posting period. The originating Department must then retain the returned notice for a period of not less than twelve months. Reference: CEQA Guidelines Section 15062.

5f

AGENDA REPORT
Consent | Information

February 3, 2025

TO: Commissioners

FROM: Keene Simonds, Executive Officer
Joelle Burila, Analyst I

SUBJECT: **Proposed "Dragovic – Sunset Drive Out-of-Agency Wastewater Services" | City of Vista and 1678 Sunset Drive (OAS24-10b)**

SUMMARY

The San Diego County Local Agency Formation Commission (LAFCO) will consider a request by the City of Vista to formally authorize the extension of out-of-agency wastewater services to an unincorporated parcel located within its sphere of influence. The affected territory and its lone subject parcel is 1.25 acres in size and developed with a single-family residence at 1678 Sunset Drive. The purpose of the request is to fulfill an earlier LAFCO condition in authorizing an out-of-agency wastewater service extension in November 2024. The existing single-family residence was connected to Vista's wastewater system as part of an earlier agreement – issued in July 2002 – though never formally approved by LAFCO. Staff recommends approval of the request and related legal allowance to maintain the current agreement to provide wastewater services to the existing primary residential dwelling unit along with standard terms. Staff is relatedly recommending the Commission dispense with the otherwise special condition commonly applied to require the landowner to file an annexation proposal with LAFCO for future processing given local conditions as detailed. A categorical exemption is separately recommended to comply with the California Environmental Quality Act.

Administration
Keene Simonds, Executive Officer
2550 Fifth Avenue, Suite 725
San Diego, California 92103
T 619.321.3380
E lafco@sdcounty.ca.gov
www.sdlafco.org

Joel Anderson, County of San Diego
Jim Desmond, County of San Diego
Vacant, 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
Harry Mathis, General Public
Brigette Browning, Alt., General Public

BACKGROUND

Out-of-Agency Services: Statute and Local Policies

Government Code Section 56133 prohibits cities or special districts from providing new or extended services by contracts outside of their jurisdictional boundaries without prior LAFCO review and approval less certain and limited exemptions. In addition, cities or districts may only provide services by contract outside of their boundaries and within their spheres of influence in anticipation of later annexations. If the affected territory lies outside the subject agencies' spheres, outside-of-agency services may only be extended in response to documented threats to public health and/or safety as determined by LAFCO.

San Diego LAFCO's current policies authorize the Executive Officer to approve outside-of-agency services in response to documented health, safety, or welfare impacts.[1] Otherwise, all out-of-agency approvals require formal Commission action.

Earlier LAFCO Approval + Related Condition

San Diego LAFCO received a request from the City of Vista on behalf of an interested landowner (Zeljko Dragovic) in May 2024 for approval to extend new wastewater services outside its jurisdictional boundary by contract to a 1.25-acre unincorporated parcel within its sphere of influence. The purpose of the proposal and request was to facilitate the landowner's stated interest to split the subject lot into two legal parcels as allowed under County zoning and consistent with the expedited allowance provided under Senate Bill 9.[2] The item was subsequently scheduled as part of the Commission's November 4, 2024 meeting.

At the November 2024 meeting, the Commission took action to approve the request however consistent with an amended recommendation by the Executive Officer. The amended recommendation involved a condition requiring Vista to either provide documentation of prior LAFCO approval for the existing service or submit a new request and fee for the residence at 1678 Sunset Drive. This condition was merited given the existing connection under a July 2002 agreement had not been formally approved by LAFCO.

New Applicant Request

Consistent with the Commission's November 2024 conditional approval, San Diego LAFCO received a new request from the City of Vista on behalf of an interested landowner (Zeljko Dragovic) in November 2024 to formally authorize the extension of wastewater service to the subject parcel. The parcel is presently developed with a 4,290 square-foot single-family

[1] These policies also delegate discretion to the Executive Officer in determining whether public health, safety, or welfare threats exists on a case-by-case basis. Reference to Rule No. 1.8.

[2] Senate Bill 9 – California Housing Opportunity and More Efficiency (HOME) Act allows property owners to split single-family residential lots and build up to two housing units on each lot without discretionary review, streamlining the approval process for certain housing developments. SB 9 projects are considered ministerial actions and are exempt from CEQA.

residence built in 2003 and located at 1678 Sunset Drive. The purpose of the request is to formalize the existing service agreement and provide legal authorization for Vista to continue providing wastewater services to the existing residence. The subject parcel lies within the Vista sphere of influence though non-contiguous to the existing City boundary.

A map showing the affected territory is provided as Attachment One.

DISCUSSION

This item is for San Diego LAFCO to consider approving the City of Vista's request under Government Code Section 56133 to provide extended out-of-agency wastewater services (collection, treatment, and disposal classes) to the existing residence developed on the subject parcel located at 1678 Sunset Drive. The Commission maintains discretion to approve the request with or without terms so long as the latter does not directly regulate land use, property development, or subdivision requirements. Additional discussion on proposal purpose, land use policies, and Commission focus follows.

Proposal Purpose

The purpose of the request is to formally authorize out-of-agency wastewater service from the City of Vista to the affected territory – and specifically the existing residence – and in doing so fulfill an earlier condition as summarized in the proceeding section.

Current and Planned Land Uses

The affected territory comprises one parcel currently developed with a single-family residence built in 2003. The County of San Diego designates the subject parcel as Village Residential with a zoning assignment of Rural Residential, which sets the minimum lot size at 10,000 square feet or 0.23 acres. The City of Vista similarly designates the subject parcel as Medium Low Density Residential with a matching minimum lot size of 10,000 square feet.[3] (Vista has not prezoned the affected territory.)

Commission Focus

Staff has identified two central and sequential policy items for San Diego LAFCO in considering the merits of the requested approval for the City of Vista to provide extended out-of-agency wastewater services to the affected territory. These items involve the stand-alone merits of the (a) timing of the requested service extension itself and (b) whether discretionary terms are appropriate. The Commission must also consider other relevant statutes as detailed.

[3] The affected territory is not within a disadvantaged unincorporated community (DUC).

ANALYSIS

The following analysis addresses the two policy considerations outlined in the preceding section most relevant to San Diego LAFCO's consideration of the requested authorization – including the timing of the out-of-agency service and whether terms are appropriate.

Policy Consideration | Timing of the Out-of-Agency Wastewater Service

Underlying San Diego LAFCO's consideration of the request is the timing and whether the membership believes the extension of municipal wastewater service is merited and – if yes – whether it is readily available. Should the preceding determinations be in the affirmative the Commission is tasked with proceeding to consider most appropriate delivery means, annexation or outside service extension.

Staff's analysis of these two related factors follows.

- Need and Availability of Service
  The affected territory consists of an existing single-family residence within a developing and urbanizing unincorporated area. The City of Vista's presently provides wastewater service to the affected territory via an unauthorized out-of-agency service agreement. It is projected the average day wastewater demand generated within the affected territory and its current single-family residence use is 250 gallons per day. This amount plus all other existing flows contribute to a current systemwide average day demand of 6.470 million gallons per day (MGD) – which is well below the 10.670 MGD capacity allocated to Vista. The need for continued service to the single-family residence plus available service capacity supports formalizing the out-of-agency agreement.

- Out-of-Agency Service v. Annexation
  Annexations are the preferred method under LAFCO law for implementing boundary changes that formalize the relationship between land and service providers unless local conditions suggest otherwise. In this case, local conditions justify an out-of-agency service extension as the most effective means to provide wastewater services to the affected territory given annexation would not be orderly or efficient at this time. Most notably, the affected territory is non-contiguous to Vista and no less than four additional unincorporated properties along Sunset Drive would need to be included in an annexation for connectivity purposes (Cherry-stem annexations are relatedly no longer permitted under LAFCO statute).

Policy Consideration | Potential Terms

Staff believes it would be appropriate for San Diego LAFCO to condition approval to accommodate only the existing single-family residence. Combined with the November

approval would effectively accommodate the anticipated lot-split and allowance therein for up to four residential units (two single-family residences and two accessory dwelling units). This would also preserve separate approvals should more density be subsequently pursued.

The application of standard approval terms also appears sufficient. This includes the applicant paying any outstanding fees necessary to complete the approval per the San Diego LAFCO fee schedule. Conversely, consideration has been given consistent with practice to require the landowner to file an annexation proposal with LAFCO for future processing in conjunction with expediting the anticipated annexation under statute. Staff believes it is appropriate to proceed without this term given local conditions and the impracticability of timing a future annexation given the preceding considerations.

ANALYSIS

The attested availability, adequacy and need for continued wastewater service to the affected territory plus the appropriateness of utilizing an out-of-agency service arrangement as detailed justifies San Diego LAFCO approval. Proceeding without an otherwise standard condition to require the landowner file for annexation is merited given timing uncertainties since the affected territory is non-contiguous to Vista and no less than four additional unincorporated properties along Sunset Drive would need to join for connectivity purposes.

RECOMMENDATION

It is recommended San Diego LAFCO conditionally approve the requested out-of-agency wastewater service authorization specific to the existing single-family residence. This recommendation is consistent with Alternative One outlined below.

ALTERNATIVES FOR ACTION

The following alternative actions are available to San Diego LAFCO and can be accomplished through a single-approved motion.

Alternative One (recommended):

a) Approve the requested out-of-agency wastewater service authorization between the City of Vista and landowner of the affected territory at 1678 Sunset Drive subject to the scope and terms as provided in preceding sections.

b) Authorize the Executive Officer to file a Notice of Exemption consistent with finding the request qualifies as a "project" under the California Environmental Quality Act but exempt from further review under State CEQA Guidelines Section 15301. This exemption appropriately applies given the underlying project to legally authorize and permit continued wastewater service to an existing single-family residence. The project does not involve any physical expansion of the existing private structure.

Alternative Two:
Continue item to a future meeting.

Alternative Three:
Disapprove the request.

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.

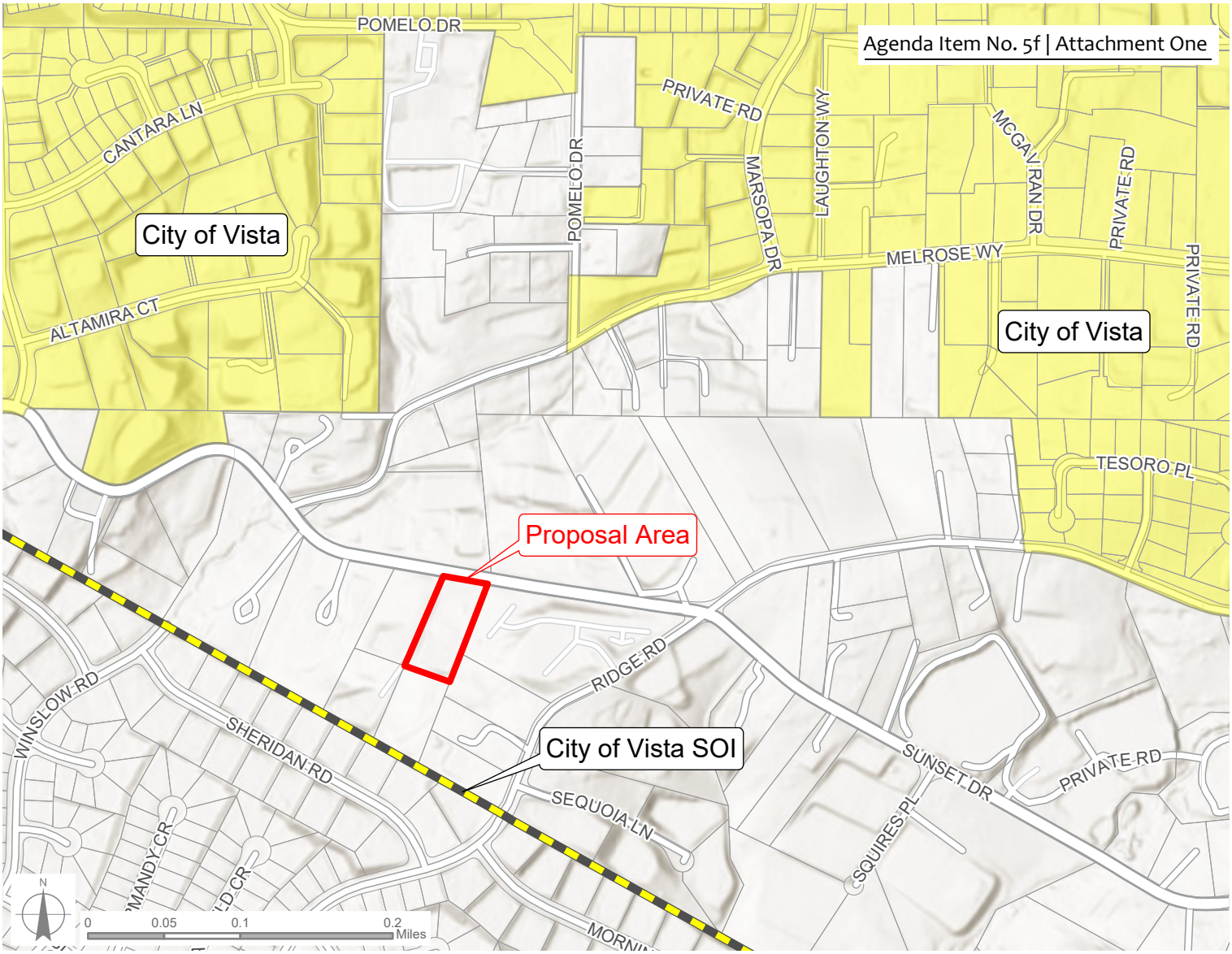
On behalf of the Executive Officer,

Joelle Burila

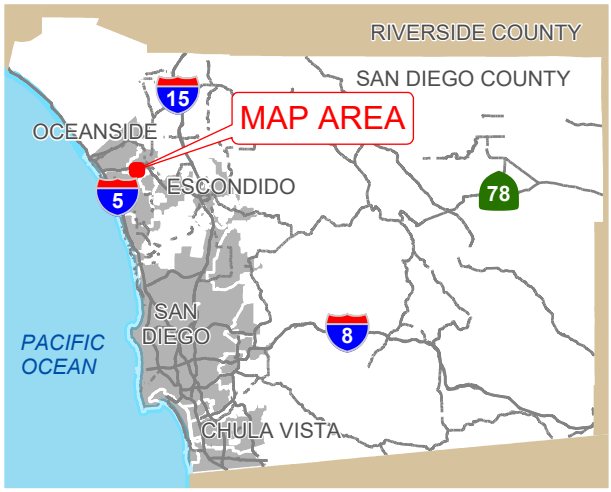
Joelle Burila
Analyst I

Attachments:

1) Map of the Affected Territory
2) Related Requested Documents







OAS24-10b "DRAGOVIC - SUNSET DRIVE OUT-OF-AGENCY WASTEWATER SERVICES" | CITY OF VISTA

- Proposal Area
- City of Vista SOI
- City of Vista

SOI = Sphere of Influence

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

This map is provided without warranty of any kind, either express or implied, including but not limited to the implied warranties of merchantability and fitness for a particular purpose. Copyright LAFCO and SanGIS. All Rights Reserved.This product may contain information from the SANDAG Regional Information System which cannot be reproduced without the written permission of SANDAG. This map has been prepared for descriptive purposes only and is considered accurate according to SanGIS and LAFCO data.
G:\GIS\Vicinity_Maps\agendamaps2024\24-10 Dragovic Sunset Dr City of Vista OAS.aprx

Created by Dieu Ngu -- 9/19/2024

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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: Zeljko Dragovic

Property Address: 1678 Sunset Drive, Vista, CA 92084

Phone #: Email: jakedr1914@gmail.com Date: 11-18-24

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? Wastewater

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). The existing house has been served since 2002. This request is to formalize the OAS agreement pursuant to direction received from LAFCO.

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. Property is not adjacent or contiguous to City of Vista boundary. Annexation would result in an "island".

4. Are there any jurisdictional issues associated with the proposed contractual service agreement? ☐ YES ☑ NO
(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

CITY OF VISTA
CALIFORNIA

November 18, 2024

RECEIVED
NOV 21 2024
SAN DIEGO LAFCO

San Diego County LAFCO
Attn: Keene Simonds
2550 Fifth Avenue, Suite 725
San Diego, California 92103

Re: Out of Area Service Agreement Request – 1678 Sunset Drive

Dear Mr. Simonds,

The City of Vista is requesting approval from San Diego LAFCO to continue providing wastewater service to the existing single-family residence at 1678 Sunset Drive (APN 169-021-19-00) which is outside of the City of Vista municipal boundary. Though the property is located within the city's Sphere of Influence, it is not adjacent or contiguous to the city boundary and is not accessed from a city owned and maintained street. Therefore, annexation into the City of Vista is not supported at this time.

On November 4, 2024 San Diego LAFCO approved an Out of Area Service request to serve a proposed subdivision of the subject property continent upon a follow-up request to continue wastewater service to the existing house that has been connected since 2002. This request is intended to satisfy that condition of approval.

City of Vista public sewer infrastructure is available and has adequate capacity to provide service to the property. The agreement will be memorialized with an Out-of-Area Sewer Service Agreement, recorded in the office of the County Recorder.

Pursuant to direction received from your office, a check for $1,921.50 is included with this request.

I appreciate your consideration in this manner. Please feel free to reach out to me at 760-643-5201 or jconley@vista.gov, or Steve Nowak at 760-643-5403 or snowak@vista.gov with any questions you may have.

Sincerely,

John Conley
City Manager

DOC# 2024-0324369

Nov 21, 2024 01:24 PM
OFFICIAL RECORDS
JORDAN Z. MARKS,
SAN DIEGO COUNTY RECORDER
FEES: $0.00 (SB2 Atkins: $0.00)
PCOR: N/A
PAGES: 8

RECORDING REQUESTED BY:
CITY OF VISTA

WHEN RECORDED MAIL TO:

CITY OF VISTA
200 CIVIC CENTER DRIVE
VISTA, CA 92084-6275
ATTN: CITY CLERK

Fee Exempt: Government Code Section 27383

APN: 169-021-19

IRREVOCABLE OFFER OF ANNEXATION TO THE CITY OF VISTA, AGREEMENT TO PAY FUTURE ANNEXATION FEES, AND OUT OF AREA SEWER SERVICE AGREEMENT
1678 Sunset Drive

THIS AGREEMENT is entered into as of August 13, 2024 ("Agreement Date"), by and between the **CITY OF VISTA,** a chartered municipal corporation, ("City") and, **Zeljko Dragovic and Jadranka Adriana Dragovic, Husband and Wife as Joint Tenants** ("Owner/Developer").

RECITALS

1. Owner/Developer has applied to City for sewer service for the real property hereinafter described ("Property") now under Owner/Developer's ownership.

2. The Property is within the Local Agency Formation Commission ("LAFCO") sphere of influence for City, but the Property is not within the City limits. LAFCO has provided approval for the out of area sewer service at the Property, as provided in Exhibit B.

3. It has been determined to be in the public interest to provide sewer service to this Property.

4. An irrevocable offer of annexation of the Property to the City is a requirement for the provision of sewer service by the City.

NOW, THEREFORE, IT IS HEREBY AGREED AS FOLLOWS:

SECTION 1. Owner/Developer makes an irrevocable offer to annex the Property to the City and to take all actions necessary to accomplish that annexation upon request by City. For purposes of calculating any votes or protests, this Agreement shall constitute and shall be counted as a written approval or consent to an annexation application initiated by the City or which has received the written support of the Vista City Manager or Vista City Council. Additionally, Owner/Developer agrees to pay all applicable annexation fees (including City fees, LAFCO fees, and State Board of Equalization fees) at the time the annexation is initiated by the Vista City Council, or at such other time as shall be authorized by the City in advance of the annexation of the Property. These fees, without limitation, include all application fees, processing fees, and "deficit offset" payments described in that certain Codicil to the Master Property Tax Agreement, dated February 27, 2004, which supplements the Master Property Tax Agreement of November 20, 1984 between the City and the County of San Diego, as shall be amended from time to time ("Property Agreement"). A copy of the Property Agreement is on file with the City Clerk of the City. Owner/Developer agrees and accepts that the payment of such fees, unless waived by the City, constitutes a precondition to the annexation of the Property.

SECTION 2. Owner/Developer shall acquire any necessary off-site easements, shall construct the mainline sewer and lateral to a point on the Property as determined by City's Department of Engineering, and shall be responsible for all costs including engineering, permits, inspection and any other costs related to the physical construction of the sewer. Owner/Developer shall comply will all rules, regulations, ordinances or statutes currently in effect or as may be amended from time to time. Owner/Developer agrees to indemnify, defend and hold harmless City for any loss, damage, or claim of damage resulting from an alleged or actual failure of the domestic sewer lateral or the City sewer main.

SECTION 3. Owner/Developer shall pay sewer capacity fees, sewer service fees, and permit fees to City as required by City from time to time. Sewer service charges will be billed as determined by City, and shall be paid within thirty (30) days of the billing date. If within that 30 day period, such charges have not been paid, Owner/Developer and its successors in interest hereby authorize the filing of a law suit in a court of competent jurisdiction by City. Parties refusing to pay their sewer service charge within the specified time shall, in addition be liable for any and all cost of suit and reasonable attorney's fees incurred by City in initiating any legal action pursuant to the terms of this Agreement.

SECTION 4. Owner/Developer irrevocably agrees to grant to City, without compensation, an on-site sanitary sewer easement, if necessary in the sole discretion of City, for the future extension of the sewer.

SECTION 5. Subdivision and/or development shall be compatible with City's General Plan and shall be in conformance with City development standards, including City review and approval of the site development plan and payment of any development fees not required by the County but required by City, such as drainage fees and traffic mitigation fees.

SECTION 6. City will provide sewer service upon satisfaction of the conditions set forth in this Agreement, applicable law, and other requirements which are standard preconditions to the provision of sewer service.

SECTION 7. A description of the Property upon which said irrevocable offer of annexation is imposed is described in Exhibit A, attached hereto and incorporated herein by reference.

SECTION 8. The obligations of this Agreement shall constitute covenants or servitudes which shall run with the land comprising the Property and shall be binding on the successors and assigns of Owner/Developer, including all estates and interests in the Property. Notwithstanding the foregoing, the decision to initiate or support an application for annexation to the Local Agency Formation Commission ("LAFCO") is reserved to the sole discretion of City, and this Agreement does not contain any representation or commitment that City will initiate or support such an application in the future. LAFCO must approve any annexation to City.

SECTION 9. This Agreement shall continue in effect until such time as the Property is annexed to the City or this Agreement is terminated as hereinafter specified, whichever occurs first.

SECTION 10. This Agreement may be terminated by the City by giving Owner/Developer, its heirs, successors or assigns, five (5) days advance written notice if [1] Owner/Developer fails to pay the fees described in paragraphs One (1), Two (2), Three (3) or Five (5) above, or [2] the annexation is not approved for any reason.

[Continued on page 3.]

SECTION 11. This Agreement is subject to the LAFCO review and approval. It shall be effective following execution by the parties and upon approval by LAFCO. Should LAFCO fail to approve this Agreement it shall be of no further force or effect.

SECTION 12. This Agreement contains the entire agreement between the parties, and neither party relies upon any warranty or representation made by either party if not contained in this Agreement.

IN WITNESS, WHEREOF, the parties hereto have executed this Agreement as of the Agreement Date.

"CITY"

CITY OF VISTA, a chartered municipal corporation

By: _____
JOHN CONLEY, CITY MANAGER

"OWNER/DEVELOPER"

Zeljko Dragovic and Jadranka Adriana Dragovic, Husband and Wife as Joint Tenants

By: _____
ZELJKO DRAGOVIC, OWNER
NAME/TITLE

By: _____
JADRANKA ADRIANA DRAGOVIC, OWNER
Name/Title

(When signing as Corporation necessary signatures are President OR Vice President AND Secretary OR Assistant Secretary.)

NOTE: A CALIFORNIA ALL PURPOSE NOTARY ACKNOWLEDGMENT MUST BE ATTACHED FOR ALL SIGNATURES ABOVE

ATTEST:
KATHY VALDEZ, CITY CLERK

By: _____

APPROVED AS TO FORM:
WALTER CHUNG, CITY ATTORNEY

By: _____

APPROVED
Amanda L. Guy
20241113091300

SEE NOTARY ATTACHMENT

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of San Diego)

On november 14 2024 before me, Araceli Soriano, Notary Public
(insert name and title of the officer)

personally appeared Zeljko Dragovic and Jadranka Adriana Dragovic, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ **(Seal)**

ARACELI SORIANO
COMM. #2469479
NOTARY PUBLIC-CALIFORNIA
SAN DIEGO COUNTY
My Comm. Expires November 3, 2027

OPTIONAL

Completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document

Description of Attached Document

Title or Type of Document: annexation agreement

Document Date: november 14 2024 Number of Pages: _____

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT **CIVIL CODE § 1189**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of San Diego)

On November 21, 2024 before me, Katherine J Valdez, Notary Public,
Date *Here Insert Name and Title of the Officer*

personally appeared John Conley
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

KATHERINE J. VALDEZ
Notary Public - California
San Diego County
Commission # 2362924
My Comm. Expires Jun 27, 2025

Signature Katherine Valdez
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: Irrevocable Offer of Annexation APN 169-021-19-00
Document Date: _____ Number of Pages: _____
Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____	Signer's Name: _____
Corporate Officer — Title(s): _____	Corporate Officer — Title(s): _____
Partner — Limited General	Partner — Limited General
Individual Attorney in Fact	Individual Attorney in Fact
Trustee Guardian or Conservator	Trustee Guardian or Conservator
Other: _____	Other: _____
Signer Is Representing: _____	Signer Is Representing: _____

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Exhibit A
Legal Description

All that certain real property in the County of San Diego, State of California, described as follows:
LOT 108 RANCHO MAR VISTA TRACT NO. 2, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE MAP THEREOF NO. 2069, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID SAN DIEGO COUNTY, OCTOBER 31,1927.

EXCEPTING THEREFROM ALL THAT PORTION LYING WITHIN PARCEL 1 HEREIN DESCRIBED:

A PORTION OF LOT 108 RANCHO MAR VISTA TRACT NO. 2, ACCORDING TO THE MAP THEREOF 2069, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID SAN DIEGO COUNTY, OCTOBER 31,1927, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 108 THENCE; SOUTH 26°10'39" WEST 297.78 FEET; THENCE SOUTH 69°51'20" EAST 184.71; THENCE NORTH 23°20'46" WEST 329.77 THENCE NORTH 80°46'00" WEST 175.00 FEET TO THE TRUE POINT OF BEGINNING.

EXCEPTING THEREFROM AN EASEMENT FOR ROAD AND UTILITIES OVER, UNDER, ALONG AND ACROSS THE SOUTHEASTERLY 20.00 FEET.

A PORTION OF LOT 108 OF RANCHO MAR VISTA TRACT NO.2, ACCORDING TO MAP THEREOF NO. 2069, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, OCTOBER 31, 1927, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 108; THENCE SOUTH 26° 10'38" WEST, 297.78 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING SOUTH 26° 10'38" WEST 257.00 FEET; THENCE SOUTH 61°15'00" EAST 198.00 FEET; THENCE NORTH 23'20'46" EAST 285.65 FEET; THENCE NORTH 69°51'20" WEST 184.71 FEET TO THE TRUE POINT OF BEGINNING.

A PORTION OF LOT 108, RANCHO MAR VISTA TRACT NO. 2, ACCORDING TO THE MAP THEREOF NO. 2069, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, 10/31/27, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 108; THENCE SOUTH 21°08'00" WEST 358.99 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING SOUTH 21°08'00" WEST 312.00 FEET; THENCE NORTH 61°15'00" WEST 178.78 FEET; THENCE NORTH 23°20'46" WEST 285.65 FEET; THENCE SOUTH 69°51'21" EAST 166.20 FEET TO THE TRUE POINT OF BEGINNING.

APN: 169-021-19-00

EXHIBIT B

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

November 12, 2024

Delivered Electronically:
Steve Nowak, on behalf of landowner Zeljko Dragovic
1678 Sunset Drive,
Vista, CA 92081
(760) 643 – 5403
snowak@ci.vista.ca.us

SUBJECT: **CORRECTION Notice of Conditional Approval:**
"Dragovic – Sunset Drive Out-of-Agency Wastewater Services"
Out of Agency Services Agreement: City of Vista
(LAFCO File No. OAS24-10)

Mr. Nowak:

This letter serves as formal confirmation the San Diego County Local Agency Formation Commission (LAFCO) conditionally approved the above-referenced request with standard terms at a public meeting held on November 4, 2024. The approved request involves authorization for the City of Vista to extend out-of-agency wastewater service to the affected territory in support of a pending lot-split as allowed by the County of San Diego and the allowed proposed future development of an additional single-family residence. The affected territory is located at 1678 Sunset Drive and identified by the County of San Diego Assessor's Office as 169-021-19-00. The Commission's conditional approval extends one calendar year – November 12, 2025 – and is limited to supporting the proposed lot-split and planned construction of a single-family residence and subject to the following terms:

1. Sufficient documentation of the existing authorization by San Diego LAFCO for an out-of-agency service agreement to the existing single-family residence located at 1678 Sunset Drive; **OR**

2. Submission of a standalone application requesting San Diego LAFCO to authorize the continuation of the existing out-of-agency agreement between the City of Vista and the landowner at 1678 Sunset Drive, thereby providing the legal approval to maintain the current agreement.

Administration
Keene Simonds, Executive Officer
2550 Fifth Avenue, Suite 725
San Diego, California 92103-6624
T 619.321.3380
E lafco@sdcounty.ca.gov
www.sdlafco.org

Joel Anderson, County of San Diego
Jim Desmond, County of San Diego
Nora Vargas, 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 A. Drake, Alt., Rincon del Diablo
Harry Mathis, General Public
Brigette Browning, Alt., General Public

3. Receipt of the following payments:

    a. Check in the amount of $50.00 made payable to the San Diego LAFCO for one Notice of Exemption filing costs pursuant to the California Environmental Quality Act.

Separate written confirmation of the completion of all conditions tied to this approval will be provided as appropriate and serve as official notice of your legal allowance to proceed with the contractual service with the City of Vista.

Should you have any questions, please contact me by telephone at (858) 833-4020 or email at joelle.burila@sdcounty.ca.gov.

On behalf of the Executive Officer,

Joelle Burila

Joelle Burila
Local Government Analyst I

cc: Zeljko Dragovic, Landowner
Keene Simonds, San Diego LAFCO
Priscilla Mumpower, San Diego LAFCO
Erica Sellen, San Diego LAFCO

5g

AGENDA REPORT
Consent | Information

February 3, 2025

TO: Commissioners

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

SUBJECT: **Notice of Administrative Approval of "Hallam - Lovely Lane Out-of-Agency Wastewater Services" | 1515 Lovely Land & Buena Sanitation District (OAS25-01)**

SUMMARY

The San Diego County Local Agency Formation Commission (LAFCO) will receive notice of an administrative approval by the Executive Officer for the Buena Sanitation District to provide out-of-agency services to an unincorporated property. The authorization is specific to wastewater service to an existing single-family residence at 1515 Lovely Lane and premised on abating a public health and safety threat given documentation of a failing septic system. The Executive Officer's approval is limited to the existing primary residential dwelling unit developed on the affected territory as of January 22, 2025. Any additional development – including an accessory unit – would require an additional approval. The Executive Officer's approval is also termed on the landowner submitting a complete annexation proposal within one calendar year unless a time extension is authorized. This notice is being provided for information consistent with adopted policy.

BACKGROUND

Overseeing Out-of-Agency Services

Government Code Section 56133 delegates LAFCOs the responsibility to authorize cities and special districts to provide new or extended services beyond their jurisdictional boundaries. The statute specifies cities and special districts must request and receive formal written approval from LAFCOs to provide "out-of-agency" services by contract or agreement less

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certain and limited exemptions. The statute further specifies cities and special districts may only be authorized to provide out-of-agency services within their spheres of influence in anticipation of later annexations. If the affected territory lies beyond the subject agencies' spheres, out-of-agency services may only be authorized in response to documented threats to public health and/or safety as determined by LAFCO.

Delegation to the Executive Officer

San Diego LAFCO's current policies authorize the Executive Officer to approve outside-of-agency services – involving water and/or wastewater services only – in response to documented health, safety, or welfare impacts. The Executive Officer is required to inform the Commission of all administrative approvals at the next available meeting for information only. Otherwise, all out-of-agency approvals require formal Commission action.[1]

Applicant Request and Administrative Approval

San Diego LAFCO received a request from the Buena Sanitation District on behalf of interested landowner (Suzanne Hallam) on January 22, 2025 for approval to receive out-of-agency wastewater service from the Buena Sanitation District involving a 0.67-acre unincorporated parcel. The subject parcel is developed with an approximate 1,388 square foot single-family residence built in 1946 with a situs of 1515 Lovely Lane (183-060-22). The subject parcel lies adjacent to the Buena Sanitation District's transitional sphere of influence.[2] The request ties to the residence's existing septic system – which is reportedly pumped routinely to prevent backflow into residence – no longer functioning without continual attention and costs by the landowner.

Upon receipt of the landowner's request and related application materials, LAFCO staff coordinated with the Buena Sanitation District to assess the need and availability of public wastewater service for the affected territory. This includes confirming Buena Sanitation District is readily positioned to extend wastewater services using an existing collection line located within an adjacent right-of-way on Lovely Lane. Actual connection would involve the landowner constructing an approximate 40-foot lateral. The estimated average daily flow is 250 gallons and represents less than 0.0007% of Buena Sanitation District's existing available allocated capacity at the Encina Water Pollution Control Facility in Carlsbad.

Capacity considerations aside, staff also confirmed with the County of San Diego's Department of Environmental Health and Quality attesting their recommendation the out-of-agency service proceed to protect against the potential of a public health and safety threat. This recommendation ties to space limitations on the parcel and the unlikely case a new septic system would be able to support the residence based on current standards. The Executive Officer proceeded to issue a conditioned approval on January 22, 2025 and is attached for Commission review.

[1] These policies also delegate discretion to the Executive Officer in determining whether public health, safety, or welfare threats exists on a case-by-case basis. Reference to Policy L-113.

[2] LAFCO approved a transitional sphere of influence for the Buena SD in 1984 and in doing so recognizing responsibility for service provision would eventually be assumed by the City of Vista. The sphere of influence approval includes provisions permitting unincorporated parcels requiring wastewater services to annex to the District, until such time as the Buena SD merges with the City of Vista.

DISCUSSION

This item is for San Diego LAFCO to receive notice of the Executive Officer's administrative approval authorizing the Buena Sanitation District to provide wastewater service outside its jurisdictional boundary as described above. The Executive Officer's approval and conditions are final under policy, but the Commission is encouraged to discuss the item and provide feedback to staff on any related matters as it collectively deems appropriate.

ANALYSIS

San Diego LAFCO's administrative approval allowing the Buena Sanitation District to provide out- of-agency wastewater services to the subject parcel at 1515 Lovely Lane conforms to statute and Commission policies. This includes the Executive Officer taking action to proceed with an immediate solution to abate a reasonably documented threat to public health and safety and done so in step with confirming the availability and adequacy of Buena Sanitation District's wastewater system as summarized in the preceding section. The administrative approval has been conditioned on limiting wastewater service to only the existing residence with no additional development being accommodated at this time. The approval has also been conditioned on the landowner submitting a complete annexation proposal within one calendar year unless a time extension is authorized.

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 Executive Officer,

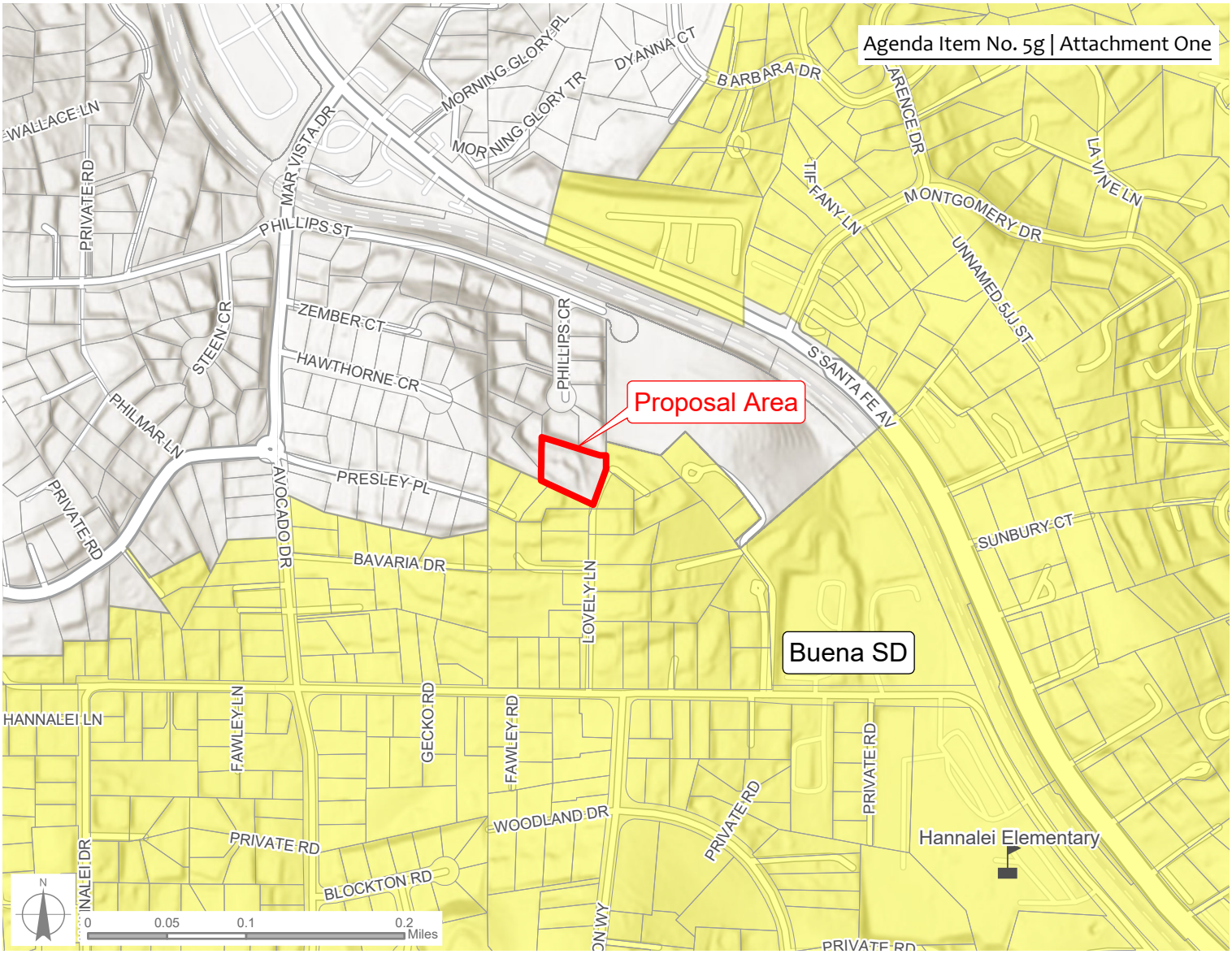


Meghan Traynor
Analyst I

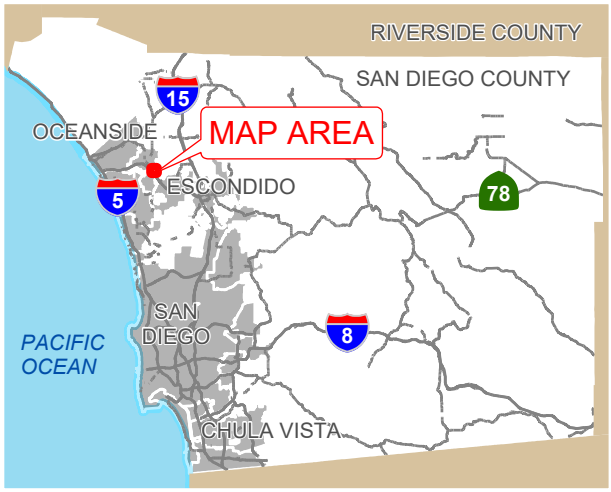
Attachments:

1) Map of the Affected Territory
2) Certificate of Administrative Approval
3) Related Request Documents

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OAS25-01

"HALLAM - LOVELY LANE OUT-OF-AGENCY WASTEWATER SERVICES" | BUENA SANITATION DISTRICT

Proposal Area
Buena SD

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

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Created by Dieu Ngu -- 1/10/2025

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

January 22, 2025

Delivered Electronically:
Suzanne Hallam
1515 Lovely Lane
Vista, CA 92083
suzannehallam@yahoo.com

SUBJECT: **Notice of Administrative Approval: Contractual Wastewater Service Agreement for the Buena Sanitation District to serve 1515 Lovely Lane (Assessor Parcel Number 183-060-22-00) | (LAFCO File No. OAS25-01)**

Ms. Hallam:

This letter serves as formal notice of San Diego County Local Agency Formation Commission's (LAFCO) administrative approval for the Buena Sanitation District to establish contract wastewater service for the property located at 1515 Lovely Lane. This approval is authorized under my powers pursuant to Government Code Section 56133 and adopted LAFCO policy and substantiated based on a review of written documentation showing the existing septic system has failed and poses a threat to public health. The approval extends one calendar year and follows a written recommendation and request from the County of San Diego Department of Environmental Health & Quality to immediately transition the property to public wastewater. Approval is limited to authorizing the Buena Sanitation District to provide wastewater services to the existing residential dwelling unit comprising the affected territory as of date. A Certificate of Administrative Approval is attached for your records.

At the conclusion of the one-year authorization, and unless a time extension is requested and approved, it is LAFCO's expectation that you – as the landowner – will have completed and submitted an application to annex the affected territory into Buena Sanitation District. Application materials are available online at www.sdlafco.org. This includes providing LAFCO with an application fee in the amount of $1,601.25. This amount reflects a 75% fee reduction given documentation of a public health threat.

Administration
Keene Simonds, Executive Officer
2550 Fifth Avenue, Suite 725
San Diego, California 92103
T 619.321.3380
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Vice Chair Barry Willis, Alpine Fire Protection
Jo MacKenzie, Vista Irrigation
David Drake, Alt., Rincon del Diablo
Harry Mathis, General Public
Brigette Browning, Alt., General Public

Should you have any questions in the interim, please contact me by telephone at (858) 298-7280 or email at meghanc.traynor@sdcounty.ca.gov.

On behalf of the Executive Officer,



Meghan Traynor
Local Government Analyst I

Attachments: as stated

cc: Steve Nowak, Buena Sanitation District
Tony Tirado, City of Vista
Conner Jordan, County of San Diego – DEHQ
Keene Simonds, San Diego LAFCO
Priscilla Mumpower, San Diego LAFCO
Erica Sellen, San Diego LAFCO

CERTIFICATE OF ADMINISTRATIVE APPROVAL OF A CONTRACTUAL WASTEWATER SERVICE AGREEMENT

Buena Sanitation District / Suzanne Hallam
(LAFCO File No. OAS25-01)

January 17, 2025

In accordance with California Government Code Section 56133, the San Diego County Local Agency Formation Commission (LAFCO) authorizes the Buena Sanitation District to immediately provide extraterritorial wastewater service by contract to 1515 Lovely Lane. The subject property is owned by Suzanne Hallam and comprises one unincorporated parcel identified by the County of San Diego Assessor's Office as 183-060-22-00. The authorized service is limited to supporting the approximate 1,388 square foot single-family residence currently developed on the subject property.

The contracted wastewater service agreement authorization terms in one year – January 17, 2026 – from the date of its administrative approval by the LAFCO Executive Officer unless an extension is approved. In the interim, the landowner of the subject property shall proceed with filing an annexation with LAFCO as the permanent means for the Buena Sanitation District to provide wastewater service.

Confirmation:



KEENE SIMONDS
Executive Officer

January 17, 2025

Administration
Keene Simonds, Executive Officer
2550 Fifth Avenue, Suite 725
San Diego, California 92103
T 619.321.3380
E lafco@sdcounty.ca.gov
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Jo MacKenzie, Vista Irrigation
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Harry Mathis, General Public
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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: Buena Sanitation District / Suzanne Hallam

Property Address: 1515 Lovely Ln, Vista, CA 92083

Phone #: 760-643-5403 Date: 1-9-25

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? Sewer

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). Failing Septic - See DEH Letter

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. Annexation is possible, but not timely due to failing septic.

4. Are there any jurisdictional issues associated with the proposed contractual service agreement? ☐ YES ☑ NO
(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

CITY OF VISTA
CALIFORNIA

BUENA SANITATION DISTRICT

RECEIVED

JAN 13 2025

SAN DIEGO LAFCO

January 7, 2025

San Diego County LAFCO
Attn: Keene Simonds
2550 Fifth Avenue, Suite 725
San Diego, California 92103

Re: Out of Area Service Agreement Request – 1515 Lovely Lane

Dear Mr. Simonds,

The Buena Sanitation District is requesting approval from San Diego LAFCO to provide wastewater services to an existing single-family residence at 1515 Lovely Lane (APN 183-060-22) which is outside of the Buena Sanitation District boundary. The County of San Diego Department of Environmental Health has issued a letter stating that the existing septic system has failed and requesting that BSD provide sewer service to the property to minimize the threat to public health and safety.

Buena Sanitation District public sewer infrastructure is readily available and has adequate capacity to provide service to the property. Due to health and safety concerns associated with the existing failing septic system, the City is amenable to offering out-of-agency sewer service to the property. The agreement will be memorialized with an Out-of-Area Sewer Service Agreement, recorded in the office of the County Recorder.

Pursuant to direction received from your office, a check for $480.38 is included with this request.

I appreciate your consideration in this manner. Please feel free to reach out to Steve Nowak at 760-643-5403 or snowak@ci.vista.ca.us with any questions you may have.

Sincerely,

John Conley
District Manager

RECORDING REQUESTED BY:

BUENA SANITATION DISTRICT

WHEN RECORDED MAIL TO:

BUENA SANITATION DISTRICT
200 CIVIC CENTER DRIVE
VISTA, CA 92084-6275
ATTN: DISTRICT CLERK

Fee Exempt: Government Code Section 27383

APN: 183-060-22

IRREVOCABLE OFFER OF ANNEXATION TO THE DISTRICT OF VISTA, AGREEMENT TO PAY FUTURE ANNEXATION FEES, AND OUT OF AREA SEWER SERVICE AGREEMENT 1515 Lovely Ln.

THIS AGREEMENT is entered into as of January 7, 2025 ("Agreement Date"), by and between the **BUENA SANITATION DISTRICT,** a county sanitation district, ("District") and**, Suzanne Hallam, a single woman** ("Owner/Developer").

RECITALS

1. Owner/Developer has applied to District for sewer service for the real property hereinafter described ("Property") now under Owner/Developer's ownership in response to a failing septic system.

2. The Property is outside the District limits. LAFCO has provided approval for the out of area sewer service at the Property, as provided in Exhibit B.

3. It has been determined to be in the public interest to provide sewer service to this Property.

4. An irrevocable offer of annexation of the Property to the District is a requirement for the provision of sewer service by the District.

NOW, THEREFORE, IT IS HEREBY AGREED AS FOLLOWS:

SECTION 1. Owner/Developer makes an irrevocable offer to annex the Property to the District and to take all actions necessary to accomplish that annexation upon request by District. For purposes of calculating any votes or protests, this Agreement shall constitute and shall be counted as a written approval or consent to an annexation application initiated by the District or which has received the written support of the Buena Sanitation District Manager or Board. Additionally, Owner/Developer agrees to pay all applicable annexation fees (including District fees, LAFCO fees, and State Board of Equalization fees) at the time the annexation is initiated by the Vista District Council, or at such other time as shall be authorized by the District in advance of the annexation of the Property. These fees, without limitation, include all application fees and processing fees as shall be amended from time to time ("Property Agreement"). Owner/Developer agrees and accepts that the payment of such fees, unless waived by the District, constitutes a precondition to the annexation of the Property.

SECTION 2. Owner/Developer shall acquire any necessary off-site easements, shall construct the mainline sewer and lateral to a point on the Property as determined by District's Department of Engineering, and shall be responsible for all costs including engineering, permits, inspection and any other costs related to the physical construction of the sewer. Owner/Developer shall comply will all rules, regulations, ordinances or statutes

currently in effect or as may be amended from time to time. Owner/Developer agrees to indemnify, defend and hold harmless District for any loss, damage, or claim of damage resulting from an alleged or actual failure of the domestic sewer lateral or the District sewer main.

SECTION 3. Owner/Developer shall pay sewer capacity fees, sewer service fees, and permit fees to District as required by District from time to time. Sewer service charges will be billed as determined by District and shall be paid within thirty (30) days of the billing date. If within that 30 day period, such charges have not been paid, Owner/Developer and its successors in interest hereby authorize the filing of a law suit in a court of competent jurisdiction by District. Parties refusing to pay their sewer service charge within the specified time shall, in addition be liable for any and all cost of suit and reasonable attorney's fees incurred by District in initiating any legal action pursuant to the terms of this Agreement.

SECTION 4. Owner/Developer irrevocably agrees to grant to District, without compensation, an on-site sanitary sewer easement, if necessary in the sole discretion of District, for the future extension of the sewer.

SECTION 5. Subdivision and/or development shall be compatible with District's General Plan and shall be in conformance with District development standards, including District review and approval of the site development plan and payment of any development fees not required by the County but required by District, such as drainage fees and traffic mitigation fees.

SECTION 6. District will provide sewer service upon satisfaction of the conditions set forth in this Agreement, applicable law, and other requirements which are standard preconditions to the provision of sewer service.

SECTION 7. A description of the Property upon which said irrevocable offer of annexation is imposed is described in Exhibit A, attached hereto and incorporated herein by reference.

SECTION 8. The obligations of this Agreement shall constitute covenants or servitudes which shall run with the land comprising the Property and shall be binding on the successors and assigns of Owner/Developer, including all estates and interests in the Property. Notwithstanding the foregoing, the decision to initiate or support an application for annexation to the Local Agency Formation Commission ("LAFCO") is reserved to the sole discretion of District, and this Agreement does not contain any representation or commitment that District will initiate or support such an application in the future. LAFCO must approve any annexation to District.

SECTION 9. This Agreement shall continue in effect until such time as the Property is annexed to the District or this Agreement is terminated as hereinafter specified, whichever occurs first.

SECTION 10. This Agreement may be terminated by the District by giving Owner/Developer, its heirs, successors or assigns, five (5) days advance written notice if [1] Owner/Developer fails to pay the fees described in paragraphs One (1), Two (2), Three (3) or Five (5) above, or [2] the annexation is not approved for any reason.

[Continued on page 3.]

SECTION 11. This Agreement is subject to the LAFCO review and approval. It shall be effective following execution by the parties and upon approval by LAFCO. Should LAFCO fail to approve this Agreement it shall be of no further force or effect.

SECTION 12. This Agreement contains the entire agreement between the parties, and neither party relies upon any warranty or representation made by either party if not contained in this Agreement.

IN WITNESS, **WHEREOF**, the parties hereto have executed this Agreement as of the Agreement Date.

"DISTRICT"

BUENA SANITATION DISTRICT, a county sanitation district

By:_____
JOHN CONLEY, DISTRICT MANAGER

"OWNER/DEVELOPER"

Suzanne Hallam, an unmarried woman

By:_____

NAME/TITLE

BY:_____

Name/Title

(When signing as Corporation necessary signatures are President OR Vice President AND Secretary OR Assistant Secretary.)

NOTE: A CALIFORNIA ALL PURPOSE NOTARY ACKNOWLEDGMENT MUST BE ATTACHED FOR ALL SIGNATURES ABOVE

ATTEST:
KATHY VALDEZ, DISTRICT CLERK

By:_____

APPROVED AS TO FORM:
WALTER CHUNG, DISTRICT ATTORNEY

By:_____

APPROVED
Amanda L. Guy
20250108090947

EXHIBIT "A"

DESCRIPTION: THE LAND REFERRED TO HEREIN IS SITUATED IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

PARCEL 1:

THAT PORTION OF SECTIONS 29 AND 32, TOWNSHIP 11 SOUTH, RANGE 3 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 32; THENCE SOUTH 00° 28'12" EAST, ALONG THE WEST LINE OF THE SAID NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 32, 537.40 FEET TO A POINT, SAID POINT BEING THE SOUTHEASTERLY CORNER OF LOT 14 OF ORLEAVO HEIGHTS, ACCORDING TO MAP THEREOF NO. 1944, RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY; THENCE SOUTH 65° 21'00" EAST, 191.94 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 01° 00'10" EAST, 652.49 FEET TO A POINT IN THE SOUTHWESTERLY RIGHT OF WAY LINE OF THE ATCHISON, TOPEKA AND SANTA FE RAILROAD; THENCE SOUTH 68°15'30" EAST ALONG SAID RIGHT OF WAY LINE, 212.00 FEET; THENCE LEAVING SAID LINE, SOUTH 00°20'00" EAST, 552.00 FEET; THENCE SOUTH 20° 00'00" WEST, 128.46 FEET; THENCE NORTH 65°21'00" WEST 191.94 FEET TO THE TRUE POINT OF BEGINNING.

EXCEPTING THEREFROM THAT PORTION LYING NORTHERLY OF A LINE DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST SOUTHERLY CORNER OF THE LAST ABOVE DESCRIBED LAND; THENCE NORTH 20° 00'00" EAST, 128.46 FEET TO AN ANGLE POINT IN SAID LAND; THENCE NORTH 00°20'00" WEST, 43.09 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 89° 40'00" EAST, 20.00 FEET; THENCE NORTH 72°29'40" WEST, 203.66 FEET TO THE WESTERLY LINE OF THE FIRST ABOVE DESCRIBED LAND.

PARCEL 2:

AN EASEMENT FOR ROAD PURPOSES ONLY OVER THAT PORTION OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 11 SOUTH, RANGE 3 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO U.S. GOVERNMENT SURVEY THEREOF, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 32; THENCE SOUTH 0°28'12" EAST, ALONG THE WEST LINE OF SAID NORTHEAST QUARTER OF THE NORTHWEST QUARTER, 537.40 FEET TO A POINT ON SAID WEST LINE, SAID POINT BEING THE SOUTHEASTERLY CORNER OF LOT 14 OF ORLEAVO HEIGHTS, ACCORDING TO MAP THEREOF NO. 1944, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID SAN DIEGO COUNTY, THENCE SOUTH 65°21' EAST, 356.63 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING SOUTH 65°21' EAST, 27.25 FEET; THENCE SOUTH 20°00' WEST, 39.56 FEET; THENCE SOUTH 23.00 FEET; THENCE NORTH 46°25' WEST, 32.00 FEET; THENCE NORTH 13°30' EAST, 50.92 FEET TO THE TRUE POINT OF BEGINNING.

A.P.N. NO.: 183-060-22-00

EXHIBIT B – LAFCO APPROVAL

County of San Diego

AMY HARBERT
DIRECTOR

DEPARTMENT OF ENVIRONMENTAL HEALTH AND QUALITY
P.O. BOX 129261, SAN DIEGO, CA 92112-9261
Phone: (858) 505-6700 or (800) 253-9933 Fax: (858) 505-6786
www.sdcdeh.org

HEATHER BUONOMO, REHS
DIRECTOR OF ENVIRONMENTAL HEALTH

December 16, 2024

Steven Nowak
Buena Sanitation District
200 Civic Center Dr.
Vista, CA 92084

Suzanne Hallam
Property Owner
1515 Lovely Ln.
Vista, CA. 92083

Site Adress: 1515 Lovely Ln. Vista, CA. 92083 APN: 183-060-22-00

Dear Mr. Nowak,

On December 09, 2024, staff from the San Diego County Department of Environmental Health and Quality (DEHQ), conducted a site consultation at the parcel listed above to evaluate the feasibility of repairing the existing septic vs. connecting the residence to the public sewer system.

DEHQ has no records that indicate the current size or location of the existing septic system. The owner reports that the system is over sixty years old and on it's second repair. The active leach lines are for the most part covered by an asphalt driveway; nearly all the space on the property has been paved over or impacted by grading in one way or another that would make installing an onsite wastewater treatment system (OWTS) to code nearly impossible. The site conditions will likely force the owner into an extremely costly advanced treatment system (ATS). Given are evaluation of the suspected remaining space on the parcel, an ATU may not meet current code.

The property owner reports that the septic system is failing with the wastewater backing into the house in times of light to moderate use, (i.e. using the washing machine) this is a strong indication that the system is on the verge of a complete failure. They were given an estimate for an ATS for about 100 thousand dollars. The parcel has sewer available directly behind the house within ten feet of the property line, and within forty feet of the front of the house. Connecting to sewer would allow for future development on the parcel, and save the current owner some financial hardship.

Given that the current septic system is in jeopardy of imminent failure and replacing it with another alternative system would be a costly gamble for the owner, DEHQ requests that parcel be annexed into Buena Sanitation's wastewater district. Facilitating a sewer connection as soon as possible will minimize the threat to public health and safety.

Thank you for your time, if you have any questions I can be reached at 619-366-1590, or conner.jordan@sdcounty.ca.gov

Sincerely,

Jordan, Conner

Digitally signed by Jordan, Conner
Date: 2024.12.17 07:39:36 -08'00'

C. Jordan
Environmental Health Specialist II
Dept. of Environmental Health & Quality
P.O. BOX 129261, San Diego, Ca. 92112-9261

Cc: S. Hallam

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AGENDA REPORT
Consent | Information

February 3, 2024

TO: Commissioners

FROM: Joelle Burila, Local Government Analyst I
Priscilla Mumpower, Assistant Executive Officer

SUBJECT: **Report on Active Proposals and Related Activities**

SUMMARY

The San Diego County Local Agency Formation Commission (LAFCO) will receive a status report on active 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

Processing Procedures and Timelines

LAFCO proceedings for jurisdictional changes are generally initiated by outside applicants through petitions (landowners or voters), and to a lesser extent by resolutions (local agencies). LAFCOs may also initiate jurisdictional changes to form, consolidate, or dissolve special districts if consistent with the recommendations of approved municipal service reviews. Most jurisdictional change filings take four to six months before they are scheduled for hearing. Requests for outside-of-agency service approvals – which are subject to separate procedures – generally take two months to process.

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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
Harry Mathis, General Public
Brigette Browning, Alt., General Public

DISCUSSION

This item provides San Diego LAFCO with its regular update on active proposals on file. The item also – and for telegraphing purposes of future workload – identifies pending proposals staff anticipates being filed with LAFCO in the near term based on discussions with local agencies. It also serves to concurrently satisfy the Commission's reporting requirement to provide notice on agendas involving jurisdictional changes initiated by petitions.[1]

There are currently 33 active proposals on file with LAFCO. This amount is divided between 25 proposals in administrative review and pending Commission hearing with the remaining eight involving conditional approvals that are awaiting recordation. Staff also identifies eight pending and otherwise substantive proposal submittals based on ongoing communications with their proponents. All active and pending proposals are outlined in 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.

On behalf of the staff,

Joelle Burila

Joelle Burila
Local Government Analyst I

Attachment:

1) Active and Pending Proposals as of January 24, 2025

1 Government Code Section 56857 directs LAFCOs to provide notice on agendas of any proposal involving special districts that have been initiated by landowners or registered voters. The agenda notification starts a 60-day period in which the affected special districts may request termination of the proceedings due to financial or service-related concerns.

	File Number	Proposal Name | Affected Agencies	Project Manager	Proposal Summary
ACTIVE PROPOSAL APPLICATIONS | PENDING COMMISSION ACTION				
1	RO06-17	"Tobacco Road Reorganization" - City of Escondido: Annexation	Staff	Application submitted in March 2006 by landowner petition to annex six parcels to the City of Escondido. The affected territory comprises six parcels located along Tobacco Road. The application filing fulfilled an earlier Executive Officer approval in 2006 to authorize the City of Escondido to extend outside wastewater service to two of the six subject parcels due to failing septic systems. (The other four subject parcels are included in the proposal to provide connectivity to the existing City boundary.) The current number of residents within the affected territory is unknown. The application remains incomplete pending the submittal of additional documentation and related information to complete the administrative review. The proposal is subject to formal abandonment pending the anticipated action by the Commission to approve authorizing policies.
2	RO08-09	"South Mollison Ave-Snyder Reorganization" - City of El Cajon: Annexation	Staff	Application submitted in May 2008 by landowner petition for a proposed annexation to the City of El Cajon. The affected territory includes approximately 1.25 acres and is subject to a proposed multi-family residential project. It is unknown whether there are any current residents within the affected territory. The application remains incomplete pending the submittal of additional documentation and related information necessary to complete the administrative review. The proposal is subject to formal abandonment pending the anticipated action by the Commission to approve authorizing policies.
3	DA08-10	"Avocado Way-Potter Annexation" - Vallecitos WD: Annexation	Staff	Application submitted in May 2008 by landowner petition requesting annexation of to the Vallecitos Water District for purposes of receiving public wastewater services. The affected territory comprises two parcels developed with single-family residences located along Avocado Way. The number of current residents within the affected territory is unknown. The application remains incomplete pending the submittal of additional documentation and related information necessary to complete the administrative review. The proposal is subject to formal abandonment pending the anticipated action by the Commission to approve authorizing policies.

	File Number	Proposal Name | Affected Agencies	Project Manager	Proposal Summary
4	RO08-15 SA08-15	"Crestlake Estates Reorganization" - City of Santee: Annexation - San Diego County SD: Annexation - Lakeside FPD: Annexation	Staff	Application submitted in May 2008 by landowner petition requesting a reorganization to accommodate wastewater, fire protection, and ambulance services for an approved Tentative Map allowing the development of 60 single-family residences. It is unknown if there are any current residents. The affected territory lies within all three subject agencies' spheres of influence: San Diego County Sanitation District; Lakeside Fire Protection District; and the City of Santee. The application remains incomplete pending the submittal of additional documentation and related information necessary to complete the administrative review. The proposal is subject to formal abandonment pending the anticipated action by the Commission to approve authorizing policies.
5	DA12-02	"Lorch Annexation" - Borrego WD: Annexation	Staff	Application submitted in March 2012 by landowner petition to annex approximately 9.4 acres to the Borrego Water District (WD) to provide water service to one parcel within the District's sphere. It is unknown how many residents are currently within the affected territory. Application deemed incomplete in an April 2012 status letter. A new status letter was sent in January 2018 stating the proposal would be considered abandoned unless notified otherwise. Borrego WD responded to the letter and has reinitiated discussions with the landowner regarding possible service terms. Discussions remain active.
6	DA16-10	"CSA 17 Harmony Grove Annexation" - CSA 17: Annexation	Staff	Application submitted in May 2016 by resolution from the County of San Diego to annex approximately 3,600 acres to County Service Area (CSA) No. 17 for ambulance service and done so as a cross-condition of the Commission dissolving CSA No. 107 in 2015. The affected territory is entirely unincorporated and comprises portions of the Elfin Forest and Harmony Grove communities with an estimated resident population of 29,995. The proposal remains incomplete due to a variety of reasons and is marked by opposition from the CSA No. 17 Advisory Committee. Staff continues to engage the County, Advisory Committee, and other stakeholders to fulfill the Commission's earlier directive. Discussions remain active.
7	RO16-11	"Rancho Hills Reorganization" - Rancho Santa Fe CSD: Annexation - Olivenhain MWD: Expansion of Latent Power Area - Olivenhain MWD: Latent Sphere Amendment (+)	Michaela Peters	Application submitted in October 2016 to annex a portion of a 37-lot residential subdivision titled "Rancho Hills" to Rancho Santa Fe CSD for wastewater service. A concurrent latent power expansion for Olivenhain MWD is needed to accommodate sewer to the remaining project site. The proposal was deemed incomplete in a November 2016 status letter. With concurrence with the proponent, the application is administratively paused due to incomplete and pending receipt of additional documentation. Discussions remain active.

	File Number	Proposal Name | Affected Agencies	Project Manager	Proposal Summary
8	RO19-04	"Ortega – Olde Highway 80 Change of Organization" - San Diego County SD: Annexation	Michaela Peters	*New application submitted in May 2024* by landowner petition to annex approximately 11.2 acres to the San Diego County Sanitation District for wastewater service. The affected territory comprises three parcels – two presently developed with existing office structures, parking spaces, and other accessory structures. The purpose of the proposal is to connect sewer services for a proposed office/warehouse building development. The proposal is scheduled for consideration by the Commission at its February 3, 2025 meeting.
9	SA19-26 RO19-26 OAS19-26	"Valiano - Eden Valley Reorganization" - City of Escondido: Extraterritorial Sewer - City of Escondido: Sphere Amendment (+) - San Marcos FPD: Annexation - Rancho Santa Fe FPD: Detachment - Rancho Santa Fe FPD: Sphere Amendment (-) - Rancho Santa Fe FPD: Extraterritorial Fire	Michaela Peters	New application jointly submitted January 2025 by landowner petition and the City of Escondido involving a reorganization and out-of-agency service agreement as part of the "Valiano" planned development in Harmony Grove. The reorganization involves the concurrent annexation of approximately 9.2 unincorporated acres to San Marcos FPD with detachment from Rancho Santa Fe FPD and related sphere amendments. The out-of-agency service agreement approval request involves the extension of wastewater from the City of Escondido for approximately 80.7 unincorporated acres with related sphere amendments to add to Escondido and remove from San Marcos. The proposal is currently under administrative review with discussions remaining active.
10	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.

	File Number	Proposal Name | Affected Agencies	Project Manager	Proposal Summary
11	CO22-04	"AJX Homes - Carmichael Change of Organization" - City of La Mesa: Annexation - City of La Mesa: Sphere Amendment (+) - San Miguel FPD: detachment - San Miguel FPD: Sphere Amendment (-)	Michaela Peters	Application submitted in February 2022 by landowner petition and involves annexation of approximately 0.3 acres to City of La Mesa for wastewater service. The affected territory is developed with a single-family residence and the landowner intends to update the existing site from a septic system to a public wastewater system. The application is administratively paused due to incomplete information and pending receipt of additional documentation from the proponent. Discussions remain active.
12	CO22-08	"Martinez - North Avenue Reorganization" - City of Escondido: Annexation - County Service Area No. 135: Detachment - Deer Springs Fire Protection District: Detachment	Joelle Burila	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 as a remedy to 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.
13	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 and involves 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 submitted proposal application is incomplete pending receipt of additional documentation and related information. Discussions remain active.
14	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 proposal is currently under administrative review and is considered incomplete at this time. Discussions remain active.

	File Number	Proposal Name | Affected Agencies	Project Manager	Proposal Summary
15	RO23-12	"Twin Oaks Valley Winery Reorganization" - Vallecitos WD: Annexation - Vista ID: Detachment	Michaela Peters	Application submitted in September 2023 by landowner petition and involves annexation of approximately 4.35 acres to the Vallecitos Water District to establish both potable water and wastewater services. The affected territory is developed with one single-family residence, with plans to develop a full-service winery – including a tasting room, wine production space, restroom(s), etc. The proposal is currently under administrative review with the expectation of expanding the scope to include detachment from Vista ID. Discussions remain active.
16	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 of developing a commercial building and parking lot. The proposal is currently under administrative review with discussions remaining active.
17	OAS24-04	"Benter – Alto Drive Out-of-Agency Service Agreement" - City of La Mesa: OAS	Michaela Peters	Application submitted in February 2024 by landowner petition involving an out-of-agency service agreement for wastewater service to accommodate the planned development of an ADU (and possible JADU in the future). The proposal is scheduled for consideration by the Commission at its February 3, 2025 meeting.
18	OAS24-06	"Iannacone - La Cruz Drive Contractual Service Agreement" - City of La Mesa: OAS	Michaela Peters	Fee submitted in March 2024 with an intent to file an application involving an out of agency service agreement to establish wastewater services to a single-family residence to remedy to a failing septic system. The proposal 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
19	RO24-07	"Lake Wohlford Resort Reorganization" - Valley Center MWD: Annexation	Meghan Traynor	Fee submitted in March 2024 for an anticipated reorganization application involving 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 proposal application is incomplete pending receipt of a complete application and related information. Discussions remain active.
20	CO24-09	"Huang – Mt. Whitney Road Change of Organization" -Rincon MWD | Wastewater Service Area: Annexation -Rincon MWD | Wastewater Service Area: Sphere Action (+)	Meghan Traynor	Application submitted in August 2024 by landowner petition and involves annexation of approximately 0.91 acres to the Rincon del Diablo Municipal Water District for the primary purpose of establishing public wastewater service. The affected territory is presently undeveloped with plans to develop a single-family residence. The proposal is currently under administrative review with discussions remaining active.
21	OAS24-10b	"Dragovic – Sunset Drive Out-of-Agency Service Agreement" - City of Vista: OAS	Joelle Burila	Application submitted in November 2024 by landowner petition and involves a request to fulfill an earlier LAFCO condition in authorizing an out-of-agency wastewater service extension that was approved in November 2024. The existing single-family residence was connected to Vista's wastewater system as part of an earlier agreement though never formally approved by LAFCO. The purpose is to maintain the current agreement to provide wastewater services to the existing primary residential dwelling unit along with standard terms. The proposal is scheduled for consideration by the Commission at its February 3, 2025 meeting.
22	RO24-13	"Cavanaugh – Linda Vista Drive Reorganization" - Vallecitos WD: Annexatoin - Vallecitos WD: Sphere Action (+)	Joelle Burila	Application submitted in August 2024 by landowner petition and involves annexation of an approximate one-acre parcel in the City of San Marcos to the Vallecitos Water District for the primary purpose of establishing wastewater service. The affected territory is presently undeveloped with plans to develop both a single-family residence and detached garage. The proposal is currently under administrative review with discussions remaining active.

	File Number	Proposal Name | Affected Agencies	Project Manager	Proposal Summary
23	CO24-14	"Quarry Road LLC Change of Organization" - San Diego County SD: Annexation	Meghan Traynor	Application submitted in September 2024 by landowner petition and involves annexation of approximately 10.7 acres to the San Diego County Sanitation District for the primary purpose of establishing wastewater services. The affected territory is currently undeveloped with plans of developing a commercial storage facility. The proposal is currently under administrative review with discussions remaining active.
24	CO24-17	"Biermann – N Ash Street Change of Organization" - City of Escondido: Annexation	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 SFR and two ADUs. The proposal is currently under administrative review with discussions remaining active.
25	OAS25-01	"Hallam – Lovely Lane Out-of-Agency Service Agreement" - Buena Sanitation District: OAS	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. The proposal is scheduled for consideration by the Commission at its February 3, 2025 meeting.

	File Number	Proposal Name | Affected Agencies	Project Manager	Proposal Summary
ACTIVE PROPOSALS | POST COMMISSION ACTION				
26	SA16-20 LP16-20	"CSA 135 Islands Reorganization" - CSA 135 – LP Fire Area: Latent Powers Expansion - Bonita-Sunnyside FPD: Annexation - Lakeside FPD: Annexation - San Miguel FPD: Annexation - Ramona MWD: Annexation	Staff	Proposal submitted November 2016 by resolution of the San Diego County Fire Authority. Involved annexation of remaining unserved Islands 2, 3, and 4 via reorganization of local fire service territory among five local agencies: CSA 135; Bonita-Sunnyside FPD; Lakeside FPD; Ramona MWD; and San Miguel FPD. Reorganization involved annexation to the subject agencies and expansion of CSA No. 135's latent powers to provide fire protection and emergency medical services to three unincorporated and unserved island areas totaling approximately 21,048 acres. Conforming amendments to add the affected territory to the subject agencies' spheres of influence were also required. The reorganization proposal was approved February 4, 2018 and is now pending recordation once all terms are satisfied. A noticed protest hearing was held on March 13, 2019 at the LAFCO office. No protest was received by affected registered voters or landowners. Other terms remain pending.
27	LP(E)19-27	"Fallbrook PUD Latent Powers Expansion" - Activation: Park and Recreation - Activation: Street Lighting - Activation: Roads	Priscilla Mumpower	Application submitted in November 2019 by resolution from the Fallbrook Public Utility District (PUD) seeking approval to activate specified latent powers throughout its jurisdictional boundary (28,193 unincorporated acres). Requested power activations involve park and recreation, street lighting, and roads with the former intended to supplement existing park and recreation services provided in the region by the County of San Diego via County Service Area No. 81. The proposal was approved by the Commission on April 4, 2022, and now pending recordation once all terms are satisfied. A noticed protest hearing was held on May 31, 2022 and continued to June 14, 2022 at the Fallbrook PUD. Not enough protest was received by affected registered voters or landowners. Other terms remain pending.
28	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 territory to the San Diego County Sanitation District to make available public water and wastewater 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 to grade the land for future industrial and outdoor storage uses. The proposal was approved by the Commission on October 2nd, 2023. The applicant has requested a formal extension to September 18th, 2025 in order to satisfy the necessary terms and conditions outlined in the adopted resolution.

	File Number	Proposal Name | Affected Agencies	Project Manager	Proposal Summary
29	CO24-05	"O'Ryan – Calavo Drive Change of Organization" - Otay WD: Annexation - Otay WD: Sphere Action (+)	Michaela Peters	Application submitted in February 2024 by landowner petition and involves annexation of approximately 0.30 acres to the Otay Water District for the primary purpose of establishing public wastewater service. The affected territory is presently undeveloped with plans to develop a single-family residence and an accompanying accessory dwelling unit (ADU) in addition to a proposed 8.11-acre modification to include the public right-of-way along Avocado Blvd. The proposal was approved by the Commission on October 7, 2024 and now pending completion of terms and conditions as set forth by the Commission.
30	OAS 24-08	"Shen – Pinecrest Ave Out-of-Agency Service Agreement" - City of Escondido: OAS	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 presented to the Commission for information on October 7, 2024 and now pending completion of terms and conditions as set forth by the Commission.
31	OAS24-12	"Delgado-Andrade – 24th Street Outside-of-Agency Service Agreement" - City of National City: OAS	Joelle Burila	Application submitted in August 2024 by landowner petition involving an out-of agency service request for wastewater services to a single-family residence on less than an acre as a remedy to a failing septic system. The Executive Officer administratively approved the service request on October 23, 2024. The proposal was approved as a consent (information only) item as part of the Commission's November 4, 2024 meeting and now pending completion of terms and conditions as set forth by the Commission.
32	RO24-03	"Bryant – Felicita Road Reorganization" - City of Escondido: Annexation	Michaela Peters	Application submitted in January 2024 by landowner petition following an out-of-agency service agreement administratively approved by the Executive Officer on February 22, 2023. The purpose of this proposal is to formally establish wastewater services to a single-family residence totaling 0.4 acres after temporarily remedying a failing septic system. The proposal was approved as a consent (information only) item as part of the Commission's November 4, 2024 meeting and now pending completion of terms and conditions as set forth by the Commission.
33	OAS24-10	"Dragovic – Sunset Drive Out-of-Agency Service Agreement" - City of Vista: OAS	Joelle Burila	Application submitted in May 2024 by landowner petition and involves an out-of agency service agreement for wastewater services to a single-family residence totaling 1.25 acres to accommodate a lot split via the County of San Diego. The proposal was approved as a business item as part of the Commission's November 4, 2024 meeting 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.
	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.

	File Number	Proposal Name | Affected Agencies	Project Manager	Proposal Summary
	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 establish service area boundary. Complete application and letter of request via the City is pending.
	Pending	"Troy St. Sleeping Cabins" - Lemon Grove SD: Detachment - San Diego County SD: Annexation		The anticipated reorganization involves detaching from the Lemon Grove Sanitation District and annexing into the County of San Diego Sanitation District. The reorganization would accommodate a proposed project development and construction of approximately 80 sleeping cabins for use as emergency shelters for people experiencing homelessness. Discussions remain active.
	Pending	"La Jolla Incorporation" - La Jolla: Incorporation - City of San Diego: Detachment - City of San Diego: Sphere Action (-)		Notice of Intent to Circulate Petition was submitted May 2024 in anticipation of a special reorganization application filing. The proposal will involve the detachment of 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. A draft fiscal impact analysis report is currently underway by the proponents – Association for the City of La Jolla (501c3) – to determine whether La Jolla could obtain cityhood and be economically sustainable on its own. Proponents met their December 2024 deadline and successfully collected 25% of registered voters. Proponents have 60 days to submit petition for validation along with other application materials – including a deposit.

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AGENDA REPORT
Public Hearing

February 3, 2025

TO: Commissioners

FROM: Keene Simonds, Executive Officer
Michaela Peters, Analyst II

SUBJECT: **Establishment of an Interim Sphere of Influence | San Diego Unified Port District (Port of San Diego)**

SUMMARY

The San Diego County Local Agency Formation Commission (LAFCO) will consider establishing an interim sphere of influence for the San Diego Unified Port District ("Port"). The item is being presented consistent with statute and LAFCO's task to designate spheres to demark an affected agencies' appropriate service area relative to community needs and – among other features – to inform potential boundary changes and out-of-agency services. The item's timing follows Commission action in March 2024 to determine the Port is an independent special district subject to LAFCO oversight and subsequent negotiations with the Port in establishing next steps as part of an approved Memorandum of Understanding (MOU) in December 2024. The establishment of an interim SOI to match the existing sphere designations of the Port's five member cities – Chula Vista, Coronado, Imperial Beach, San Diego, and National City – as well as any other territory conveyed to the Port under the Port Act is consistent with the MOU. A permanent SOI will be considered following the preparation of an inaugural municipal service review covering the Port, which is expected to commence in 2025-2026. A draft resolution establishing an interim SOI as well as making an exemption finding under the California Environmental Quality Act are presented.

Adoption would be subject to a 30-day reconsideration period.

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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
Harry Mathis, General Public
Brigette Browning, Alt., General Public

BACKGROUND

March 2024 Commission Action | Determination the Port is an Independent District Under LAFCO Oversight

On March 4, 2024, San Diego LAFCO received a final administrative assessment on the applicability of the Commission's oversight of the Port as part of a noticed public meeting. The administrative assessment followed an earlier request of the Commission and concluded the Port is an independent special district subject to LAFCO oversight. The Commission agreed with the administrative assessment and unanimously approved a conforming policy statement in commencing oversight of the Port.

Request for Reconsideration and Subsequent Tolling Agreement

On April 3, 2024, the Port submitted a reconsideration request of the Commission's March 2024 approval to assert oversight. LAFCO and the Port – however – agreed to pause any action on the reconsideration in step with entering into a tolling agreement on May 6, 2024.

Approval of a Memorandum of Understanding and Port's Withdrawal of its Request for Reconsideration

LAFCO and Port representatives continuously communicated between June and December 2024 on establishing mutually agreeable steps and related procedures in implementing LAFCO oversight. These communications included holding several in-person meetings led by both Chairs (Stephen Whitburn and Frank Urtasun) and culminated with LAFCO and the Port agreeing to the MOU at their respective regular meetings in December 2024. It includes, among other provisions, outlining six sequential steps in implementing LAFCO oversight while concurrently accounting for unique conditions with the Port and the Port Act. These implementing measures are summarized as follows with the lead agency role in parentheses.

1) Withdrawal of Reconsideration Request (Port)

2) Adoption of an Interim Port Sphere (LAFCO)

3) Invoice and Payment of FY25 LAFCO Apportionment (LAFCO and Port)

4) Ministerial Boundary Clean Ups and SBE Filings (Port and LAFCO)

5) Completion of Inaugural MSR

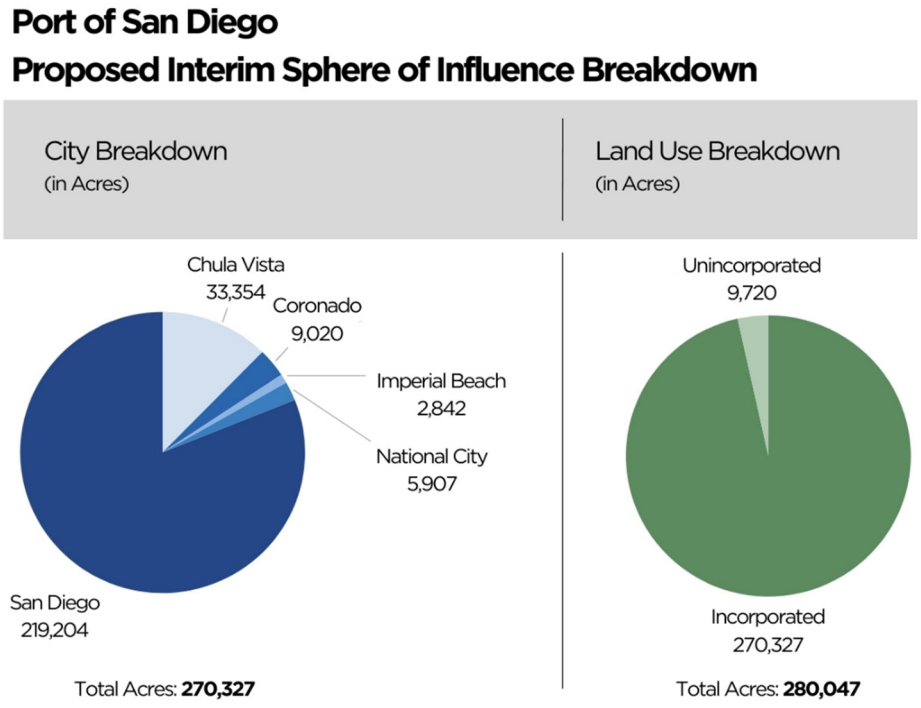
    a) Formalizing Active Service Functions
    b) Formalizing Out-of-Agency Services

6) Adoption of a Permanent Port Sphere

The first of the six implementing steps has been completed with the Port formalizing withdrawing its request for reconsideration on December 11, 2024.

DISCUSSION

This item is for San Diego LAFCO to consider establishing an interim sphere of influence for the Port and in doing so meet statutory responsibility to designate spheres for all cities and special districts consistent with the Commission's growth management interests and tasks. Consistent with the LAFCO-Port MOU, the proposed sphere is presented as an "interim" designation and matches the combined spheres of the five member cities along with certain unincorporated territory granted to the Port under the Port Act. The proposed sphere covers 438 square miles – or 280,047 acres – with key characteristics summarized below.



*Breakdown does not include a 425-acre area comprising tidelands, which lies outside of the five-member agency spheres and adjacent to Imperial Beach.

It is also proposed the interim sphere include the three total special study areas currently assigned to two of the five member cities. Two of the special study areas are assigned to the City of San Diego with one located in San Pasqual Valley (5,829 acres) and the other located in Paradise Hills (1,485 acres). The third special study area is assigned to the City of Chula Vista and covers the Otay Landfill (515 acres).

ANALYSIS

The proposed interim sphere of influence for the Port before San Diego LAFCO is consistent with the MOU between the two agencies and premised as an agreeable placeholder to setting a permanent assignment in step with preparing a municipal service review. In the intervening time, staff attests the interim sphere meets the Commission's statutory task to formally delineate what it independently believes is the Port's appropriate current and near-term

boundary as well as service area relative to community needs. As provided in the MOU, the interim sphere may be amended over time to reflect any changes to the spheres of the Port's five member cities. At the completion of an inaugural MSR, LAFCO will designate a permanent sphere, which may deviate from the interim assignment as appropriate – including, but not limited to, setting special study areas.

RECOMMENDATION

It is recommended San Diego LAFCO approve the action to establish an interim sphere of influence for the Port, as detailed. This recommendation and related actions are consistent with Alternative One outlined below.

ALTERNATIVES FOR ACTION

The following alternative actions are available to San Diego LAFCO and can be accomplished through a single-approved motion.

Alternative One (recommended):

a) Adopt the draft resolution provided as Attachment One making findings in establishing an interim sphere of influence for the Port along with making a related general rule exemption under State CEQA Guidelines.

b) Direct the Executive Officer to administratively record the sphere of influence action following the completion of a standard 30-day reconsideration period.

Alternative Two:
Continue the item and request additional information from staff as needed.

PROCEDURES

This item has been placed on the agenda for action as part of a noticed public hearing. The following procedures are recommended in the consideration of this item.

1) Commissioner disclosures, if any.
2) Receive verbal presentation from staff unless waived.
3) Open the hearing and invite comments.
4) Close the hearing, discuss item, and consider staff recommendation.

On behalf of the Executive Officer,

Michaela Peters

Michaela Peters
Analyst II

Attachments:

1) Draft Resolution Approving an Interim Sphere for Port
2) Map of Proposed Interim Sphere for Port
3) Approved MOU Between Port and LAFCO
4) Joint Press Release – Port and LAFCO
5) Notice by Port Withdrawing Reconsideration Request

6a

AGENDA REPORT
Public Hearing

February 3, 2025

TO: Commissioners

FROM: Keene Simonds, Executive Officer
Michaela Peters, Analyst II

SUBJECT: **Establishment of an Interim Sphere of Influence | San Diego Unified Port District (Port of San Diego)**

SUMMARY

The San Diego County Local Agency Formation Commission (LAFCO) will consider establishing an interim sphere of influence for the San Diego Unified Port District ("Port"). The item is being presented consistent with statute and LAFCO's task to designate spheres to demark an affected agencies' appropriate service area relative to community needs and – among other features – to inform potential boundary changes and out-of-agency services. The item's timing follows Commission action in March 2024 to determine the Port is an independent special district subject to LAFCO oversight and subsequent negotiations with the Port in establishing next steps as part of an approved Memorandum of Understanding (MOU) in December 2024. The establishment of an interim SOI to match the existing sphere designations of the Port's five member cities – Chula Vista, Coronado, Imperial Beach, San Diego, and National City – as well as any other territory conveyed to the Port under the Port Act is consistent with the MOU. A permanent SOI will be considered following the preparation of an inaugural municipal service review covering the Port, which is expected to commence in 2025-2026. A draft resolution establishing an interim SOI as well as making an exemption finding under the California Environmental Quality Act are presented.

Adoption would be subject to a 30-day reconsideration period.

Administration
Keene Simonds, Executive Officer
2550 Fifth Avenue, Suite 725
San Diego, California 92103
T 619.321.3380
E lafco@sdcounty.ca.gov
www.sdlafco.org

Joel Anderson, County of San Diego
Jim Desmond, County of San Diego
Vacant, 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
Harry Mathis, General Public
Brigette Browning, Alt., General Public

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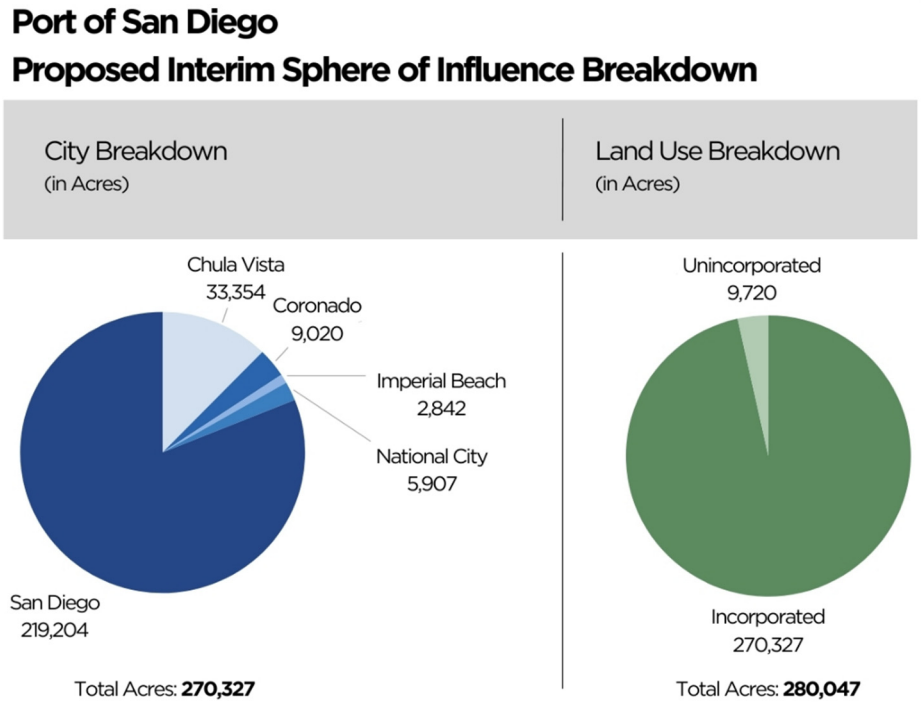
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This item is for San Diego LAFCO to consider establishing an interim sphere of influence for the Port and in doing so meet statutory responsibility to designate spheres for all cities and special districts consistent with the Commission's growth management interests and tasks. Consistent with the LAFCO-Port MOU, the proposed sphere is presented as an "interim" designation and matches the combined spheres of the five member cities along with certain unincorporated territory granted to the Port under the Port Act. The proposed sphere covers 438 square miles – or 280,047 acres – with key characteristics summarized below.



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The proposed interim sphere of influence for the Port before San Diego LAFCO is consistent with the MOU between the two agencies and premised as an agreeable placeholder to setting a permanent assignment in step with preparing a municipal service review. In the intervening time, staff attests the interim sphere meets the Commission's statutory task to formally delineate what it independently believes is the Port's appropriate current and near-term

boundary as well as service area relative to community needs. As provided in the MOU, the interim sphere may be amended over time to reflect any changes to the spheres of the Port's five member cities. At the completion of an inaugural MSR, LAFCO will designate a permanent sphere, which may deviate from the interim assignment as appropriate – including, but not limited to, setting special study areas.

RECOMMENDATION

It is recommended San Diego LAFCO approve the action to establish an interim sphere of influence for the Port, as detailed. This recommendation and related actions are consistent with Alternative One outlined below.

ALTERNATIVES FOR ACTION

The following alternative actions are available to San Diego LAFCO and can be accomplished through a single-approved motion.

Alternative One (recommended):

a) Adopt the draft resolution provided as Attachment One making findings in establishing an interim sphere of influence for the Port along with making a related general rule exemption under State CEQA Guidelines.

b) Direct the Executive Officer to administratively record the sphere of influence action following the completion of a standard 30-day reconsideration period.

Alternative Two:
Continue the item and request additional information from staff as needed.

PROCEDURES

This item has been placed on the agenda for action as part of a noticed public hearing. The following procedures are recommended in the consideration of this item.

1) Commissioner disclosures, if any.
2) Receive verbal presentation from staff unless waived.
3) Open the hearing and invite comments.
4) Close the hearing, discuss item, and consider staff recommendation.

On behalf of the Executive Officer,

Michaela Peters

Michaela Peters
Analyst II

Attachments:

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2) Map of Proposed Interim Sphere for Port
3) Approved MOU Between Port and LAFCO
4) Joint Press Release – Port and LAFCO
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RESOLUTION NO. _____

**RESOLUTION OF THE
SAN DIEGO COUNTY LOCAL AGENCY FORMATION COMMISSION
MAKING DETERMINATIONS**

**ESTABLISHING AN INTERIM SPHERE OF INFLUENCE FOR THE
SAN DIEGO UNIFIED PORT DISTRICT**

WHEREAS, the San Diego County Local Agency Formation Commission, hereinafter referred to as the "Commission", is a political subdivision of the State of California with regulatory and planning responsibilities to facilitate orderly growth and development under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000; and

WHEREAS, the Commission is responsible under Government Code Section 56425 to determine and regularly update the sphere of influence of each city and each special within San Diego County and enact policies designed to promote the logical and orderly development of the area within the sphere; and

WHEREAS, the San Diego Unified Port District, hereinafter referred to as the "Port", is a public corporation created in 1962 by the Legislature through the Port's principal act codified at California Harbors and Navigation Code, Appendix 1 and the vote of voters in the cities of Chula Vista, Coronado, Imperial Beach, National City and San Diego, hereinafter referred to as the "Member Cities"; and

WHEREAS, the Commission and Port have approved a Memorandum of Understanding at their respective meetings held on December 2, 2024 and December 10, 2024 that establishes implementing measures for the Commission to extend oversight in consideration of the Port's otherwise unique local conditions and provision under its principal act; and

WHEREAS, the Memorandum of Understanding between the Commission and Port provides – among other implementing measures – the establishment of an interim sphere of influence for the Port that is, the Commission to match the existing sphere designations of the Member Cities and to include any other territory included in the Port's boundaries or conveyed to the Port pursuant to the Port's principal act; and

WHEREAS, the Executive Officer's written report on the establishment of an interim sphere of influence on the Port was presented to the Commission on February 3, 2025 in a manner provided under law;

WHEREAS, the Commission heard and fully considered all the evidence presented at a public hearing concerning the establishment of an interim sphere of influence for the Port on February 3, 2025 – including information necessary to make required findings under Government Code Section 56425(e).

NOW, THEREFORE, BE IT RESOLVED, the Commission hereby finds, determines, and orders the following:

1. The Commission determines the establishment of an interim sphere of influence for the Port is a project under the California Environmental Quality Act but exempt from further review under the "general rule" under State Guidelines 15061(b)(3). This exemption appropriately applies given it can be seen with certainty spheres of influence are planning policies, and any amendments or updates do not make any changes to the environment or authorize any new uses or services.

2. The Commission has considered the Executive Officer's written report advising on the establishment of an interim sphere of influence for Port and is incorporated into the record.

3. The Commission APPROVES establishing an interim sphere of influence designation for the Port to match the existing sphere designations of the Member Cities and to include any other territory included in the Port's boundaries or conveyed to the Port pursuant to principal act as shown in Exhibit A.

    a) The interim sphere of influence includes three special study areas consistent with the Member Cities as shown in Exhibit A.

4. The Commission makes the following determinative statements under Government Code Section 56425(e) in support of the establishment of the interim sphere of influence for the Port as follows

    a) With respect to present and planned land uses within the interim sphere of influence, it is largely developed and/or earmarked for urban uses by the Member Cities or the County of San Diego. These otherwise urban land uses are compatible with the Port and its role, pursuant to the Port's principal act and California law ~~in providing services in concurrent benefit of the Member Cities and State~~.

    b) With respect to present and probable need for public facilities and services in the interim sphere of influence, it merits a full range of urban-supporting services consistent with their otherwise present and planned uses and existing projected resident population of 1,803,538. This includes the need and use of the Port's core service functions involving, but not necessarily limited to, harbor and port, recreation, public safety, and waterfront development in accordance with the Port's principal act and California law~~step with the Member Cities shared economic and cultural interest in San Diego Bay~~.

    c) With respect to the present capacity of public facilities and adequacy of public services, information considered to date reasonably suggests the Port's service functions are sufficiently organized, funded, and delivered consistent with community needs and the needs of the State of California within the interim sphere of influence consistent with the Port's principal act and California law.

    d) With respect to the existence of any relevant communities of interest, the interim sphere of influence reflects an area with shared economic and social

stakes in the Port's role in providing services in support of San Diego Bay, consistent with the Port's principal act and California law.

5. Adoption of this resolution and approval of an interim sphere of influence for the Port is subject to 30-day reconsideration under Government Code Section 56895.

6. The Commission authorizes the Executive Officer on good cause to make any non-substantive changes to this resolution under Government Code Section 56883.

***

PASSED AND ADOPTED by the Commission on February 3, 2025 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINING:

ATTEST:

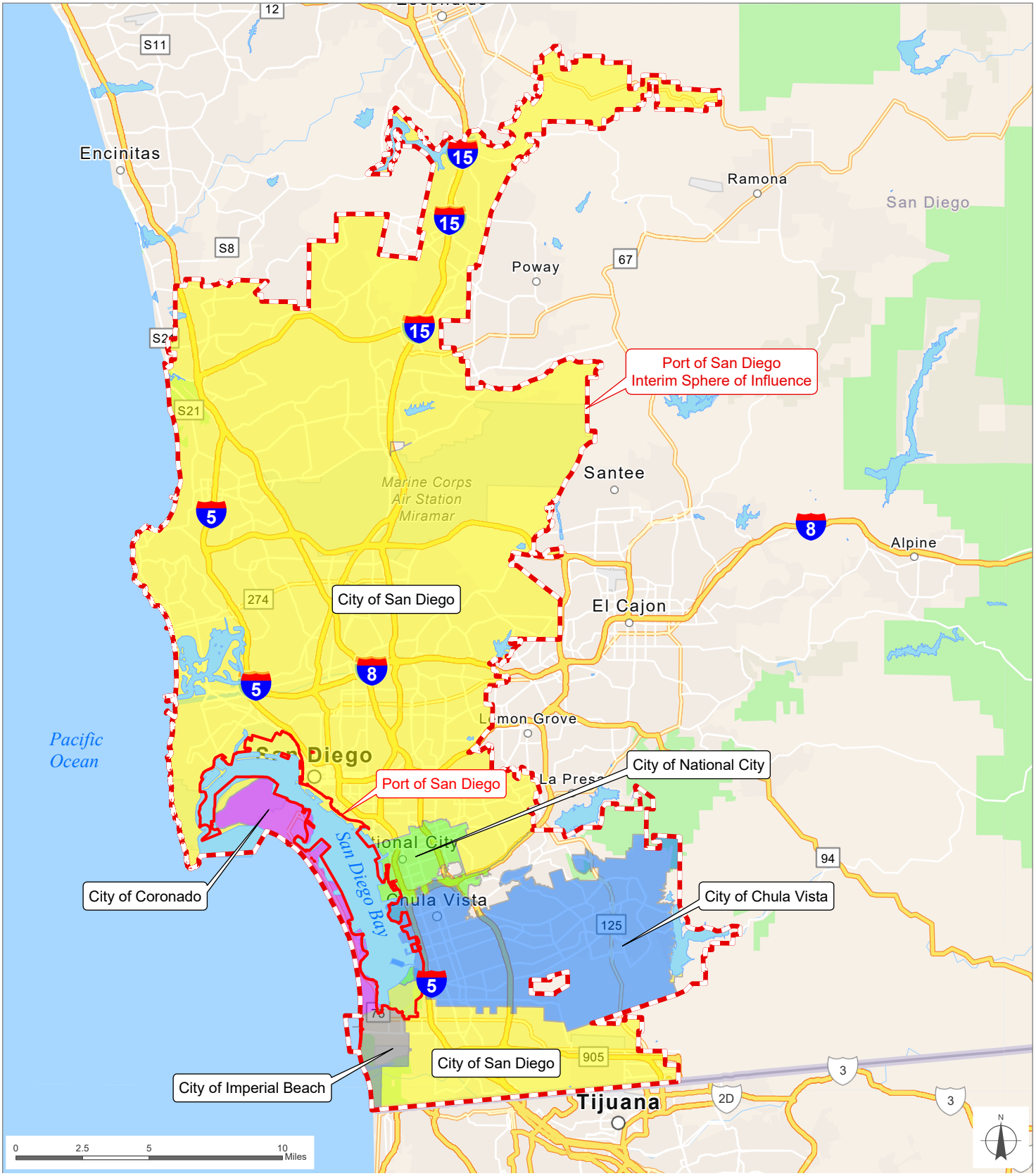
_____
Keene Simonds
Executive Officer

EXHIBIT A

INTERIM SPHERE OF INFLUENCE FOR THE SAN DIEGO UNIFIED PORT DISTRICT

Placeholder

Port of San Diego



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

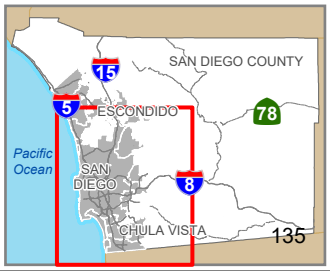
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Created by Dieu Ngu -- 1/24/2025

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- Port of San Diego Interim Sphere of Influence
- Port of San Diego

MEMBER CITIES
- CHULA VISTA
- CORONADO
- IMPERIAL BEACH
- NATIONAL CITY
- SAN DIEGO



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MEMORANDUM OF UNDERSTANDING

AGREEMENT BETWEEN SAN DIEGO COUNTY LOCAL AGENCY FORMATION COMMISSION AND SAN DIEGO UNIFIED PORT DISTRICT

This MEMORANDUM OF UNDERSTANDING ("MOU") is made by and between the San Diego County Local Agency Formation Commission ("LAFCO") and the San Diego Unified Port District, a public corporation ("Port"), jointly referred to as "Parties."

RECITALS

WHEREAS, LAFCO is a political subdivision of the State of California created by the Legislature in 1963 to help coordinate regional growth and development;

WHEREAS, LAFCO's duties and powers are presently authorized under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 ("CKH") to oversee cities, towns, and special districts in each county with respect to their organizational structures, jurisdictional boundaries, and municipal services;

WHEREAS, CKH defines in Government Code Section 56036(a) that "'district' and 'special district' are synonymous and mean an agency of the state, formed pursuant to general law or special act, for the local performance of governmental or proprietary functions within limited boundaries and in areas outside district boundary when authorized by the commission pursuant to Section 56133";

WHEREAS, the Port is a public corporation created in 1962 by the Legislature through the Port's principal act codified at California Harbors and Navigation Code, Appendix 1 ("Port Act") and the vote of voters in the cities of Chula Vista, Coronado, Imperial Beach, National City and San Diego (collectively, "Member Cities");

WHEREAS, Section 2 of the Port Act states that "[b]ecause of the several separate cities and unincorporated populated areas in the area hereinafter described, only a specially created district can operate effectively in developing the harbors and port facilities";

WHEREAS, pursuant to Port Act Section 5(a), when the Port was established the boundaries of the Port were coterminous with the boundaries of the Member Cities, as well as any unincorporated County territory, which is economically linked to the development and operation of San Diego Bay that were included in the Port by the County Board of Supervisors;

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WHEREAS, pursuant to Port Act Section 5(b), the Port "shall exercise its land management authority and powers" over lands and tidelands in and surrounding San Diego Bay (collectively, "Tidelands") granted to the Port by the Legislature and any other lands conveyed to the Port by any city or the County or acquired by the Port in furtherance of the Port's powers and purposes as provided in Section 87 of the Port Act;

WHEREAS, pursuant to the Port Act, the Legislature also granted the Port Tidelands and the Port owns these granted Tidelands, in trust, for all Californians "without subjugation of statewide interests, concerns, or benefits to the inclination of local or municipal affairs, initiatives, or excises" (Cal. Pub. Resources Code, § 6009(d));

WHEREAS, the State continues to have oversight over granted public trust lands, including Tidelands and the State retains a duty to protect the public interest in granted public trust lands, including Tidelands;

WHEREAS, while the Legislature has ultimate authority over granted public trust lands, including Port Tidelands, it has delegated primary authority to the State Lands Commission ("SLC") (Cal. Pub. Resources Code, §§ 6216–6217.6, 6301);

WHEREAS, as codified in Government Code Section 56301, one of LAFCO's objectives is to "make studies and to obtain and furnish information which will contribute to the logical and reasonable development of local agencies in each county and to shape the development of local agencies so as to advantageously provide for the present and future needs of each county and its communities";

WHEREAS, all trustees of submerged waters and tidelands, including the Port, must exercise their authority consistent with the public trust doctrine, a common law doctrine that mandates that Tidelands can only be managed for all Californians with a statewide purpose and only revenues generated on Tidelands can be spent in furtherance of the public trust doctrine and public trust purposes;

WHEREAS, pursuant to Harbors and Navigation Code Section 1718(a), the SLC retains absolute discretion over actions of the Port to ensure consistency with the State's interest in Tidelands, including review of the Port's revenues and expenditures;

WHEREAS, while the Port's services are provided locally and regionally, the Port's powers are subjected to and exercised in furtherance of the public trust doctrine for the benefit of all Californians and its activities cannot be municipal in nature as that concept is described and defined in the public trust doctrine;

WHEREAS, previously LAFCO has expressly asserted it did not have oversight over the Port, and did not exercise jurisdiction over the Port;

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WHEREAS, LAFCO revisited oversight as it applies to the Port as part of noticed public meetings held on December 4, 2023 and March 4, 2024 (collectively. "LAFCO Actions");

WHEREAS, consistent with the recommendations of a written assessment prepared by the LAFCO Executive Officer, LAFCO unanimously determined the Port is subject to LAFCO oversight and approved a conforming policy statement confirming the Port is an independent special district subject to LAFCO oversight paired with ancillary actions on March 4, 2024;

WHEREAS, the Port submitted a request for reconsideration involving LAFCO's March 4, 2024 actions pursuant to LAFCO Rule 3.4(2);

WHEREAS, the Port asserts that LAFCO does not have oversight or jurisdiction over the Port's Tidelands;

WHEREAS, the Parties voluntarily entered into a tolling agreement on May 6, 2024 at the Port's request, which tolls LAFCO's March 4, 2024 actions, and tolls the statute of limitations for the Port to challenge LAFCO's Actions;

WHEREAS, the Parties entered into the Tolling Agreement based on the Parties' mutual interest to reach an agreement; and

WHEREAS, without waiving any of the Parties rights, in law and equity, the Parties desire to enter into this MOU to memorialize their understanding of all related topics going forward in applying CKH to the Port.

THEREFORE

NOW, FOR MUTUAL CONSIDERATION, the Parties mutually agree, effective on the date of the last signature ("Effective Date"), as follows:

1. Recitals and Existing Law, Facts and Local Conditions. The Parties agree that the Recitals set forth above are true and correct and are incorporated into this Agreement by reference. The Parties also agree that this MOU is based on existing law, facts, and local conditions as of the Effective Date of this MOU. If the law, facts, or local conditions change making any portion of this MOU ineffective, the Parties agree to meet and confer, in good faith, regarding an amendment to this MOU.

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2. Changes of Organization to the Port.

a. Annexation.

i. Annexation into the Port, Generally. The Parties agree that any proposed annexation of territory into the Port is limited to those specified in Section 53 of the Port Act.

ii. Termination of Annexation. No annexation into the Port may occur if the Port objects based on any financial- or service-related concern. If the Port submits a resolution requesting termination of the annexation proceedings based on written findings supported by substantial evidence in the record that the request is justified by a financial or service-related concern pursuant to Government Code Section 56857(b), LAFCO shall terminate the proceedings pursuant to Government Code Section 56857(c).

iii. Swaps of Territory Between Member Cities. A "Swap" as used herein is an application for a detachment of territory from one or more Member Cities and annexation of the detached territory into one or more Member Cities. Any Swap that does not involve Tidelands requires no action by LAFCO with regard to the Port. Further, any Swap involving Tidelands located within the existing area of any of the Member Cities requires no action by LAFCO with regard to the Port; however, the process specified in Government Code Section 56740 shall apply if Port Tidelands are being incorporated into, or annexed to, a city.

iv. Future Annexation to Port of Additional Tidelands. If the Legislature grants to the Port any additional Tidelands or other territory expressly subject to the Port Act outside of its boundaries, LAFCO will process an application submitted by the Port to change the Port's boundaries to reflect the new grant. LAFCO shall consider the annexation application in a timely manner, including making appropriate findings as a responsible agency under the California Environmental Quality Act ("CEQA").

v. Annexation of Tidelands into a City. The process specified in Government Code Section 56740 shall apply to any application filed with LAFCO requesting to annex Port Tidelands into a city. The Parties acknowledge that Section 56740 requires SLC approval prior to any such annexation.

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vi. As a matter of standard practice, LAFCO agrees to reorganize all jurisdictional change proposals involving annexations to any of the Member Cities to include concurrent annexations to the Port.

b. Subsidiary District. The Parties agree that under existing law, facts, and local conditions the Port cannot be established as a subsidiary district of a city given that the Port's boundaries currently encompass the territory of all Member Cities.

c. Consultation with SLC. Should a recommendation, proposal or application regarding any change of organization or reorganization involving the Port Tidelands occur, LAFCO agrees to request consultation with the SLC and if said consultation occurs, give "great weight" or great deference to any SLC recommendations. For purposes of this MOU the Parties agree that the term "great weight" means that LAFCO shall incorporate the SLC recommendations unless LAFCO determines that SLC's recommendations are arbitrary and capricious or are not supported by substantial evidence.

3. Interim Sphere of Influence Designation.

a. LAFCO agrees to take action at the next available regular meeting following the effective date of the MOU in which notice can be sufficiently provided to establish an interim sphere of influence ("Interim SOI") for the Port to match the existing sphere designations of the Member Cities and to include any other territory included in the Port's boundaries or conveyed to the Port pursuant to the Port Act, including but not limited to Port Act Sections 5, 5.5, 5.7, and/or 5.8, territory granted to the Port by SB 507 (2019-2020) and any additional territory granted to the Port following the Effective Date of the MOU and LAFCO's action to establish the Interim SOI ("Other Port Territory"); provided, however, said item at the regular meeting may be subject to a continuation.

b. There shall be no cost to the Port associated with LAFCO establishing an Interim SOI.

c. The Interim SOI established for the Port may be amended from time to time as appropriate to correspond with any LAFCO approved changes to the spheres of influence of the Member Cities.

d. LAFCO will replace the Interim SOI with a permanent sphere of influence ("Permanent SOI") designation after and/or in conjunction with preparing an inaugural municipal service review ("Inaugural MSR") covering the Port as addressed in Section 9 in this MOU.

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4. LAFCO Apportionment Payment.

a. The Port agrees to make payment to LAFCO within 60 days of receipt of an invoice from LAFCO to cover its proportional apportionment share of LAFCO's budget for Fiscal Year 2024-2025 as calculated by the County of San Diego Auditor-Controller's Office and based on an overall allocation to independent special districts of $623,998.

b. LAFCO shall proportionally credit all other independent special districts contributing to LAFCO's budget in Fiscal Year 2025-2026.

c. LAFCO shall continue to apportion and invoice the Port thereafter under the provisions of Government Code Section 56381(b)(C).

5. Initiation and Approval of "Clean-Up" Annexations and Detachments to the Port.

a. LAFCO agree to process a "clean-up" annexation and detachments to the Port to ensure its jurisdictional boundary is consistent with the jurisdictional boundaries of its Member Cities and Other Port Territory ("Clean-Up Annexations/Detachments").

b. LAFCO agrees to provide the Port with information regarding all prior changes of organization that impacted the exterior boundaries of the Member Cities processed by LAFCO, necessary for the Port to prepare an application for the Clean-Up Annexations/Detachments, including but not limited to maps and legal descriptions in a form compliant with current legal requirements. The Port agrees to provide LAFCO with information regarding Other Port Territory.

c. The Port agrees to present a resolution of application to its Board of Port Commissioners ("BPC") for a change of organization for the Clean Up Annexations/Detachments during Fiscal Year 2024-2025 seeking the annexation or detachments of any lands currently within the boundaries of the Member Cities and Other Port Territory; provided, however, this date may be extended by mutual agreement of the Parties. Following approval by the BPC, the Port will file an application with LAFCO for the Clean-Up Annexations/Detachments.

d. The expected scope of the change of organization involves annexations to or detachments from any of Member Cities.

e. The Port agrees to serve as the lead agency for the change of organization under the provisions of CEQA, and to the extent not

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included in materials provided by LAFCO pursuant to Section 5.b. above, LAFCO agrees to provide the Port with all applicable environmental review documentation related to the prior annexations or detachments.

f. There shall be no cost to the Port associated with the Clean-Up Annexations/Detachments. LAFCO agrees, at its sole cost and expense, to have a map and geographic description prepared of the affected territory proposed as part of the Clean Up Annexations/Detachments consistent with the filing requirements of the State Board of Equalization.

g. LAFCO agrees to waive its own application fees and agrees to pay for all other ancillary and outside costs associated with processing the Clean-Up Annexations/Detachments application, including but not limited to Board of Equalization Fees.

h. In collaboration with the Port, LAFCO shall consider the change of organization in a timely manner, including considering the appropriate findings as a responsible agency under CEQA.

6. Postpone Application of Government Code Section 56133 Involving Out-of-Agency Services by Contract or Agreement.

a. LAFCO agrees to identify the services pursuant to Government Code Section 56133 during the completion of the Inaugural MSR covering the Port as addressed in Section 9 of this MOU. Until such time as the Inaugural MSR is complete, existing Port operations may continue related to services beyond its jurisdictional boundary and/or Interim SOI or Permanent SOI.

b. The Port agrees to voluntarily notify LAFCO of any new or extended operations it will exercise beyond its jurisdictional boundary and/or Interim SOI while the Inaugural MSR is pending completion.

7. LAFCO Oversight Limitations Under Government Code Section 56133 Involving Out-of-Agency Services by Contract or Agreement.

a. Irrespective of any other provisions in this MOU, LAFCO agrees oversight of out-of-agency services is limited to San Diego County and based on agreements with other LAFCOs, the other 57 counties in California, but shall exclude California coastal waters as defined by Government Code Section 170.

b. Any services provided by the Port outside of its boundaries prior to LAFCO's consideration and approval of the Inaugural MSR shall be

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deemed grandfathered and will not be subject to LAFCO review or approval, even if provided by the Port pursuant to new or amended contracts or agreements.

8. Postpone Application of Government Code Sections 56824.10-14 and Establishment of Port's Activated Functions or Classes of Services.

a. Subject to Section 8.c., the Parties anticipate that Exhibit A are the Port's functions or classes of services that it has not exercised ("Latent Powers") and the Port's functions or classes of services that it has exercised ("Activated Powers") for the purposes of Government Code Sections 56824.10-14 that will be established as part of the Permanent SOI for the Port pursuant to Section 9.k.iii. Any functions or classes of services that the Port is authorized to exercise in the Port Act within its boundaries and (i) the Port has contracted with a third-party to do so, including with a Member City(ies), (ii) the Port has identified in the Port Master Plan or Port Master Plan Update, or (iii) the Port is mandated by the State or federal government to do shall be considered an Activated Power, and shall not be considered a Latent Power requiring LAFCO approval pursuant to Government Code Sections 56824.10-14.

b. All existing Port operations may continue while the Inaugural MSR is pending and during this time the Port is not required to submit any requests related to application of Government Code Sections 56824.10-14 and its provisions requiring special districts to receive approval from LAFCO to provide new or different service functions or classes as authorized by the principal act or divestiture of existing service functions or classes within all or part of its jurisdictional boundary.

c. The Port agrees to voluntarily notify LAFCO of any activation of its Latent Powers or divestiture of service functions or classes while the Inaugural MSR is pending and any activation of service functions or classes shall be considered activated and no longer a Latent Power. Accordingly, the Parties agree that Government Code Sections 56824.10-14 applies after the completion of the Inaugural MSR covering the Port.

9. Municipal Service Review ("MSR") of the Port.

a. LAFCO agrees to prepare an Inaugural MSR covering the then current Port operations beginning in Fiscal Year 2025-2026.

b. LAFCO agrees to prioritize the preparation of the MSR as part of its adopted workplan for Fiscal Year 2025-2026 with the expectation work will conclude sometime in the prior fiscal year.

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c. LAFCO agrees to cover all costs associated with preparing the Inaugural MSR, and the cost for future municipal service reviews will be paid for out of the LAFCO budget, unless the Port is the applicant for a change of organization or reorganization other than the Clean-Up Annexations/Detachments.

d. LAFCO agrees to consult with the Port and SLC staff, provided SLC staff agrees to the consultation, on the scope of work for any MSRs done for the Port prior to commencing its preparation. LAFCO further agrees to select consultants for any MSRs done for the Port that is acceptable to the Port. The Parties agree to openly consult for all Port MSRs and if requested by the Port, consult with SLC staff.

e. LAFCO agrees to provide the Port and SLC staff an opportunity to review and comment any draft MSR of the Port no later than 60 days prior to the LAFCO's official release of the draft for comment. LAFCO agrees to meet and confer with the Port and/or SLC on the draft if requested by the Port and/or SLC. LAFCO further agrees that it shall give "great weight" as described in Section 2(c), above, to any comments and recommended revisions provided to LAFCO by the Port and/or SLC.

f. If the Port agrees in writing, LAFCO agrees to make available a stakeholder group comprising board members of the San Diego Waterfront Association for purposes of ongoing consultation in preparation of the Inaugural MSR.

g. Notwithstanding other provisions in this MOU, and subject to the above consultation in preparing the Inaugural MSR, LAFCO tentatively expects the municipal functions covered in the document to involve (a) harbor and port, (b) recreation, (c) public safety, and (d) community (waterfront) development.

h. Consistent with local policy, LAFCO will consider a draft and final Inaugural MSR at noticed public meetings.

i. The Inaugural MSR will be deemed complete in line with the Commission approving determinative statements at a noticed public hearing consistent with Government Code Section 56430.

j. The Parties acknowledge that the public trust doctrine imposes constraints on the Port's ability to contract for police and fire services. Specifically, the Port may only pay for fire and police services on Tidelands where the Harbor Police Department ("HPD") does not provide

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services and only for parcels that are not subject to property tax or possessory interest tax. Further, the Port's payment must bear a direct relationship to the actual services being provided.

k. LAFCO will, consistent with the terms of this MOU, immediately draw on the completed Inaugural MSR with respect to all of the following:

i. Determine a Permanent SOI for the Port.

ii. Determine all grandfather out-of-agency Port services relative to applying Government Code Section 56133.

iii. Determine all Activated Powers and Latent Port service functions and associated classes relative to applying Government Code Sections 56824.10-14, which are anticipated to match Exhibit A.

iv. LAFCO further agrees that when it conducts any MSR on the Port, its evaluation shall distinguish between discretionary and non-discretionary provision of services with the latter related to the Port's performance of obligations as a grantee of Tidelands for the purpose of compliance with the public trust doctrine and/or other statewide duties.

10. Meet and Confer. If any Party has objections related to implementation of this MOU, the Parties shall meet and confer in good faith to try and resolve the objections and may request SLC to participate in the meet and confer process related to Sections 2 and 9 of this MOU. If the Port has any objection(s) to a LAFCO proceeding involving the Port, the Parties shall meet and confer in good faith prior to the LAFCO proceeding in an attempt to resolve the objection(s).

11. Settlement and Release.

a. Each Party hereby releases and forever discharges the other Party, and all each of its commissioners, officers, employees, agents, attorneys and employees, from any and all claims, demands, liabilities, and causes of action relating to LAFCO's actions on LAFCO Actions. The Parties agree that the LAFCO Actions may not be used by any Party in any future legal challenge, either affirmatively, or as a defense, limitation, or otherwise.

b. Port agrees immediately following the effective date of the MOU, which shall be no longer than three business days, to submit to LAFCO a request to withdraw the Port's request for reconsideration of LAFCO's Actions and the parties agree that LAFCO will take no further action related to the Port's request for reconsideration of LAFCO's Actions.

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12. Miscellaneous.

a. Section Headings. The section headings contained herein are for convenience in reference and are not intended to define or limit the scope of any provision hereof.

b. Drafting Presumption, Review Standards. The Parties acknowledge that this MOU has been agreed to by both the Parties, that both Parties have consulted with attorneys with respect to the terms of this MOU and that no presumption shall be created against the drafting party. Any deletion or addition of language from this MOU prior to its execution by the Parties shall not be construed to raise any presumption, canon of construction or implication, including, without limitation, any implication that the Parties intended thereby to state the converse of the deleted language.

c. Reservation of Rights. Neither of the Parties waive any rights in law or equity by entering into this MOU and both Parties may bring future legal challenges against each other for future actions notwithstanding this MOU, including without limitation a legal challenge of a proceeding(s) that changes the Port's ownership of Tidelands, detaches Tidelands from the Port or dissolves, merges or consolidates the Port. Subject to the foregoing sentence and Section 2(c), this MOU does not cover changing the Port's ownership of Port Tidelands, dissolution, consolidation or merger of the Port or detachment of Port Tidelands from the Port. All rights and remedies existing as of the date of this MOU are hereby preserved except as expressly agreed to the contrary herein.

d. Partial Invalidity. If any term, provision or condition contained in this MOU shall, to any extent, be invalid or unenforceable, the remainder of this MOU, or the application of such term, provision or condition to persons or circumstances other than those with respect to which it is invalid or unenforceable, shall not be affected thereby, and each and every other term, provision and condition of this MOU shall be valid and enforceable to the fullest extent possible permitted by the laws of the State of California.

e. Authority. Both Parties hereby represent and warrant that they have the full rights and authority to execute and deliver this MOU to the other and that each of the persons signing on behalf the Parties is authorized to do so.

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f. Attorneys' Fees. Should any suit or action be commenced to enforce, protect, or establish any right or remedy of any of the terms and conditions of this MOU, each of the Parties shall pay its own attorneys' fees and costs including, without limitation, any and all costs incurred in enforcing, perfecting and executing such judgment.

g. Governing Law. Venue for any legal proceeding shall be in San Diego County, California. This MOU shall be construed and enforced in accordance with the laws of the State of California.

h. Counterparts. This MOU may be executed in any number of counterparts, each of which shall be deemed an original, but all of which taken together shall constitute one and the same agreement.

i. Entire Understanding. This MOU contains the entire understanding of the Parties, and by executing the same, acknowledges that there is no other written or oral understanding between the Parties. No modification, amendment, or alteration of this MOU shall be valid unless it is in writing and signed by the Parties hereto.

j. Communications. The Parties shall issue a joint press release ("Joint Statement") regarding this MOU that is mutually agreed upon by the Parties, through their respective chairs. The Parties also agree that, with the exception of the Joint Statement, the Parties' respective staff, commissioners, officers, attorneys or agents shall not make any statements to the press or in a public forum related to the LAFCO Actions or the subject matters of the LAFCO Actions or this MOU, except by way of reference to this MOU. This Section does not, in any way, restrict or impede the Parties' respective staff, commissioners, officers, attorneys or agents from exercising protected rights to the extent that such rights cannot be waived by agreement or from complying with any applicable law or regulation or a valid order of a court of competent jurisdiction or an authorized government agency, provided that such compliance does not exceed that required by the law, regulation, or order.

///SIGNTURES ON FOLLOWING PAGE///

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Dated: December 5, 2024

SAN DIEGO LOCAL AGENCY FORMATION COMMISSION

By:

Stephen Whitburn Chair

As to Form and Legality

By:

DeeAnne Gillick Counsel

Dated: December 23, 2024

SAN DIEGO UNIFIED PORT DISTRICT

By:

Francisco Urtasun

Frank Urtasun Chair

As to Form and Legality

By:

Rebecca Harrington

Rebecca Harrington Counsel

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EXHIBIT A

Port's Anticipated Latent Powers and Activated Powers as of the Effective Date of this MOU

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Port Act Section	Summary of Power	Activated	General Summary
4(a)	HARBOR WORKS AND IMPROVEMENTS (INCLUDING RAIL AND WATER) • Acquisition • Construction • Maintenance • Operation • Development • Regulation	YES	Three terminals, several marinas and the boatyards, as well as accessory uses/facilities are located on tidelands, as well as rail. The Port and/or its tenants have acquired, constructed, maintained, operated, developed and regulated harbor works and improvements. The Port also conducts dredging operations and maintenance activities in the Bay to support harbor works and improvements.
	PHYSICAL ACCESS TO THE BAY • Protect • Preserve • Enhance	YES	The Port operates 23 parks – soon to increase to 24 with Navy Pier park in San Diego – promenade, sidewalks, roads, trails that provide physical access to the Bay. On the water there are transient docks, dock and dine facilities, and public modes of transportation such as ferries.
	NATURAL RESOURCES OF THE BAY (INCLUDING PLANT AND ANIMAL LIFE) • Protect • Preserve • Enhance	YES	The Port monitors and enhances sensitive habitat in the Bay such as eelgrass, overwater development, soft bottom habitat as well as animal life. The Port is currently undergoing the process to make Pond 20 a mitigation bank.

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	QUALITY OF WATER • Protect • Preserve • Enhance	YES	The Port has a stormwater department, manages and maintains its outfalls and is the lead on the Regional MS4 permit for the Bay and Tidelands, as well as several sediment clean ups.
19	MASTER PLAN • This is the Port's land use plan.	N/A	Not a LAFCO review function.
Section 27	EMINENT DOMAIN	N/A	Not a LAFCO review function.
Section 30	• The District's Board can regulate and control anchoring, mooring, towing and docking of vessels • Within or outside of the District, within other states or in foreign countries, the District's Board may, through employees or agencies: o manage its business and promote the maritime and commercial interests by: ▪ proper advertisement of its advantages and ▪ the solicitation of business • The District may perform the following functions as to properties of all kinds: o warehousemen o stevedores o lighterers o reconditioners o shippers	YES N/A YES YES	The Port has regulations and controls for anchoring, mooring, towing and docking of vessels. (For example, see Port Code Sections 4.01-4.09, 4.14, 4.30, 4.35-4.40.) Not a LAFCO review function. Through the Port's and its tenants maritime and terminal operations, all the functions listed have been performed.

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	○ reshippers • Within its boundaries (consistent with the Act), the District may do all of the following: ○ Acquire, purchase, take over, construct, maintain, operate, develop, and regulate: ▪ grain elevators ▪ bunkering facilities ▪ belt or other railroads ▪ floating plants ▪ lighterage ▪ towage facilities ▪ and facilities, aids, equipment or property necessary for or incident to development and operation of a harbor or for the accommodation and promotion of commerce, navigation, fisheries, or recreation in the District. ○ Highways ○ Streets ○ Roadways ○ Bridges ○ Railroads ○ Trolleys ○ Buses ○ and similar: ▪ transportation facilities	This will have to be examined on a case-by-case basis NO re Highways if they are defined as interstate-highways. YES to the remining items.	Through the Port's and its tenants maritime and terminal operations, all the functions listed have been performed. The Port has acquired, constructed, maintained, operated, developed, and regulated: Streets, roadways, bridges, and railroads. A public shuttle akin to a trolley or bus. Transportation facilities such as the airport, water transportation, shuttle services, etc. Parking lots and garages. A power plant. The Port has permitted and regulated but not

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	▪ parking facilities ▪ power ▪ communication facilities ▪ water and gas pipelines ▪ and all of the following that are incidental, necessary or convenient to the development and operation of air terminal and rail facilities or other purposes for which the District was established. • transportation and utility facilities or betterments	This will have to be examined on a case-by-case basis.	operated cable lines and cell towers, water and gas pipelines.
Section 30.5 (related to out of Section 5 property if adjacent)	• The District can exercise the power of eminent domain or certain activities, outside of its boundaries if it is adjacent to Port Tidelands or lands conveyed to the Port, the Board of Port Commissioners finds that adequate areas for these activities do not presently exist within the Port lands and the activity is necessary or incidental to carrying out the purposes described in Section 87 of the Port Act (see below). • Thresholds for notifying or obtaining Sate Lands	N/A	Not a LAFCO review function.

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	Commission's approval for spending money on capital improvements. • Acquired property becomes an asset of the Public Trust.		
Section 37	• The District's authority to undertake public projects, defined as the following: o Projects related to buildings and works o Work in or around streams, bays, waterfronts, embankments, or other work for protection against overflow. o Street or sewer work (other than maintenance or repair) o Furnishing supplies or materials for public projects (including maintenance or repair of streets or sewers).	YES	The Port has bid out a vast variety of public projects, including without limitation buildings, street and sewer works and work in and around water including for the protection of overflow. The Port has also maintained and repaired streets and sewer.
Section 55	• Make and enforce rules and regulations for the use and control of all navigable waters, tidelands and submerged lands, filled or unfilled and other lands within the District's boundaries • Regulate and control the anchoring, mooring and docking of all vessels • Establish and maintain harbor police and	N/A YES YES	Not a LAFCO review function. (For example, see Port Code Sections 4.01-4.09, 4.14, 4.30, 4.35-4.40.)

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	establish harbor fire protection		The Harbor Police Department (HPD) is the Port's police force. HPD patrols the airport and within the boundaries of the Port. HPD provides on-water fire protection. For land-based fire protection, the Port contracts with its member cities.
Section 56	• Public services and utilities operated in connection with or for the promotion or accommodation of commerce, navigation, fisheries, and recreation.	YES, but may need to be examined on a case-by-case basis.	This Section codifies the Port's traditional health, safety and welfare police powers and through this power, the Port has enacted regulations relative to the construction, maintenance, operation and use of all public services and public utilities in the Port. The Port believes it likely has exercised its authority under this Section but recognizes there may be exceptions.
Section 57	Within the District's boundaries: • Acquire, construct, erect, maintain or operate within the district, all improvements, utilities, appliances or facilities that are necessary or convenient for the promotion and accommodation of commerce, navigation, fisheries, and recreation • Acquire, maintain and operate facilities of all kinds within the District's Boundaries	YES, but may need to be examined on a case-by-case basis	The Port has acquired, constructed, erected, maintained and operated improvements, utilities, appliances and facilities on Tidelands. The Port believes it likely has exercised its authority under this Section but recognizes there may be exceptions.

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	OR • Use all improvements, utilities, appliances or facilities for commerce, navigation, fisheries, and recreation, on the lands and waters under the control and management of the District		
Section 57.5	• Parking structure for convention center	YES	The Port constructed, operates and regulates the San Diego Convention Center parking garage.
Section 61	• Levy taxes, assessments., reassessments, special taxes or issue bonds.	N/A	Not a LAFCO review function
Section 62	• Port may contribute money to the federal, state or county government, or one of its member cities to defray costs for improving rivers, streams, or in doing other work, when such work will improve navigation and commerce, in or to the navigable waters in the district	N/A	Not a LAFCO review function
Section 81	• District revenue funds may be used for operation and maintenance of all harbor or port improvements, works, utilities, appliances, facilities and vessels owned, controlled or operated by the district for the promotion and accommodation of commerce, navigation, fisheries, and recreation, or used in connection therewith	N/A	Not a LAFCO review function

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Section 82 related to advertising for certain specified powers of the district	• Advertising the commercial and other advantages and facilities of any harbor in the District's boundaries, for encouraging and promoting commerce, navigation, and transportation in and through that harbor • Advertising for encouraging and promoting the region's commercial airport	N/A	Not a LAFCO review function.
Section 87	Hold in trust the tide and submerged lands which may be used for purposes in which there is a general statewide purpose, as follows:		
	• Establishment, improvement, and conduct of a harbor, and for the construction, reconstruction, repair, maintenance, and operation of wharves, docks, piers, slips, quays, and all other works, buildings, facilities, utilities, structures, and appliances incidental, necessary, or convenient, for the promotion and accommodation of commerce and navigation.	YES	The Port has established, improved and conducted harbors throughout the bay, as well as wharves, docks, piers, slips, quays and associated facilities, buildings, etc.
	• Commercial and industrial uses and purposes, and the construction, reconstruction, repair, and maintenance of commercial and industrial buildings, plants, and facilities.	YES	The Port has constructed, reconstructed, repaired and maintained commercial and industrial building, plants and facilities.
	• Establishment, improvement, and		The Port has established

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	conduct of airport and heliport or aviation facilities, including, but not limited to, approach, takeoff, and clear zones in connection with airport runways, and for the construction, reconstruction, repair, maintenance, and operation of terminal buildings, runways, roadways, aprons, taxiways, parking areas, and all other works, buildings, facilities, utilities, structures, and appliances incidental, necessary, or convenient for the promotion and accommodation of air commerce and air navigation	NO related to highways if defined as interstate highways; YES to the remaining items.	and improved the San Diego Airport and associated facilities.
	• Construction, reconstruction, repair, and maintenance of highways, streets, roadways, bridges, belt line railroads, parking facilities, power, telephone, telegraph or cable lines or landings, water and gas pipelines, and all other transportation and utility facilities or betterments incidental, necessary, or convenient for the promotion and accommodation of any of the uses set forth in Section 87.	NO related to bathhouses and bathing facilities (based on research to date); YES to the remaining items.	As part of stand-alone projects or as part of larger projects, the Port has constructed, reconstructed, repaired and maintained all items listed with the exception of highways depending on how that term is defined.
	• Construction, reconstruction, repair, maintenance, and operation of public buildings, public		As part of stand-alone projects or as part of larger projects, the Port has constructed, reconstructed, repaired and maintained all items listed with the exception of bathhouses and bathing facilities based research to date.

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	assembly and meeting places, convention centers, parks, playgrounds, bathhouses and bathing facilities, recreation and fishing piers, public recreation facilities, including, but not limited to, public golf courses, and for all works, buildings, facilities, utilities, structures, and appliances incidental, necessary, or convenient for the promotion and accommodation of any of those uses.	YES	As part of stand-alone projects or as part of larger projects, the Port has established, improved, constructed, reconstructed, repaired and maintained all items listed.
	• Establishment, improvement, and conduct of small boat harbors, marinas, aquatic playgrounds, and similar recreational facilities, and for the construction, reconstruction, repair, maintenance, and operation of all works, buildings, facilities, utilities, structures, and appliances incidental, necessary, or convenient for the promotion and accommodation of any of those uses, including, but not limited to, snack bars, cafes, restaurants, motels, launching ramps, and hoists, storage sheds, boat repair facilities with cranes and marine ways, administration buildings, public restrooms, bait and tackle shops, chandleries, boat sales establishments, service stations and fuel docks, yacht club buildings, parking areas, roadways, pedestrian	YES	The Port has established and maintained open space, ecological

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	ways, and landscaped areas. • For the establishment and maintenance of those lands for open space, ecological preservation, and habitat restoration.		preserves and habitat restoration.
MISC			The Port does a variety of other functions associate with the promotion of commerce, navigation and recreation. Some examples include: • Homelessness outreach • Sea level rise improvements • Security measures • Dive teams The Port also issues Coastal Development Permits within Tidelands and is in the process of establishing a building department to issue building permits for Tidelands development.

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Signatures: 2
Initials: 0

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Envelope Originator:
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Signer Events	Signature	Timestamp
Francisco Urtasun furtasun@portofsandiego.org Security Level: Email, Account Authentication (None)	Francisco Urtasun Signature Adoption: Pre-selected Style Using IP Address: 24.94.9.45	Sent: 12/11/2024 12:07:37 PM Viewed: 12/11/2024 1:28:30 PM Signed: 12/11/2024 1:28:56 PM
Electronic Record and Signature Disclosure: Accepted: 10/15/2024 5:41:42 AM ID: 6c78a673-3166-4ee1-b93a-80486b9678cf		
Rebecca Harrington rharrington@portofsandiego.org Assistant General Counsel Security Level: Email, Account Authentication (None)	Rebecca Harrington Signature Adoption: Pre-selected Style Using IP Address: 207.215.153.162 Signed using mobile	Sent: 12/11/2024 1:28:57 PM Resent: 12/18/2024 4:16:36 PM Viewed: 12/19/2024 11:19:14 AM Signed: 12/19/2024 11:19:53 AM
Electronic Record and Signature Disclosure: Accepted: 12/19/2024 11:19:14 AM ID: 9c47d664-e259-4e8f-a960-591d404b8f01		

In Person Signer Events	Signature	Timestamp

Editor Delivery Events	Status	Timestamp

Agent Delivery Events	Status	Timestamp

Intermediary Delivery Events	Status	Timestamp

Certified Delivery Events	Status	Timestamp

Carbon Copy Events	Status	Timestamp

Witness Events	Signature	Timestamp

Notary Events	Signature	Timestamp

Envelope Summary Events	Status	Timestamps

Envelope Summary Events	Status	Timestamps
Envelope Sent	Hashed/Encrypted	12/11/2024 12:07:37 PM
Certified Delivered	Security Checked	12/19/2024 11:19:14 AM
Signing Complete	Security Checked	12/19/2024 11:19:53 AM
Completed	Security Checked	12/19/2024 11:19:53 AM

Payment Events	Status	Timestamps

Electronic Record and Signature Disclosure

ELECTRONIC RECORD AND SIGNATURE DISCLOSURE

From time to time, Port of San Diego (we, us or Company) may be required by law to provide to you certain written notices or disclosures. Described below are the terms and conditions for providing to you such notices and disclosures electronically through the DocuSign system. Please read the information below carefully and thoroughly, and if you can access this information electronically to your satisfaction and agree to this Electronic Record and Signature Disclosure (ERSD), please confirm your agreement by selecting the check-box next to 'I agree to use electronic records and signatures' before clicking 'CONTINUE' within the DocuSign system.

Getting paper copies

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To contact us by email send messages to: customerservicecenter@portofsandiego.org

To advise Port of San Diego of your new email address

To let us know of a change in your email address where we should send notices and disclosures electronically to you, you must send an email message to us at customerservicecenter@portofsandiego.org and in the body of such request you must state: your previous email address, your new email address. We do not require any other information from you to change your email address.

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ii. send us an email to customerservicecenter@portofsandiego.org and in the body of such request you must state your email, full name, mailing address, and telephone number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

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- You can access and read this Electronic Record and Signature Disclosure; and
- You can print on paper this Electronic Record and Signature Disclosure, or save or send this Electronic Record and Disclosure to a location where you can print it, for future reference and access; and
- Until or unless you notify Port of San Diego as described above, you consent to receive exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you by Port of San Diego during the course of your relationship with Port of San Diego.

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

PRESS RELEASE

PORT OF SAN DIEGO AND SAN DIEGO COUNTY LAFCO APPROVE MEMORANDUM OF UNDERSTANDING

The Port of San Diego and the San Diego County Local Agency Formation Commission (San Diego LAFCO) have approved a Memorandum of Understanding (MOU) that outlines a collaborative framework for the future relationship between the agencies. This agreement marks a significant step in fostering a cooperative relationship between the Port and LAFCO while respecting the Port's unique mission and operations.

"The Port of San Diego successfully champions public access, the environment, and responsible economic development of San Diego Bay," said Chairman Frank Urtasun, Port of San Diego Board of Port Commissioners. "We thank LAFCO Chairman Stephen Whitburn, the Commission, and the LAFCO team for coming together on an MOU that demonstrates the Port's ongoing commitment to transparency, accountability, and integrity, and establishes collaboration between the two agencies to maintain open communication and achieve common objectives."

"I'd like to thank Chairman Urtasun and the Port Commissioners and staff for the collaborative process that produced this MOU," said Stephen Whitburn, Chairman of San Diego LAFCO. "The Port is a tremendous asset to the San Diego region, and this agreement paves the way for our continued partnership to benefit the public."

Provisions of the MOU include the following:

- Jurisdiction – acknowledges and specifies LAFCO areas of oversight and review of the Port, and the California State Lands Commission's role in making recommendations.

Administration
Keene Simonds, Executive Officer
2550 Fifth Avenue, Suite 725
San Diego, California 92103
T 619.321.3380
www.sdlafco.org
lafco@sdcounty.ca.gov

Joel Anderson, County of San Diego
Jim Desmond, County of San Diego
Nora Vargas, 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
Harry Mathis, General Public
Brigette Browning, Alt., General Public

- Changes of organization to Port territory – includes a process for cleanup and future annexations of territory into the Port and specifies that any change or reorganization of Port Tidelands must be done in consultation with and great deference to the recommendations of the California State Lands Commission, the state agency with oversight of the Port.

- Sphere of Influence (SOI) – details how and when LAFCO will establish an interim SOI and future permanent SOI for the Port.

- Apportionment payment – as one of the special districts with LAFCO oversight, the Port will contribute its proportional apportionment share of LAFCO's budget, supporting the commission's operational costs.

- Municipal Services Reviews (MSRs) – provides a roadmap for and delineates the scope of LAFCO MSRs of the Port. LAFCO can conduct limited MSRs, focusing on specific Port services and operational aspects, while respecting state-mandated limitations. The first MSR under this agreement is anticipated to take place in 2026.

- Stakeholder group - if the Port agrees in writing, LAFCO agrees to make available a stakeholder group comprising board members of the San Diego Waterfront Association for purposes of ongoing consultation in preparation of the Inaugural MSR. Note: as part of the Port Board's resolution approving the agreement, and in response to public feedback, the Port added language to the resolution to ensure diverse stakeholder representation inclusive of the Port's member cities and communities.

LAFCO's Board approved the MOU on December 2, 2024. The Board of Port Commissioners approved the MOU on December 10, 2024.

The full MOU is available here.

PORT of SAN DIEGO

December 11, 2024

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

Mr. Simonds:

Re: Rescindment of Request for Reconsideration of March 4, 2024, Commission Action (Agenda Item 8a)

The San Diego Unified Port District ("Port District") hereby rescinds its request for reconsideration ("Request") of Agenda Item 8a of the March 4, 2024, meeting of the Board of Commissioners of the San Diego Local Agency Formation Commission ("SD LAFCO"). The Port District filed the Request on April 3, 2024, pursuant to SD LAFCO Rule 3.4(2). By rescinding the Request, the Port District withdraws its request for a reconsideration hearing or any other action by SD LAFCO relating to the Request.

Please provide written confirmation of receipt of this request for rescindment. Thank you.

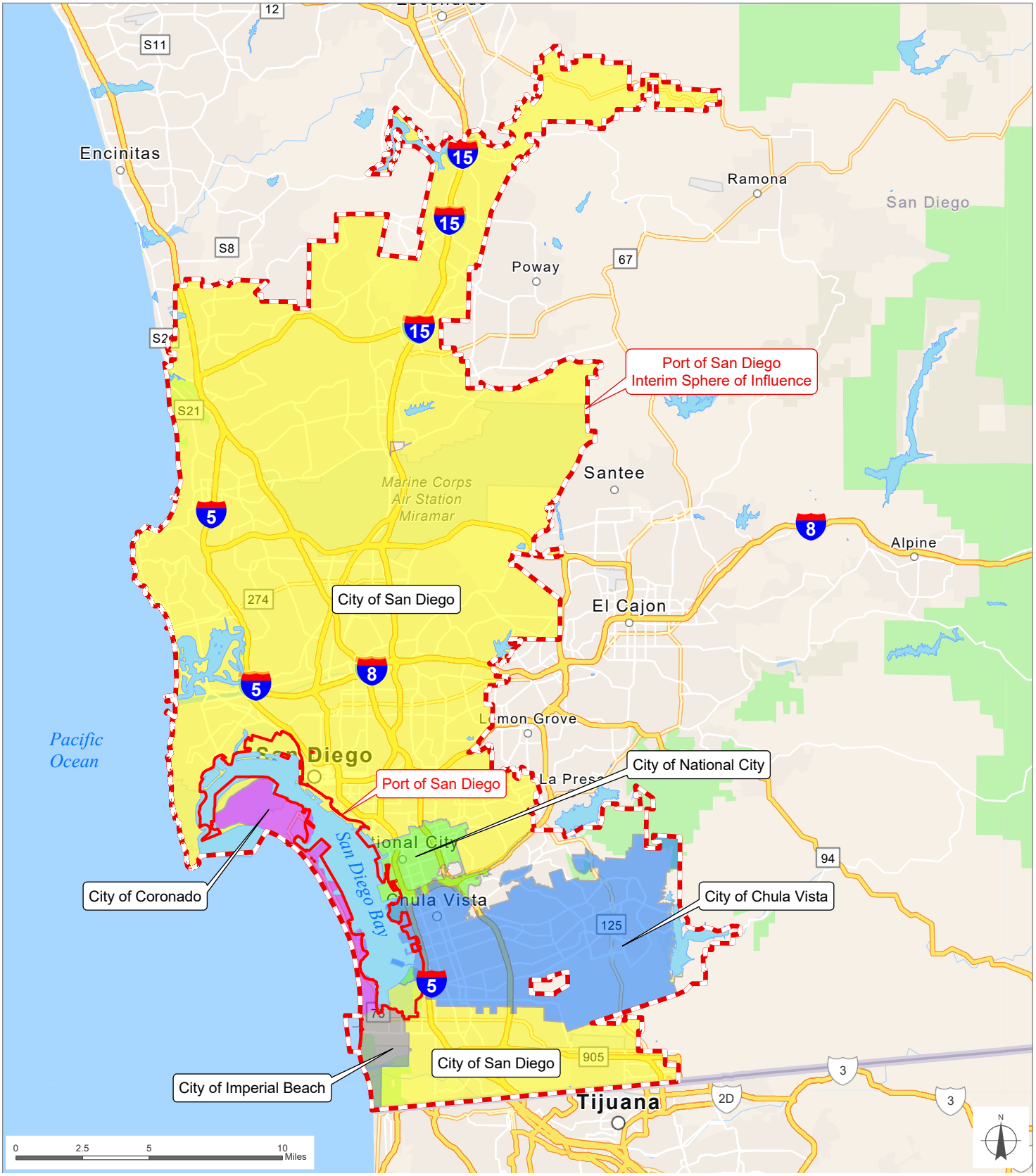
Sincerely,

Randa Coniglio
Acting President and Chief Executive Officer

cc: Priscilla Mumpower (San Diego LAFCO)

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Port of San Diego



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

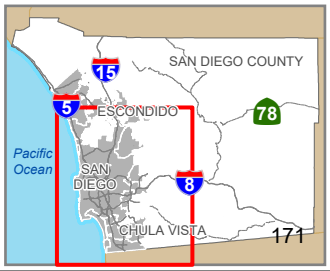
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- Port of San Diego Interim Sphere of Influence
- Port of San Diego

MEMBER CITIES
- CHULA VISTA
- CORONADO
- IMPERIAL BEACH
- NATIONAL CITY
- SAN DIEGO



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MEMORANDUM OF UNDERSTANDING

AGREEMENT BETWEEN SAN DIEGO COUNTY LOCAL AGENCY FORMATION COMMISSION AND SAN DIEGO UNIFIED PORT DISTRICT

This MEMORANDUM OF UNDERSTANDING ("MOU") is made by and between the San Diego County Local Agency Formation Commission ("LAFCO") and the San Diego Unified Port District, a public corporation ("Port"), jointly referred to as "Parties."

RECITALS

WHEREAS, LAFCO is a political subdivision of the State of California created by the Legislature in 1963 to help coordinate regional growth and development;

WHEREAS, LAFCO's duties and powers are presently authorized under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 ("CKH") to oversee cities, towns, and special districts in each county with respect to their organizational structures, jurisdictional boundaries, and municipal services;

WHEREAS, CKH defines in Government Code Section 56036(a) that "'district' and 'special district' are synonymous and mean an agency of the state, formed pursuant to general law or special act, for the local performance of governmental or proprietary functions within limited boundaries and in areas outside district boundary when authorized by the commission pursuant to Section 56133";

WHEREAS, the Port is a public corporation created in 1962 by the Legislature through the Port's principal act codified at California Harbors and Navigation Code, Appendix 1 ("Port Act") and the vote of voters in the cities of Chula Vista, Coronado, Imperial Beach, National City and San Diego (collectively, "Member Cities");

WHEREAS, Section 2 of the Port Act states that "[b]ecause of the several separate cities and unincorporated populated areas in the area hereinafter described, only a specially created district can operate effectively in developing the harbors and port facilities";

WHEREAS, pursuant to Port Act Section 5(a), when the Port was established the boundaries of the Port were coterminous with the boundaries of the Member Cities, as well as any unincorporated County territory, which is economically linked to the development and operation of San Diego Bay that were included in the Port by the County Board of Supervisors;

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WHEREAS, pursuant to Port Act Section 5(b), the Port "shall exercise its land management authority and powers" over lands and tidelands in and surrounding San Diego Bay (collectively, "Tidelands") granted to the Port by the Legislature and any other lands conveyed to the Port by any city or the County or acquired by the Port in furtherance of the Port's powers and purposes as provided in Section 87 of the Port Act;

WHEREAS, pursuant to the Port Act, the Legislature also granted the Port Tidelands and the Port owns these granted Tidelands, in trust, for all Californians "without subjugation of statewide interests, concerns, or benefits to the inclination of local or municipal affairs, initiatives, or excises" (Cal. Pub. Resources Code, § 6009(d));

WHEREAS, the State continues to have oversight over granted public trust lands, including Tidelands and the State retains a duty to protect the public interest in granted public trust lands, including Tidelands;

WHEREAS, while the Legislature has ultimate authority over granted public trust lands, including Port Tidelands, it has delegated primary authority to the State Lands Commission ("SLC") (Cal. Pub. Resources Code, §§ 6216–6217.6, 6301);

WHEREAS, as codified in Government Code Section 56301, one of LAFCO's objectives is to "make studies and to obtain and furnish information which will contribute to the logical and reasonable development of local agencies in each county and to shape the development of local agencies so as to advantageously provide for the present and future needs of each county and its communities";

WHEREAS, all trustees of submerged waters and tidelands, including the Port, must exercise their authority consistent with the public trust doctrine, a common law doctrine that mandates that Tidelands can only be managed for all Californians with a statewide purpose and only revenues generated on Tidelands can be spent in furtherance of the public trust doctrine and public trust purposes;

WHEREAS, pursuant to Harbors and Navigation Code Section 1718(a), the SLC retains absolute discretion over actions of the Port to ensure consistency with the State's interest in Tidelands, including review of the Port's revenues and expenditures;

WHEREAS, while the Port's services are provided locally and regionally, the Port's powers are subjected to and exercised in furtherance of the public trust doctrine for the benefit of all Californians and its activities cannot be municipal in nature as that concept is described and defined in the public trust doctrine;

WHEREAS, previously LAFCO has expressly asserted it did not have oversight over the Port, and did not exercise jurisdiction over the Port;

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WHEREAS, LAFCO revisited oversight as it applies to the Port as part of noticed public meetings held on December 4, 2023 and March 4, 2024 (collectively. "LAFCO Actions");

WHEREAS, consistent with the recommendations of a written assessment prepared by the LAFCO Executive Officer, LAFCO unanimously determined the Port is subject to LAFCO oversight and approved a conforming policy statement confirming the Port is an independent special district subject to LAFCO oversight paired with ancillary actions on March 4, 2024;

WHEREAS, the Port submitted a request for reconsideration involving LAFCO's March 4, 2024 actions pursuant to LAFCO Rule 3.4(2);

WHEREAS, the Port asserts that LAFCO does not have oversight or jurisdiction over the Port's Tidelands;

WHEREAS, the Parties voluntarily entered into a tolling agreement on May 6, 2024 at the Port's request, which tolls LAFCO's March 4, 2024 actions, and tolls the statute of limitations for the Port to challenge LAFCO's Actions;

WHEREAS, the Parties entered into the Tolling Agreement based on the Parties' mutual interest to reach an agreement; and

WHEREAS, without waiving any of the Parties rights, in law and equity, the Parties desire to enter into this MOU to memorialize their understanding of all related topics going forward in applying CKH to the Port.

THEREFORE

NOW, FOR MUTUAL CONSIDERATION, the Parties mutually agree, effective on the date of the last signature ("Effective Date"), as follows:

1. Recitals and Existing Law, Facts and Local Conditions. The Parties agree that the Recitals set forth above are true and correct and are incorporated into this Agreement by reference. The Parties also agree that this MOU is based on existing law, facts, and local conditions as of the Effective Date of this MOU. If the law, facts, or local conditions change making any portion of this MOU ineffective, the Parties agree to meet and confer, in good faith, regarding an amendment to this MOU.

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2. Changes of Organization to the Port.

a. Annexation.

i. Annexation into the Port, Generally. The Parties agree that any proposed annexation of territory into the Port is limited to those specified in Section 53 of the Port Act.

ii. Termination of Annexation. No annexation into the Port may occur if the Port objects based on any financial- or service-related concern. If the Port submits a resolution requesting termination of the annexation proceedings based on written findings supported by substantial evidence in the record that the request is justified by a financial or service-related concern pursuant to Government Code Section 56857(b), LAFCO shall terminate the proceedings pursuant to Government Code Section 56857(c).

iii. Swaps of Territory Between Member Cities. A "Swap" as used herein is an application for a detachment of territory from one or more Member Cities and annexation of the detached territory into one or more Member Cities. Any Swap that does not involve Tidelands requires no action by LAFCO with regard to the Port. Further, any Swap involving Tidelands located within the existing area of any of the Member Cities requires no action by LAFCO with regard to the Port; however, the process specified in Government Code Section 56740 shall apply if Port Tidelands are being incorporated into, or annexed to, a city.

iv. Future Annexation to Port of Additional Tidelands. If the Legislature grants to the Port any additional Tidelands or other territory expressly subject to the Port Act outside of its boundaries, LAFCO will process an application submitted by the Port to change the Port's boundaries to reflect the new grant. LAFCO shall consider the annexation application in a timely manner, including making appropriate findings as a responsible agency under the California Environmental Quality Act ("CEQA").

v. Annexation of Tidelands into a City. The process specified in Government Code Section 56740 shall apply to any application filed with LAFCO requesting to annex Port Tidelands into a city. The Parties acknowledge that Section 56740 requires SLC approval prior to any such annexation.

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vi. As a matter of standard practice, LAFCO agrees to reorganize all jurisdictional change proposals involving annexations to any of the Member Cities to include concurrent annexations to the Port.

b. Subsidiary District. The Parties agree that under existing law, facts, and local conditions the Port cannot be established as a subsidiary district of a city given that the Port's boundaries currently encompass the territory of all Member Cities.

c. Consultation with SLC. Should a recommendation, proposal or application regarding any change of organization or reorganization involving the Port Tidelands occur, LAFCO agrees to request consultation with the SLC and if said consultation occurs, give "great weight" or great deference to any SLC recommendations. For purposes of this MOU the Parties agree that the term "great weight" means that LAFCO shall incorporate the SLC recommendations unless LAFCO determines that SLC's recommendations are arbitrary and capricious or are not supported by substantial evidence.

3. Interim Sphere of Influence Designation.

a. LAFCO agrees to take action at the next available regular meeting following the effective date of the MOU in which notice can be sufficiently provided to establish an interim sphere of influence ("Interim SOI") for the Port to match the existing sphere designations of the Member Cities and to include any other territory included in the Port's boundaries or conveyed to the Port pursuant to the Port Act, including but not limited to Port Act Sections 5, 5.5, 5.7, and/or 5.8, territory granted to the Port by SB 507 (2019-2020) and any additional territory granted to the Port following the Effective Date of the MOU and LAFCO's action to establish the Interim SOI ("Other Port Territory"); provided, however, said item at the regular meeting may be subject to a continuation.

b. There shall be no cost to the Port associated with LAFCO establishing an Interim SOI.

c. The Interim SOI established for the Port may be amended from time to time as appropriate to correspond with any LAFCO approved changes to the spheres of influence of the Member Cities.

d. LAFCO will replace the Interim SOI with a permanent sphere of influence ("Permanent SOI") designation after and/or in conjunction with preparing an inaugural municipal service review ("Inaugural MSR") covering the Port as addressed in Section 9 in this MOU.

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4. LAFCO Apportionment Payment.

a. The Port agrees to make payment to LAFCO within 60 days of receipt of an invoice from LAFCO to cover its proportional apportionment share of LAFCO's budget for Fiscal Year 2024-2025 as calculated by the County of San Diego Auditor-Controller's Office and based on an overall allocation to independent special districts of $623,998.

b. LAFCO shall proportionally credit all other independent special districts contributing to LAFCO's budget in Fiscal Year 2025-2026.

c. LAFCO shall continue to apportion and invoice the Port thereafter under the provisions of Government Code Section 56381(b)(C).

5. Initiation and Approval of "Clean-Up" Annexations and Detachments to the Port.

a. LAFCO agree to process a "clean-up" annexation and detachments to the Port to ensure its jurisdictional boundary is consistent with the jurisdictional boundaries of its Member Cities and Other Port Territory ("Clean-Up Annexations/Detachments").

b. LAFCO agrees to provide the Port with information regarding all prior changes of organization that impacted the exterior boundaries of the Member Cities processed by LAFCO, necessary for the Port to prepare an application for the Clean-Up Annexations/Detachments, including but not limited to maps and legal descriptions in a form compliant with current legal requirements. The Port agrees to provide LAFCO with information regarding Other Port Territory.

c. The Port agrees to present a resolution of application to its Board of Port Commissioners ("BPC") for a change of organization for the Clean Up Annexations/Detachments during Fiscal Year 2024-2025 seeking the annexation or detachments of any lands currently within the boundaries of the Member Cities and Other Port Territory; provided, however, this date may be extended by mutual agreement of the Parties. Following approval by the BPC, the Port will file an application with LAFCO for the Clean-Up Annexations/Detachments.

d. The expected scope of the change of organization involves annexations to or detachments from any of Member Cities.

e. The Port agrees to serve as the lead agency for the change of organization under the provisions of CEQA, and to the extent not

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included in materials provided by LAFCO pursuant to Section 5.b. above, LAFCO agrees to provide the Port with all applicable environmental review documentation related to the prior annexations or detachments.

f. There shall be no cost to the Port associated with the Clean-Up Annexations/Detachments. LAFCO agrees, at its sole cost and expense, to have a map and geographic description prepared of the affected territory proposed as part of the Clean Up Annexations/Detachments consistent with the filing requirements of the State Board of Equalization.

g. LAFCO agrees to waive its own application fees and agrees to pay for all other ancillary and outside costs associated with processing the Clean-Up Annexations/Detachments application, including but not limited to Board of Equalization Fees.

h. In collaboration with the Port, LAFCO shall consider the change of organization in a timely manner, including considering the appropriate findings as a responsible agency under CEQA.

6. Postpone Application of Government Code Section 56133 Involving Out-of-Agency Services by Contract or Agreement.

a. LAFCO agrees to identify the services pursuant to Government Code Section 56133 during the completion of the Inaugural MSR covering the Port as addressed in Section 9 of this MOU. Until such time as the Inaugural MSR is complete, existing Port operations may continue related to services beyond its jurisdictional boundary and/or Interim SOI or Permanent SOI.

b. The Port agrees to voluntarily notify LAFCO of any new or extended operations it will exercise beyond its jurisdictional boundary and/or Interim SOI while the Inaugural MSR is pending completion.

7. LAFCO Oversight Limitations Under Government Code Section 56133 Involving Out-of-Agency Services by Contract or Agreement.

a. Irrespective of any other provisions in this MOU, LAFCO agrees oversight of out-of-agency services is limited to San Diego County and based on agreements with other LAFCOs, the other 57 counties in California, but shall exclude California coastal waters as defined by Government Code Section 170.

b. Any services provided by the Port outside of its boundaries prior to LAFCO's consideration and approval of the Inaugural MSR shall be

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deemed grandfathered and will not be subject to LAFCO review or approval, even if provided by the Port pursuant to new or amended contracts or agreements.

8. Postpone Application of Government Code Sections 56824.10-14 and Establishment of Port's Activated Functions or Classes of Services.

a. Subject to Section 8.c., the Parties anticipate that Exhibit A are the Port's functions or classes of services that it has not exercised ("Latent Powers") and the Port's functions or classes of services that it has exercised ("Activated Powers") for the purposes of Government Code Sections 56824.10-14 that will be established as part of the Permanent SOI for the Port pursuant to Section 9.k.iii. Any functions or classes of services that the Port is authorized to exercise in the Port Act within its boundaries and (i) the Port has contracted with a third-party to do so, including with a Member City(ies), (ii) the Port has identified in the Port Master Plan or Port Master Plan Update, or (iii) the Port is mandated by the State or federal government to do shall be considered an Activated Power, and shall not be considered a Latent Power requiring LAFCO approval pursuant to Government Code Sections 56824.10-14.

b. All existing Port operations may continue while the Inaugural MSR is pending and during this time the Port is not required to submit any requests related to application of Government Code Sections 56824.10-14 and its provisions requiring special districts to receive approval from LAFCO to provide new or different service functions or classes as authorized by the principal act or divestiture of existing service functions or classes within all or part of its jurisdictional boundary.

c. The Port agrees to voluntarily notify LAFCO of any activation of its Latent Powers or divestiture of service functions or classes while the Inaugural MSR is pending and any activation of service functions or classes shall be considered activated and no longer a Latent Power. Accordingly, the Parties agree that Government Code Sections 56824.10-14 applies after the completion of the Inaugural MSR covering the Port.

9. Municipal Service Review ("MSR") of the Port.

a. LAFCO agrees to prepare an Inaugural MSR covering the then current Port operations beginning in Fiscal Year 2025-2026.

b. LAFCO agrees to prioritize the preparation of the MSR as part of its adopted workplan for Fiscal Year 2025-2026 with the expectation work will conclude sometime in the prior fiscal year.

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c. LAFCO agrees to cover all costs associated with preparing the Inaugural MSR, and the cost for future municipal service reviews will be paid for out of the LAFCO budget, unless the Port is the applicant for a change of organization or reorganization other than the Clean-Up Annexations/Detachments.

d. LAFCO agrees to consult with the Port and SLC staff, provided SLC staff agrees to the consultation, on the scope of work for any MSRs done for the Port prior to commencing its preparation. LAFCO further agrees to select consultants for any MSRs done for the Port that is acceptable to the Port. The Parties agree to openly consult for all Port MSRs and if requested by the Port, consult with SLC staff.

e. LAFCO agrees to provide the Port and SLC staff an opportunity to review and comment any draft MSR of the Port no later than 60 days prior to the LAFCO's official release of the draft for comment. LAFCO agrees to meet and confer with the Port and/or SLC on the draft if requested by the Port and/or SLC. LAFCO further agrees that it shall give "great weight" as described in Section 2(c), above, to any comments and recommended revisions provided to LAFCO by the Port and/or SLC.

f. If the Port agrees in writing, LAFCO agrees to make available a stakeholder group comprising board members of the San Diego Waterfront Association for purposes of ongoing consultation in preparation of the Inaugural MSR.

g. Notwithstanding other provisions in this MOU, and subject to the above consultation in preparing the Inaugural MSR, LAFCO tentatively expects the municipal functions covered in the document to involve (a) harbor and port, (b) recreation, (c) public safety, and (d) community (waterfront) development.

h. Consistent with local policy, LAFCO will consider a draft and final Inaugural MSR at noticed public meetings.

i. The Inaugural MSR will be deemed complete in line with the Commission approving determinative statements at a noticed public hearing consistent with Government Code Section 56430.

j. The Parties acknowledge that the public trust doctrine imposes constraints on the Port's ability to contract for police and fire services. Specifically, the Port may only pay for fire and police services on Tidelands where the Harbor Police Department ("HPD") does not provide

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services and only for parcels that are not subject to property tax or possessory interest tax. Further, the Port's payment must bear a direct relationship to the actual services being provided.

k. LAFCO will, consistent with the terms of this MOU, immediately draw on the completed Inaugural MSR with respect to all of the following:

i. Determine a Permanent SOI for the Port.

ii. Determine all grandfather out-of-agency Port services relative to applying Government Code Section 56133.

iii. Determine all Activated Powers and Latent Port service functions and associated classes relative to applying Government Code Sections 56824.10-14, which are anticipated to match Exhibit A.

iv. LAFCO further agrees that when it conducts any MSR on the Port, its evaluation shall distinguish between discretionary and non-discretionary provision of services with the latter related to the Port's performance of obligations as a grantee of Tidelands for the purpose of compliance with the public trust doctrine and/or other statewide duties.

10. Meet and Confer. If any Party has objections related to implementation of this MOU, the Parties shall meet and confer in good faith to try and resolve the objections and may request SLC to participate in the meet and confer process related to Sections 2 and 9 of this MOU. If the Port has any objection(s) to a LAFCO proceeding involving the Port, the Parties shall meet and confer in good faith prior to the LAFCO proceeding in an attempt to resolve the objection(s).

11. Settlement and Release.

a. Each Party hereby releases and forever discharges the other Party, and all each of its commissioners, officers, employees, agents, attorneys and employees, from any and all claims, demands, liabilities, and causes of action relating to LAFCO's actions on LAFCO Actions. The Parties agree that the LAFCO Actions may not be used by any Party in any future legal challenge, either affirmatively, or as a defense, limitation, or otherwise.

b. Port agrees immediately following the effective date of the MOU, which shall be no longer than three business days, to submit to LAFCO a request to withdraw the Port's request for reconsideration of LAFCO's Actions and the parties agree that LAFCO will take no further action related to the Port's request for reconsideration of LAFCO's Actions.

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12. Miscellaneous.

a. Section Headings. The section headings contained herein are for convenience in reference and are not intended to define or limit the scope of any provision hereof.

b. Drafting Presumption, Review Standards. The Parties acknowledge that this MOU has been agreed to by both the Parties, that both Parties have consulted with attorneys with respect to the terms of this MOU and that no presumption shall be created against the drafting party. Any deletion or addition of language from this MOU prior to its execution by the Parties shall not be construed to raise any presumption, canon of construction or implication, including, without limitation, any implication that the Parties intended thereby to state the converse of the deleted language.

c. Reservation of Rights. Neither of the Parties waive any rights in law or equity by entering into this MOU and both Parties may bring future legal challenges against each other for future actions notwithstanding this MOU, including without limitation a legal challenge of a proceeding(s) that changes the Port's ownership of Tidelands, detaches Tidelands from the Port or dissolves, merges or consolidates the Port. Subject to the foregoing sentence and Section 2(c), this MOU does not cover changing the Port's ownership of Port Tidelands, dissolution, consolidation or merger of the Port or detachment of Port Tidelands from the Port. All rights and remedies existing as of the date of this MOU are hereby preserved except as expressly agreed to the contrary herein.

d. Partial Invalidity. If any term, provision or condition contained in this MOU shall, to any extent, be invalid or unenforceable, the remainder of this MOU, or the application of such term, provision or condition to persons or circumstances other than those with respect to which it is invalid or unenforceable, shall not be affected thereby, and each and every other term, provision and condition of this MOU shall be valid and enforceable to the fullest extent possible permitted by the laws of the State of California.

e. Authority. Both Parties hereby represent and warrant that they have the full rights and authority to execute and deliver this MOU to the other and that each of the persons signing on behalf the Parties is authorized to do so.

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f. Attorneys' Fees. Should any suit or action be commenced to enforce, protect, or establish any right or remedy of any of the terms and conditions of this MOU, each of the Parties shall pay its own attorneys' fees and costs including, without limitation, any and all costs incurred in enforcing, perfecting and executing such judgment.

g. Governing Law. Venue for any legal proceeding shall be in San Diego County, California. This MOU shall be construed and enforced in accordance with the laws of the State of California.

h. Counterparts. This MOU may be executed in any number of counterparts, each of which shall be deemed an original, but all of which taken together shall constitute one and the same agreement.

i. Entire Understanding. This MOU contains the entire understanding of the Parties, and by executing the same, acknowledges that there is no other written or oral understanding between the Parties. No modification, amendment, or alteration of this MOU shall be valid unless it is in writing and signed by the Parties hereto.

j. Communications. The Parties shall issue a joint press release ("Joint Statement") regarding this MOU that is mutually agreed upon by the Parties, through their respective chairs. The Parties also agree that, with the exception of the Joint Statement, the Parties' respective staff, commissioners, officers, attorneys or agents shall not make any statements to the press or in a public forum related to the LAFCO Actions or the subject matters of the LAFCO Actions or this MOU, except by way of reference to this MOU. This Section does not, in any way, restrict or impede the Parties' respective staff, commissioners, officers, attorneys or agents from exercising protected rights to the extent that such rights cannot be waived by agreement or from complying with any applicable law or regulation or a valid order of a court of competent jurisdiction or an authorized government agency, provided that such compliance does not exceed that required by the law, regulation, or order.

///SIGNTURES ON FOLLOWING PAGE///

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Dated: December 5, 2024

SAN DIEGO LOCAL AGENCY FORMATION COMMISSION

By:

Stephen Whitburn Chair

As to Form and Legality

By:

DeeAnne Gillick Counsel

Dated: December 23, 2024

SAN DIEGO UNIFIED PORT DISTRICT

By:

Francisco Urtasun

Frank Urtasun Chair

As to Form and Legality

By:

Rebecca Harrington

Rebecca Harrington Counsel

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EXHIBIT A

Port's Anticipated Latent Powers and Activated Powers as of the Effective Date of this MOU

=

Port Act Section	Summary of Power	Activated	General Summary
4(a)	HARBOR WORKS AND IMPROVEMENTS (INCLUDING RAIL AND WATER) • Acquisition • Construction • Maintenance • Operation • Development • Regulation	YES	Three terminals, several marinas and the boatyards, as well as accessory uses/facilities are located on tidelands, as well as rail. The Port and/or its tenants have acquired, constructed, maintained, operated, developed and regulated harbor works and improvements. The Port also conducts dredging operations and maintenance activities in the Bay to support harbor works and improvements.
	PHYSICAL ACCESS TO THE BAY • Protect • Preserve • Enhance	YES	The Port operates 23 parks – soon to increase to 24 with Navy Pier park in San Diego – promenade, sidewalks, roads, trails that provide physical access to the Bay. On the water there are transient docks, dock and dine facilities, and public modes of transportation such as ferries.
	NATURAL RESOURCES OF THE BAY (INCLUDING PLANT AND ANIMAL LIFE) • Protect • Preserve • Enhance	YES	The Port monitors and enhances sensitive habitat in the Bay such as eelgrass, overwater development, soft bottom habitat as well as animal life. The Port is currently undergoing the process to make Pond 20 a mitigation bank.

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	QUALITY OF WATER • Protect • Preserve • Enhance	YES	The Port has a stormwater department, manages and maintains its outfalls and is the lead on the Regional MS4 permit for the Bay and Tidelands, as well as several sediment clean ups.
19	MASTER PLAN • This is the Port's land use plan.	N/A	Not a LAFCO review function.
Section 27	EMINENT DOMAIN	N/A	Not a LAFCO review function.
Section 30	• The District's Board can regulate and control anchoring, mooring, towing and docking of vessels • Within or outside of the District, within other states or in foreign countries, the District's Board may, through employees or agencies: o manage its business and promote the maritime and commercial interests by: ▪ proper advertisement of its advantages and ▪ the solicitation of business • The District may perform the following functions as to properties of all kinds: o warehousemen o stevedores o lighterers o reconditioners o shippers	YES N/A YES YES	The Port has regulations and controls for anchoring, mooring, towing and docking of vessels. (For example, see Port Code Sections 4.01-4.09, 4.14, 4.30, 4.35-4.40.) Not a LAFCO review function. Through the Port's and its tenants maritime and terminal operations, all the functions listed have been performed.

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	○ reshippers • Within its boundaries (consistent with the Act), the District may do all of the following: ○ Acquire, purchase, take over, construct, maintain, operate, develop, and regulate: ▪ grain elevators ▪ bunkering facilities ▪ belt or other railroads ▪ floating plants ▪ lighterage ▪ towage facilities ▪ and facilities, aids, equipment or property necessary for or incident to development and operation of a harbor or for the accommodation and promotion of commerce, navigation, fisheries, or recreation in the District. ○ Highways ○ Streets ○ Roadways ○ Bridges ○ Railroads ○ Trolleys ○ Buses ○ and similar: ▪ transportation facilities	This will have to be examined on a case-by-case basis NO re Highways if they are defined as interstate-highways. YES to the remining items.	Through the Port's and its tenants maritime and terminal operations, all the functions listed have been performed. The Port has acquired, constructed, maintained, operated, developed, and regulated: Streets, roadways, bridges, and railroads. A public shuttle akin to a trolley or bus. Transportation facilities such as the airport, water transportation, shuttle services, etc. Parking lots and garages. A power plant. The Port has permitted and regulated but not

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	▪ parking facilities ▪ power ▪ communication facilities ▪ water and gas pipelines ▪ and all of the following that are incidental, necessary or convenient to the development and operation of air terminal and rail facilities or other purposes for which the District was established. • transportation and utility facilities or betterments	This will have to be examined on a case-by-case basis.	operated cable lines and cell towers, water and gas pipelines.
Section 30.5 (related to out of Section 5 property if adjacent)	• The District can exercise the power of eminent domain or certain activities, outside of its boundaries if it is adjacent to Port Tidelands or lands conveyed to the Port, the Board of Port Commissioners finds that adequate areas for these activities do not presently exist within the Port lands and the activity is necessary or incidental to carrying out the purposes described in Section 87 of the Port Act (see below). • Thresholds for notifying or obtaining Sate Lands	N/A	Not a LAFCO review function.

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	Commission's approval for spending money on capital improvements. • Acquired property becomes an asset of the Public Trust.		
Section 37	• The District's authority to undertake public projects, defined as the following: o Projects related to buildings and works o Work in or around streams, bays, waterfronts, embankments, or other work for protection against overflow. o Street or sewer work (other than maintenance or repair) o Furnishing supplies or materials for public projects (including maintenance or repair of streets or sewers).	YES	The Port has bid out a vast variety of public projects, including without limitation buildings, street and sewer works and work in and around water including for the protection of overflow. The Port has also maintained and repaired streets and sewer.
Section 55	• Make and enforce rules and regulations for the use and control of all navigable waters, tidelands and submerged lands, filled or unfilled and other lands within the District's boundaries • Regulate and control the anchoring, mooring and docking of all vessels • Establish and maintain harbor police and	N/A YES YES	Not a LAFCO review function. (For example, see Port Code Sections 4.01-4.09, 4.14, 4.30, 4.35-4.40.)

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	establish harbor fire protection		The Harbor Police Department (HPD) is the Port's police force. HPD patrols the airport and within the boundaries of the Port. HPD provides on-water fire protection. For land-based fire protection, the Port contracts with its member cities.
Section 56	• Public services and utilities operated in connection with or for the promotion or accommodation of commerce, navigation, fisheries, and recreation.	YES, but may need to be examined on a case-by-case basis.	This Section codifies the Port's traditional health, safety and welfare police powers and through this power, the Port has enacted regulations relative to the construction, maintenance, operation and use of all public services and public utilities in the Port. The Port believes it likely has exercised its authority under this Section but recognizes there may be exceptions.
Section 57	Within the District's boundaries: • Acquire, construct, erect, maintain or operate within the district, all improvements, utilities, appliances or facilities that are necessary or convenient for the promotion and accommodation of commerce, navigation, fisheries, and recreation • Acquire, maintain and operate facilities of all kinds within the District's Boundaries	YES, but may need to be examined on a case-by-case basis	The Port has acquired, constructed, erected, maintained and operated improvements, utilities, appliances and facilities on Tidelands. The Port believes it likely has exercised its authority under this Section but recognizes there may be exceptions.

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	OR • Use all improvements, utilities, appliances or facilities for commerce, navigation, fisheries, and recreation, on the lands and waters under the control and management of the District		
Section 57.5	• Parking structure for convention center	YES	The Port constructed, operates and regulates the San Diego Convention Center parking garage.
Section 61	• Levy taxes, assessments., reassessments, special taxes or issue bonds.	N/A	Not a LAFCO review function
Section 62	• Port may contribute money to the federal, state or county government, or one of its member cities to defray costs for improving rivers, streams, or in doing other work, when such work will improve navigation and commerce, in or to the navigable waters in the district	N/A	Not a LAFCO review function
Section 81	• District revenue funds may be used for operation and maintenance of all harbor or port improvements, works, utilities, appliances, facilities and vessels owned, controlled or operated by the district for the promotion and accommodation of commerce, navigation, fisheries, and recreation, or used in connection therewith	N/A	Not a LAFCO review function

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Section 82 related to advertising for certain specified powers of the district	• Advertising the commercial and other advantages and facilities of any harbor in the District's boundaries, for encouraging and promoting commerce, navigation, and transportation in and through that harbor • Advertising for encouraging and promoting the region's commercial airport	N/A	Not a LAFCO review function.
Section 87	Hold in trust the tide and submerged lands which may be used for purposes in which there is a general statewide purpose, as follows: • Establishment, improvement, and conduct of a harbor, and for the construction, reconstruction, repair, maintenance, and operation of wharves, docks, piers, slips, quays, and all other works, buildings, facilities, utilities, structures, and appliances incidental, necessary, or convenient, for the promotion and accommodation of commerce and navigation. • Commercial and industrial uses and purposes, and the construction, reconstruction, repair, and maintenance of commercial and industrial buildings, plants, and facilities. • Establishment, improvement, and	YES YES YES	The Port has established, improved and conducted harbors throughout the bay, as well as wharves, docks, piers, slips, quays and associated facilities, buildings, etc. The Port has constructed, reconstructed, repaired and maintained commercial and industrial building, plants and facilities. The Port has established

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	conduct of airport and heliport or aviation facilities, including, but not limited to, approach, takeoff, and clear zones in connection with airport runways, and for the construction, reconstruction, repair, maintenance, and operation of terminal buildings, runways, roadways, aprons, taxiways, parking areas, and all other works, buildings, facilities, utilities, structures, and appliances incidental, necessary, or convenient for the promotion and accommodation of air commerce and air navigation	NO related to highways if defined as interstate highways; YES to the remaining items.	and improved the San Diego Airport and associated facilities.
	• Construction, reconstruction, repair, and maintenance of highways, streets, roadways, bridges, belt line railroads, parking facilities, power, telephone, telegraph or cable lines or landings, water and gas pipelines, and all other transportation and utility facilities or betterments incidental, necessary, or convenient for the promotion and accommodation of any of the uses set forth in Section 87.	NO related to bathhouses and bathing facilities (based on research to date); YES to the remaining items.	As part of stand-alone projects or as part of larger projects, the Port has constructed, reconstructed, repaired and maintained all items listed with the exception of highways depending on how that term is defined.
	• Construction, reconstruction, repair, maintenance, and operation of public buildings, public		As part of stand-alone projects or as part of larger projects, the Port has constructed, reconstructed, repaired and maintained all items listed with the exception of bathhouses and bathing facilities based research to date.

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	assembly and meeting places, convention centers, parks, playgrounds, bathhouses and bathing facilities, recreation and fishing piers, public recreation facilities, including, but not limited to, public golf courses, and for all works, buildings, facilities, utilities, structures, and appliances incidental, necessary, or convenient for the promotion and accommodation of any of those uses.	YES	As part of stand-alone projects or as part of larger projects, the Port has established, improved, constructed, reconstructed, repaired and maintained all items listed.
	• Establishment, improvement, and conduct of small boat harbors, marinas, aquatic playgrounds, and similar recreational facilities, and for the construction, reconstruction, repair, maintenance, and operation of all works, buildings, facilities, utilities, structures, and appliances incidental, necessary, or convenient for the promotion and accommodation of any of those uses, including, but not limited to, snack bars, cafes, restaurants, motels, launching ramps, and hoists, storage sheds, boat repair facilities with cranes and marine ways, administration buildings, public restrooms, bait and tackle shops, chandleries, boat sales establishments, service stations and fuel docks, yacht club buildings, parking areas, roadways, pedestrian	YES	The Port has established and maintained open space, ecological

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	ways, and landscaped areas. • For the establishment and maintenance of those lands for open space, ecological preservation, and habitat restoration.		preserves and habitat restoration.
MISC			The Port does a variety of other functions associate with the promotion of commerce, navigation and recreation. Some examples include: • Homelessness outreach • Sea level rise improvements • Security measures • Dive teams The Port also issues Coastal Development Permits within Tidelands and is in the process of establishing a building department to issue building permits for Tidelands development.

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Rebecca Harrington rharrington@portofsandiego.org Assistant General Counsel Security Level: Email, Account Authentication (None)	Rebecca Harrington Signature Adoption: Pre-selected Style Using IP Address: 207.215.153.162 Signed using mobile	Sent: 12/11/2024 1:28:57 PM Resent: 12/18/2024 4:16:36 PM Viewed: 12/19/2024 11:19:14 AM Signed: 12/19/2024 11:19:53 AM
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From time to time, Port of San Diego (we, us or Company) may be required by law to provide to you certain written notices or disclosures. Described below are the terms and conditions for providing to you such notices and disclosures electronically through the DocuSign system. Please read the information below carefully and thoroughly, and if you can access this information electronically to your satisfaction and agree to this Electronic Record and Signature Disclosure (ERSD), please confirm your agreement by selecting the check-box next to 'I agree to use electronic records and signatures' before clicking 'CONTINUE' within the DocuSign system.

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At any time, you may request from us a paper copy of any record provided or made available electronically to you by us. You will have the ability to download and print documents we send to you through the DocuSign system during and immediately after the signing session and, if you elect to create a DocuSign account, you may access the documents for a limited period of time (usually 30 days) after such documents are first sent to you. After such time, if you wish for us to send you paper copies of any such documents from our office to you, you will be charged a $0.00 per-page fee. You may request delivery of such paper copies from us by following the procedure described below.

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If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

Consequences of changing your mind

If you elect to receive required notices and disclosures only in paper format, it will slow the speed at which we can complete certain steps in transactions with you and delivering services to you because we will need first to send the required notices or disclosures to you in paper format, and then wait until we receive back from you your acknowledgment of your receipt of such paper notices or disclosures. Further, you will no longer be able to use the DocuSign system to receive required notices and consents electronically from us or to sign electronically documents from us.

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How to contact Port of San Diego:

You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:
To contact us by email send messages to: customerservicecenter@portofsandiego.org

To advise Port of San Diego of your new email address

To let us know of a change in your email address where we should send notices and disclosures electronically to you, you must send an email message to us at customerservicecenter@portofsandiego.org and in the body of such request you must state: your previous email address, your new email address. We do not require any other information from you to change your email address.

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To request delivery from us of paper copies of the notices and disclosures previously provided by us to you electronically, you must send us an email to customerservicecenter@portofsandiego.org and in the body of such request you must state your email address, full name, mailing address, and telephone number. We will bill you for any fees at that time, if any.

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To inform us that you no longer wish to receive future notices and disclosures in electronic format you may:

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i. decline to sign a document from within your signing session, and on the subsequent page, select the check-box indicating you wish to withdraw your consent, or you may;

ii. send us an email to customerservicecenter@portofsandiego.org and in the body of such request you must state your email, full name, mailing address, and telephone number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

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To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please confirm that you have read this ERSD, and (i) that you are able to print on paper or electronically save this ERSD for your future reference and access; or (ii) that you are able to email this ERSD to an email address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format as described herein, then select the check-box next to 'I agree to use electronic records and signatures' before clicking 'CONTINUE' within the DocuSign system.

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- You can print on paper this Electronic Record and Signature Disclosure, or save or send this Electronic Record and Disclosure to a location where you can print it, for future reference and access; and
- Until or unless you notify Port of San Diego as described above, you consent to receive exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you by Port of San Diego during the course of your relationship with Port of San Diego.

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

PRESS RELEASE

PORT OF SAN DIEGO AND SAN DIEGO COUNTY LAFCO APPROVE MEMORANDUM OF UNDERSTANDING

The Port of San Diego and the San Diego County Local Agency Formation Commission (San Diego LAFCO) have approved a Memorandum of Understanding (MOU) that outlines a collaborative framework for the future relationship between the agencies. This agreement marks a significant step in fostering a cooperative relationship between the Port and LAFCO while respecting the Port's unique mission and operations.

"The Port of San Diego successfully champions public access, the environment, and responsible economic development of San Diego Bay," said Chairman Frank Urtasun, Port of San Diego Board of Port Commissioners. "We thank LAFCO Chairman Stephen Whitburn, the Commission, and the LAFCO team for coming together on an MOU that demonstrates the Port's ongoing commitment to transparency, accountability, and integrity, and establishes collaboration between the two agencies to maintain open communication and achieve common objectives."

"I'd like to thank Chairman Urtasun and the Port Commissioners and staff for the collaborative process that produced this MOU," said Stephen Whitburn, Chairman of San Diego LAFCO. "The Port is a tremendous asset to the San Diego region, and this agreement paves the way for our continued partnership to benefit the public."

Provisions of the MOU include the following:

- Jurisdiction – acknowledges and specifies LAFCO areas of oversight and review of the Port, and the California State Lands Commission's role in making recommendations.

Administration
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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
Harry Mathis, General Public
Brigette Browning, Alt., General Public

- Changes of organization to Port territory – includes a process for cleanup and future annexations of territory into the Port and specifies that any change or reorganization of Port Tidelands must be done in consultation with and great deference to the recommendations of the California State Lands Commission, the state agency with oversight of the Port.

- Sphere of Influence (SOI) – details how and when LAFCO will establish an interim SOI and future permanent SOI for the Port.

- Apportionment payment – as one of the special districts with LAFCO oversight, the Port will contribute its proportional apportionment share of LAFCO's budget, supporting the commission's operational costs.

- Municipal Services Reviews (MSRs) – provides a roadmap for and delineates the scope of LAFCO MSRs of the Port. LAFCO can conduct limited MSRs, focusing on specific Port services and operational aspects, while respecting state-mandated limitations. The first MSR under this agreement is anticipated to take place in 2026.

- Stakeholder group - if the Port agrees in writing, LAFCO agrees to make available a stakeholder group comprising board members of the San Diego Waterfront Association for purposes of ongoing consultation in preparation of the Inaugural MSR. Note: as part of the Port Board's resolution approving the agreement, and in response to public feedback, the Port added language to the resolution to ensure diverse stakeholder representation inclusive of the Port's member cities and communities.

LAFCO's Board approved the MOU on December 2, 2024. The Board of Port Commissioners approved the MOU on December 10, 2024.

The full MOU is available here.

PORT of SAN DIEGO

December 11, 2024

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

Mr. Simonds:

Re: Rescindment of Request for Reconsideration of March 4, 2024, Commission Action (Agenda Item 8a)

The San Diego Unified Port District ("Port District") hereby rescinds its request for reconsideration ("Request") of Agenda Item 8a of the March 4, 2024, meeting of the Board of Commissioners of the San Diego Local Agency Formation Commission ("SD LAFCO"). The Port District filed the Request on April 3, 2024, pursuant to SD LAFCO Rule 3.4(2). By rescinding the Request, the Port District withdraws its request for a reconsideration hearing or any other action by SD LAFCO relating to the Request.

Please provide written confirmation of receipt of this request for rescindment. Thank you.

Sincerely,

Randa Coniglio
Acting President and Chief Executive Officer

cc: Priscilla Mumpower (San Diego LAFCO)

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AGENDA REPORT
Business | Discussion

February 3, 2025

TO: Commissioners

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

SUBJECT: **Proposed Policy on Public Member Appointments**

SUMMARY

The San Diego Local Agency Formation Commission (LAFCO) will consider approving a policy to establish rules and procedures for making regular and alternate public member appointments. This item ties to the adopted workplan and returns to the Commission with revisions following its presentation in draft-form in December 2024 and staff initiating a public review and comment period – including separate presentations to the Cities and Special Districts Advisory Committees. The proposed policy with revisions builds on recent practice with the goal of creating a clear and known process for public member appointments. Notable revisions made to the proposed policy following its draft presentation include broadening and clarifying eligibility for candidates and adding a provision allowing the Commission to draw from a pool of candidates from a prior recruitment under certain conditions. A recommendation by the Cities Advisory Committee to establish term limits for public member appointments is also being forwarded for Commission consideration.

BACKGROUND

Membership Composition + Terms

San Diego LAFCO's membership is prescribed under State law to include 13 appointed Commissioners. Commissioners are divided between five distinct categories – County of San

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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 A. Drake, Alt., Rincon del Diablo
Harry Mathis, General Public
Brigette Browning, Alt., General Public

Diego, cities less City of San Diego, City of San Diego, special districts, and the general public – and further distinguished between regular and alternate members. Only appointees from the public member category (regular and alternate) are made by LAFCO; appointments for the other four categories are externally determined under statute. All terms are four-years and commence on the first Monday in May in the affected year. There are no term limits involving LAFCO appointments in statute or under local policy.

Annual Workplan & Direction to Prepare Policy on Public Member Appointments

LAFCO's current annual workplan was adopted at a noticed public hearing in May 2024 and includes 30 special priority projects. This includes scheduling a policy project to establish protocols with respect to rules and procedures involving public member appointments.

Initial Draft Policy on Public Member Appointments and Public Comment Period + Committee Presentations

LAFCO staff prepared an initial draft policy on public member appointments for Commission discussion in December 2024. The draft formalized recent practice applied in conducting the appointment of the alternate public member in August 2024 and related Commission feedback. Following the draft presentation, staff incorporated comments from the Commission — specifically removing restrictions on eligibility for individuals who make land-use decisions — and initiated a published public review and comment period.[1] Staff also made presentations to both the Special Districts and Cities Advisory Committees. Key feedback from these committees included a request from the Special Districts for clarifying language on eligibility for advisory planning group appointees and a recommendation from the Cities to include term limits at the Commission's discretion. No other public comments were received by the close of the public comment period.

DISCUSSION

This item is for San Diego LAFCO to consider approving a proposed policy establishing Commission protocols with respect to rules and procedures involving public member appointments. The proposed policy remains largely unchanged from its initial presentation and organized to address all of the following discretionary features:

- Goals and Objectives
- Candidate Eligibility
- Appointment Terms
- Full Term Appointment Procedures
- Mid Term Appointment Procedures

[1] The public review and comment period was initiated and noticed in the San Diego Union Tribune on December 16, 2024, and a deadline of January 10, 2025.

With respect to revisions, three substantive changes are incorporated into the proposed policy before the Commission and summarized below.

- **Expanding Appointment Eligibility:**

  - In response to Commission feedback, the proposed policy has been revised to allow individuals appointed to local government commissions and committees to remain eligible irrespective of whether they make land use decisions.

  - Based on feedback from the Special Districts Advisory Committee, the proposed policy has been revised to further clarify individuals serving on advisory planning groups are eligible candidates.

- **Added Option for Appointments:**

  - An additional option for full-term and mid-term appointment has been added to allow the Commission to draw from a pool of candidates from a previous recruitment under certain conditions. This option would become available should a prior recruitment have been completed within the prior six (6) months and serve as an alternative to initiating a new recruitment process.

Another substantive consideration – although not added to the proposed policy – has been recommended by the Cities Advisory Committee and merits Commission consideration. This involves establishing term limits for both regular and alternate public members. In forwarding this recommendation, the members articulated the benefits of term limits in promoting regional representation and lived experiences. Staff agrees with these value statements while also recognizing the benefit of maximizing appointment options when contributing and effective public members are on the Commission and interested in continuing their service. Staff defers to the Commission to balance these benefits.

The complete proposed policy with track-change edits, to show revisions since the draft presentation in December, is provided as Attachment One.

ANALYSIS

The proposed policy before San Diego LAFCO focuses on formalizing and improving existing practices for public member appointments, with an overall aim to enhance process predictability while maintaining the Commission's discretion. The policy returns to the Commission relatively intact however with the above-noted additions and premised on several elective decision points beginning with the Commission determining whether to proceed with expedited reappointments versus initiating open recruitments. Staff defers to Commissioners to consider other revisions consistent with its collective preferences – including whether to add term limits as recommended by the Cities Advisory Committee.

RECOMMENDATION

It is recommended San Diego LAFCO approve the proposed policy on public member appointments with any additional revisions as identified. This recommendation is consistent with Alternative One outlined in the proceeding section.

ALTERNATIVES FOR ACTION

The following alternative actions are available to San Diego LAFCO:

Alternative One (recommended):
Approve the proposed policy on public member appointments as provided in Attachment One with any desired changes and set an immediate effective date. Also authorize the Executive Officer to make any technical and non-substantive edits.

Alternative Two:
Continue consideration of the item to a future meeting and provide direction to staff for additional information as needed.

Alternative Three:
Take no action.

PROCEDURES

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

1) Receive verbal presentation from staff unless waived.
2) Invite comments from interested audience members.
3) Discuss and provide feedback, as requested.

On behalf of the Executive Officer,



Priscilla Mumpower
Assistant Executive Officer

Attachment:

1) Proposed Policy on Making Public Member Appointments (Track-Changes)

Draft Policy
as of January 24, 2025

Subject:
PUBLIC MEMBERS APPOINTMENTS

Purpose:
Provide rules and procedures to guide the appointment of public members to the Commission in an inclusive, clear, and fair process.

Background:
State law specifies the composition of the Commission shall include one member representing the general public with the option to also designate an alternate (Government Code Section 56325).

Policy:
It is the policy of the Commission:

A. Goals and Priorities:

1) The Commission shall appoint both regular and alternate public members.

2) The Commission shall prioritize experience in local government and/or community advocacy in considering public member appointments.

3) The Commission shall consider geographic and other lived diversities in appointing public members to help advance balanced decision-making.

4) The Commission tasks the Executive Officer to exercise their best judgement in ensuring robust and inclusive outreach is performed anytime an open recruitment is conducted under this policy.

B. Appointment Eligibility:

1) As required under State law, public member appointees shall be residents of San Diego County. Appointees shall not be current officers or employees of the County of San Diego or local cities and special districts.

2) Elected officials serving on any of the County of San Diego advisory planning groups retain appointment eligibility to concurrently serve as public members on LAFCO.

3) Appointees may concurrently hold other appointed positions with the County of San Diego or local cities and special districts ~~so long as their duties do not involve making land use decisions~~ (e.g., art commissions, measure oversight committees, advisory planning groups).

C. Appointment Terms:

1) All public member terms are four years and begin on the first Monday of May in the year appointed. ~~-~~Any mid-term vacancies shall be filled with appointees assuming the unexpired terms.

2) There are no term limits for public members.

D. Full Term Appointments

1) No less than 90 days in advance, the Executive Officer shall provide notice to the Commission on the agenda advising of any pending term expirations involving the public member positions – regular or alternate.

2) At the time of receiving notice of a pending term expiration involving a public member position, the Commission shall provide direction to LAFCO staff to proceed either with an open recruitment, ~~or~~ an expedited reappointment, or when applicable, conduct a limited recruitment wherein the Commission draws from a pool of candidates from a prior recruitment, provided it has been completed within the past six (6) months to expedite the filling of the vacancy.~~-~~

3) The following appointment procedures are specific to Commission direction to proceed with an open recruitment process.

a) LAFCO staff shall perform outreach on the open recruitment and prepare an advertisement for local publication (print and media) and posting inviting eligible applicants to submit a letter of interest.

b) The application period shall extend to no less than 30 days and may be extended as needed until two or more letters of interests are submitted by eligible applicants.

c) All submitted letters of interests received by the close of the application period shall be immediately transmitted to the full Commission.

d) The Executive Committee (Chair, Vice Chair, and Immediate Past Chair) will screen all applicants, select applicants to interview, and conduct interviews of selected applicants at a noticed special meeting.

e) The Executive Committee will nominate two or more applicants for consideration by the full Commission at a future meeting for which LAFCO staff can provide legally required notice. The list of the nominations from the Executive Committee shall be provided to all Commissioners no less than 10 days prior to the noticed meeting.

f) Any Commissioner may also nominate an applicant for consideration by the full Commission at the noticed meeting no later than five (5) days prior to the noticed meeting. Notice shall be given to the Executive Officer.

g) At a noticed meeting, with the opportunity to continue, the full Commission will consider all nominated applicants, and at the discretion of the Chair this may include inviting presentations and/or conducting interviews.

h) A successful appointment shall achieve no less than four (4) affirmative votes from voting Commissioners and include therein at least one affirmative vote from each of the following four membership categories:

- County of San Diego
- Cities Less San Diego
- Special Districts
- City of San Diego

i) In the event no candidate receives both a majority vote and an affirmative vote from each of the four membership categories, the Commission shall conduct a run-off vote of two candidates receiving the most votes. In the event that neither candidate receives a majority vote and an affirmative vote from all four membership categories, the Chair shall either continue consideration to a future meeting or provide direction to restart the recruitment process in the manner prescribed under this policy.

4) The following procedures are specific to Commission direction to proceed with an expedited reappointment of the incumbent.

a) The Commission will take up the expedited reappointment at the next regular meeting for which LAFCO staff can provide legally required notice.

b) A successful reappointment is subject to the same voting thresholds identified in the preceding subsection.

~~b)~~

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5) The following procedures are specific to Commission direction to proceed with a limited recruitment wherein the Commission draws from a pool of candidates from a prior recruitment, provided that the recruitment was completed within the past six (6) months.

a) LAFCO staff shall conduct outreach to candidates who were not selected during the prior recruitment but remain eligible for reconsideration at the discretion of the Commission.

b) The recruitment shall follow the same procedures as outlined in Section D (Full Term Appointments), subsection 3, paragraphs d through i.

E. Mid Term Vacancy Appointments

1) If the regular public member position becomes vacant prior to the term expiration, the Executive Officer shall provide notice to the Commission on the agenda at the next regular meeting. The Commission may proceed thereafter in providing direction to LAFCO staff of its intentions to either appoint the alternate, ~~or~~ proceed with an open recruitment, or when applicable, conduct a limited recruitment wherein the Commission draws from a pool of candidates from a prior recruitment, provided it has been completed within the past six (6) months to expedite the filling of the vacancy.~~:~~

a) Any direction to proceed with appointing the alternate to fill a mid-term vacancy shall be considered for action at the next regular meeting in which LAFCO staff can provide legal notice.

b) Any direction to proceed with an open recruitment to fill a mid-term vacancy shall follow the same procedures for full term appointments.

~~b)~~c) Any direction to proceed with a limited recruitment to fill a mid-term vacancy shall follow the same procedures outlined as outlined in Section D (Full Term Appointments), subsection 3, paragraphs d through i.

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AGENDA REPORT
Business | Action

February 3, 2025

TO: Commissioners

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

SUBJECT: **Proposed Amendments to Rule No. 6 | Changes to Employee Leave Allowances**

SUMMARY

The San Diego County Local Agency Formation Commission (LAFCO) will consider approving proposed amendments to Rule No. 6 involving sick and vacation leave accruals and related allowances to match comparable position classes with the County of San Diego. The amendments would create administrative consistencies with other benefit allowances – such as group insurance – that are similarly provided to LAFCO employees through the County. The amendments would relatedly serve as enhancements in recruiting and retaining employees and headlined by raising the entry vacation accrual rate for most budgeted positions at LAFCO by two additional days per year from 10 to 12 days. Other changes are detailed.

BACKGROUND

Rule No. 6 and Current Leave Allowances

San Diego LAFCO's personnel policies and associated procedures are established under Rule No. 6 and divided into three sections: working conditions; employment administration; and leave administration. Rule No. 6 was comprehensively updated in March 2024 with a focus on amending the former two sections – working conditions and employment administration sections – to reduce reference to County of San Diego policies and procedures in favor of stand-alone provisions scaled to LAFCO's otherwise unique governmental size. Although

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Chair Stephen Whitburn, City of San Diego
Marni von Wilpert, Alt., City of San Diego
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Jo MacKenzie, Vista Irrigation
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Harry Mathis, General Public
Brigette Browning, Alt., General Public

amendments were made to the leave administration section, the update did not change leave accruals and related allowances; these have remained unchanged since November 2012. Current leave allowances are based on employment dates with the provisions now fully applicable to existing employees as follows.

Existing Sick Leave Allowances (Fulltime Employees; Post January 2013 Hires)	
Flat Rate:	.....4.0 hours for every 80 hours
Caps:	.....None
Credits for New Hires:	.....None
Cash Out:	.....Limited to Executive Officer (50%)

Existing Vacation Leave Allowances (Fulltime Employees, Post January 2013 Hires)	
Flat Rates:	.....10 days, Years 1-4
	.....15 days, Years 5-10
	.....20 days, Year 11+
Caps:	.....2x annual accrual rate
Credits for New Hires:	.....None
Cash Out:	.....Yes (100%)

As referenced, the existing policies are based on employment dates with distinctions made for those hired before 1980 and after 2013. All current employees were hired after 2013, and as such the above tables are limited to this category.

DISCUSSION

This item is for San Diego LAFCO to consider approving proposed amendments to Rule No. 6 involving sick and vacation accrual rates as well as related allowances. The proposed amendments arise from internal discussions to align accrual allowances with the County of San Diego. Three changes headline the proposed amendments and utilize the existing County position classes – unclassified, management, and non-management – assigned to LAFCO employees for purposes of providing group insurance benefits as summarized below as well as shown in the proceeding tables.

- The first substantive change applies to 6.0 of the 8.0 budgeted and filled positions at LAFCO that are assigned under management class and would raise the entry vacation accrual rate by two additional days per year from 10 to 12 days.

- A second substantive change applies to all 8.0 budgeted and filled positions at LAFCO to raise the vacation accrual cap between 42% and 50% based on position class.

- A third substantive change applies to 7.0 of the 8.0 budgeted and filled positions at LAFCO under the unclassified and management classes to provide 80 hours of sick time credit to new hires.

Proposed Sick Leave Allowances (Fulltime Employees)	
Flat Rate:	.....4.0 hours for every 80 hours
Caps:	.....None
Credits for New Hires:	.....80 hours (unclassified and management classes)[1]
Cash Out:	.....Limited to Executive Officer (50%)

Proposed Vacation Leave Allowances (Fulltime Employees)		
Position Classification	Vacation Accrual, Annual	Maximum Accrual
Unclassified	15 days for Years 1-4	360 hours
	20 days for Years 5-14	480 hours
	25 days for Years 15+	600 hours
Management	12 days for Years 1-4	240 hours
	17 days for Years 5-14	340 hours
	22 days for Years 15+	440 hours
Non-Management	10 days for Years 1-4	200 hours
	15 days for Years 5-14	300 hours
	20 days for Years 15+	400 hours

ANALYSIS

The proposed amendments before San Diego LAFCO would provide explicit symmetry in aligning all employee benefits – and specifically group insurance, pension, and now leave allowances – with comparable job classifications with the County of San Diego and in doing so enhance competitiveness in employee recruitments and retention. It would relatedly eliminate the need for the County to perform manual data-entry overrides to accommodate otherwise unique and different accrual allowances for LAFCO employees. No short-term financial impacts are associated with the proposed amendments. Impacts may emerge in the future should employees stay longer and accrue larger and cashable vacation balances. These latter impacts, however, are reasonably manageable and can be planned and otherwise addressed overtime.

RECOMMENDATION

It is recommended San Diego LAFCO approve the proposed amendments to Rule No. 6 as shown in Attachment One. This recommendation is consistent with Alternative One outlined in the proceeding section.

[1] Non-management class is not provided a sick time credit.

ALTERNATIVES FOR ACTION

The following alternative actions are available to San Diego LAFCO:

Alternative One (recommended):
Approve the proposed amendments to Rule No. 6 as provided as Attachment One with any desired changes.

Alternative Two:
Continue consideration of the item to a future meeting and provide direction to staff for additional information as needed.

Alternative Three:
Take no action.

PROCEDURES FOR CONSIDERATION

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

1) Receive verbal presentation from staff unless waived.
2) Invite public comments, if any (voluntary).
3) Commission discussion.
4) Consideration of the staff recommendation.

On behalf of the Executive Officer,



Priscilla Mumpower
Assistant Executive Officer

Attachments:

1) Proposed Amendments to Rule No. 6 (Track-Changes Format)
2) Summary of Benefits (Unclassified)
3) Summary of Benefits (Management)
4) Summary of Benefits (Non-Management)

CHAPTER FOUR
Leave Administration

San Diego LAFCO sets leave and related allowances for all established positions to attract and retain quality employees.

4.1 Holidays

San Diego LAFCO's regular and probationary employees except as otherwise provided, are eligible for the following holidays off with regular pay:

- New Year's Day (January 1st)
- Martin Luther King Day (Third Monday of January)
- Presidents' Day (Third Monday in February)
- Cesar Chavez Day (March 31st)
- Memorial Day (Last Monday in May)
- Juneteenth Day (June 19th)
- Independence Day (July 4th)
- Labor Day (First Monday in September)
- Veterans Day (November 11th)
- Thanksgiving Day (Fourth Thursday in November)
- Friday after Thanksgiving Day
- Christmas Day (December 25th)

In addition to the recognized holidays, ~~county and~~and consistent with County benefits, LAFCO employees who have paid service in Payroll 02 of each fiscal year will receive 16 hours of "floating holiday time" which becomes available for use in Payroll 03.

Employees entitled to paid holidays will be paid for the number of hours the employee was scheduled to work had it not been a holiday. An overtime-eligible employee who is required to work on a holiday will receive holiday pay and pay for the actual time worked on the holiday. A p~~P~~art-time employee's holiday pay ~~for holiday~~ is prorated based upon the number of regularly scheduled hours in the employee's biweekly pay period in which the holiday occurred.

4.2 Sick Leave

Sick leave is paid leave from work that an employee may use for the following:

- Diagnosis, care, or treatment of an existing health condition of, or preventative care for the employee themselves or any of the following family members of the employee: a child of any age or dependency status; a parent; a parent-in-law; a spouse; a registered domestic partner; a grandparent; a grandchild; or a sibling;

- The need to discharge the required obligations that arise from the death of an immediate family member, or

- For an employee who is a victim of domestic violence, sexual assault, stalking, or other crime in order for the employee to engage in any of the following activities: (1) obtain or attempt to obtain a temporary restraining order or other court assistance to help ensure the health safety or welfare of the employee or their child; or (2) obtain medical attention or psychological counseling, services from a shelter, program or crisis center, or (3) participate in safety planning or other actions to increase safety.

4.2-1 Accrual Rates + Uses

All fulltime regular LAFCO employees are eligible for sick leave with pay according to the schedule established for those positions consistent with the County of San Diego's benefit programs. LAFCO employees are covered under one of three County benefit programs – unclassified (i.e., Executive Officer), management (i.e., Assistant Executive Officer, Analyst series, etc.), and non-management (i.e., Commissioner Clerk, etc.) – with current accrual allowances providing a uniform rate of 13 days per year. This current allowance translates to ~~San Diego LAFCO provides paid sick leave benefits for all eligible regular full-time and regular parttime, non-probationary parttime employees. Sick leave accrues at the rate of~~ 4 hours for every 80 regular hours worked. For parttime employees, sick leave accrues on a prorated basis according to the percentage of hours worked.

Fulltime regular employees with unclassified and management positions are also credited 80 hours of sick leave at the time of hire. Additional hours do not accrue during pay periods in which time was credited.

A seasonal, temporary, or extra help employee who works 30 or more days within a year from the beginning of employment with the Commission accrues one hour of paid sick leave for every 30 hours worked. Accrued and unused sick leave carries over to the following year of employment but a seasonal, temporary, or extra help employee stops earning sick leave once they have accrued 80 hours or 10 workdays/shifts, whichever is greater.

~~4.2-2 Accrual Uses~~

Any employee may use accrued sick leave ~~, in a minimum increment of two hours, beginning on the 90th day after the first day of employment with San Diego LAFCO,~~ subject to the limits and request provisions in this policy.

~~For regular full-time employees one-half of their accrued and available annual sick leave is protected and may be used for any purposes stated in this policy. For seasonal,~~

~~temporary, or extra help employees, up to 40 hours, or five (5) days, whichever is greater, of accrued and available sick leave each year is protected and may be used for any purpose stated in this policy. The year is measured beginning on July 1, 2015, or the employee's anniversary of hire date, whichever is later.~~

4.2-~~3~~ 2 Notice of Use

If the need for sick leave is foreseeable, an employee must give the Executive Officer or Assistant Executive Officer reasonable advance written or oral notice.

If the need for sick leave is not foreseeable, the employee must provide written or oral notice of the need for the leave as soon as possible.

If the employee is required to be absent on sick leave for more than one day, the employee should keep the Executive Officer or Assistant Executive Officer informed each day as to when the employee expects to return to work and the purpose of the leave. Failure to request sick leave as required by this policy without good reason, may result in the employee being treated as absent without leave.

The Commission may, as allowable by current law and with advance written notification, require an employee to submit a doctor's certificate or other evidence acceptable to the Commission, after five days of protected leave such as kin care or sick leave.

For purposes of sick leave use, family is defined as follows:

- A "child" is defined as a biological, foster, or adopted child; stepchild; or a legal ward, regardless of the age or dependency of the child. A "child" also may be someone for whom you have accepted the duties and responsibilities of raising, even if they are not your legal child.

- A "parent" is defined as a biological, foster, or adoptive parent; stepparent; or legal guardian of an employee or the employee's spouse or registered domestic partner. A parent may also be someone who accepted the duties and responsibilities of raising you when you were a minor child, even if they are not your legal parent.

- A "spouse" is defined as a legal spouse according to the laws of California, which do not recognize "common law" spouses (a union that has not been certified by a civil or religious ceremony). All conditions and restrictions placed on an employee's use of sick leave apply also to sick leave used for care of a child, parent, spouse, or domestic partner.

- A "domestic partner" is defined as a legal domestic partner according to the laws of California and who has filed a Declaration of Domestic Partnership with the Secretary of State.
- Grandchild
- Grandparent
- Sibling
- A "designated person" is defined as a person identified by the employee at the time the employee requests paid sick days. The Commission may limit an employee to one designated person per 12-month period for paid sick days.

When an employee is unable to report for duty due to the employee's own illness or that of a family member as defined above, the employee should notify the Executive Officer or Assistant Executive Officer as soon as possible. The employee should report the intended use of sick leave. If the Executive Officer or Assistant Executive Officer is not immediately available, the employee may leave a voice mail message, text, or email, unless otherwise directed.

4.2-~~4~~ 3 Restrictions

Sick leave benefits at San Diego LAFCO are intended solely to provide income protection for employees in the event or illness or injury and may not be used for any other absence except as required by law.

4.2-~~5~~ 4 Final Disposition

~~Upon separation of employment, employees hired prior to March 3, 1980, will be compensated in cash for sick leave credits accrued. This provision authorizing cash compensation for unused sick leave applies so long as an employee has unbroken service even though the employee may change classification as a Commission employee.~~

Employees in all LAFCO classes may upon retirement, deferred retirement, disability retirement, or death, convert all or a portion of accrued sick leave balance into retirement service credits subject to the rules and regulations of the of the San Diego County Employees Retirement Association, provided: (a) the employee has completed five (5) or more years of continuous service during that employee's present employment; and (b) the employee's sick leave balance totals 100 hours or more.

In addition, upon retirement or termination of service with the Commission, employees within benefit designation 01 (Executive Officer) may also elect to receive cash payment for all or a portion of unused sick leave credits equal to 50% of its value. One hundred (100%) of all sick leave credits that are paid to the employee in cash at 50% will be removed from the employee's sick leave balance.

4.3 Vacation

Vacation leave is paid leave from work that a San Diego LAFCO employee may use for any purpose.

4.3-1 Accrual Rates + Caps

~~All fulltime regular professional employees at San Diego LAFCO hired prior to January 1, 2013, are eligible for vacation with pay according to the schedule established for those positions. During the first five years of continuous service, professional employees accrue 15 working days per calendar year of vacation time accumulated at a rate of 4.6 hours per biweekly pay period. After the completion of five years of continuous service, professional employees accrue 20 working days of vacation time per calendar year accumulated at a rate of 6.1 hours per biweekly pay period. After completion of ten years of continuous service, professional employees accrue 25 working days of vacation time per calendar year accumulated at a rate of 7.6 hours per biweekly pay period.~~

~~All fulltime regular support employees hired prior to January 1, 2013, are eligible for vacation with pay according to the schedule established for those positions. During the first three years of continuous service, support employees accrue 10 working days of vacation time per calendar year to be accumulated at a rate of 3.1 hours per biweekly pay period. After completion of three years of continuous service, support employees accrue 15 working days of vacation time per calendar year to be accumulated at a rate of 4.6 hours per biweekly pay period. After completion of nine years of continuous service, support employees accrue 20 working days of vacation time per calendar year to be accumulated at a rate of 6.1 hours per biweekly pay period.~~

All fulltime regular ~~professional and support~~ employees ~~hired on or after January 1, 2013,~~ are eligible for vacation with pay according to the schedule established for those positions by San Diego LAFCO and consistent with the County of San Diego's benefit programs. LAFCO employees are covered under one of three County benefit programs – unclassified, management, and non-management – with current accrual allowances as follows: ~~. During the first five years of continuous service, employees accrue 10 working days of vacation time per calendar year to be accumulated at a rate of 3.1 hours per biweekly pay period. After completion of five years of continuous service, employees accrue 15 working days of vacation time per calendar year to be accumulated at a rate of 4.6 hours per biweekly pay period. After completion of 10 years of continuous service, employees accrue 20 working days of vacation time per calendar year to be accumulated at a rate of 6.1 hours per biweekly pay period. A summary of the vacation accrual rates applicable to LAFCO employees hired on or after January 1, 2013, follows:~~

~~0 to 5 years – 10 days/80 hours/year~~

~~5+ to 10 years = 15 days/120 hours/year~~

~~10+ years = 20 days/160 hours/year~~

~~* Vacation time credit accrues and may be taken during the first twelve calendar months of employment; however, 10 days of vacation time credit will take twelve calendar months to accrue~~

Benefit Program	Vacation Accrual, Annual	Maximum Accrual
Unclassified	15 days for 1-4 years of service (120 hours) 20 days for 5-14 years of service (480 hours) 25 days for 15+ years of service (600 hours)	360 hours 480 hours 600 hours
Management	12 days for 1-4 years of service (80 hours) 17 days for 5-14 years of service (120 hours) 22 days for 15+ years of service (160 hours)	240 hours 340 hours 440 hours
Non-Management	10 days for 1-4 years of service (80 hours) 15 days for 5-14 years of service (120 hours) 20 days for 15+ years of service (160 hours)	200 hours 300 hours 400 hours

Vacation time for part-time professional or support employees is computed based on the number of hours in the normal work week as established for that part- time employee by the Executive Officer.

~~4.3-2 Caps on Accrual~~

~~No employee at San Diego LAFCO may accumulate vacation time credits exceeding twice the amount allowed during any one calendar year. Employees who have reached 80% of their maximum balance of vacation leave (annual leave) will receive notification from the Commission payroll administrator about the excess leave balances. Employees whose vacation accruals reach the maximum accumulation limit cease to accrue vacation hours. An employee can only accrue additional vacation hours if the employee's vacation accumulation is below the maximum limit.~~

4.3-~~3~~ 2 Accrual Uses

Vacation time credit begins to accrue~~s~~ upon hire ~~and may be taken during the first twelve calendar months of employment~~ at San Diego LAFCO. Employees may use accrued vacation time ~~The time at which each employee's vacation leave is approved is at the discretion of~~ pursuant to Section 4.3-3~~the Executive Officer~~.

4.3-~~4~~ 3 Request to Use

All employees must first request and receive permission from their supervisor and/or manager before using vacation time to help ensure San Diego LAFCO is sufficiently staffed to meet day-to-day operations. The following noticing protocols apply:

- Any vacation time that involves three or more consecutive workdays should be requested and approved at least three weeks in advance.

- Any vacation time that involves two or less consecutive workdays should be requested and approved at least one week in advance.

- Any vacation time that involves less than one-half day of the employee's normal workday can be requested and approved the day before.

4.3-~~5~~ 4 Final Disposition

Upon separation of employment at San Diego LAFCO, an employee will be compensated in cash for the unused vacation time~~, provided the employee has been in continuous service for more than six months~~. The cash compensation for unused vacation time is computed based on the employee's rate of pay at the time of termination but will not count toward the retirement benefit formula.

4.4 Family Medical Leave

In accordance with the California Family Rights Act (CFRA), San Diego LAFCO employees are provided up to 12 work weeks of unpaid family/medical leave within a 12-month period, or 26 workweeks to care for a covered military service member proportional to the employee's average hours work. The California Family Rights Act (CFRA) Leave policy may be found at Appendix B.

4.5 Pregnancy Disability Leave (PDL)

San Diego LAFCO employees who are disabled because of pregnancy, childbirth or related medical conditions are provided an unpaid leave of absence for the period of disability up to a maximum of 17 1/3 weeks per pregnancy. Employees are entitled to pregnancy disability leave on a pro-rated basis proportional to an employee's average hours work. Time off needed for prenatal care, severe morning sickness, doctor ordered bed rest, childbirth and recovery from childbirth will all be counted as pregnancy disability leave. The Pregnancy Disability Leave (PDL) policy can be found at Appendix B, California Family Rights Leave (CFRA) / Pregnancy Disability Leave.

4.6 Unpaid Leave of Absence

Regular employees at San Diego LAFCO may be eligible for an unpaid leave of absence approved by the Executive Officer for urgent and substantial reasons, for up to a maximum of one (1) year, providing satisfactory arrangements can be made to perform the employee's duties without undue interference with the normal routine of work. Unpaid l~~L~~eaves for up to sixty (60) days for a regular employee may be approved

by the Executive Officer. Any accrued vacation time (and sick leave if law permits) must be taken before unpaid time is granted.

4.7 Victims of Violent Crimes

San Diego LAFCO employees who are victims of domestic violence, sexual assault or stalking are eligible for paid leave using accrued leaves, according to the California Family Rights Act and will be provided reasonable accommodation. Employees may use available accrued leave, or unpaid leave.

Employees may request leave if they are involved in a judicial action, such as obtaining restraining orders, appearing in court to obtain relief to ensure their health, safety, or welfare, or that of their child or to seek medical/psychological treatment including safety planning.

4.8 Military Orders

Any San Diego LAFCO employee who is ordered to serve as a member of the state militia or the United States Army, Navy, Air Force, Marine Corps, Coast Guard, or any division thereof will be granted a military leave according to applicable state or federal laws upon providing the Executive Officer with a copy of the military orders. Upon the termination of service or upon honorable discharge, the employee may be entitled to return to the employee's position, provided the position still exists, according to applicable state or federal laws.

4.8-1 Military Family Medical Leave Entitlements

Qualified Exigency Leave. Eligible employees with a spouse, son, daughter, or parent in regular Armed Forces or National Guard or Reserves in support of a contingency operation, or an employee's domestic partner who is on active duty or call to active-duty status in the National Guard or Reserves in support of a contingency operation, may use their 12-week CFRA leave entitlement to address certain qualifying exigencies.

Qualifying exigencies may include addressing needs arising from short-notice deployment, attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, addressing needs related to the care of the military member's parent who is incapable of self-care, attending certain counseling sessions, to spend up to 15 calendar days with a military member who is on R and R leave, and attending post-deployment reintegration briefings.

Leave is permitted to care for a spouse, son, daughter, parent, or "next of kin" who is a covered service member of the U.S. Armed Forces who has a serious injury or illness: incurred in the line of duty while on active military duty; or existed before the beginning

of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces. This leave can run up to 26 weeks of unpaid leave during a single 12-month period. Contact the General Manager for further information.

4.9 Bereavement Leave

San Diego LAFCO provides paid bereavement leave for employees for up to five days. Employees may take bereavement leave in the event of death of any of the following family members: employee's current spouse, domestic partner, child, parent, legal guardian, brother, sister, grandparent, or grandchild; or mother-, father-, sister-, brother-, son-, or daughter-in-law. Exceptions to this list of qualifying family members may be made on a case-by-case basis by the Executive Officer. This benefit is provided for the purpose of attending memorial or burial services and or handling related matters**.** Refer to the definition of "child", "parent", "spouse" or "domestic partner" under the Sick Leave policy.

Effective January 1. 2024, Bereavement Leave is available for employee who experience a Reproductive Loss.

4.10 Jury Duty / Court Appearances

San Diego LAFCO provides paid jury duty pay to regular and probationary employees. Employees are to provide appropriate verification to the Executive Officer. If an employee is provided jury duty pay, the employee should remit, within 15 calendar days of receipt, all fees received for serving as a juror except those fees specifically allowed for mileage and expenses,

An employee who is subpoenaed to appear in court as a witness in a judicial proceeding related to the Commission will receive regular pay for such time. An employee subpoenaed to appear in court in a matter unrelated to their official Commission capacity, or who is appearing in court in a matter initiated by the employee, is permitted time off without pay, or if the employee chooses, to use accrued vacation for such purpose, if eligible for such leave.

4.11 Time Off to Vote

Any employee at San Diego LAFCO who does not have sufficient time outside of working hours to vote, may request up to two (2) hours of paid leave either at the beginning or end of scheduled working hours to enable them to vote. The employee must request time off to vote from the Executive Officer at least two (2) days prior to Election Day.

Adoption History: Article VI
Adopted April 14, 1975
Amended April 4, 1977
Amended October 2, 1978
Amended March 3, 1980
Amended July 12, 1982
Revised May 5, 1986
Amended September 11, 1989
Amended November 6, 1989
Amended August 2, 1993
Amended April 4, 1994
Re-affirmed and adopted December 4, 2000
Administratively revised and updated May 24, 2005
Amended August 7, 2006
Re-affirmed annually via adoption of LAFCO Budget
Comprehensively Updated and re-adopted March 3, 2008
Amended November 5, 2012 (Sections 6.1& 6.11)
Amended August 5, 2013 (Section 6.8)
Amended April 7, 2014
Amended June 5, 2017
Administratively revised and Updated August 5, 2019
Updated March 1, 2021 to include Section 6.21
Amended and Updated March 2024

COUNTY OF SAN DIEGO SUMMARY OF BENEFITS

Your Benefits | *Learn-Plan-Choose*

Unclassified Benefit Program (UCL)

Here is your customized summary of benefit options at the County of San Diego. Some of these benefits are provided by the County automatically, while others will require you to choose them, using either County-provided Flex Credits or by paying out-of-pocket.

What are Flex Credits, how many do I get, and how do I spend them?

Flex Credits are a per pay-period allowance. They have no cash value. Most Flex Credits are used to cover your medical plan selections. The table below lists the costs for the various health plans offered by the County, aligned with your personal Flex Credit allowance. You will see that your amounts change as you adjust the number of dependents you select.

Your Flex Credits Per Pay Period

Employee Only	Employee + 1 Dependent	Employee + 2 or more Dependents
$524.00	$761.50	$1,066.00

Depending on your medical plan selections, you will either have surplus Flex Credits to use to select additional benefits below, or you will need to supplement your choices with out-of-pocket contributions.

Insurance Plans and Their Costs Per Pay Period		Employee Only	Employee + 1 Dependent	Employee + 2 or more Dependents
Medical Plans	Kaiser Permanente HMO	$372.56	$745.12	$1,054.35
	Kaiser Permanente HDHP	$290.82	$581.64	$823.02
	UnitedHealthcare SignatureValue Performance HMO - Network 1	$416.85	$833.38	$1,179.06
	UnitedHealthcare SignatureValue CS VEBA Alliance HMO	$399.94	$799.55	$1,131.19
	UnitedHealthcare/UMR Select Plus PPO	$739.10	$1,478.21	$2,091.71
	UnitedHealthcare Harmony HDHP	$253.94	$504.97	$712.13
	SIMNSA Mexico HMO (See eligibility requirements)	$139.22	$244.54	$359.45
Dental Plans	Delta Dental PPO	$23.88	$47.74	$68.16
	Delta Dental DHMO	$9.07	$16.39	$21.00
Vision Plans	VSP Vision Service Plan	$4.52	$10.46	$14.17

Your Benefits | *Learn-Plan-Choose*

Where do Excess Flex Credits go if I waive my health plan or if there are any left over after my selections are made?

Are you covered by an HMO or PPO by any employer?

Excess Flex Credits will be directed to a Health Reimbursement Account up to $5,000.

Are you covered under an HDHP by any employer?

Excess Flex Credits will be directed to a Health Savings Account up to the IRS family maximum of $8,300.

Are you covered by Medicare, Medi-CAL, or Tricare?

A maximum of $500 will be allocated to the Health Care FSA. The remainder of any excess Flex Credits will be forfeited.

Are you covered by an individual plan or Covered CA?

A maximum of $500 will be allocated to the Health Care FSA. The remainder of any excess Flex Credits will be forfeited.

Can I get paid out for any unused Flex Credits?
You cannot. Flex Credits have no cash value and can only be applied to your health benefits.

Spending Accounts

Here are the four types of spending accounts for your excess Flex Credits or out-of-pocket contributions, depending on your situation.

+ This symbol means that there is an option to select, increase, or contribute to coverage options using remaining Flex Credits or by paying out-of-pocket.

Health Care FSA

You may pay into this account out-of-pocket up to $3,050 annually if you anticipate additional health care expenses not covered by your benefit plan. +

Dependent Care FSA

If you anticipate childcare expenses, you can contribute excess Flex Credits or out-of-pocket contributions up to $5,000. +

Health Reimbursement Account

Unused Flex Credits are deposited into this account when you are covered under an employer group health plan that is not a High Deductible Health Plan.

Health Savings Account

If you are enrolled in a **High Deductible Health Plan**, excess Flex Credits or out-of-pocket contributions can be deposited here, up to the IRS individual or family maximum contributions. +

Beyond health plan coverage and spending accounts, what other benefits do I receive?

Here's a list of your additional County-provided benefits, some provided at no additional cost to you.

+ This symbol means that there is an option to select, increase, or contribute to coverage options using remaining Flex Credits or by paying out-of-pocket.

Additional Insurances and Coverages

Life Insurance

The County provides you coverage equal to twice your annual salary with a minimum of $50,000 up to $1,000,000.

Supplemental coverage up to 6 times your annual salary is available using Flex Credits or by paying out-of-pocket. +

Accidental Death and Dismemberment Insurance

The County provides you coverage equal to twice your annual salary with a minimum of $50,000 up to $1,000,000.

Supplemental coverage up to 3 times your annual salary is available using Flex Credits or by paying out-of-pocket. +

Dependent Life & Spousal Life Insurance

The County provides you coverage of $2,000 for your eligible dependents.

Supplemental Spouse/Domestic Partner coverage for $10,000 available using flex Credits or by paying out-of-pocket.

Long Term Disability

You are provided a plan that pays 66 2/3% of monthly salary with a maximum benefit of $12,000 per month. Benefits start 30 days after disability begins and continues to either age 65 or until your disability ends.

Short Term Disability & Paid Family Leave

You can use Flex Credits or pay out-of-pocket to enroll in a Short-Term Disability plan that can pay a benefit of up to 60% of your weekly covered earnings. This benefit also includes up to eight weeks of Paid Family Leave (PFL) each year. +

Critical Illness Insurance

Employees can use Flex Credits or pay out-of-pocket to enroll in Critical Illness Insurance which pays a lump sum benefit on top of any health insurance benefits for covered diseases or illnesses. +

Paid Leaves

Accruals are based on a 40-hour work week and are credited on a biweekly basis. They become available for use as they are accrued.

Type of Paid Leave	Days Per Year, Annually	Maximum Accrual
Vacation	15 days for 1- 4 years of service (120 hours) 20 days for 5- 14 years of service (160 hours) 25 days for 15+ years of service (200 hours)	360 hours 480 hours 600 hours
Sick Leave	13 days (104 hours) per year with a credit of 80 hours at the time of hire*	No maximum
Holidays	12 days per year	N/A
Floating Holidays	2 days (16 hours)	24 hours
Bereavement Leave	3 days +2 sick days from your accrual	N/A
Emergency Child & Older Adult Care Leave	3 days per fiscal year	N/A

*Additional hours do not accrue during pay periods in which time was credited.



Your Benefits | *Learn-Plan-Choose*

Allowances

Automobile Allowance

Executive employees identified in County Administrative Code Section 496 receive a monthly allowance for use of a non-County vehicle to conduct County business. (Note: Assistant department heads and deputy directors are not eligible for an automobile allowance. However, they are eligible for mileage reimbursement.)

Relocation Allowance

Expenses up to a limit of $15,000 (for unclassified management) and $20,000 (for executive management) may be reimbursed for personal transportation, moving expenses for household goods and/or temporary housing. This benefit requires prior approval by the Board of Supervisors or Chief Administrative Officer.

Retirement

Pension

The San Diego County Employees Retirement Association (SDCERA) provides a defined benefit pension plan. You will automatically become a member and contribute each paycheck. For more information, contact SDCERA at (619) 515-6800.

www.SDCERA.org

Deferred Compensation

You may elect to defer a portion of your compensation to a 457 Plan and/or a 401A Plan. Contact Deferred Compensation through Nationwide Retirement Solutions at (619) 531-5840 for additional information.

www.MyDCPlan.com

Additional Benefits

Perk Spot

Perk Spot allows you access to online discounts from hundreds of retailers in addition to local area discounts and savings. Go to SDCounty.PerkSpot.com and beneath the "New Members" heading complete the registration process or contact PerkSpot directly at cs@perkspot.com.

Employee Assistance Program (EAP)

EAP offers confidential consultation and referral services to help you and anyone in your household address personal problems (e.g. marital, financial, or emotional problems; family issues; substance/alcohol abuse) that are difficult to handle. You may contact Anthem Blue Cross EAP at (888) 777-6665 for information.

Transit Pass Program

The County contributes towards your purchase of a bus, trolley or Coaster Pass. For more information, contact your departmental payroll staff.

Additional details about benefit plans and Flex Credits can be found in the information-packed Employee Benefits Guide or by visiting the Human Resources Benefits website.

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COUNTY OF SAN DIEGO SUMMARY OF BENEFITS

Your Benefits | *Learn-Plan-Choose*

Management Benefit Program (MGT)

Here is your customized summary of benefit options at the County of San Diego. Some of these benefits are provided by the County automatically, while others will require you to choose them, using either County-provided Flex Credits or by paying out-of-pocket.

What are Flex Credits, how many do I get, and how do I spend them?

Flex Credits are a per pay-period allowance. They have no cash value. Most Flex Credits are used to cover your medical plan selections. The table below lists the costs for the various health plans offered by the County, aligned with your personal Flex Credit allowance. You will see that your amounts change as you adjust the number of dependents you select.

Your Flex Credits Per Pay Period

Employee Only	Employee + 1 Dependent	Employee + 2 or more Dependents
$476.00	$711.50	$1,011.50

Depending on your medical plan selections, you will either have surplus Flex Credits to use to select additional benefits below, or you will need to supplement your choices with out-of-pocket contributions.

Insurance Plans and Their Costs Per Pay Period		Employee Only	Employee + 1 Dependent	Employee + 2 or more Dependents
Medical Plans	Kaiser Permanente HMO	$372.56	$745.12	$1,054.35
	Kaiser Permanente HDHP	$290.82	$581.64	$823.02
	UnitedHealthcare SignatureValue Performance HMO - Network 1	$416.85	$833.38	$1,179.06
	UnitedHealthcare SignatureValue CS VEBA Alliance HMO	$399.94	$799.55	$1,131.19
	UnitedHealthcare/UMR Select Plus PPO	$739.10	$1,478.21	$2,091.71
	UnitedHealthcare Harmony HDHP	$253.94	$504.97	$712.13
	SIMNSA Mexico HMO (See eligibility requirements)	$139.22	$244.54	$359.45
Dental Plans	Delta Dental PPO	$23.88	$47.74	$68.16
	Delta Dental DHMO	$9.07	$16.39	$21.00
Vision Plans	VSP Vision Service Plan	$4.52	$10.46	$14.17

Where do Excess Flex Credits go if I waive my health plan or if there are any left over after my selections are made?

Are you covered by an HMO or PPO by any employer?

Excess Flex Credits will be directed to a Health Reimbursement Account up to $5,000.

Are you covered under an HDHP by any employer?

Excess Flex Credits will be directed to a Health Savings Account up to the IRS family maximum of $8,300.

Are you covered by Medicare, Medi-CAL, or Tricare?

A maximum of $500 will be allocated to the Health Care FSA. The remainder of any excess Flex Credits will be forfeited.

Are you covered by an individual plan or Covered CA?

A maximum of $500 will be allocated to the Health Care FSA. The remainder of any excess Flex Credits will be forfeited.

Can I get paid out for any unused Flex Credits?
You cannot. Flex Credits have no cash value and can only be applied to your health benefits.

Spending Accounts

Here are the four types of spending accounts for your excess Flex Credits or out-of-pocket contributions, depending on your situation.

+ This symbol means that there is an option to select, increase, or contribute to coverage options using remaining Flex Credits or by paying out-of-pocket.

Health Care FSA

You may pay into this account out-of-pocket up to $3,050 annually if you anticipate additional health care expenses not covered by your benefit plan. +

Dependent Care FSA

If you anticipate childcare expenses, you can contribute excess Flex Credits or out-of-pocket contributions up to $5,000. +

Health Reimbursement Account

Unused Flex Credits are deposited into this account when you are covered under an employer group health plan that is not a High Deductible Health Plan.

Health Savings Account

If you are enrolled in a **High Deductible Health Plan**, excess Flex Credits or out-of-pocket contributions can be deposited here, up to the IRS individual or family maximum contributions. +

Beyond health plan coverage and spending accounts, what other benefits do I receive?

Here's a list of your additional County-provided benefits, some provided at no additional cost to you.

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Additional Insurances and Coverages

Life Insurance

The County provides you coverage equal to your annual salary with a minimum of $50,000 to a maximum of $1,000,000.
Supplemental coverage up to 6 times your annual salary is available using Flex Credits or by paying out-of-pocket. +

Accidental Death and Dismemberment Insurance

The County provides you coverage equal to your annual salary with a minimum of $50,000 to a maximum of $1,000,000.
Supplemental coverage up to 3 times your annual salary is available using Flex Credits or by paying out-of-pocket. +

Dependent Life & Spousal Life Insurance

The County provides you coverage of $2,000 for your eligible dependents.

Supplemental Spouse/Domestic Partner coverage for $10,000 available using flex Credits or by paying out-of-pocket.

Long Term Disability

You are provided a plan that pays 66 2/3% of monthly salary with a maximum benefit of $12,000 per month. Benefits start 60 days after disability begins and continues to either age 65 or until your disability ends.

Short Term Disability & Paid Family Leave

You can use Flex Credits or pay out-of-pocket to enroll in a Short-Term Disability plan that can pay a benefit of up to 60% of your weekly covered earnings. This benefit also includes up to eight weeks of Paid Family Leave (PFL) each year. +

Critical Illness Insurance

Employees can use Flex Credits or pay out-of-pocket to enroll in Critical Illness Insurance which pays a lump sum benefit on top of any health insurance benefits for covered diseases or illnesses. +

Paid Leaves

Accruals are based on a 40-hour work week and are credited on a biweekly basis. They become available for use as they are accrued.

Type of Paid Leave	Days Per Year, Annually	Maximum Accrual
Vacation	12 days for 1- 4 years of service (96 hours) 17 days for 5- 14 years of service (136 hours) 22 days for 15+ years of service (176 hours)	240 hours 340 hours 440 hours
Sick Leave	13 days (104 hours) per year with a credit of 80 hours at the time of hire*	No maximum
Holidays	12 days per year	N/A
Floating Holidays	2 days (16 hours)	24 hours
Bereavement Leave	3 days +2 sick days from your accrual	N/A
Emergency Child & Older Adult Care Leave	3 days per fiscal year	N/A

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The San Diego County Employees Retirement Association (SDCERA) provides a defined benefit pension plan. You will automatically become a member and contribute each paycheck. For more information, contact SDCERA at (619) 515-6800.

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Additional Benefits

Perk Spot

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EAP offers confidential consultation and referral services to help you and anyone in your household address personal problems (e.g. marital, financial, or emotional problems; family issues; substance/alcohol abuse) that are difficult to handle. You may contact Anthem Blue Cross EAP at (888) 777-6665 for information.

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COUNTY OF SAN DIEGO SUMMARY OF BENEFITS

Your Benefits | *Learn-Plan-Choose*

Confidential Non-Management Benefit Program (CNM)

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Employee Only	Employee + 1 Dependent	Employee + 2 or more Dependents
$476.00	$711.50	$1,011.50

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Are you covered under an HDHP by any employer?

Excess Flex Credits will be directed to a Health Savings Account up to the IRS family maximum of $8,300.

Are you covered by Medicare, Medi-CAL, or Tricare?

A maximum of $500 will be allocated to the Health Care FSA. The remainder of any excess Flex Credits will be forfeited.

Are you covered by an individual plan or Covered CA?

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Can I get paid out for any unused Flex Credits?
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Spending Accounts

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Health Care FSA

You may pay into this account out-of-pocket up to $3,050 annually if you anticipate additional health care expenses not covered by your benefit plan. +

Dependent Care FSA

If you anticipate childcare expenses, you can contribute excess Flex Credits or out-of-pocket contributions up to $5,000. +

Health Reimbursement Account

Unused Flex Credits are deposited into this account when you are covered under an employer group health plan that is not a High Deductible Health Plan.

Health Savings Account

If you are enrolled in a **High Deductible Health Plan**, excess Flex Credits or out-of-pocket contributions can be deposited here, up to the IRS individual or family maximum contributions. +

Beyond health plan coverage and spending accounts, what other benefits do I receive?

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+ This symbol means that there is an option to select, increase, or contribute to coverage options using remaining Flex Credits or by paying out-of-pocket.

Additional Insurances and Coverages

Life Insurance

The County provides you life insurance coverage of $10,000.

Supplemental coverage up to 6 times your annual salary is available using Flex Credits or by paying out-of-pocket. +

Accidental Death and Dismemberment Insurance

The County provides you coverage of $10,000.

Supplemental coverage up to 3 times your annual salary is available using Flex Credits or by paying out-of-pocket. +

Dependent Life & Spousal Life Insurance

The County provides you coverage of $2,000 for your eligible dependents.

Supplemental Spouse/Domestic Partner coverage for $10,000 available using flex Credits or by paying out-of-pocket.

Long Term Disability

You can use Flex Credits or pay out-of-pocket to enroll in a Long Term Disability plan that can pay a benefit of up to $5,000 a month. Benefits begin after 180-day elimination period. +

Short Term Disability

You pay into CA State Disability Insurance (SDI) with your paycheck. You can use Flex Credits or pay out-of-pocket to enroll in a Short-Term Disability plan that can pay an additional benefit of up to 25% of your weekly covered earnings to a maximum of $1,000 per week. +

Critical Illness Insurance

Employees can use Flex Credits or pay out-of-pocket to enroll in Critical Illness Insurance which pays a lump sum benefit on top of any health insurance benefits for covered diseases or illnesses. +

State Disability Insurance (SDI) and Paid Family Leave (PFL)

YOUR CLASSIFICATION PAYS INTO SDI

The State Disability Insurance (SDI) and Paid Family Leave programs are managed by the State of California, Employee Development Department (EDD), which is responsible for program eligibility requirements, benefit determinations and disability payments. For general information regarding State Disability Insurance and Paid Family Leave, contact EDD at (800) 480-3287 or at **www.edd.ca.gov/disability**.

Paid Leaves

Accruals are based on a 40-hour work week and are credited on a biweekly basis. They become available for use as they are accrued.

Type of Paid Leave	Days Per Year, Annually	Maximum Accrual
Vacation	10 days for 1- 4 years of service (80 hours) 15 days for 5- 14 years of service (120 hours) 20 days for 15+ years of service (160 hours)	200 hours 300 hours 400 hours
Sick Leave	13 days (104 hours) per year	No maximum
Holidays	12 days per year	N/A
Floating Holidays	2 days (16 hours)	24 hours
Bereavement Leave	3 days +2 sick days from your accrual	N/A
Emergency Child & Older Adult Care Leave	3 days per fiscal year	N/A

Retirement

Pension

The San Diego County Employees Retirement Association (SDCERA) provides a defined benefit pension plan. You will automatically become a member and contribute each paycheck. For more information, contact SDCERA at (619) 515-6800.

www.SDCERA.org

Deferred Compensation

You may elect to defer a portion of your compensation to a 457 Plan and/or a 401A Plan. Contact Deferred Compensation through Nationwide Retirement Solutions at (619) 531-5840 for additional information.

www.MyDCPlan.com

Additional Benefits

Perk Spot

Perk Spot allows you access to online discounts from hundreds of retailers in addition to local area discounts and savings. Go to SDCounty.PerkSpot.com and beneath the "New Members" heading complete the registration process or contact PerkSpot directly at cs@perkspot.com.

Employee Assistance Program (EAP)

EAP offers confidential consultation and referral services to help you and anyone in your household address personal problems (e.g. marital, financial, or emotional problems; family issues; substance/alcohol abuse) that are difficult to handle. You may contact Anthem Blue Cross EAP at (888) 777-6665 for information.

Transit Pass Program

The County contributes towards your purchase of a bus, trolley or Coaster Pass. For more information, contact your departmental payroll staff.

Additional details about benefit plans and Flex Credits can be found in the information-packed Employee Benefits Guide or by visiting the Human Resources Benefits website.

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AGENDA REPORT
Business | Discussion

February 3, 2025

TO: Commissioners

FROM: Keene Simonds, Executive Officer
Joelle Burila, Analyst I

SUBJECT: **CALAFCO Update and Non-Renewal of Membership in FY2026**

SUMMARY

The San Diego County Local Agency Formation Commission (LAFCO) will receive an update on CALAFCO regarding previously reported governance and administrative concerns. The update substantiates these concerns in greater depth and marked by increasing Board underperformance and – by direct extension – diminishing membership services. Consistent with policy delegations and earlier telegraphing, staff intends to provide notice that San Diego LAFCO will not renew its annual membership for the upcoming fiscal year. The expected savings totals $30,000, which staff will redirect towards partnering with other LAFCOs that have and/or expected to take similar actions to leave CALAFCO. The update is being presented to the Commission for information with the opportunity to provide related feedback.

BACKGROUND

CALAFCO is a non-profit organization created in 1971 to assist member LAFCOs with learning and related resources as well as legislative advocacy. San Diego LAFCO has been a member of CALAFCO for most of its existence except for a one-year withdraw in 2009-2010 due to representation concerns with the Board. Key membership services include maintaining multiple list-serves and hosting annual conferences and workshops. Annual member dues serve as the primary revenue source to help fund an approximate $0.780 million budget. A 16-member Board oversees CALAFCO and appoints a fulltime Executive Director to administer day-to-day activities. All LAFCOs are currently members except Kern County.

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

DISCUSSION

This item is being presented to San Diego LAFCO to receive an update on CALAFCO involving previously reported governance and administrative concerns as well as staff's associated reasonings to proceed now with a non-renewal notice for 2025-2026. The item expands on an initial update to the Commission at the November 2024 meeting where staff noted increasing disharmony within CALAFCO and its decision-making processes. This included shared staff contents of their earlier letter to CALAFCO outlining specific concerns and notice that San Diego LAFCO would revisit its membership status for the upcoming fiscal year. The earlier item concluded with staff committing to return to discuss any further developments.

Shared Membership Concerns and CALAFCO Board January 10th, 2025 Meeting

Since the Commission's November 2024 meeting, staff has continued to monitor CALAFCO activities and communicate with other LAFCOs regarding shared concerns. These communications prompted nearly two dozen Executive Officers – including San Diego's – to issue a joint-letter to CALAFCO on December 23, 2024. The joint-letter details specific missteps by CALAFCO over the last year that commonly reflect the organization deprioritizing transparency and practitioner input. The joint-letter – pertinently – was issued ahead of CALAFCO holding a regular Board meeting on January 10th, 2025 in Sacramento in which the Board had committed to addressing membership concerns. This commitment – however – did not materialize; no substantive discussions or actions were taken by the Board on January 10th. Instead, and with staff in attendance along with several other member guests from across the state, the Board deviated from the published agenda. It proceeded to have a truncated discussion on membership communications before going into closed session for the balance of the day. Only after returning from closed session – several hours after its committed return time – did the Board announce all other agenda items would be continued to a future meeting.

ANALYSIS

CALAFCO has experienced a significant loss of trust among the membership over the last several years and it directly ties to ongoing underperformance on the Board. Specifically, the Board has become apathetic and struggles to achieve quorums, divided into factions with leadership self-cycling among a favored few, and delivering less despite more funding. The Board's inactions on January 10th to engage concerned members and take accountability serves as a clear marker that San Diego LAFCO would be best served by not renewing its membership and redirecting resources to other opportunities benefitting the agency. This includes working with other LAFCOs that have (Kern and San Bernardino) or expected (Los Angeles, Orange, San Joaquin, and Ventura) to leave CALAFCO with respect to learning (education, training, and networking) and legislative advocacy services. Rejoining would remain an option going forward should CALAFCO make changes consistent with a bottom-up approach in prioritizing membership needs.

RECOMMENDATION

This item is presented to San Diego LAFCO for information with an opportunity for discussion and feedback – including on staff's intention to not renew membership with CALAFCO.

ALTERNATIVES FOR ACTION

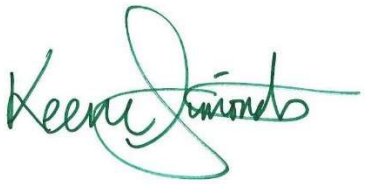
None.

PROCEDURES

This item has been placed on San Diego LAFCO's agenda for discussion as part of the business calendar. The following procedures are recommended in the consideration of this item:

1) Receive verbal presentation from staff unless waived.
2) Invite comments from interested audience members.
3) Discuss and provide feedback, as requested.

Respectfully,



Keene Simonds
Executive Officer

Attachments:

1) San Diego LAFCO Executive Officer Letter to CALAFCO, October 22, 2024
2) Joint-Letter from LAFCO Executive Officers to CALAFCO, December 23, 2024

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

October 22, 2024

Delivered by Electronic Mail
René LaRoche, Executive Director
California Association of LAFCOs
rlaroche@calafco.org

SUBJECT: FY26 CALAFCO Dues and Related Concerns

Dear René:

This letter serves as a courtesy to advise San Diego LAFCO will revisit its membership status with CALAFCO as part of the upcoming 2025-2026 budget process. San Diego remains committed to CALAFCO's mission "**to promote efficient and sustainable government services based on local community values through legislative advocacy and education.**" San Diego – however – is respectfully concerned with CALAFCO's direction and recent decisions that seemingly deprioritize – directly and indirectly – these core mission values. Examples include the unknown scale and influence of outside parties (consultants and attorneys) in CALAFCO decision-making as well as the insulated process leading to the elimination of the Legislative Committee. The deemphasis of the CALAFCO Executive Officer position and the related dismissal of the practitioner perspective in the Board's decision-making process is equally concerning. It is our understanding the CALAFCO Board will hold a strategic planning retreat in early 2025. We hope the retreat is scheduled (location and time) and noticed to maximize all 58 LAFCOs' ability to participate – including allowance for video attendance – and the above concerns are discussed in some meaningful way.

Sincerely,

Keene Simonds
Executive Officer

cc: Commissioners
Priscilla Mumpower, Assistant Executive Officer
Steve Lucas, CALAFCO Executive Officer

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Brigette Browning, Alt., General Public

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December 23, 2024

CALAFCO Board of Directors

Subject: Concerns with the Direction of CALAFCO

Dear Members of the Board:

As you are aware, recent actions by the CALAFCO Board of Directors and the Executive Director have significantly undermined the decades of trust amongst CALAFCO and its membership. These actions have prompted multiple LAFCos to consider terminating their CALAFCO memberships if substantive changes to CALAFCO are not made (see letters attached from San Diego, Orange, and San Bernardino LAFCos). Although they have yet to do so in writing, several signatories to this letter are also considering recommending that their commissions terminate their CALAFCO memberships.

We are concerned that CALAFCO leadership has lost focus on its core mission. CALAFCO does not exist to serve the interests of the Board or individual board members. It does not exist to serve the interests of associate members or other outside entities. It certainly does not exist to serve the interests of the Executive Director or Legal Counsel. Until recently, CALAFCO's focus has always been on furthering the interests of the membership. The membership *is* the Association – the association of LAFCos. CALAFCO's focus on the interests of the membership must be restored in order to rebuild lost trust and to ensure the Association's survival.

The dissolution of the CALAFCO Legislative Committee and the secretive way it was undertaken clearly demonstrates this disregard of the opinions and desires of the membership. As stated in the September 27, 2024 letter to the CALAFCO Board from the Executive Officers of the majority of LAFCos (attached), the dissolution process lacked any meaningful outreach to the membership, and it was championed by a Board committee that intentionally withheld its recommendations from the membership and the Legislative Committee itself. It appears that Board members were misled as to the repercussions of their votes in July on this matter. Though the Board corrected this mistake during its September 30th special meeting when it reinstated the Legislative Committee, the damage to our trust was already done. The lack of outreach and transparency associated with the abolition of the Legislative Committee is not a one-off; rather, it exemplifies how CALAFCO currently operates. Discussion is limited to a small group; decisions are announced rather than formulated in a collaborative and iterative process; and members learn about actions only after they happen. This is not acceptable.

The deemphasis of LAFCo practitioners in the CALAFCO decision-making process is both striking and troubling. The Executive Director is not a LAFCo practitioner, and she is not qualified to advise the Board on matters related to the implementation of LAFCo work without input from actual practitioners (who have consistently volunteered their time and expertise to support the Executive Director). The Executive Director's distancing of the CALAFCO Executive Officer (who serves as the membership's primary contact with CALAFCO) from the process is but one example. The dissolution of the Legislative Committee is another example of a systematic and deliberate attempt to deemphasize the role that LAFCo practitioners play. The fact that the Executive Director has full

discretion to appoint regional executive officers and members of the Legislative Committee further undermines the membership's ability to appoint and empower LAFCo practitioners it feels will best represent its interests, as opposed to the interests of the Executive Director or individual board members.

Of further concern is CALAFCO's failure to adequately communicate with and build relationships with the membership. Little attempt has been made in recent years to introduce CALAFCO to our commissions or to personalize and "put a face" to CALAFCO. In addition, there are many examples of CALAFCO staff not responding to inquiries from Executive Officers, commissioners, and even CALAFCO Board members in a timely manner, if at all. This is unacceptable, and it further demonstrates a blatant disregard for the concerns of the membership.

In order to begin to rebuild the trust that has been lost, and hopefully to keep the Association intact, we insist that the Board implement the following items, *at a minimum*. Most of our requests can be addressed through changes to the by-laws or through adopted policies.

Membership Representation at CALAFCO

- *Selection of the CALAFCO Deputy Executive Officers:* Currently, the Executive Director chooses who serves as each region's Deputy Executive Officer (DEO). This arrangement may not necessarily best serve the interests of the membership. Regional DEOs should be chosen by the membership of each region. The LAFCos of each region should nominate candidates for their regional DEO and then vote.

- *Selection of the CALAFCO Executive Officer:* Currently, the Executive Director chooses who serves as the CALAFCO Executive Officer. This arrangement may not necessarily best serve the interests of the membership. The Executive Officer, who is one of the four regional DEOs, should be selected by and among the four regional DEOs.

- *Role of the CALAFCO Executive Officer*: The position of the CALAFCO Executive Officer should be clarified so that the Executive Officer plays an integral role in the operation of CALAFCO, as was previously the practice. The Executive Director should be required to consult with the Executive Officer on all items/issues of importance to the membership. The Executive Officer should play an active role in the development of meeting agendas, and should be invited to and included in all meetings of the Board, the Executive Committee, the Legislative Committee, any standing committee, any ad hoc committees, and others as needed. In the Executive Officer's absence, the other regional DEOs should be consulted. No action on items/issues important to the membership should be taken without such consultation.

- *Advisory Committee:* An Advisory Committee composed of the Executive Officer and the three regional DEOs should be established. The Executive Director must convene the Committee on an agreed upon schedule, to discuss items/issues of importance to the membership. Consideration should also be given to the formation of an advisory committee made up of LAFCo Executive Officers from the four regions.

Legislative Committee

- *Selection of the members of Legislative Committee:* Currently, the Executive Director selects the LAFCo staff members who serve on the Legislative Committee. This arrangement fails to advance the interests of the membership. The members of the newly established Advisory Committee (the Executive Officer and three regional DEOs) should appoint LAFCo staff members to the Legislative Committee, or at the very least, approve appointments made by the Executive Director.

- *Remove Associate Members from the Legislative Committee:* Currently, three associate members (e.g., private consultants that do not staff LAFCos) sit on a committee that advises the Legislative Committee, and they are privy to all the confidential documentation, discussions, and strategizing that occurs during Committee meetings. Associate members do not necessarily share the goals of the Legislative Committee and may even represent clients who may be opposed to the Committee's recommendations, resulting in conflicts of interest. Associate members should not be permitted to attend meetings and/or participate in Legislative Committee business, unless their input is sought on an item and they are invited by the Chair.

Transparency and Communication:

- *Transparency:* CALAFCO must operate in a manner that is not only transparent to the Board, but to the membership. Policies affecting the membership, the advancements of LAFCos, and the operations of the organization should be developed to ensure that member LAFCos are fully informed of matters important to them and input sought on such matters.

- *Communication:* The Executive Director should be encouraged to develop relationships with the membership and not focus solely on the members of the Board. Policies should also be developed to ensure that all inquiries from the membership and Board members are responded to in a timely manner.

When the San Bernadino LAFCo was considering whether to continue as a member of CALAFCO at its November 13th meeting, the staff report prepared for the item concluded with the following:

> "Recently, there has been some concern about the recent decisions made by the CALAFCO Board, including the perceived lack of transparency and membership engagement. There has also been some disagreement and disunity among the new Board. It should also be noted that, in the past, there used to be a close collaboration between the CALAFCO Executive Director, its regional officers, and LAFCO executive officers in general, which resulted in more agreement and coming up with better solutions to issues and/or concerns. Lately, there hasn't been a congenial relationship between the CALAFCO Executive Director and many of the regional officers/executive officers resulting in dissatisfaction and frustration among the membership."

As you know, the San Bernardino LAFCo chose to not renew its membership for next year. We see the January 10th Board meeting as the last opportunity for the Board to "right the ship" before

additional LAFCos consider terminating their membership. Absent substantive changes, such as those suggested herein, CALAFCO is at risk of fracturing, or even dissolving, as an association. We hope the Board takes our concerns seriously and embraces these suggestions, or other meaningful suggestions, in order to preserve CALAFCO and all the value that it has historically provided.

Sincerely,

Kai Luoma
Ventura LAFCo

Keene Simonds
San Diego LAFCo

Steve Lucas

Steve Lucas
Butte LAFCo

Paul Novak
LAFCo for LA County

Bill Nicholson
Merced LAFCo

Rob Fitzroy
San Luis Obispo LAFCo

Jennifer Stephenson
Lassen, Modoc, Plumas, and San Benito LAFCos

Tyler Salcido
Imperial LAFCo

Neelima Palacherla
LAFCo of Santa Clara County

Uma Hinman
Mendocino LAFCo

J.D. Hightower
San Joaquin LAFCo

Sara Lytle-Pinhey
Stanislaus LAFCo

Michelle McIntyre
Placer LAFCo

Larkyn Fieler
Colusa and Lake LAFCos

Jason Fried
Marin LAFCo

Chuck Kinney
Kings LAFCo

SR Jones
Nevada LAFCo

CC: Rene LaRoche, CALAFCO Executive Director

Attachments - Letter to CALAFCO from San Diego LAFCo dated 10-22-24
Letter to CALAFCO from Orange LAFCo dated 11-1-24
Letter to CALAFCO from San Bernardino LAFCo dated 11-22-24
Letter to CALAFCO regarding dissolution of the Legislative Committee dated 9-27-24

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

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AGENDA REPORT
Business | Information

February 3, 2025

TO: Commissioners

FROM: Michaela Peters, Analyst II
Meghan Traynor, Analyst I

SUBJECT: **Update on Current Grant Activities + Related Opportunities | Sustainable Agricultural Lands Conservation Planning Grant 2.0**

SUMMARY

The San Diego County Local Agency Formation Commission (LAFCO) will receive an update on its ongoing SALC planning grant – referred to as "SALC 2.0" – being performed in partnership with the County of San Diego's Planning and Development Services (PDS). This update ties to the Commission's earlier request to receive regular updates on SALC 2.0 progress and its focus on the economics of sustaining current and future small farming in San Diego County. Since the last update provided in May 2024, LAFCO's consultant – Agricultural Impact Associates – have completed the first two grant deliverables involving draft reports for Task No. 2 (Market Analysis) and Task No. 3 (Gap Analysis). Staff are currently focused on completing Task No. 4 (Outreach) and Task No. 5 (Strategic Planning) with the assistance of a second consultant, RICK Engineering. A final report is expected to be presented to be completed by September 2025 consistent with the original timeline. Staff is separately beginning to explore the merits of submitting a third grant applicant to advance a recommendation made in the SALC 1.0 report to fund an agricultural liaison position to provide farmers with technical assistance for grant writing and regulatory compliance. This item is being presented for information with an invitation to provide feedback on ongoing SALC 2.0 activities as well as the merits of pursuing a third grant as described.

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Harry Mathis, General Public
Brigette Browning, Alt., General Public

BACKGROUND

Sustainable Agricultural Lands Conservation Program

SALC was created in 2014 as a component of the California Strategic Growth Council and administered by the Department of Conservation. The SALC program is primarily funded through the California Climate Investments, a statewide program that provides cap-and-trade funds through agricultural conservation acquisition and planning grants for programs intended to reduce greenhouse gas emissions. The principal goals of SALC are stated as:

- Protect at-risk agricultural lands from sprawl development to promote growth within existing jurisdictions, ensure open space remains available, and support a healthy agricultural economy.

- Further the purpose of Assembly Bill 32 by avoiding increases in greenhouse gas emissions associated with the conversion of agricultural land to more greenhouse gas-intensive nonagricultural uses.

SALC 2.0 | San Diego LAFCO and County of San Diego PDS

In September 2022, San Diego LAFCO and PDS collaborated in submitting a planning grant application under SALC to perform a market analysis for existing and emerging crops – with a focus on small farms – while also identifying government opportunities to help bridge economic gaps. The Commission – notably – authorized the grant proposal as lead applicant. LAFCO was subsequently awarded a two-year grant in the full amount of $500,000 with work commencing in June 2023 and through September 2025.[1]

San Diego LAFCO has since formally partnered with two consultants – Agricultural Impact Associates and Rick Engineering – in collaboration with PDS on the SALC grant and relative to its six main tasks and deliverables:

(1) grant management
(2) market analysis
(3) gap analysis
(4) outreach & education plan
(5) strategic vision plan
(6) final report – "Cultivating Solutions".

[1] San Diego LAFCO and PDS signed a Memorandum of Understanding (MOU) in August 2023 following the Commission's approval of a draft MOU at its August 7, 2023 meeting. The MOU formalized roles and responsibilities in proceeding with SALC 2.0 and highlighted by bisecting and designating specific tasks to San Diego LAFCO and PDS.

DISCUSSION

San Diego LAFCO will receive an update on the progress of the SALC 2.0 grant and its focus on the economics of sustaining current and future small farming in San Diego County. The update ties to an earlier commitment to regularly inform the Commission on key developments and get feedback in real-time. This item also provides an opportunity for staff to discuss interests to pursue an additional grant – SALC 3.0 – to fund an agricultural liaison position. Additional discussion on both topics follows.

SALC 2.0 Activities

Concurrent work continues on SALC 2.0 and is headlined by expanding resources into Task No. 2 (Market Analysis) and Task No. 3 (Gap Analysis) with respect to more fully assessing the four targeted crops approved by the State as part of the grant award: avocados; lemons; strawberries; and tomatoes. While LAFCO oversees this portion of the grant, PDS and RICK Engineering have begun shifting towards other grant work; specifically, Task No. 4 (Outreach) and Task No. 5 (Strategic Planning). The final task – No. 6 – involves the preparation of a final report and recommendations and is expected to be complete by September 2025. Additional status details are footnoted.[2]

Potential SALC 3.0 Grant

Staff is currently reviewing options to apply for another SALC grant specific to funding an agricultural liaison position and in doing so align with a key recommendation from SALC 1.0: the need for a dedicated staff position to assist producers in searching and applying for grants, as well as assist with other technical functions. This grant opportunity – notably – aligns with interest from Commissioner Willis for LAFCO to directly fund this type of position. The application deadline for the next round of SALC grants is July 5, 2025. [3]

ANALYSIS

San Diego LAFCO, in partnership with PDS, is making steady progress on SALC 2.0 activities as described in the preceding section and highlighted by staying on pace to complete all work by the original September 2025 deadline. The current phase of the grant (Task 4) is increasingly public-facing and involves stakeholder outreach and education and will directly inform the strategic planning component (Task 5) which will delve deeper into potential policy changes aimed at addressing profitability shortfalls identified in the gap analysis. Additionally, the potential SALC 3.0 grant opportunity to fund an agricultural liaison would

[2] The reports associated with Task 2 (Market Analysis) & Task 3 (Gap Analysis) have been prepared by Agricultural Impact Associates, LLC and currently under administrative review. These reports provide market insights and best practice data for San Diego County, including metrics on return on Investment (ROI) for avocados, lemons, tomatoes, and strawberries, the average ROI required to sustain a small farm, and key cost centers for small farms in the region. The Task 3 report draws from the Market Analysis, identifying the "gap" in costs & ROI of marginal farms and economically sustainable farms. It also identifies key cost centers contributing to the "gap".

[3] The Capacity Grants under the SALC program offer funding to non-profit and governmental entities to strengthen their organizational and financial capabilities for implementing agricultural conservation acquisition projects. This grant presents an opportunity for San Diego LAFCO to fund a position that would support conservation acquisition efforts while also fulfilling the need for technical assistance to farmers in the region.

further provide the necessary resources requested by the agricultural community and supported by members of the Commission.

RECOMMENDATION

Information and feedback only.

ALTERNATIVES FOR ACTION

None.

PROCEDURES

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

1) Receive verbal presentation from staff unless waived.
2) Discuss item and provide feedback as appropriate.

On behalf of staff,

Michaela Peters

Michaela Peters
Analyst II

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AGENDA REPORT
Business | Information

February 3, 2025

TO: Commissioners

FROM: Keene Simonds, Executive Officer
Michaela Peters, Analyst II

SUBJECT: **Notice of Administrative Approval of "Benter - Alto Drive Out-of-Agency Services: Wastewater" | 9365 Alto Drive and City of La Mesa (OAS24-04)**

SUMMARY

The San Diego County Local Agency Formation Commission (LAFCO) will receive notice of an administrative approval by the Executive Officer for the City of La Mesa to provide out-of-agency services to the unincorporated property at 9365 Alto Drive. The authorization is limited and specific to providing wastewater service to an existing 1,783 square-foot single-family residence and a planned accessory dwelling unit (ADU) outside the sphere of influence. The approval is premised on abating an impending threat to public health and safety given the existing septic system is nearing the end of its 40-year lifespan, cannot safely support the ADU, and an existing collection system can readily accommodate the connection without new public infrastructure. This notice is being provided for information consistent with adopted policy. It is also marked for discussion to ensure the administrative approval and associated public health and safety determination is appropriate going forward.

BACKGROUND

Overseeing Out-of-Agency Services

Government Code Section 56133 delegates LAFCOs the responsibility to authorize cities and special districts to provide new or extended services beyond their jurisdictional boundaries. The statute specifies cities and special districts must request and receive formal written

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Brigette Browning, Alt., General Public

approval from LAFCOs to provide "out-of-agency" services by contract or agreement less certain and limited exemptions. The statute further specifies cities and special districts may only be authorized to provide out-of-agency services within their spheres of influence in anticipation of later annexations. If the affected territory lies beyond the subject agencies' spheres, out-of-agency services may only be authorized in response to documented threats to public health and/or safety as determined by LAFCO.

Delegation to the Executive Officer

San Diego LAFCO's current policies authorize the Executive Officer to approve outside-of-agency services – involving water and/or wastewater services only – in response to documented health, safety, or welfare impacts. The Executive Officer is required to inform the Commission of all administrative approvals at the next available meeting for information only. Otherwise, all out-of-agency approvals require formal Commission action.[1]

Applicant Request and Administrative Approval

San Diego LAFCO received a request from the City of La Mesa on behalf of interested landowners (Jeffery & Margarita Benter) in February 2024 to receive approval to provide new out-of-agency wastewater service to an approximate 0.6-acre unincorporated parcel. The subject parcel is presently developed with an approximate 1,800 square-foot single-family residence, built in 1986, and with a situs of 9365 Alto Drive (495-100-80). The subject parcel lies outside of the City's sphere of influence but within its established out-of-area wastewater service area. The request ties to the residence's existing septic system – which is approaching 40 years of service – and produces an impending health and safety threat given the planned addition of an ADU.

Upon receipt of the request and related application materials, LAFCO staff coordinated with La Mesa to assess the need and availability of public wastewater service for the affected territory. The Executive Officer proceeded to issue an administrative approval on December 10, 2024 – specific to the main residence and planned second unit – and is attached for Commission review. A condition to require a future annexation filing consistent with Commission policy and practice was not applied as detailed in the proceeding section.

DISCUSSION

This item is for San Diego LAFCO to receive notice of the Executive Officer's administrative approval authorizing the City of La Mesa to provide wastewater service outside its jurisdictional boundary as described above. The Executive Officer's approval is final under policy, but the Commission is encouraged to discuss the item and specifically whether staff's application of a public health and safety determination on a proactive basis given the age of the septic system and planned ADU is appropriate going forward.

[1] These policies also delegate discretion to the Executive Officer in determining whether public health, safety, or welfare threats exists on a case-by-case basis. Reference to Policy L-113.

ANALYSIS

San Diego LAFCO's administrative approval authorizing the City of La Mesa to provide out-of-agency wastewater service to the subject parcel at 9365 Alto Drive conforms to statute and Commission policies with the latter specific to proactively addressing an otherwise reasonable determination of an impending threat to public health and safety. The administrative approval has been conditioned on limiting wastewater service to only the existing main residence and the planned ADU.

With respect to other Commission policies and practices, Consideration has also been given to require the landowner to file an annexation proposal with LAFCO for future processing in conjunction with expediting the anticipated annexation under statute. Annexations are the preferred method under LAFCO law to formalize the relationship between land and service providers unless local conditions suggest otherwise. In this case, local conditions sufficiently justify an out-of-agency service extension as the most effective and responsive means to provide wastewater services to the affected territory and given annexation would not be orderly or efficient at this time. Most notably, access to the affected territory from La Mesa does not currently exist and access is limited to traveling through the unincorporated area via two County roadways – Mesa Vista Avenue and Alto Drive. Given "cherry-stem annexations" are no longer permissible, annexation of the affected territory without including other neighboring parcels does not appear practical without causing a boundary disconnect, with respect to accessibility.

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 Executive Officer,

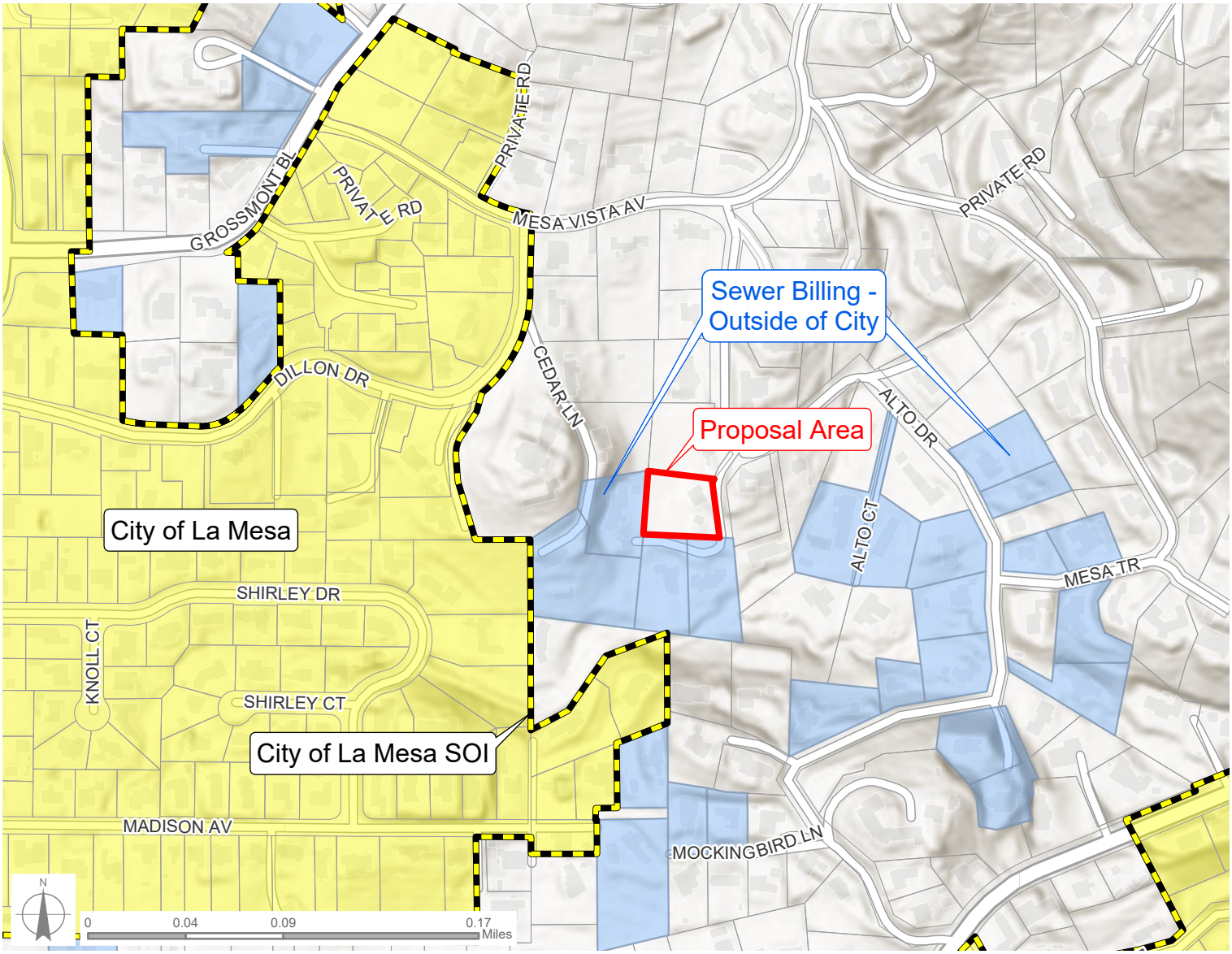
Michaela Peters

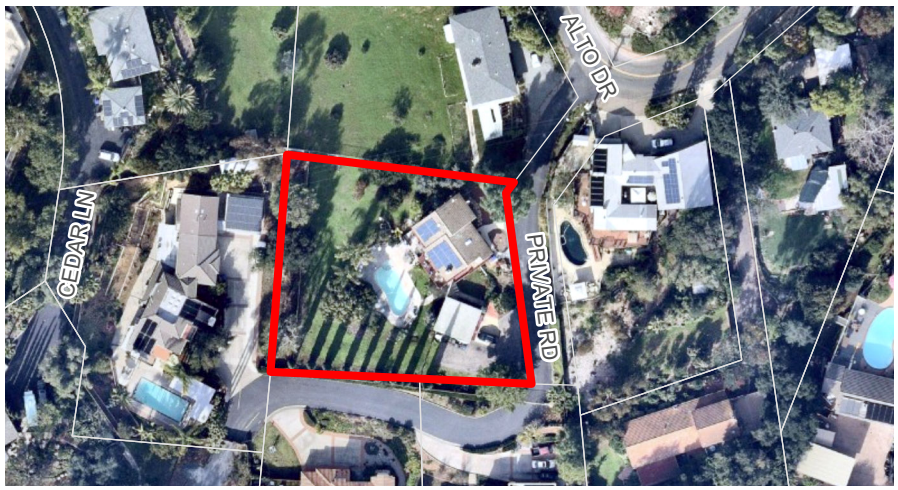
Michaela Peters
Analyst II

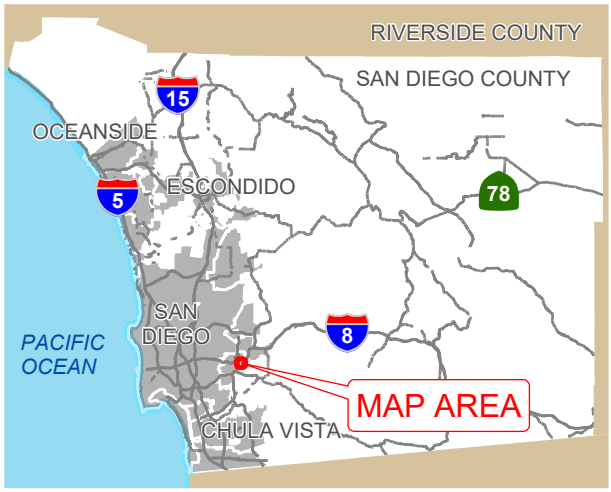
Attachments:

1) Map of the Affected Territory
2) Certificate of Administrative Approval
3) Related Request Documents

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OAS24-04 "BENTER - ALTO DRIVE OUT-OF-AGENCY WASTEWATER SERVICES" | CITY OF LA MESA

SOI = Sphere of Influence

- Proposal Area
- City of La Mesa SOI
- City of La Mesa
- Sewer Billing - Outside of City

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

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Created by Dieu Ngu -- 1/10/2025

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

CERTIFICATE OF ADMINISTRATIVE APPROVAL

OUT-OF-AGENCY SERVICE BY AGREEMENT
City of La Mesa and 9365 Alto Drive (495-100-80-00)
LAFCO File No. OAS24-04

This Certificate of Administrative Approval confirms as of the date below the San Diego County Local Agency Formation Commission (LAFCO) authorizes the City of La Mesa to provide new wastewater services by agreement outside its jurisdictional boundary to 9365 Alto Drive (495-100-80-00). This authorization is made pursuant to California Government Code Section 56133 and the powers delegated to the Executive Officer under LAFCO Policy L-113. The authorization allows La Mesa to establish wastewater services (collection, treatment, and disposal) specific to supporting the approximate 1,800 square-foot single-family residence currently developed on the subject parcel and the planned construction of an accessory dwelling unit (ADU) as allowed under County zoning; no other development – including any future lot split and establishment therein of additional dwellings – is covered. Authorization is made by the Executive Officer and done so to abate an impending threat to public health and safety given the following evidence: the septic system serving the current residence is approaching 40 years of service and at the end of its useful life; the septic system cannot safely support an ADU; and an existing collection system can readily accommodate connection without any new public infrastructure.

Attest,

Keene Simonds
EXECUTIVE OFFICER

DATE: December 10, 2024

Administration
Keene Simonds, Executive Officer
2550 Fifth Avenue, Suite 725
San Diego, California 92103
T 619.321.3380
E lafco@sdcounty.ca.gov
www.sdlafco.org

Joel Anderson, County of San Diego
Jim Desmond, County of San Diego
Nora Vargas, 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
Harry Mathis, General Public
Brigette Browning, Alt., General Public

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CONTRACTUAL SERVICE AGREEMENT
APPLICATION FOR M

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 Nam . e JEFF AX BENTER

Property Address: 936 3LTO RD SD CA.

Phone #: (961) 8914 4J Date: 1/19/24

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? SEW_R

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). SYSTEM WILL NOT HANDEL NEW CHARGE TO BE ADDED

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. _____

4. Are there any jurisdictional issues associated with the proposed contractual service agreement? ☐ YES ☒ NO
(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

RECEIVED

FEB 08 2024

SAN DIEGO LAFCO

CITY OF
LA MESA
JEWEL of the HILLS

November 6, 2024

San Diego County LAFCO
Attn: Keene Simonds
2550 Fifth Avenue, Suite 725
San Diego, CA 92103

Re: Out of Area Service Agreement Request - 9365 Alto Drive

Dear Mr. Simonds:

The City of La Mesa, at the behest of property owners Jeffrey and Margarita Benter, is requesting approval from San Diego LAFCO to provide wastewater services to 9365 Alto Drive (APN 495-100-80-00), which is outside of the City of La Mesa municipal boundary. The property is not located within the City's Sphere of Influence, is not adjacent or contiguous to the City boundary, and is not accessed from a City-owned and maintained street. Therefore, annexation into the City of La Mesa is not supported at this time.

City of La Mesa public sewer infrastructure is available and has adequate capacity to provide service to the property. Extension of sanitary sewer service outside of the City limits to allow for the construction of an accessory dwelling unit (ADU) is consistent with City policy. An Out-of-Area Agreement for Sanitary Sewer Service will be recorded in the Office of the County Recorder.

I appreciate your consideration in this manner. Please reach out to the Director of Community Development, Lynnette Santos, at 619-667-1187 or lsantos@cityoflamesa.us with any questions.

Sincerely,

Greg Humora
City Manager

cc: File

8130 ALLISON AVENUE • LA MESA, CA 91942 • TEL: 619.463.6611 FAX: 619.667.1131

RECORDING REQUESTED BY:
La Mesa City Clerk
FEE EXEMPT PER
GOVERNMENT CODE SECTION 27383

WHEN RECORDED, RETURN TO:

Megan Wiegelman, City Clerk
City of La Mesa
P. O. Box 937
La Mesa, CA 91944-0937

(Space Above for Recorder's Use Only)

AGREEMENT FOR SANITARY SEWER SERVICE
(9365 Alto Drive, APN: 495-100-80-00)

THIS AGREEMENT, made and entered into this_____day of _____, 2024 by and between the **City of La Mesa, a Municipal Corporation**, hereinafter referred to as the "City", and **Jeff Benter and Margarita Benter** hereinafter referred to as the "Owners",

WITNESSETH:

WHEREAS, the City Council adopted Resolution No. 15521 on June 23, 1987, adopting a policy for extension of sanitary sewer to serve residents outside the City limits;

WHEREAS, the 2012 General Plan Policy LU-7.1.3 is to work with the Local Agency Formation Commission (LAFCO) when residents outside the City request annexation or connection to City sanitary facilities;

WHEREAS, the owners desires to utilize the wastewater transportation and treatment facilities of the City for property located outside the City limits;

WHEREAS, the City Engineer has determined that sanitary sewer service for the subject property is necessary to protect the health and safety of the areas residents; and

WHEREAS, the City has and is operating a sanitary sewer system so situated and of sufficient capacity to transport and treat the wastewater from the owner's property.

NOW, THEREFORE, for and in consideration of the promises herein and for further good and valuable consideration hereinafter set forth, IT IS MUTUALLY AGREED BETWEEN THE PARTIES AS FOLLOWS:

SECTION 1. The property of the owners proposed to be connected to the City's sanitary sewer system, at a point approved by the City Engineer, shall be that area in a territory located outside the City and described in **EXHIBIT A** attached hereunto.

SECTION 2. The owners may discharge wastewater into the City's sanitary sewer system, from the property described in Section 1 hereof, upon condition, however, that no waste

oil, acid and other matter that may be detrimental to the treatment process employed in the City sanitary sewer system, nor any storm or ground waters, shall be permitted to be discharged into said connecting line, or lines, If any permitted discharge through said sewer system is contrary to limitations provided in this paragraph, the City may make such repair, mitigation or maintenance work at the expense of the owners and the owners agrees to pay the expense of such repair, mitigation or maintenance work. Further, the Owner shall comply with all codes, ordinance or policies relating to sanitary sewer service within the City of La Mesa.

SECTION 3. The owners shall prepare plans and specifications for the development of the lot and/or lots for which the sewer system extension is required. These plans and specifications shall be reviewed and approved by the City Engineer prior to the review of plans and specifications for the extension of the sewer. Plan review by the City Engineer shall be in accordance with current fee schedules and established procedures.

SECTION 4. If a public sanitary sewer main is required to be installed, then the owners shall prepare plans and specifications for installation of a public sanitary sewer collection system, which shall meet the City's Design Criteria and shall be approved by the City Engineer. The owners shall install public sanitary sewer main lines in the public streets or in an approved easement granted to the City, from the owner's property to the existing public sanitary sewer system. Private sanitary sewer main and/or service laterals when installed shall be by the property owners. The applicant/owners shall be responsible to acquire private sewer easements if required. In addition, charges shall be paid by owner as follows: (***per current fee schedule established by the City Council**).

*A. A review fee payable to City at Planning Department.

*B. A plan check fee based on approved Engineer's estimate for reviewing plans for sanitary sewer collection system.

*C. An inspection fee based on approved Engineer's estimate of construction cost for inspecting construction of the public sanitary sewer collection system.

*D. A lump sum payment to the City, representing a sewer capacity charge to connect the City's existing facilities, and a lump sum payment representing the City's current connection fee based on equivalent dwelling units shall be paid.

*E. A yearly or monthly service charge to reimburse the City for treatment cost and maintenance of the sewer main collector system serving the property. Said service charge shall be as established by ordinance or resolution.

*F. Any sewer connection fees or reimbursement fees established by City to recover the cost of extending the public sanitary sewer system.

SECTION 5. The owners shall dedicate the newly constructed public sanitary sewer facilities determined by the City Engineer to be public facilities to the City in exchange for valuable consideration and the permission to connect to the City's sanitary sewer system.

SECTION 6. The City shall not be responsible or liable in any way for acts of God or any other act, or acts, beyond the control of the City which may in any way cause interruption or discontinuance of the sanitary sewer service provided for hereunder.

SECTION 7. The owners specifically agrees that all maintenance on the private sewer lateral and private sewer mains from owner's premises to the public sewer main shall be Owner's responsibility.

SECTION 8. This agreement shall be terminated and the City shall disconnect service, upon the owner's breach of or failure to perform in terms of this agreement.

SECTION 9. The owners further agrees that in the event that an annexation proceeding be initiated, which includes the property described in Section 1 of this agreement, the owners will not object to inclusion in an annexation, and will be considered to be in favor of said annexation.

SECTION 10. The owners further agrees that no new construction, development or subdivision of property affected by this agreement shall be served by sanitary sewer extended under terms of this agreement. Per Resolution 2024-131, an ADU as authorized pursuant to local and state law shall not be considered new development.

SECTION 11. This agreement shall be binding upon any successors, heirs, or assigns of the owners.

SECTION 12. The parties agree that this Agreement for Sanitary Sewer Service shall be recorded in the office of the County Recorder of San Diego County and that the provisions contained herein relative to the real property described in **Section 1** shall operate as covenants and restrictions thereof.

SECTION 13. This agreement shall be null and void and any lien or cloud on title shall be released upon annexation of subject property to the City of La Mesa, notice of which shall be recorded.

IN WITNESS WHEREOF, the parties hereto have hereunto executed this agreement the day and year first above written.

Jeff Benter	Date	Margarita Benter	Date

CITY OF LA MESA, a Municipal Corporation

BY _____
Mark Arapostathis, Mayor Date

BY _____
Megan Wiegelman, City Clerk Date

Attachments:
Attachment A – Legal Description
Attachment B – Easement Description
Attachment C – LAFCO Administrative Approval dated XX/XX/XXXX

E:\0400 AgrmtsCntrts\90 Sewer Service Agreements\SWR Svc. - 9365 Alto Dr. - Benter.doc

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)
) ss.
COUNTY OF SAN DIEGO)

On _____, 2024, before me, Megan Wiegelman, City Clerk, personally appeared Mark Arapostathis, Mayor, City of La Mesa, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

_____ (SEAL)
Megan Wiegelman, CMC
City Clerk of the City of La Mesa

EXHIBIT "E"

BENTER PROPERTY

Real property in the unincorporated area of the County of San Diego, State of California, described as follows:

PARCEL A:

PARCEL 2 OF PARCEL MAP NO. 3221, ACCORDING TO MAP THEREOF RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, NOVEMBER 14, 1974 AS FILE NO. 74-301796 OF OFFICIAL RECORDS.

PARCEL B:

AN EASEMENT FOR SEWER LINES AND APPURTENANCES THERETO OVER, UNDER, ALONG AND ACROSS A STRIP OF LAND 10.00 FEET IN WIDTH, LYING WITHIN LOT 4 OF MOUNT HELIX SUBDIVISION, ACCORDING TO MAP THEREOF NO. 1516, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, JANUARY 13, 1913, THE EASTERLY LINE OF SAID STRIP BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHERLY CORNER COMMON TO LOTS 1 AND 4 OF SAID MOUNT HELIX SUBDIVISION, THENCE ALONG THE NORTHEASTERLY LINE OF SAID LOT 4 SOUTH 27 DEGREES 38' 00" EAST 116.80 FEET TO AN ANGLE POINT IN THE EASTERLY LINE OF LAND DESCRIBED IN DEED TO EARL L. SEVERIN, ET UX, RECORDED APRIL 20, 1953 AS DOCUMENT NO. 53656 OF OFFICIAL RECORDS, THENCE ALONG SAID EASTERLY LINE AND THE SOUTHWESTERLY PROLONGATION SOUTH 36 DEGREES 47' 00" WEST 51.60 FEET TO AN ANGLE POINT IN LAND DESCRIBED IN DEED TO EARL R. SEVERIN, ET UX, RECORDED IN BOOK 1837, PAGE 134 OF OFFICIAL RECORDS; THENCE ALONG SAID EASTERLY LINE AS FOLLOWS:

SOUTH 06 DEGREES 12' 00" EAST 131.68 FEET TO THE TRUE POINT OF BEGINNING OF THE HEREIN DESCRIBED LINE; THENCE CONTINUING ALONG SAID EASTERLY LINE OF SEVERINS' LAND ABOVE MENTIONED, SOUTH 06 DEGREES 12' 00" EAST 232.22 FEET (RECORD 225.43 FEET) TO THE SOUTHEAST CORNER OF SAID SEVERINS' LAND.

THE WESTERLY LINE OF SAID 10.00 FOOT STRIP IS TO BE MEASURED PARALLEL TO AND AT RIGHT ANGLES FROM THE EASTERLY LINE OF SAID SEVERINS' LAND, SAID STRIP OF LAND IS TO TERMINATE IN THE SOUTH IN THE SOUTHERLY LINE OF SEVERINS' LAND AND IN THE NORTH IN A LINE WHICH BEARS NORTH 86 DEGREES 06' 00" WEST FROM THE TRUE POINT OF BEGINNING.

PARCEL C:

AN EASEMENT AND RIGHT OF WAY FOR ROAD AND UTILITIES OVER, UNDER, ALONG AND ACROSS THAT PORTION OF PARCEL 1 OF PARCEL MAP NO. 3221, SHOWN AND DELINEATED ON SAID PARCEL MAP AS "EXISTING PRIVATE EASEMENT".

APN: 495-100-80-00

Exhibit "A"– Easement Description

A Portion of Parcel 3 of Parcel Map Number 14721, in the City of La Mesa, County of San Diego, State of California, filed in the Office of the County of San Diego County, March 06, 1987, being a strip of land 10.00 feet wide and the centerline more particularly described as follows:

BEGINNING at the Point on North Line of said Parcel 3, distant along said line South 85°02'32" East 14.00 feet from the Northwest Corner of said Parcel 3;

Thence South 28°05'49" West 32.29 feet to a point in the Southwest line of that certain Sewer Easement granted to the City of La Mesa, Recorded September 26, 1986 as Instrument No. 86-429207 of official records of San Diego County and the POINT OF TERMINUS.

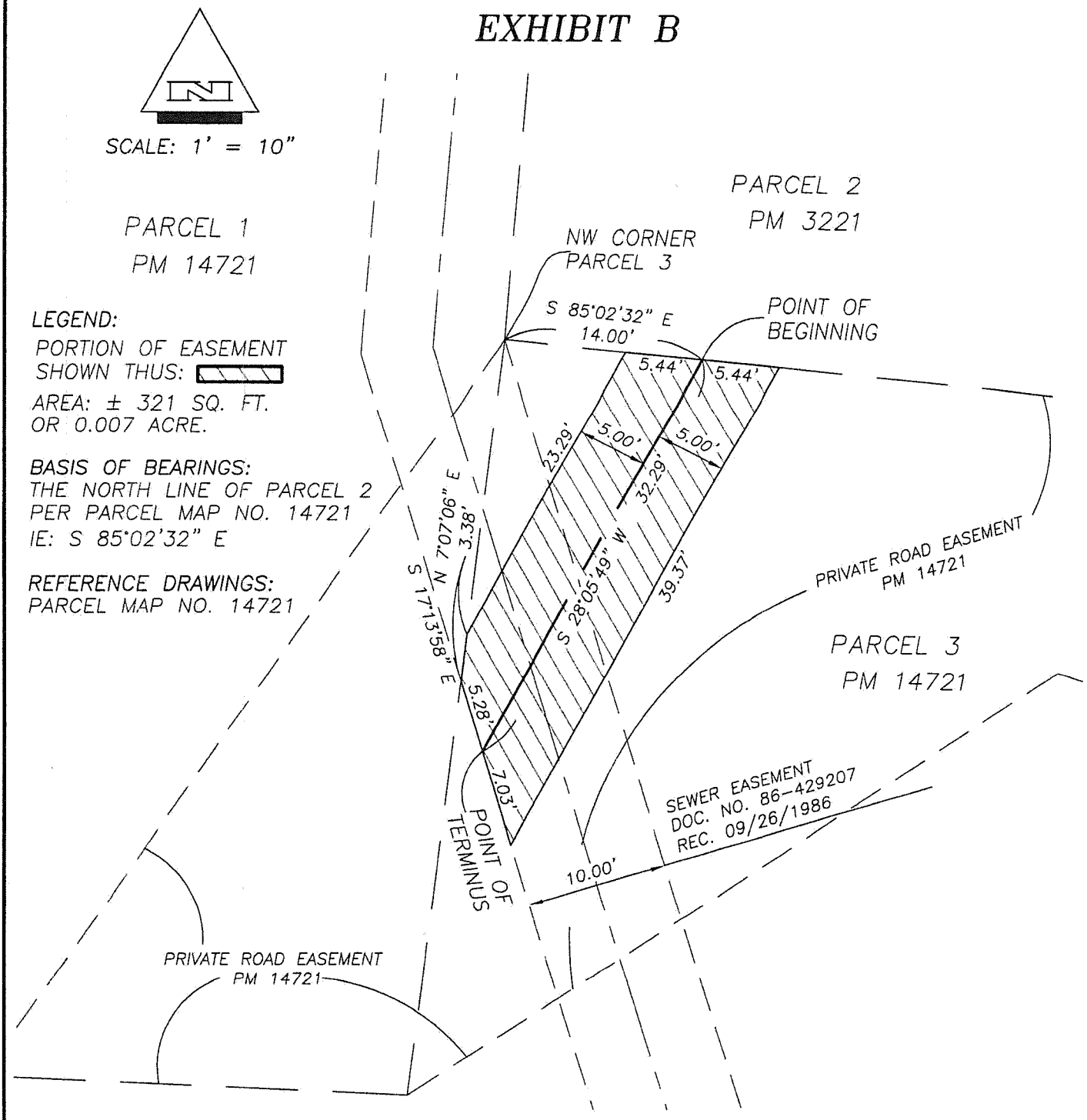
The sidelines of said strip shall be prolonged or shortened so as to terminate in the North and West Lines of said Parcel 3 and said Southwest Line of said Sewer easement.

CONTAINING APPROXIMATELY ± 321 Sq. Ft. or 0.007 Acre.

William P. Tipple, PLS 8197
June 21, 2024



EXHIBIT B



LEGEND:
PORTION OF EASEMENT SHOWN THUS:
AREA: ± 321 SQ. FT.
OR 0.007 ACRE.

BASIS OF BEARINGS:
THE NORTH LINE OF PARCEL 2
PER PARCEL MAP NO. 14721
IE: S 85°02'32" E

REFERENCE DRAWINGS:
PARCEL MAP NO. 14721

PROFESSIONAL LAND SURVEYOR
WILLIAM P. TIPPLE
No. 8197
CALIFORNIA

EASEMENT

UNICO
ENGINEERING
1450 FRAZEE ROAD - SUITE 250 | SAN DIEGO, CA 92108
PHONE: 800.277.6623 | unicoengineering.com

William P. Tipple

Scale: 1" = 10'	Date: 06/21/2024	Drawn by: WPT
Drawing:	A.P.N.: 495-100-85	Sheet 1 of 1 Sheets

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AGENDA REPORT
Business | Action

February 3, 2025

TO: Commissioners

FROM: Erica Sellen, Commission Clerk

SUBJECT: **Chair and Vice Chair Appointments**

SUMMARY

The San Diego Local Agency Formation Commission (LAFCO) will consider making officer appointments and select a Chair and Vice Chair consistent with adopted policy. The appointees will serve the balance of 2025 consistent with policy unless otherwise specified.

BACKGROUND

San Diego LAFCO's policies direct the Commission to annually appoint a chair and vice chair. Terms are one year unless otherwise specified with no restrictions on reappointments. The Commission has relatedly established practices to rotate the appointments between its five membership categories – County, Cities, San Diego, Special Districts, and Public – whenever possible. Recent appointments follow.

Recent Appointments

Year	Chair	Category	Vice Chair	Category
2020	Dianne Jacob	County	Andy Vanderlaan	Public
2021	Andy Vanderlaan	Public	Jim Desmond	County
2022	Jim Desmond	County	Paul McNamara	Cities
2023	Jim Desmond	County	Stephen Whitburn	San Diego
2024	Stephen Whitburn	San Diego	Barry Willis	Special Districts

Administration
Keene Simonds, Executive Officer
2550 Fifth Avenue, Suite 725
San Diego, California 92103
T 619.321.3380
E lafco@sdcounty.ca.gov
www.sdlafco.org

Joel Anderson, County of San Diego
Jim Desmond, County of San Diego
Vacant, 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
Harry Mathis, General Public
Brigette Browning, Alt., General Public

DISCUSSION

This item is for San Diego LAFCO to appoint a Chair and Vice Chair for the balance of 2025. These appointees actively work with the Executive Officer throughout the calendar year and provide feedback on various administrative items and headlined by setting meeting agendas. The Chair also serves as supervisor for the Executive Officer and Commission Counsel.

ANALYSIS

None.

RECOMMENDATION

It is recommended San Diego LAFCO consider its preferences and proceed accordingly in selecting a Chair and Vice Chair.

ALTERNATIVES FOR ACTION

The following alternative actions are available to San Diego LAFCO and can be accomplished with a single-motion:

Alternative One (recommended):
Make appointments to the Chair and Vice Chair positions as appropriate.

Alternative Two:
Continue the item to a future meeting and provide direction to staff with respect to any additional analysis or information requested.

PROCEDURES

This item has been placed on the agenda for action as part of San Diego LAFCO's business calendar. The following procedures are suggested in the consideration of this item:

1) Receive verbal report from staff unless waived.
2) Discuss item and consider recommendation.

Respectfully,

Erica A. Sellen

Erica Sellen
Commission Clerk

Attachments: none