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, March 4, 2024

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

Off-Site Commissioner Participation
Commissioner McCann
Courtyard by Marriott Oxnard-Ventura
Lobby Seating Area Near Front Desk
600 Esplanade Drive
Oxnard, California 93030

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
Immediate Past Chair 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
Vacant	Commission	General Public
Alternate David A. Drake	Independent Special Districts	Rincon del Diablo MWD
Alternate Harry Mathis	Commission	General Public
Alternate John McCann	Cities Selection Committee	City of Chula Vista
Alternative Nora Vargas	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 Acting Commission Clerk Michaela Peters at michela.peters@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:

Michaela Peters
Analyst I
Acting Commission Clerk
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T: 619-321-3380
F: 619-404-6508
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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. **COMMENDATIONS AND PRESENTATIONS**

   a) **Commendation for former Commissioner Andy Vanderlaan**
   The Commission will recognize former Commissioner Andy Vanderlaan for his 28 years of exemplary service to the Commission as regular public member.

4. **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.

5. **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 an item listed on the agenda. Three-minute limit. This is also an opportunity for the public to request the Commission pull an item listed on the consent calendar for discussion.

6. **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 February 5, 2024 (action)**
   The Commission will consider action minutes prepared by the Commission Clerk for the February 5, 2024 meeting. Recommendation to approve as presented. (Pages 7-16)

   b) **Commission Ratification |**
   Recorded Payments for January 2024 (action)
   The Commission will review a report identifying all payments made and received for January 2024. Recommendation to ratify payments as presented. (Pages 17-22)

   c) **Temporary Appointment and Compensation Adjustment for Analyst Michaela Peters to Concurrently Serve as Commission Clerk (action)**
   The Commission will consider the temporary appointment and related compensation adjustment for Analyst Michaela Peters to concurrently serve as Commission Clerk retroactive to February 9, 2024. The proposed appointment provides a 10% compensation increase consistent with adopted policy and recognizes several duties already undertaken via cross-training in anticipation of the incumbent's pending leave. The proposed appointment – at the maximum potential length – would generate a total cost of $5,757 and can be readily accommodated. Recommendation to approve. (Pages 23-48)

CONSENT ITEMS CONTINUED…

d) **Progress Report on the Adopted Workplan (action)**
The Commission will receive a progress report on accomplishing the 30 projects included in the adopted workplan for 2023-2024. The report is being presented to the Commission to receive and file with the opportunity to identify potential amendments for future consideration. (Pages 49-52)

e) **Report on Active Proposals and Related Activities (information)**
The Commission will receive a status report on the 28 active proposals 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. (Pages 53-64)

f) **Report from University of California at Berkeley |**
LAFCO and Water System Consolidations in California (information)
The Commission will receive a report prepared by the University of California at Berkeley addressing the relationship between State regulators and LAFCOs in achieving the State's interest in consolidating and otherwise remedying problems with small public water systems. The report includes several recommendations ranging from elevating the use and frequency of municipal service reviews (MSR) to proactively facilitate consolidations to legislative changes. The report is being provided to the Commission for information with the opportunity to provide input to LAFCO staff in line with its intention to provide a letter expressing appreciation and support for their work. (Pages 65-88)

g) **Update on Special District Election (information)**
The Commission will receive an update on the scheduled election called by the Executive Officer to seat a special district board member to serve on the Commission via a new four-year term beginning May 6, 2024. The election involves one of the two voting seats dedicated to special districts and presently held by Commissioner MacKenzie. Info only. (Pages 89-90)

7. **PUBLIC HEARING ITEMS |**
COMMISSIONER DISCLOSURE OF EX PARTE COMMUNICATIONS
Public hearing items require expanded public notification per provisions in State law or have been voluntarily scheduled by the Executive Officer to ensure opportunity for public input. All public hearing items require verbal disclosures by Commissions regarding any material communications.

a) **Proposed "Tucker – Valley Road Reorganization" |**
Annexation to National City with Concurrent Detachments from South Bay Irrigation District, Bonita-Sunnyside Fire Protection District, and County Service Area No. 135 and Related Sphere of Influence Amendment (RO23-01) (action)
The Commission will consider a reorganization proposal filed by landowner petition with the principal action to annex approximately 2.16 unincorporated acres in the Bonita community to National City. A secondary action to detach the affected territory from South Bay Irrigation District, Bonita-Sunnyside Fire Protection District, and County Service Area No.135 are also proposed. The affected territory comprises two legal parcels the lie entirely within the sphere of influence for National City. The proposal purpose is to facilitate the planned development of a minor subdivision consisting of 10 single-family residences known as the "Valley View…

PUBLIC HEARING ITEMS CONTINUED…

Item 7a Continued

Development Project". Staff recommends conditional approval of the proposal as submitted along with a conforming sphere of influence action for Bonita-Sunnyside FPD's sphere, and a municipal service review waiver under L-106. It is also recommended the Commission waive protest proceedings and make findings under the California Environmental Quality Act (CEQA). The subject parcels are identified as 591-100-31 and 591-100-27. (Pages 91-150)

b) Proposed Draft Workplan and Budget for 2024-2025 (action)
The Commission will consider recommendations in adopting a proposed draft workplan and budget for 2024-2025. The draft workplan outlines 30 activities in priority order and headlined by continuing municipal service reviews on wholesale water service providers and healthcare districts as well as grant work evaluating economic conditions for certain agricultural crops. Several new projects round out the draft workplan and headlined by initiating a municipal service review on the San Diego Association of Local Governments. The draft workplan informs the draft budget, which totals $2.887 million in matching expenses and revenues. More than four-fifths of total expenses – $2.403 million – covers operating costs and represents an increase of 6.3% and largely ties to inflationary adjustments plus targeted enhancements in certain non-labor accounts as detailed. Adoption of the draft workplan and budget will precede a formal public review and conclude with final actions in May. (151-166)

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

a) Final Administrative Assessment | Commission Oversight Duties and Port of San Diego (action)
The Commission will receive a final administrative assessment on LAFCO's oversight duties as they relate to the Port of San Diego – formally the San Diego Unified Port District. The assessment fulfills a request by the Commission to evaluate whether the Port is subject to LAFCO similar to other special districts in San Diego County. The assessment concludes the Port is subject to LAFCO oversight as an independent special district in the performance of local governmental and proprietary functions. It is recommended the Commission accept the assessment and approve a conforming policy statement. Alternatively, and as contemplated, should it separately determine the Port is performing functions exclusively for the benefit of the State, the Commission should accept the assessment and approve a substitute policy statement that the Port is not subject to LAFCO oversight. (Pages 167-182)

b) Proposed Policy Update | LAFCO Personnel Policies and Procedures (action)
The Commission will review a proposed policy update to its personnel policies and procedures. The proposed update ties to the adopted workplan and prepared with the assistance of LAFCO's contract human resources advisor – Regional Government Services Authority. The Commission reviewed a draft version at its December 2023 meeting with feedback for staff to further refine certain employer-employee relationships – including telework provisions and related liability protections. The proposed update incorporates these and other refinements and edits as detailed and presented for Commission approval with any changes. (Pages 183-254)

BUSINESS ITEMS CONTINUED…

c) Appointment of a Regular Public Member (action)
The Commission will consider making an appointment to fill the vacated term of the regular public member position. The term became vacated on January 19, 2024 with the resignation of Andy Vanderlaan. The unexpired term extends through April 2025. The item has been noticed to accommodate the Commission proceeding immediately with the appointment of the alternate – Harry Mathis – to assume the unexpired term and done so based on input provided at the February meeting. Alternative actions available to the Commission include – but not limited to – forming an ad hoc committee to recruit, interview, and/or recommend candidates to fill the unexpired term. (Pages 255-260)

d) Contingency Options to Appoint New Alternate Public Member (action)
The Commission will consider available options and related preferences should it be necessary to make a new appointment for the alternate public member position. The item ties to the Commission's separate consideration on the agenda and the potential appointment of the current alternate – Harry Mathis – to fill the unexpired term of the regular public member term. Should Commissioner Mathis become the regular public member, a new appointment will be needed to fill the balance of the alternate position term through April 2027. Consideration will include reviewing polices and/or established procedures used by other LAFCOs in the region. Staff is seeking direction. (Pages 261-274)

e) Grant Work Update |
Sustainable Agricultural Lands Conservation Planning Grant 2.0 (information)
The Commission will receive an update on its ongoing SALC planning grant – i.e., "SALC 2.0" -- in partnership with the County of San Diego's Planning and Development Services. SALC 2.0 entails conducting a comprehensive market analysis for both existing and emerging crops, alongside a gap analysis aimed at pinpointing areas where governmental intervention can help bridge economic gaps with a focus on aiding small-scale farming. The update is for information and provides an opportunity for the Commission to ask questions or provide related feedback as grant work goes forward. (Page 275-280)

9. EXECUTIVE OFFICER REPORT

10. COMMISSIONER ANNOUNCEMENTS & REQUESTS FOR FUTURE ITEMS

11. CLOSED SESSION

None

12. ADJOURNMENT

Attest to Posting:

Erica Sellen
Commission Clerk

6a

AGENDA REPORT
Consent | Action

March 4, 2024

TO: Commissioners

FROM: Erica Sellen, Commission Clerk

SUBJECT: **Approval of Meeting Minutes | Regular Meeting of February 5, 2024**

SUMMARY

The San Diego County Local Agency Formation Commission (LAFCO) will consider draft minutes prepared for the regular meeting held on February 5, 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 February 5, 2024, regular meeting. The attendance record for the meeting follows.

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

Administration
Keene Simonds, Executive Officer
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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
Vacant, General Public
Harry Mathis, Alt., General Public

ANALYSIS

The attached draft minutes for the February 5, 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 February 5, 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 February 5, 2024, regular meeting with any requested corrections or clarifications.

Alternative Two:
Continue item to the next regular meeting and provide direction to staff 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 February 5, 2024

DRAFT MINUTES
SAN DIEGO LAFCO
February 5, 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 8:15 a.m. by Chair Desmond. 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 (CHAIR) Jo MacKenzie, Vista Irrigation District Stephen Whitburn, City of San Diego (VICE CHAIR) Dane White, City of Escondido Barry Willis, Alpine Fire Protection District
Alternates Present:	David Drake, Rincon del Diablo Municipal Water District Harry Mathis, Public (voting) John McCann, City of Chula Vista
Members Absent:	Nora Vargas, County of San Diego (alternate) Marni von Wilpert, City of San Diego (alternate)

The Commission Clerk confirmed a quorum with eight voting members present with Alternate Commissioner Mathis voting in place of the vacant regular public seat. Also present at the time of roll call were the following LAFCO staff Executive Officer Keene Simonds; Commission Counsel Holly Whatley; Local Government Analyst II Carolanne Ieromnimon; Local Government Analyst I Michaela Peters; GIS Analyst Dieu Ngu; and Clerk Erica Sellen.

Item 1b
PLEDGE OF ALLEGIANCE

Chair Desmond 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 Desmond asked the Executive Officer if there were any requests to remove or rearrange items on the agenda. The Executive Officer responded no changes to the agenda are needed. The Executive Officer also commented no supplemental correspondence on any of the agenda items had been received.

4. PUBLIC COMMENT AND RELATED ITEMS

Chair Desmond 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 or live e-mail comments.

5. CONSENT ITEMS

Item 5a
Approval of Meeting Minutes for December 4, 2023
Item presented to approve draft action minutes prepared for the Commission's December 4, 2023 meeting. Recommendation to approve.

Item 5b
Commission Ratification | Recorded Payments for November and December 2023
Item presented to ratify recorded payments made and received by the Executive Officer for the months of November and December2023. Recommendation to ratify.

Item 5c
Budget Update for 2023-2024 | 2nd Quarter Actuals with Year-End Projections
Item presented to review a report comparing budgeted and actual transactions through the second quarter of 2023-2024 and related analysis. Recommendation to formally accept and provide direction to staff as needed.

Item 5d
Proposed "Glen Abbey Memorial Cemetery Park–Bonita Road Change of Organization" | Annexation to San Diego County Sanitation District (CO23-10)
Item presented to consider a consider a change of organization proposal initiated by landowner petition to annex approximately 110 unincorporated acres in Bonita to the San Diego County Sanitation District. The affected territory as submitted involves two contiguous legal parcels presently developed and used as part of the Glenn Abbey Memorial Cemetery Park. The proposal purpose is to make public wastewater available to the remainder of the cemetery grounds and in doing so accommodate planned improvements. Staff recommends conditional approval of the proposal with a modification to include 4.0 additional acres comprising of an adjacent legal parcel owned and operated by the applicant as well as frontage along Bonita Road. Staff also recommends waiver of protest proceedings and exemption finding under the California Environmental Quality Act.

Item 5e
Commission Counsel Services |
Proposed New Agreement with Colantuono, Highsmith & Whatley
Item presented to consider a proposed new agreement for legal services with Colantuono, Highsmith & Whatley. The new agreement resets and extends this existing relationship through June 30, 2027 and makes related updates involving billing rates – including establishing a rate distinction for litigation services. Recommendation to approve.

CONSENT ITEMS CONTINUED…

Item 5f
Progress Report on the Adopted Workplan
Item presented to receive a progress report on accomplishing the 30 projects included in the adopted workplan for 2023-2024. Recommendation to receive and file with the opportunity to identify potential amendments for future consideration.

Item 5g
Legislative Report
Item presented to receive a report on legislative items of interest to the Commission and its regulatory and planning responsibilities. This includes reviewing items associated with the end of the first year of the 2023-2024 session – including Assembly Bills 1753 and 399 – as well as previewing potential topics heading into the second year. Recommendation to receive and file with the opportunity to identify potential amendments for future consideration.

Commissioner Willis requested to pull Item 5g for discussion for AB399. Executive Officer proceeded to summarize Item 5g followed by discussion from the Commission.

**

Commissioner Willis motioned with a second from Commissioner Anderson to approve consent calendar Item 5g with staff recommendation as presented.

Roll call requested:

AYES:	Anderson, Becker, Desmond, MacKenzie, Mathis (voting), Whitburn, White, and Willis
NOES:	None
ABSENT:	Vargas and von Wilpert
ABSTAINING:	None

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

Item 5h
Report on Active Proposals and Related Activities
Item presented to receive a status report on active proposals currently on file with LAFCO. Information only.

**

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

Roll call requested:

CONSENT ITEMS CONTINUED…

AYES:	Anderson, Becker, Desmond, MacKenzie, Mathis (voting), Whitburn, White, and Willis
NOES:	None
ABSENT:	Vargas and von Wilpert
ABSTAINING:	None

The Commission Clerk confirmed the motion to approve the balance of the consent calendar was approved 8-0.

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

Item 6a
Proposed "City of Carlsbad Change of Organization" |
Detachment from Leucadia Wastewater District and Concurrent Sphere of Influence Action (CO23-09)
Item presented to consider a change of organization proposal initiated by resolution of the City of Carlsbad to detach approximately 202 acres of incorporated territory from the Leucadia Wastewater District (WD). The affected territory as submitted comprises three non-contiguous area that are largely developed with residential uses and served by Carlsbad's wastewater system. Overall, the affected territory comprises 50 legal parcels that are further defined by ownership into 250 unique assessor parcels. The proposal purpose is to eliminate an existing overlap between Carlsbad and Leucadia WD and in doing so make explicit Carlsbad is the authorized wastewater service provider for the affected territory going forward. Staff recommends conditional approval of the proposal as submitted along with a conforming sphere amendment involving one of the three areas within the affected territory. It is also recommended the Commission delegate protest proceedings to the Executive Officer and make exemption findings under the California Environmental Quality Act (CEQA).

Chair Desmond invited any disclosures from Commissioners on material ex parte communications. No disclosures reported.

Local Government Analyst II Carolanne Ieromnimon provided the staff presentation.

Chair Desmond requested clarification if the property owners or registered voters were notified of this proposal. Ms. Ieromnimon responded notice was provided by LAFCO via the newspaper as allowed under statute. Ms. Ieromnimon also noted the proposal would require protest hearing should it be approved by the Commission with additional noticing therein.

Chair Desmond proceeded to open the hearing and invited comments from the public.

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

- Vicki Quiram, City of Carlsbad

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

PUBLIC HEARING ITEM CONTINUED…

Item 6a Continued

Chair Desmond proceeded to close the public hearing.

**

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

Roll call requested:

AYES:	Anderson, Becker, Desmond, MacKenzie, Mathis (voting), Whitburn, White, and Willis
NOES:	None
ABSENT:	Vargas and von Wilpert
ABSTAINING:	None

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

7. BUSINESS ITEMS

Item 7a
Proposed "Garcia–Curtis Drive Out-of-Agency Wastewater Services" |
City of Vista (OAS23-14)
Item presented to consider a request by the City of Vista to provide new out-of-agency wastewater services to an unincorporated parcel located north of the City limits and within its sphere of influence. The affected territory and its lone subject parcel is 2.8 acres in size and developed with a single-family residence at 211 Curtis Drive. The purpose of the request is to make available public wastewater to accommodate the construction of an accessory dwelling unit (ADU) that would otherwise be prohibited given the limitations on the existing septic system. Staff recommends conditional approval authorizing service to the existing single-family residence and planned ADU. 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 applies.

Local Government Analyst II Carolanne Ieromnimon provided the staff presentation.

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

Commission discussion followed.

**

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

BUSINESS ITEMS CONTINUED…

Item 7a Continued

Roll call requested:

AYES:	Anderson, Becker, Desmond, MacKenzie, Mathis (voting), Whitburn, White, and Willis
NOES:	None
ABSENT:	Vargas and von Wilpert
ABSTAINING:	None

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

Item 7b
Quarterly Progress Report |
Municipal Service Review on Wholesale Water Agencies: County Water Authority and Metropolitan Water District of Southern California
Item presented to receive a verbal presentation as part of a planned quarterly report advising on the progress in preparing the scheduled municipal service review (MSR) on wholesale water agencies operating in San Diego County. This includes a comprehensive review of the San Diego County Water Authority and a proportional review of the Metropolitan Water District of Southern California. The quarterly report is for information as previously requested by the Commission with the opportunity to provide general feedback.

LAFCO Consultants Adam Wilson and Chris Cate provided the staff presentation including discussion of a first draft of the MSR being available by June 30, 2024.

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

Commission discussion followed. No action.

Item 7c
Appointment Options for the Regular Public Member Position
Item presented to consider options and preferences therein in filling the vacated term of the regular public member position. The position became vacated in mid-January with the resignation of Andy Vanderlaan. The unexpired term extends through April 2025. Staff requests direction from the Commission in scheduling an appointment at a future meeting with or without an open recruitment process as well as with or without action to create an advisory committee.

Chair Desmond thanked Commissioner Vanderlaan for his years of service.

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

Commission discussion followed on how to fill the vacancy. No action.

Item 7d
Chair and Vice Chair Appointments
Item presented to consider making officer appointments and select a chair and vice chair consistent with adopted policy. The appointees will serve the balance of 2024 consistent with policy unless otherwise specified.

Chair Desmond nominated current Vice Chair Stephen Whitburn as Chair and Commissioner Willis as Vice Chair.

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

Commission discussion followed and largely focused on past practice to rotate the officer positions among all five membership categories on LAFCO.

**

Commissioner Desmond motioned with a second from Commissioner White to appoint Commissioner Whitburn as Chair and appoint Commissioner Willis as Vice Chair.

Roll call requested:

AYES:	Anderson, Desmond, MacKenzie, Mathis (voting), Whitburn, White, and Willis
NOES:	Becker
ABSENT:	Vargas and von Wilpert
ABSTAINING:	None

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

8. EXECUTIVE OFFICER REPORT

Executive Officer Keene Simonds noted the following items:

- Introduced new Administrative Analyst Intern Jared Blackwell
- Introduced new consultant Bill Fulton
- Commented Assistant Executive Officer Priscilla Mumpower will be returning from maternity leave and Commission Clerk Erica Sellen will be leaving for maternity leave later this month
- A final assessment on the topic of LAFCO's oversight as it relates to the San Diego Port is expected at the next meeting in March
- The April 2024 meeting may be canceled due to the County holiday on March 1st (Cesar Chavez Day) or may be rescheduled to April 8th
- Thanked Chair Desmond for his service as Chair for the last two years

9. COMMISSIONER ANNOUNCEMENTS | REQUESTS FOR FUTURE ITEMS

- Commissioner Willis would like an update on the LAFCO fee waivers
- Chair Desmond would like to see a potential SANDAG MSR

10. CLOSED SESSION

None

11. ADJOURNMENT TO NEXT MEETING

With no further business Chair Desmond adjourned the meeting at 9:02 a.m.

I hereby attest the minutes above accurately reflect the deliberations of the Commission at its February 5, 2024 meeting.

ATTEST,

Erica Sellen
Commission Clerk

6b

AGENDA REPORT
Consent | Action

March 4, 2024

TO: Commissioners

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

SUBJECT: **Commission Ratification | Recorded Payments for January 2024**

SUMMARY

The San Diego County Local Agency Formation Commission (LAFCO) will receive a report identifying payments made and received in January 2024. The payments cover all recorded transactions for the one period and include $0.177 million in total distributions made by the Executive Officer. Slightly more than one-half 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 tie to professional services and marked by legal and consultant usage. The payments received total $0.030 million and largely tie to receipt of grant payments.

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.

Administration
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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
Barry Willis, Alpine Fire Protection
Jo MacKenzie, Vista Irrigation
David Drake, Alt., Rincon del Diablo
Vacant, General Public
Harry Mathis, 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 January 2024. A detailing of these transactions is provided in Attachment One. The item separately provides the Commission the opportunity to provide feedback and inform potential changes in accounting procedures going forward.

ANALYSIS

San Diego LAFCO's recorded payments made by the Executive Officer covering January 2024 totals $176,987 with 55% – or $97,750 – tied to transactions with the County of San Diego. This includes payroll reimbursements covering two pay periods as well as expenses for general overhead and information technology services. All expenses are consistent with the adopted budget. Revenues collected during the one-month period totals $27,757 and largely tied to collecting grant payments.

RECOMMENDATION

It is recommended San Diego LAFCO ratify the payments made and received by the Executive Officer for January 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 in January 2024 as shown in Attachment One.

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 A. Sellen

Erica Sellen
Commission Clerk

Attachment:

1) Recorded Transactions in January 2024

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SAN DIEGO LAFCO
Expenses by Vendor Detail
January 2024

Payable | Receivable Party	Date	Account	Amount	Purpose	Type	Funding Account
E | 3MC Strategies LLC						
	1/22/2024	52370.F · Professional Services	13,800.00	Consultant Services | Strategy + Financial Analysis	electronic	1000 · County Account (44595)
E | Ace Parking						
	1/22/2024	52530 · Office Lease	120.00	New Parking Badge (JB)	electronic	1000 · County Account (44595)
	1/24/2024	52530 · Office Lease	200.00	Parking Validations	electronic	1000 · County Account (44595)
	1/29/2024	52530 · Office Lease	960.00	Monthly Parking Rent	electronic	1000 · County Account (44595)
			1,280.00			
E | ADW Consulting LLC						
	1/5/2024	52304 · Miscellaneous	600.00	SALC Grant	electronic	1000 · County Account (44595)
	1/22/2024	52370.F · Professional Services	10,725.00	Consultant Services | Strategy + Governance Analysis	electronic	1000 · County Account (44595)
			11,325.00			
E | After Effects (Adobe)						
	1/10/2024	52270 · Memberships	20.99	Monthly Video Editing Software Subscription	credit card	3558-60 · SDCCU Visa Credit Card
	1/16/2024	52270 · Memberships	19.99	Monthly Adobe DC Pro Upgrade	debit card	3558 · SDCCU Checking
			40.98			
E | Amazon						
	1/11/2024	52344 · Stores Unallocated	241.04	General Office Supplies	credit card	3558-60 · SDCCU Visa Credit Card
	1/18/2024	52344 · Stores Unallocated	39.57	General Office Supplies	credit card	3558-60 · SDCCU Visa Credit Card
			280.61			
E | Ambius						
	1/9/2024	52344 · Stores Unallocated	395.07	Monthly Service for Office Plants	check	3558 · SDCCU Checking
E | AT&T Mobility						
	1/4/2024	52074 · Telecommunications	480.77	Monthly Cell Phone | LAFCO Staff	check	3558 · SDCCU Checking
E | Canva						
	1/8/2024	52270 · Memberships	12.99	Monthly Subscription	credit card	3558-60 · SDCCU Visa Credit Card
E | Colantuono, Highsmith & Whatley						
	1/5/2024	52370.B · Professional Services	5,345.44	Commission Counsel Services	electronic	1000 · County Account (44595)
E | Corodata						
	1/18/2024	52330 · Office Expense	58.11	Document Storage	check	3558 · SDCCU Checking
E | County of San Diego						
	1/1/2024	52504 · Equipment Rental	2.90	County Surcharge | Xerox	electronic	1000 · County Account (44595)
	1/1/2024	52354 · Mail/Postage ISF	1,382.27	Mail/Postage Services	electronic	1000 · County Account (44595)
	1/1/2024	52178 · Vehicle Maintenance	139.87	Vehicle Maintenance Services	electronic	1000 · County Account (44595)
	1/1/2024	52182 · Vehicle Fuel	102.38	Vehicle Fuel	electronic	1000 · County Account (44595)
	1/1/2024	52758 · Vehicle Lease	165.49	Vehicle Lease	electronic	1000 · County Account (44595)
	1/1/2024	52721 et al. · Communications (IT) Services	10,226.70	County IT Services (ITRACK)	electronic	1000 · County Account (44595)
	1/5/2024	51110 et al. · Employee Payroll	43,644.60	Payroll | Pay Period 2024-14	electronic	1000 · County Account (44595)
	1/19/2024	51110 et al. · Employee Payroll	42,083.05	Payroll | Pay Period 2024-15	electronic	1000 · County Account (44595)
	1/31/2024	52504 · Equipment Rental	2.47	County Surcharge | Xerox	electronic	1000 · County Account (44595)
			97,749.73			
E | Dieu Ngu						
	1/18/2024	52270 · Memberships	199.00	Reimbursement for Dropbox Annual Membership	check	3558 · SDCCU Checking
E | Fax Plus						
	1/8/2024	52330 · Office Expense	9.26	Monthly Fax Machine Payment	debit card	3558 · SDCCU Checking
E | Manchester Finaancial 5th Ave LP						
	1/5/2024	52530 · Office Lease	11,450.42	Office & Storage Rent	electronic	1000 · County Account (44595)
E | Michaela Peters						
	1/9/2024	52270 · Memberships	103.92	Reimbursement for Canva Membership (8 months)	check	3558 · SDCCU Checking
E | Mission RCD						
	1/19/2024	52304 · Miscellaneous	1,470.00	SALC Grant	electronic	1000 · County Account (44595)
E | Postal Annex						
	1/30/2024	52332 · Postage	58.47	Agenda Packet to BW	credit card	3558-60 · SDCCU Visa Credit Card
E | QuickBooks						
	1/4/2024	52330 · Office Expense	45.00	Monthly Service for Online QuickBooks	debit card	3558 · SDCCU Checking
E | RCD of Greater SDC						
	1/19/2024	52304 · Miscellaneous	27,981.28	SALC Grant	electronic	1000 · County Account (44595)

SAN DIEGO LAFCO
Expenses by Vendor Detail
January 2024

Payable | Receivable Party	Date	Account	Amount	Purpose	Type	Funding Account
E | Ready Refresh						
	1/10/2024	52330 · Office Expense	57.15	Monthly Water Service	credit card	3558-60 · SDCCU Visa Credit Card
E | RGS						
	1/5/2024	52370 · Professional Services	3,082.30	HR Services	electronic	1000 · County Account (44595)
E | Sloan Sakai Yeung & Wong LLP						
	1/17/2024	52370.B · Professional Services	147.50	Special Counsel Services	electronic	1000 · County Account (44595)
E | Southwest Airlines						
	1/9/2024	52622 · Training/Registration Out-County	482.46	Airfare | CALAFCO Staff Workshop PM & MP	credit card	3558-60 · SDCCU Visa Credit Card
E | Stephen Abbott						
	1/22/2024	52370.F · Professional Services	560.00	Consultant Services | MSR & Fire	electronic	1000 · County Account (44595)
E | The Corner Drafthouse						
	1/9/2024	52610 · Non-Travel/In-County	196.02	Team Lunch Meeting (JB First Day)	debit card	3558 · SDCCU Checking
E | Xerox						
	1/10/2024	52504 · Equipment Rental	329.74	Xerox Rental	electronic	1000 · County Account (44595)
E | YouTube						
	1/29/2024	52270 · Memberships	13.99	Monthly Streaming Support Services	debit card	3558 · SDCCU Checking
E | Zoom						
	1/2/2024	52270 · Memberships	15.99	Staff Monthly Video Conferencing Subscription	debit card	3558 · SDCCU Checking
	1/4/2024	52270 · Memberships	15.99	EO Monthly Video Conferencing Subscription	debit card	3558 · SDCCU Checking
			31.98			
EXPENSE TOTAL			176,987.19			
R | County of San Diego						
	1/31/2024	49200 · Interest & Dividends	498.45	Interest Payment to Account 46725	electronic	1001 · Committed - Stablization (min. balance of $250k)
	1/31/2024	49200 · Interest & Dividends	1,052.08	Interest Payment to Account 46726	electronic	1002 · Committed - Opportunity (min. balance of $300k)
	12/31/2023	49200 · Interest & Dividends	311.94	Interest Payment to Account 46727	electronic	1003 · Assigned - Executive Officer (up to $125k)
			1,862.47			
R | State of California						
	1/12/2024	45281 · State Aid Agriculture	27,757.06	SALC Grant	check	1000 · County Account (44595)
REVENUE TOTAL			29,619.53			

6c

AGENDA REPORT
Consent | Action

March 4, 2024

TO: Commissioners

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

SUBJECT: **Temporary Appointment and Compensation Adjustment for Analyst Michaela Peters to Concurrently Serve as Commission Clerk**

SUMMARY

The San Diego County Local Agency Formation Commission (LAFCO) will consider the temporary appointment and related compensation adjustment for Analyst Michaela Peters to concurrently serve as Commission Clerk retroactive to February 9, 2024. The proposed appointment provides a 10% compensation increase consistent with adopted policy and recognizes several duties already undertaken via cross-training in anticipation of the incumbent's – Erica Sellen – pending leave under the Family Medical Leave Act. It is recommended the Commission relatedly authorize the temporary assignment as needed for up to 130 days while the incumbent remains on authorized leave. The proposed appointment – at the maximum potential length – would generate a total cost of $5,757 (salary and benefits) and can be readily accommodated with existing resources.

BACKGROUND

Commission Clerk Position

San Diego LAFCO currently budgets 9.0 full-time positions at a total expense of $1.436 million (salaries and benefits). One of these budgeted positions is the Commission Clerk with key duties involving records and filings management, public noticing, and clerking meetings.

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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 A. Drake, Alt., Rincon del Diablo
Vacant, General Public
Harry Mathis, Alt., General Public

DISCUSSION

This item is for San Diego LAFCO to consider the temporary appointment of Analyst Michaela Peters to concurrently serve as Commission Clerk retroactive to February 9, 2024 with a corresponding 10% compensation increase consistent with adopted policy (Rule 6.13). Authorization would extend up to 130 days to parallel the incumbent holder's pending and authorized leave under the Family Medical Leave Act.

ANALYSIS

The proposed temporary assignment of Analyst Michaela Peters to concurrently serve as Commission Clerk accommodates a priority need to ensure the essential and time-sensitive functions are exercised while the incumbent remains out on leave. This includes processing payroll, transacting payments, recording documents, and clerking meetings. Ms. Peters' core Analyst I responsibilities will remain intact with the understanding some projects will be delayed in favor of addressing critical Clerk functions. Formal approval by the Commission is needed consistent with Rule 6.13.

RECOMMENDATION

It is recommended San Diego LAFCO approve the proposed temporary appointment of Michaela Peters to serve as Commission Clerk with a 10% compensation increase. This recommendation is reflected in the proceeding section as Alternative Action One.

ALTERNATIVES FOR ACTION

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

Alternative One (recommended):

(a) Approve a temporary assignment for Analyst I Michaela Peters to concurrently serve as Commission Clerk retroactive to February 9, 2024 for up to 130 days.

(b) Authorize a 10% increase in salary for Analyst I Michaela Peters during this concurrent assignment as both Analyst I and Commission Clerk.

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 unless otherwise specified by the Commission.

On behalf of the Executive Officer,



Priscilla Mumpower
Assistant Executive Officer

Attachments:

1) Commission Clerk Job Description
2) Rule No. 6.13

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LOCAL AGENCY FORMATION COMMISSION
SAN DIEGO COUNTY

POSITION SPECIFICATION

COMMISSION CLERK

Definition

With limited direction, to serve as clerk to the Commission and assist the Executive Officer in managing Commission meetings and all records therein; to perform support staff level work for the Executive Officer and to assist with administrative and other non-routine duties; to perform related work as required.

Typical Tasks

Works with the Executive Officer to schedule all Commission meetings and any standing or ad hoc committees therein; prepares related agenda materials; takes related official meeting minutes; notifies participants; reserves meeting rooms; ensures Commission meeting information is compiled and posted; arranges for Commission food and beverages as appropriate.

Prepare, post, and distribute public hearing notices of the Commission; prepare, publish, and distribute other legal notices in accordance with State of California, County of San Diego, and LAFCO requirements.

Receive, process, and monitor economic interest statements and election process for elected and appointed officials and employees.

Receive and coordinate responses pursuant to the State's Public Records Act.

Coordinate and oversee elections on behalf of the Special Districts Selection Committee; certify election results.

Coordinate with the Executive Officer and designated staff to file and/or record approved and completed jurisdictional changes with the County Clerk-Recorder's Office and State Board of Equalization.

Create, organize, and maintain official records of the Commission – including – but not limited to – applicant proposals, Commission meeting minutes, adopted resolutions, adopted policies and procedures, public records requests and response, and official correspondence.

Serve as direct supervisor to the Administrative Assistant and manage and delegate tasks accordingly.

Other tasks include: performing general support staff duties; screening and routing incoming correspondence; typing correspondence and reports; answering telephone and taking messages; maintaining files; retrieving and gathering information to assist staff members; meeting the public to answer inquiries or complaints regarding procedures.

Distinguishing Characteristics

Serve as Commission Clerk as provided under LAFCO law. Organize own work, coordinate projects, set priorities, and meet critical deadlines in fulfilling typical tasks. Report directly to the Executive Officer

Minimum Qualifications

Thorough Knowledge of:

- General role of local government and basic responsibilities and duties of LAFCO.
- A wide variety of word processing layouts and formats
- Filing systems, including alphabetical, chronological, numerical, subject area, and tickler.
- Record keeping and clerical monitoring procedures.
- Business English including spelling, punctuation, grammar, capitalization, and word usage.
- The operation and uses of common office equipment including office computers, typewriters, calculators, copiers, and dictaphone machines.
- Modern office procedures and practices.

Skills to:

- Possess strong interpersonal and public relations skills.
- Deal effectively and diplomatically with administrators, officials, and other individuals who transact business with the Executive Officer.
- Independently review and interpret relevant statutes.
- Take and transcribe dictation accurately.
- Possess relevant office/computer skills to use a variety of equipment such as computers, copy machines and software programs (i.e. Microsoft Office).
- Read, understand, follow, and explain policy and procedure.
- Compile and summarize statistical, financial, and other data.
- Compose routine correspondence and reports.
- Make arithmetic calculations.
- Maintain confidentiality.

Education/Experience:

- At least four years of relevant experience, two years of which must have been at a comparable level to the executive assistant or administrative assistant position as determined by the Executive Officer.
- Completion of no less than 60 units from an accredited college or university may be substituted for two years of relevant experience as described above.

- Graduation from an accredited four-year college or university within emphasis in administration, business, or other related fields may be substituted for all four years of the relevant experience as described above.

Established: June 1, 2020

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RULES
SAN DIEGO
LOCAL AGENCY FORMATION COMMISSION

ARTICLE VI
PERSONNEL RULES

6.1	Application
6.2	Definitions
6.3	Rest Periods
6.4	Holidays
6.5	Classification
6.6	Compensation
6.7	Performance Reports
6.8	Eligibility for Step Adjustments
6.9	Overtime
6.10	Leave
6.11	Vacation
6.12	Dismissal or Suspension
6.13	Temporary Appointment to a Higher Class
6.14	Employees Previously Employed by a County
6.15	Benefits
6.16	Compensation Plan
6.17	Recruitment
6.18	Suspension of Personnel Rules
6.19	Effective Dates
6.20	Executive Officer Compensation Plan
6.21	Telecommuting

6.1 APPLICATION -

Unless otherwise provided in the employment contract between the Commission and the Executive Officer, the foregoing personnel rules and the attached compensation / benefits summary shall apply to all employees who have been:

1. Appointed and serve at the pleasure of the Commission; or
2. Appointed by the Executive Officer.

6.2 DEFINITIONS -

1. "Biweekly Pay Period" means the 14-day period commencing on August 16, 1974 and ending at midnight of the second Thursday thereafter and each subsequent 14-day period.

2. "Commission" means the San Diego Local Agency Formation Commission.

3. "County" means the County of San Diego.

4. "Discipline" means an action or actions taken by the Executive Officer or Commission to reprimand, dismiss, demote or suspend an employee of LAFCO.

5. "Executive Officer" means the Executive Officer appointed by the Commission pursuant to Government Code Section 56038.

6. "Immediate Family" means husband, wife, child, stepchild, brother, stepbrother, sister, stepsister, parent, stepparent, any person serving or who has served as parent or any other person living in the same household as the employee.

7. "Overtime" means authorized or ordered work required of an employee which is in excess of the work week as set by the Executive Officer for that employee.

8. "Part-time Employee" means an employee whose biweekly work week is less than 80 hours.

9. "Professional Employee" means the Executive Officer, Assistant Executive Officer, Chief of Policy Research, Chief of Governmental Services, and Local Governmental, Geographic Information Systems (GIS) Analyst, Local Governmental Analysts I, II, and III for the purpose of these personnel rules only.

10. "Rate of Compensation" means the specific amount of compensation established for a specific period of work.

11. "Reprimand" means a written or verbal expression of disapproval related to the activities of an employee of LAFCO.

12. "Rules" mean the Rules of the Commission.

13. "Support Employee" means Administrative Assistant, Administrative Aide, Commission Clerk, Executive Assistant, Records Clerk, for the purpose of these personnel rules only.

14. "Temporary Employee" means an employee hired by the Commission for a period not to exceed six calendar months.

15. "Work week" means the number of hours authorized in a biweekly pay period by the Executive Officer for each employee.

6.3 REST PERIODS -

Each employee may take a 15-minute rest period at midmorning and at mid-afternoon.

6.4 HOLIDAYS -

Full-time, permanent employees shall be entitled to the same holidays on full pay as authorized for the employees of the County of comparable classes unless otherwise specified by the Commission. Part-time, permanent employees' pay for holidays shall be equivalent to one-tenth (1/10) the number of regularly scheduled hours in the employee's biweekly pay period in which the holiday occurred.

6.5 CLASSIFICATION -

The Commission, through the adoption of these Rules, shall provide for the classification of its employees per the position specifications included in Article VI of the Rules (Exhibit A).

6.6 COMPENSATION -

The compensation for each position shall be according to a schedule fixed by the Commission. To the extent each position is comparable to a similar position in the County of San Diego, compensation shall approximate that for the comparable county position. Wage and benefit adjustments given by the County to its employees will be applicable to the comparable Commission positions. The rate of compensation set forth in the pay schedule shall represent the total compensation in every form except for overtime compensation, health insurance benefits, compensation plans, retirement benefits and reimbursement for actual and necessary expenses for traveling subsistence and general expenses authorized and incurred incident to employment. With commission budgetary approval, the Executive Officer is authorized to implement the employee performance incentive program. The program is based on recognizing exemplary performance through providing bonuses and/or cash awards. The Executive Officer may provide a one-time annual exemplary performance bonus to qualified Commission staff, not to exceed 5% of the annual salary for employees deemed eligible by the Executive Officer. The annual cycle is based on the fiscal year. Commission employees may receive exemplary performance pay and/or recognition pay in one lump sum cash award or in incremental cash awards.

In addition to performance bonuses up to 5% of an employee's annual salary, the Executive Officer may also provide recognition pay to Commission staff not to exceed $1,000 per award. The criteria for the award will be based on cost-savings, service improvement, or other tangible benefits to LAFCO operations directly attributable to an individual member of the LAFCO staff. Multiple awards may be granted to Commission staff as long as the aggregate monetary total of the awards do not exceed $1,000 for each member of the staff during the fiscal year. The Executive Officer is also authorized to establish an office-wide performance recognition program and is authorized to allocate up to $1,250 annually to support this program.

Non-executive Commission employees with a minimum of 15 years of continuous LAFCO/County of San Diego employment are eligible for a 1-2% annual salary band increase, contingent on exemplary performance subject to a determination by the Executive Officer.

Further information about the wages and benefits are included in the Benefits / Compensation Summary attached to the Rules.

6.7 PERFORMANCE REPORTS -

For the purpose of determining the step adjustment to which each employee of the Commission may be entitled, the Executive Officer shall provide for a system of reporting the performance and progress of employees. Performance reports for each employee shall be prepared prior to the six-month anniversary appointment and at least once a year thereafter. Consistent with LAFCO budget policy and Commission direction, the Executive Officer may approve step adjustments after above standard performance reports of employees. The Executive Officer shall, upon completion of the performance report, review same with the affected employee. Employees who do not concur with the Executive Officer's performance report may, within 15 days following the review of the performance rating, file a written request for reconsideration with the Executive Officer, unless that person reports to the Executive Officer. Employees who report to the Executive Officer may, within 15 days following the review of the performance rating, file a written request for reconsideration to the Personnel Committee.

6.8 ELIGIBILITY FOR STEP ADJUSTMENTS -

Consistent with LAFCO budget policy and Commission direction, the Executive Officer may approve step adjustments after above standard employee performance evaluations. On the first day of the pay period immediately following the twelve month anniversary of the appointment of an employee to a position and after completion of each additional year of service in the same position, an employee may be eligible to receive step adjustments. Step adjustments are awarded upon the approval of the Executive Officer.

6.9 OVERTIME -

Any authorized time worked in excess of the employee's weekly work schedule as established by the Executive Officer (see Section 6.2) shall be considered overtime.

Cash payment in lieu of compensatory time-off shall be considered when, in the judgment of the Executive Officer, granting compensatory time-off would detrimentally affect the operations of the office. Overtime shall be recorded in units of hours and tenths of hours on a biweekly basis. All hourly (non-exempt) employees are allowed compensatory time-off on an hour and a half-for-hour basis. Employees' hourly (non-exempt) positions may receive cash payments for overtime worked in any work week only at the discretion of the Executive Officer.

Compensatory time-off to which employees are entitled shall be allowed and taken no later than the last day of the fiscal year following the end of the fiscal year in which the overtime was worked. In authorizing compensatory time-off, the Executive Officer shall give consideration to the desires of the employee as to the date of such time-off and to the needs of the office.

6.10 LEAVE -

Any employee returning from an approved leave shall return to the same position, at the same pay-step, and with the same rights, privileges and obligations as other employees of the same position.

1. Leave With Pay

(a) Sick leave - Sick leave is paid time off that may be used when an employee is absent from duty for the reasons outlined below. Employees shall accrue sick leave at a rate of .05 x hours worked or of paid leave of absence (4 hours per 80-hour pay period) during each biweekly pay period. Unused sick leave may be accumulated from year to year. An employee may be authorized to use a maximum of eighty (80) hours of paid accrued sick leave in a twelve-month period for the purpose of caring for a member of the immediate family who is ill or injured. In addition, if the employee requests paid sick leave in excess of eighty (80) hours in order to care, or arrange care, for a member of the immediate family who is critically or terminally ill, additional accrued sick leave may be available to the employee when granted by the Executive Officer upon receipt of satisfactory verification from a physician.

Sick leave is paid time off that may be used because of the employee's:

(1) illness, injury, or exposure to contagious disease which incapacitates the employee for work;

(2) receipt of medical or dental care or consultation, including prenatal and postnatal care, which is not available except during working hours;

(3) requirements to care for an ill or injured immediate family member;

(4) necessity to be present because of a critical or terminal illness of an immediate family member; or

(5) need to discharge the required obligations that arise from the death of an immediate family member.

Upon termination of employment, employees hired prior to March 3, 1980 shall be compensated in cash for sick leave credits accrued. This provision authorizing cash compensation for unused sick leave shall apply 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 one hundred (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.

(b) Bereavement Leave - Employees shall be allowed up to five working days of leave with pay upon approval of the Executive Officer due to death in the immediate family.

(c) Military Leave - Military leave may be allowed an employee in the same manner and under the same conditions as granted by the Civil Service Rules of the County of San Diego.

(d) Disability Leave - Disability leave may be allowed an employee in the same manner and under the same conditions as provided by the County of San Diego in the Civil Service Rules.

(e) Absence due to Required Attendance in Court - Absence due to required attendance in court may be allowed an employee upon approval by the Executive Officer and in the same manner and under the same conditions as provided by the County of San Diego in the Civil Service Rules.

(f) Administration of Leave With Pay - The Executive Officer shall maintain records of leave with pay and shall require of the employee a statement of reasons for absence by the employee; sick leave taken for more than three consecutive work days shall be verified by the attending physician or dentist. If, after investigation, the Executive Officer is convinced that the employee is not entitled to paid sick leave, the Executive Officer shall notify the employee accordingly.

(g) Computation of Leaves With Pay - Authorized leaves with pay shall be recorded in units of one hour; pay shall be allowed at the rate the employee would be paid for working during the same period.

2. Leave Without Pay

An employee may be allowed up to one year of leave without pay upon approval by the Executive Officer when such leave is in the best interests of the Local Agency Formation Commission. Any such request shall be in writing, shall state the reason for requesting leave and shall specify the dates requested. Reasons for requesting leave without pay shall include, but are not limited to, military service, extended illness or maternity.

(a) Leaves of Absence on Account of Illness or Injury - Leaves of absence without pay on account of illness or injury, which are not job incurred, may be granted for a maximum period of 26 full biweekly pay periods. This includes disabilities caused or contributed to by pregnancy, miscarriage, abortion, childbirth, and recovery therefrom. Such leaves will be granted only after all accrued sick leave credits have been used and shall be substantiated by a physician's statement.

(b) Leaves of Absence for Personal Reasons - Leaves of absence without pay for personal reasons may be granted for a maximum of 13 full biweekly pay periods. Such leaves shall only be granted after all accrued vacation, and holiday credits have been used.

(c) Family/Medical Leave (FML) - Family/Medical Leave shall be allowed in accordance with the provisions of the Moore-Brown-Roberti California Family Rights Act of 1993 (Government Code Sections 12945.1-12945.2, and relevant provisions within Section 4.3.12 of the County Compensation Ordinance notwithstanding minimum employee limits contained in the CFRA. Employees may use accrued sick and vacation leave balances during this time.

(d) The Executive Officer shall maintain records of such leave without pay. Any determination by the Executive Officer of a request for leave without pay shall be in writing. Only permanent or probationary employees occupying permanent positions are eligible for leaves of absence without pay under the provisions of this section.

6.11 VACATION -

1. All permanent professional employees hired prior to January 1, 2013 shall be entitled to vacation with pay in accordance with the schedule established for those positions. During the first five years of continuous service, professional employees shall be allowed 15 working days per calendar year of vacation time to be accumulated at a rate of 4.6 hours per biweekly pay period. After the completion of five years of continuous service, professional employees shall be allowed 20 working days of vacation time per calendar year to be accumulated at a rate of 6.1 hours per biweekly pay period. After completion of ten years of continuous service, professional employees shall be allowed 25 working days of vacation time per calendar year to be accumulated at a rate of 7.6 hours per biweekly pay period.

2. All permanent support employees hired prior to January 1, 2013 shall be entitled to vacation with pay in accordance with the schedule established for those positions. During the first three years of continuous service, support employees shall be allowed 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 shall be allowed 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 shall be allowed 20

working days of vacation time per calendar year to be accumulated at a rate of 6.1 hours per biweekly pay period.

3. All permanent professional and support employees hired on or after January 1, 2013 shall be entitled to vacation with pay in accordance with the schedule established for those positions. During the first five years of continuous service, employees shall be allowed 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 shall be allowed 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 shall be allowed 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/year*
5+ to 10 years =	15 days/year
10+ years =	20 days/year

**Vacation time credit shall accrue 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.*

4. Vacation time for part-time professional or support employees shall be computed on the basis of the number of hours in the normal work week as established for that part-time employee by the Executive Officer.

5. No employee will be allowed to 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 shall cease to accrue vacation hours. An employee can only accrue additional vacation hours if the employee's vacation accumulation is below the maximum limit. Vacation time credit shall be accrued and may be taken during the first twelve calendar months of employment. The time at which each employee shall be granted vacation leave shall be at the discretion of the Executive Officer.

6. Upon termination of employment, an employee shall be compensated in cash for the unused vacation time, provided such employee has been in continuous service for more than six months. The cash compensation for unused vacation time shall be computed on the basis of the employee's rate of pay at the time of termination, but will not count toward the retirement benefit formula.

6.12 DISMISSAL OR SUSPENSION -

(a) Probationary Period. All employees appointed by the Executive Officer shall serve a one-year probationary period. During the probationary period, the Executive Officer

may dismiss the employee with or without cause. No appeal may be taken to the Personnel Committee from discipline imposed during the probationary period. In addition, any temporary employee may be dismissed by the Executive Officer, and the employee shall have no right of appeal.

(b) Discipline Subsequent to Probationary Period. The Executive Officer may dismiss, demote or suspend a permanent employee for cause after the employee has completed his or her probationary period. Rule VII of the San Diego County Civil Service Rules shall apply to any disciplinary action regarding a non-probationary permanent employee except that the Personnel Committee ("Committee") shall take the place of the Civil Service Commission. The Committee may appoint one of its members to hear the appeal and report back to the Committee with findings and a proposed decision. Any decision adopted by the Committee shall be final unless overturned by a court on appeal.

(c) No employee reprimanded by the Executive Officer shall have the right of appeal to the Personnel Committee.

6.13 TEMPORARY APPOINTMENT TO A HIGHER CLASS –

On the recommendation of the Executive Officer, the Commission may grant an employee a ten percent increase in compensation while such employee is assigned to perform the duties of a position which at the time is compensated at least ten percent higher than such employee's class; the assignment must be for a period exceeding 10 continuous working days but shall not exceed 130 working days.

6.14 EMPLOYEES PREVIOUSLY EMPLOYED BY A COUNTY -

The Commission shall accrue all sick leave, vacation, and retirement benefits of persons hired from counties pursuant to Section 56385 of the Government Code. For the purpose of calculating such benefits, the Commission may add previous county service to the tenure of service of employees, providing service has been continuous.

6.15 BENEFITS –

The Commission may contract for retirement, health and medical benefits for its employees pursuant to Section 56385 of the Government Code. LAFCO employees participate in the County of San Diego's Health and Medical Plans, Retirement System, Deferred Compensation Plan(s), Terminal Pay Plan, and other programs available to county employees.

6.16 COMPENSATION PLAN –

All employees are entitled to receive compensation plan benefits granted to personnel working in similar positions in the County of San Diego.

6.17 RECRUITMENT –

The Commission is an equal opportunity employer and in the recruitment and selection of

new employees directs the Executive Officer to apply similar principles as used by the Department of Human Resources of the County of San Diego.

6.18 SUSPENSION OF PERSONNEL RULES –

Upon good cause being shown and upon a finding of the public interest being served, the Commission reserves the right to waive, suspend, change or modify any of the foregoing rules.

6.19 EFFECTIVE DATES –

The Personnel Rules of the Commission shall become effective on August 5, 1974 and shall be amended thereafter by a majority vote of the Commission. Technical changes or updates to the Rules may be approved by the Executive Office subject to provision 1.12 of the Rules.

6.20 EXECUTIVE OFFICER COMPENSATION PLAN –

This Executive Officer Compensation Plan establishes the compensation for the Executive Officer, an Executive Management position. The plan provides for initial placement and subsequent adjustment of salary within the salary schedule fixed by the Commission. Any adjustment in rate of compensation pursuant to this plan shall be administered by the Commission.

1. Structure

   (a) The minimum, midpoint, and maximum rate of the designated range are set forth in the salary schedule. The salary band range for the Executive Officer classification will be aligned with and automatically adjusted from time to time with the same salary range as comparable classifications in the County (i.e., planning director, public works director, registrar of voters, etc.).

   (b) The midpoint rate of the designated range represents the job value of a fully competent employee and is the benchmark used to compare the class to other classes, internally and externally. The midpoint rate may be changed periodically by the Commission to reflect changes in internal and/or external factors. Any such change to the midpoint shall not automatically effect a change in the then current rate of the Executive Officer.

   (c) The relationship between the minimum and maximum rates of the designated range shall approximate a differential of 50%.

   (d) The range does not have steps. The Executive Officer may be paid an amount equal to or between the minimum and maximum rate of the designated range, according to the provisions of this plan.

   (e) The structure of the range shall be reviewed periodically, and may be changed by the Commission. The structure will be automatically adjusted based on salary band changes authorized by the County to its employees in comparable positions.

2. Appointment

The Executive Officer is appointed by the Commission and serves at the pleasure of the Commission. A person initially appointed as Executive Officer shall receive a salary determined by the Commission.

3. Adjustment Within Range up to Midpoint

For an employee whose salary is below midpoint of the designated range, adjustments up to the midpoint shall be governed by this subsection (3). No provision in this subsection (3) shall be construed to provide a guarantee of adjustment at any time during the employee's term of employment.

(a) Effective the first day of any pay period after each anniversary date of the employee's appointment as Executive Officer, the employee may receive a salary adjustment of 5% of current salary, not to exceed midpoint. Any adjustment shall be approved by the Commission and based upon the determination by the Executive Officer Compensation Committee that the employee's overall performance is rated at the level of "meritorious" or higher.

(b) No provision contained in this subsection (3) shall be construed to limit or deny the Commission's discretion to postpone an adjustment or reduce the compensation of an employee as a result of the employee's performance, as recommended by the Executive Officer Compensation Committee. However, any subsequent salary adjustment prior to the employee's next annual anniversary date must be based upon a mid-cycle Performance Evaluation. If such adjustment is an increase, the new salary rate shall not exceed that which the employee would have been eligible to receive on or after the immediately preceding anniversary date, pursuant to this subsection (3).

(c) Notwithstanding subdivisions (a) and (b) of subsection (3) above, the Commission may approve an adjustment of the Executive Officer's salary rate upon recommendation of the Executive Officer Compensation Committee.

4. Adjustment Within Range Above Midpoint

The Commission may adjust the Executive Officer's salary rate above midpoint if the employee's overall performance is rated at the level of "outstanding" by the Executive Officer Compensation Committee. This rating alone does not entitle the employee to a pay adjustment.

5. Exemplary Performance Compensation Adjustment

(a) Eligibility and Maximum. An Executive Officer may receive an exemplary performance compensation adjustment (e.g., cash award and/or bonus) in

increments of one percent (1%) not to exceed a total of (10%) of the employee's approximate annual salary at the time of approval of the adjustment.

(b) Approval. Adjustments shall be based upon the recommendation of the Executive Officer Compensation Committee following a performance evaluation, subject to the availability of funds within the budget.

(c) Term of Adjustment. An Executive Officer shall be limited to one exemplary compensation adjustment in a calendar year and shall be paid either in a lump sum or in incremental payments during the year.

(d) Compensation Unfixed. Payment of compensation adjustments shall not affect the Executive Officer's rate of compensation. Commencing the first day of the first full pay period of each calendar year, compensation of the Executive Officer shall be unfixed and indefinite for the year until such time as the Commission determines whether to authorize an exemplary performance compensation adjustment. That determination is to be based upon an evaluation of the employee's performance by the Executive Officer Compensation Committee.

6. Executive Officer Compensation Committee

Wherever this plan refers to the Executive Officer Compensation Committee, the following shall apply:

(a) The Executive Officer Compensation Committee shall consist of three members of the Personnel Committee as provided under Rule No. 1.11 with the option of the Chair to add a fourth member at his or her discretion.

(b) The Executive Officer Compensation Committee shall periodically review and rate the performance of the Executive Officer and make recommendations to the full Commission for any adjustments to the Executive Officer's compensation.

7. Relocation Allowance

Upon determination by the Commission that relocation allowance is appropriate to facilitate recruitment for and appointment of an Executive Officer, a relocation allowance in an amount not to exceed $12,000.00 may be authorized for the actual and reasonable relocation expenses incurred incidental to relocation of the appointee and his/her immediate family to San Diego County. Expenses may include, but are not limited to, personal transportation, moving expenses for household goods and temporary housing arrangements. Claims for expenses submitted pursuant to this provision shall be subject to review and determination by the Chairperson prior to reimbursement. Reimbursement for relocation expenses shall be subject to review of the full Commission.

8. Severance Pay

If an Executive Officer is terminated by the Commission, s/he may be eligible to receive up to six (6) months of their then annual salary upon approval of the Commission; provided, however, that no severance pay may be paid if termination is for reasons of malfeasance or misfeasance in office or conviction of a crime involving moral turpitude.

6.21 TELECOMMUTING –

Telecommuting is an arrangement that allows eligible LAFCO employees to work in a designated area outside the office. Telecommuting is a cooperative arrangement between employees and LAFCO. Telecommuting benefits employees, LAFCO, and the community, and as such is encouraged by the Commission to the extent applicable with these provisions.

Benefits include:

- Ability to function during an emergency when the regular worksite is inaccessible.
- Increased productivity.
- Efficient use of LAFCO resources, including office space.
- Recruitment and retention of highly qualified employees.
- Greater flexibility for employees.
- Improved employee morale and job satisfaction.
- Reduced employee absenteeism.
- Reduced employee commute time and costs.
- Decreased energy consumption, pollution, traffic, and related congestion.

1. Policy Guidelines

a) Telecommuting is a privilege, not a right. All LAFCO employees who telecommute must have an approved telecommuting agreement under this policy. In his/her discretion, the Executive Officer may have additional telecommuting requirements, guidelines, or procedures, provided they are consistent with the intent of this program.

b) Telecommuting does not change the duties, obligations, responsibilities, or terms and conditions of LAFCO employment. Telecommuting employees must comply with all LAFCO rules, policies, practices, and instructions.

c) A telecommuting employee must perform work during scheduled telecommuting hours. Employees may not engage in activities while telecommuting that would not be permitted at the regular worksite, such as child, elder, or other dependent care. Telecommuting employees may take care of personal business during unpaid lunch periods, as they would at the regular worksite.

d) Employees must read the telecommuting policy and any guidelines issued by the Executive Officer, obtain the Executive Officer's approval and execute the telecommuting agreement before telecommuting.

e) The Executive Officer may deny, modify, or terminate a telecommuting agreement for any business reason that is not arbitrary or capricious. Similarly, a telecommuting employee may end or request to change a telecommuting agreement at any time.

f) Telecommuting is intended to be cost neutral. LAFCO is not required to provide telecommuting employees with materials or supplies needed to establish an alternate worksite (desk, chair, computer, software, cell phone, etc.), and assumes no responsibility for set-up or operating costs at an alternate worksite.

g) The Executive Officer has the sole discretion to provide equipment, software, or supplies, or allow employees to use their personal equipment while telecommuting. The Executive Officer has the sole discretion to reimburse employees for the costs of using personal equipment while telecommuting. Any provision to reimburse costs should be addressed expressly in the telecommuting agreement.

h) All LAFCO rules regarding the use of computers, network, and the internet apply while an employee is telecommuting, regardless of whether the employee is using LAFCO-provided or personal equipment.

i) Telecommuting is distinguished between "regular" and "situational." Regular telecommuting involves an employee continually working specific days/times from an offsite location. Situational telecommuting involves an employee working specific days/times from an offsite location with defined start and ending periods and typically in response to temporary issues (daycare, schooling, transportation, etc.).

2. Eligibility

a) Eligibility for telecommuting is based on both the position and the employee. Not every job, or every employee, is well suited for telecommuting.

b) All professional positions as defined in Rule No. 6 are eligible for regular or situational telecommuting privileges.

c) All support positions as defined in Rule No. 6 are eligible for situational telecommuting privileges.

d) The determination of whether eligible employees are authorized for regular or situational telecommuting is the sole discretion of the Executive Officer.

e) Only employees with most recent satisfactory or above job performance evaluations are eligible to telecommute.

f) Notwithstanding eligibility under normal conditions, all employees shall automatically telecommute for the duration of any declared emergency by the County Health Officer unless otherwise required by the Executive Officer.

3. Agreement Options

a) Telecommuting agreements can be authorized by the Executive Officer on a regular or situational basis as defined in this policy.

b) Telecommuting agreements – whether regular or situational – shall follow the form approved by Commission Counsel and signed by both employee and Executive Officer.

c) All signed telecommuting agreements shall be filed with employees' personal records.

4. Work Hours

a) Under normal conditions, the percent of telecommuting hours for any authorized employee should not exceed 50% of their total workhours during the fiscal year.

b) All the rules applicable at the regular worksite are applicable while telecommuting.

This includes all of the following standards:

- Telecommuting employees must perform their designated duties and tasks during scheduled work hours.
- Employees must account for and report time spent telecommuting the same way they would at the regular worksite, or according to the terms of the agreement.
- Time accounting should be included in the telecommuting agreement.
- Employees may work overtime only when directed to do so and approved in advance by the Executive Officer or Assistant Executive Officer.
- Employees must obtain approval to use vacation, sick, or other leave in the same manner as departmental employees who do not telecommute
- Telecommuting employees who become ill must report the hours actually worked and use sick leave for hours not worked.

5. Offsite Work Area

a) A telecommuting employee must designate a work area suitable for performing official business. The employee must perform work in the designated area when telecommuting. Telecommuting employees must work in an environment that allows them to perform their duties safely and efficiently.

b) Employees are responsible for ensuring their work areas comply with the health and

safety requirements covered in the telecommute agreement. LAFCO may request photographs of the employee's designated work area to determine compliance with health and safety rules.

c) Employees are covered by workers' compensation laws when performing work duties at their designated alternate locations during regular work hours. Employees who suffer a work-related injury or illness while telecommuting must notify the Executive Officer or Assistant Executive Officer and complete any required forms immediately.

d) LAFCO is not liable for damages to an employee's personal or real property while the employee is working at an alternate worksite.

6. Equipment and Supplies

a) A telecommuting employee must identify the equipment, software, supplies, and support required to successfully work at an offsite location and must specify those items in the telecommute agreement. If LAFCO does not provide the needed equipment, software, supplies, or support, and the employee does not have them, the employee will not be eligible to telecommute.

b) Equipment, software, or supplies provided by the LAFCO are for LAFCO business only. A telecommuting employee does not obtain any rights to LAFCO equipment, software, or supplies provided in connection with telecommuting. The employee must immediately return all LAFCO equipment, software, and supplies at the conclusion of the telecommuting arrangement or at the Executive Officer's request.

c) A telecommuting employee must protect LAFCO equipment, software, and supplies from possible theft, loss, and damage. The telecommuting employee may be liable for replacement or repair of the equipment, software, or supplies in compliance with applicable laws on negligence or intentional conduct in the event of theft, loss, or damage.

d) Any equipment, software, files, and databases provided by the LAFCO shall remain the property of the LAFCO. A telecommuting employee must adhere to all software copyright laws and may not make unauthorized copies of any LAFCO-owned software.

e) Employees may not add hardware or software to LAFCO equipment without prior written approval.

f) Employees who use their personal equipment for telecommuting are responsible for the installation, repair, and maintenance of the equipment. Telecommuting employees must understand and agree that the LAFCO is entitled to, and may access, any personal equipment used while telecommuting, such as a personal computer, telephone, fax machine, monthly bills, and internet records. Employees must contact the Executive Officer or Assistant Executive Officer if equipment, connectivity, or other supply problems prevent them from working while telecommuting.

7. Security of Confidential Information

   a) All files, records, papers, or other materials created while telecommuting are LAFCO property. Telecommuting employees shall identify any confidential, private, or personal information and records to be accessed and ensure appropriate safeguards are used to protect them.

   b) LAFCO may require employees to work in private locations when handling confidential or sensitive material. Employees may not disclose confidential or private files, records, materials, or information, and may not allow access to LAFCO networks or databases to anyone who is not authorized to have access.

8. Sunshine Laws

   a) The California Public Records Act a regarding public information and public records apply to telecommuting employees. Public records include any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by the LAFCO regardless of physical form or characteristic. Public information means the contents of a public record.

   b) Upon receipt of an appropriate request, and subject to authorized exemptions, a telecommuting employee must permit inspection and examination of any public record or public information in the employee's custody, or any segregable portion of a public record, within required time limits. This requirement exists regardless of where the public record is located.

9. Procedures

   a) Employees must complete the following steps before telecommuting:

      - Talk with the Executive Officer to determine eligibility.
      - Complete the telecommute agreement as required by the Executive Officer.
      - Receive approval of the telecommute agreement by the Executive Officer.

10. Denial, Modification, or Termination

    a) Denial, modification, or termination of a telecommuting agreement is not subject to the grievance procedures in any Memorandum of Understanding, or to any other review or appeal procedures, except as noted in this section.

    b) An employee who believes their telecommute agreement has been denied, or whose previously approved agreement has been modified or terminated, for arbitrary or capricious reasons may appeal the decision to LAFCO's Personnel Committee or its designee. The decision of LAFCO'S Personnel Committee or its designee is final.

Adoption History: Article VI,Sections 6.1 to 6.21

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

6d

AGENDA REPORT
Consent | Action

March 4, 2024

TO: Commissioners

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

SUBJECT: **Progress Report on the Adopted Workplan**

SUMMARY

The San Diego County Local Agency Formation Commission (LAFCO) will receive a progress report on accomplishing the 30 priority projects set in the adopted workplan for 2023-2024. Two-thirds – 20 of 30 – of all priority projects have been substantively initiated through the first seven full months with eight either complete or nearing completion. The report is being presented to the Commission to receive and file with the opportunity to identify potential amendments for future consideration.

BACKGROUND

San Diego LAFCO's current fiscal year workplan was adopted at a noticed hearing held in May 2023. The workplan is a multi-year planning tool that is developed and updated annually. The current workplan includes 30 projects and is divided into two distinct categories – statutory and administrative – along with priority assignments set by the Commission. Internal amendments to reset priorities and advance the placement of municipal service reviews on the San Diego County Water Authority and healthcare districts were approved in August.

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DISCUSSION

This item provides San Diego LAFCO with its regular progress report on workplan projects for the current fiscal year. This includes staff assigning one of four status categories to projects ranging from pending to complete and detailed in Attachment One.

ANALYSIS

San Diego LAFCO is generally proceeding as planned through the first seven full months of the fiscal year. This includes an emphasis to address the Commission's high and medium priority projects with 18 of the 20 related activities having advanced in some substantive manner. Seven of these 20 higher priority projects are either complete or near completion with the latter now highlighted by the scheduled municipal service review on the Oceanside region. Staff anticipates presenting a draft on this multi-agency study at the next meeting. Also expected at the next meeting include presenting a final version of the proposed policy update on out-of-agency service approvals. No amendments are proposed at this time.

RECOMMENDATION

It is recommended San Diego LAFCO receive and file the item consistent with practice and identified as Alternative One in the proceeding section.

ALTERNATIVES FOR ACTION

The following alternatives are available to San Diego LAFCO:

Alternative One (recommended):
Receive and file the item.

Alternative Two:
Continue consideration of the item and provide direction to staff as needed.

Alternate 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.

Respectfully,

Priscilla Mumpower
Assistant Executive Officer

Attachment:

1) 2023-2024 Workplan with Status Notations

Priority	Level	Type	Project	Description	Status
Ongoing	...	Statutory	Applicant Proposals and Requests	Prioritize resources to address all 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 quarterly updates to the Commission	
1	High	Statutory	MSR | CWA-MET	Initiate scheduled review of wholesale water suppliers – CWA (comprehensive) and MET (abbreviated)	
2	High	Statutory	MSR | Healthcare Districts	Initiate a comprehensive study of the four healthcare districts in San Diego County	
3	High	Administrative	Recruit, Hire + Support Staff	Ensure all 9.0 budgeted positions are filled in a timely manner with ongoing resource support	
4	High	Administrative	Commissioner Onboarding	Create onboarding resources and related training for new and continuing Commissioners	
5	High	Administrative	Online Accounting	Transition QuickBooks accounting from desktop to online platform + make use of public-facing features	
6	High	Administrative	Policy | Personnel: Part I	Develop and approve a scope of work to guide update to personnel policies to reflect best practices	
7	High	Administrative	Policy | Personnel: Part II	Complete a comprehensive update to LAFCO's personnel policies	
8	High	Statutory	MSR | Oceanside Region	Complete the scheduled reviews of the City of Oceanside, Oceanside SC Harbor District, and Moreno Hills CSD	
9	High	Statutory	MSR | Carlsbad Region	Complete the scheduled reviews of the City of Carlsbad, Carlsbad MWD, and Leucadia WWD	
10	High	Administrative	SALC Planning Grant 2.0	Initiate two-year grant (contracts, etc.) to expand SALC 1.0 to establish ag costs/revenues with gap analysis	
11	Medium	Administrative	RCD Ad Hoc Committee: Year Two	Approve scope of work for Year Two activities and proceed accordingly towards completion	
12	Medium	Statutory	Policy | Out-of-Agency Services	Complete policy establishment to guide approval process for out-of-agency services (G.C. 56133)	
13	Medium	Statutory	MSR | San Marcos Region	Complete the scheduled reviews of the City of San Marcos, Marcos FPD, & Vallecitos WD	
14	Medium	Statutory	MSR | Vista Region	Complete the scheduled reviews of the City of Vista, Vista ID, Vista FPD, & Buena SD	
15	Medium	Administrative	White Paper | Public Recreation Opportunities	Evaluate potential governance models involving San Diego-owned reservoirs in unincorporated areas	
16	Medium	Administrative	White Paper | Growth Management + Housing	Evaluate growth management policies + connectivity between LAFCO, County, and SANDAG	
17	Medium	Administrative	Special Districts Advisory Committee	Provide administrative support to Advisory Committee and hold no less than three formal meetings in FY	
18	Medium	Administrative	Cities Advisory Committee	Provide administrative support to Advisory Committee and hold no less than one formal meetings in FY	
19	Medium	Administrative	Website Content Expansion	Proceed with content expansion for newly redesigned LAFCO website with multi-media enhancements	
20	Medium	Administrative	2022-2023 Audit	Complete outside audit of financial statements for FY2023	

Priority	Level	Type	Project	Description	Status
21	Low	Statutory	Legislative Proposal | G.C. 56133	Continue work to support amendment clarifying authority to determine out-of-agency service exemptions	
22	Low	Statutory	Policy | Applicant Procedures	Update and streamline application materials and establish protocols in terminating proposals	
23	Low	Statutory	MSR | Encinitas Region	Initiate a regional study covering the City of Encinitas + San Dieguito WD et al.	
24	Low	Statutory	MSR | Del Mar-Solana Beach Region	Initiate a regional study covering the Cities of Del Mar and Solana Beach + Santa Fe ID et al.	
25	Low	Statutory	Legislative Proposal | G.C. 56430	Sponsor and/or facilitate amendment establishing community engagement enhancements in MSR statute	
26	Low	Administrative	Service + Fiscal Indicators	Develop online browser feature to depict service + fiscal indicators among local agencies in San Diego County	
27	Low	Administrative	White Paper | School Districts	Evaluate scope and scale of school districts + their baseline capacities for reference in MSRs	
28	Low	Administrative	Liaison with Local Tribes	Establish communication protocols with local tribes with respect to shared interests in regional services	
29	Low	Administrative	Annual Local Agency Directory	Update and publish an annual local agency directory subject to LAFCO oversight	
30	Low	Administrative	White Paper | Community Choice Aggregations	Evaluate scope and scale of CCAs and their operations in San Diego County and connectivity to LAFCO	
	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	White Paper | Homeless Services	Evaluate the scope and scale of homeless 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	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	Statutory	Policy | Cities Advisory Committee	Coordinate with CAD in updating bylaws and related procedures to sync with current member interests/priorities	
	Bullpen	Statutory	Policy | Special Districts Advisory Committee	Coordinate with SDAC in updating bylaws and related procedures to sync with current member interests/priorities	

Complete | Near Complete | Underway | Pending

February 23, 2024

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AGENDA REPORT
Consent | Information

March 4, 2024

TO: Commissioners

FROM: Michaela Peters, Analyst I

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

SUMMARY

The San Diego County Local Agency Formation Commission (LAFCO) will receive a status report on the 28 active proposals 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 degree 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 three to five months before they are scheduled for hearing. Applications for outside-of-agency service approvals – which are subject to separate procedures – generally take two months to process.

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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]

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 staff,

Michaela Peters

Michaela Peters
Analyst I

Attachment:

1) Active and Pending Proposals as of February 26, 2024

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 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 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 March 2008 by landowner petition requesting annexation of to the Vallecitos Water District (WD) 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 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 (SD); Lakeside Fire Protection District (FPD); and the City of Santee. The application remains incomplete pending 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 will be considered abandoned unless notified otherwise. Borrego WD responded to the letter and has reinitiated discussions with the landowner regarding possible service terms. Discussions continue.
6	DA16-10	"CSA 17 Harmony Grove Annexation" - CSA 17: Annexation	Carolanne Ieromnimon	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 marked by opposition from the CSA No. 17 Advisory Committee. Staff continues to engage the County, Advisory Committee, and other stakeholders with the objective of fulfilling the Commission's earlier directive.
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 November 2016 status letter. Applicant has requested the proposal processing be placed on hold. The application is administratively paused due to incomplete and pending receipt of additional documentation and information from the applicant to complete staff's analysis. Communications remain ongoing.

	File Number	Proposal Name | Affected Agencies	Project Manager	Proposal Summary
8	RO19-04	"Ortega – Old Highway 80 Change of Organization" - San Diego County SD: Annexation	Carolanne Ieromnimon	Application submitted in February 2019 by landowner petition to annex approximately 5.07 acres to the San Diego County Sanitation District (SD) for wastewater service. The affected territory comprises two parcels presently developed with single-family residences with an unknown number of residents. The purpose of the proposal is to connect sewer services for a proposed office/warehouse building development. The submitted proposal application is incomplete pending receipt of additional documentation and related information to complete the administrative review.
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 Fe FPD: Detachment - Rancho Fe FPD: Sphere Amendment	Michaela Peters	Application submitted in November 2019 jointly by landowner petition and the City of Escondido and involves a reorganization and outside-of-agency service agreement as part of the "Valiano" planned development in Harmony Grove. The reorganization involves the concurrent annexation of approximately 10.8 unincorporated acres to San Marcos FPD and detachment from Rancho Santa Fe FPD and related sphere amendments. The outside-of-agency service agreement approval request involves the extension of wastewater from the City of Escondido for approximately 82.9 unincorporated acres with related sphere amendments to add to Escondido and remove from San Marcos. The application is administratively paused due to incomplete and pending receipt of additional documentation and information from the applicant to complete staff's analysis. Communications remain ongoing.
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 are presently undeveloped with no residents. 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 to complete staff's analysis.
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	Carolanne Ieromnimon	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 public wastewater system. The application is administratively paused due to incomplete and pending receipt of additional documentation and information from the applicant to complete staff's analysis. Communications remain ongoing.

	File Number	Proposal Name | Affected Agencies	Project Manager	Proposal Summary
12	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 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 to complete the administrative review.
13	RO23-01	"Tucker - Valley Road Reorganization" - National City: Annexation - South Bay ID: Detachment - Bonita FPD: Detachment - Bonita FPD: Sphere Amendment - CSA No. 135: Detachment	Carolanne Ieromnimon	Application submitted in November 2022 by landowner petition and involves annexation of approximately 2.16 acres of unincorporated territory to the San Diego County Sanitation District to make available public water and wastewater services. The affected territory contains two parcels, one presently developed with single-family residence and the other undeveloped. The proposal purpose is to accommodate the planned development of 10 single family residences and ancillary improvements known as the "Valley View Development Project". The proposal is scheduled for consideration by the Commission at its March 4th, 2024 meeting.
14	CO23-11	"Nencini Associates Change of Organization" - San Diego County SD: Annexation	Carolanne Ieromnimon	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 considered incomplete at this time.
15	CO23-12	"Twin Oaks Valley Winery Change of Organization" - Vallecitos WD: Annexation	Michaela Peters	Application submitted in September 2023 by landowner petition and involves annexation of approximately 4.35 acres to the Vallecitos Water District with for the primary purpose of establishing sewer service. 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 and considered incomplete at this time.

	File Number	Proposal Name | Affected Agencies	Project Manager	Proposal Summary
16	CO23-13	"Sky Ranch - Helix Water District Reorganization" - Helix WD: Detachment - Padre Dam MWD: Annexation	Carolanne Ieromnimon	Application submitted in September 2023 by resolution of the Helix Water District to detach approximately 27 acres of land from the Helix Water District along with a conforming sphere of influence amendment. The affected territory presently comprises multiple single-family residences and multi-family residences with no additional plans of development. The proposal purpose is to better align service providers consistent with existing infrastructure. The proposal is currently under administrative review and considered incomplete at this time.
17	CO23-15	"Macachlan - 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 and considered incomplete at this time.
18	CO24-01	"Keys Project LLC – Montemar Drive Change of Organization" - San Diego County SD: Annexation	Carolanne Ieromnimon	Application submitted in January 2024 by landowner petition and involves annexation of approximately 1.5 acres to the San Diego County Sanitation District for the primary purpose of establishing wastewater service. The affected territory is presently developed with one uninhabitable single-family residence. The proposal purpose is to accommodate the planned lot-split and development of two new single-family residences. The proposal is currently under administrative review and considered incomplete at this time.
19	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. This 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 is currently under administrative review and considered incomplete at this time.

	File Number	Proposal Name | Affected Agencies	Project Manager	Proposal Summary
20	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 and involves an outside-of-agency service agreement for wastewater service to accommodate the planned development of an ADU (and possible JADU in the future). The Executive Officer administratively reviewed the service request on February 8, 2024. The proposal is currently under administrative review and considered incomplete at this time.

	File Number	Proposal Name | Affected Agencies	Project Manager	Proposal Summary
ACTIVE PROPOSALS | POST COMMISSION ACTION				
21	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.
22	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 and its 28,193 unincorporated acres. The estimated resident population within the affected territory is 33,986. 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 11, 2022 at the Fallbrook Public Utilities District. Not enough protest was received by affected registered voters or landowners. Other terms remain pending.
23	RO20-04	"Rainbow MWD - Eastern MWD Reorganization" - San Diego CWA: Detachment - Eastern MWD: Annexation - Eastern MWD: Sphere Action	Priscilla Mumpower	Application submitted April 2020 by resolution from the Rainbow Municipal Water District (MWD) to concurrently detach from the San Diego County Water Authority (CWA) and annex to the Eastern Municipal Water District (MWD). The affected territory spans approximately 50,857 acres covering the Rainbow and Bonsall communities with an estimated resident population of 22,130. The purpose of the proposal is to transfer the wholesale water supply provider for cost-savings. The submitted proposal application is incomplete pending receipt of additional documentation and related information to complete the administrative review. A 10-member advisory committee has also been established by the Commission to assist staff in evaluating the proposal and its technical merits The proposal was approved by the Commission on July 10th, 2023 and now pending completion of terms and conditions as set forth by the Commission.

	File Number	Proposal Name | Affected Agencies	Project Manager	Proposal Summary
25	CO22-20	"Camino De La Fuente - Wick Change of Organization" - San Diego County SD: Annexation	Carolanne Ieromnimon	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 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 and now pending completion of terms and conditions as set forth by the Commission.
26	CO23-09	"City of Carlsbad Change of Organization" - Leucadia WD: Detachment	Carolanne Ieromnimon	Application submitted in July 2023 by resolution from the City of Carlsbad to detach 99.0 acres of incorporated territory from the Leucadia Wastewater District. The affected territory is presently inhabited and developed with multiple residences with no plans for future development. The proposal purpose is to better utilize existing wastewater infrastructure provided by the City of Carlsbad in addition to helping correct an overlap between Leucadia WD and the City. The proposal was approved by the Commission on February 5th, 2024 and now pending completion of terms and conditions as set forth by the Commission.
27	CO23-10	"Glen Abbey Drive - Bonita Road Change of Organization" - San Diego County SD: Annexation	Michaela Peters	Application Submitted in July 2023 by landowner petition and involves annexation of approximately 109.50 acres to the San Diego County Sanitation District (SD) to make available public wastewater services. The affected territory consists of a cemetery and funeral home as well as several mausoleums. The proposal purpose is to position the landowner in the future to proceed with the consolidation of the existing mausoleums into one mausoleum. The proposal was approved by the Commission on February 5th, 2024 and now pending completion of terms and conditions as set forth by the Commission.
28	OAS23-14	"Garcia - Curtis Drive Out-of-Agency Service Agreement" - City of Vista: OAS	Carolanne Ieromnimon	Application submitted in December 2023 by landowner petition and involves an outside-of-agency service agreement for wastewater services to accommodate the planned development of a Junior Additional Dwelling Unit (JADU) totaling approximately 2.8 acres. The Executive Officer administratively reviewed the service request on December 12, 2023. The proposal was approved by the Commission on February 5th, 2024 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		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		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		This anticipated reorganization involves annexation of approximately 1,800 unincorporated acres to the City of Escondido and concurrent detachments from CSA 135 and the Valley Center FPD. The reorganization would facilitate the proposed development of approximately 200 acres to include 203 residential units and a 225-room resort. Portions of the project area lie outside the current City sphere. Fire protection service remains a key discussion point and the source of ongoing discussions with the proponents.

	File Number	Proposal Name | Affected Agencies	Project Manager	Proposal Summary
	Pending	"Harmony Grove Village South" (TM-626) - Rincon del Diablo MWD		This anticipated reorganization involves the unincorporated Harmony Grove Village South project and specific to accommodating sewer services (among a variety of options) for the planned development of approximately 111 acres to include 453 residential units. On January 27, 2020 the San Diego Superior Court overturned the County's development approvals for the project. Appeals are pending with no update as of this report.
	Pending	"La Jolla Incorporation" -City of San Diego: Detachment		This anticipated special reorganization involves the detachment of 8,371 acres from the City of San Diego and the incorporation of the community of La Jolla. 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. Application is pending.

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AGENDA REPORT
Consent | Discussion

March 4, 2024

TO: Commissioners

FROM: Michaela Peters, Analyst I

SUBJECT: **Report from University of California at Berkeley | LAFCO and Water System Consolidations in California**

SUMMARY

The San Diego County Local Agency Formation Commission (LAFCO) will receive a report prepared by the University of California at Berkeley addressing the relationship between State regulators and LAFCOs in achieving the State's interest in consolidating and otherwise remedying problems with small public water systems. The report draws on surveys and related analysis showing priority deviations and communication barriers that underlie the overall malaise in advancing the State's interest in making public water systems more resilient through consolidations with specific focus on disadvantaged communities. The report includes several recommendations ranging from elevating the use and frequency of municipal service reviews (MSR) to proactively facilitate consolidations to legislative changes. The latter is marked by empowering LAFCOs to initiate annexations to facilitate – directly or indirectly – otherwise appropriate and needed water system consolidations. The report is being provided to the Commission for information with the opportunity to provide input to LAFCO staff in line with its intention to provide a letter expressing appreciation and support for their work.

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Vice Chair Barry Willis, Alpine Fire Protection
Jo MacKenzie, Vista Irrigation
David A. Drake, Alt., Rincon del Diablo
Vacant, General Public
Harry Mathis, Alt., General Public

DISCUSSION

This item provides San Diego LAFCO with an opportunity to review a material report prepared by UC Berkeley's Agriculture and National Resources Department (Professor Kristin Dobbin and PhD Candidate Justin McBride). The report explores the roles of State regulators and LAFCOs in meeting the State's objective to economize and improve public water systems through notional consolidations and in doing so ensure safe and dependable drinking water with additional emphasis on helping the most vulnerable communities. The full report is provided as Attachment One with a summary of notable observations, conclusions, and recommendations following.

Observations

- LAFCOs play a crucial role in evaluating water services, utilizing State Water Resources Control Board (SWRCB) data to help craft MSRs to comprehensively assess governance and financial viability.

- MSR findings are inadequately shared with drinking water regulators, with only 30% of LAFCOs reporting dissemination.

- Current mechanisms for LAFCOs to provide feedback to the California Public Utilities Commission (CPUC) on water service matters are inadequate and mainly restricted to filing motions for party status in acquisition proceedings subject to judicial approval.

- Need for improved avenues for LAFCOs to engage with regulatory bodies like the SWRCB and CPUC, particularly regarding the sustainability and governance of local water systems.

- While state regulators prioritize projects based on compliance with the Safe Drinking Water Act, cost considerations, and enhancing system sustainability, LAFCOs adopt a broader perspective. LAFCOs consider a multitude of factors, including the impacts on community services and long-term planning at the county level.

- Ensuring the Technical, Managerial, and Financial (TMF) capacity of water systems emerges as a primary concern for 30% of LAFCOs, followed by considerations such as defining logical service boundaries and promoting access to safe and affordable drinking water. SWRCB identifies water system fragmentation as pressing, but only 70% of LAFCOs consider it in consolidation reviews, revealing coordination gaps between state and local regulators.

- LAFCOs heavily rely on SWRCB to pinpoint struggling systems, urging more proactive involvement in promoting consolidation projects in certain jurisdictions.

- LAFCOs lack authority to initiate certain consolidation measures like annexations without local initiation.

- 60% of LAFCOs support system consolidations based on thorough evaluations within MSRs.

- A considerable number of struggling water systems, particularly those in the private domain such as mobile home parks and mutual water companies, fall outside LAFCOs' regulatory purview. This regulatory gap underscores the need for a more comprehensive approach to water system oversight, ensuring the protection and sustainability of all water service providers within local jurisdictions.

Conclusions and Recommendations

- Effective communication between LAFCOs and state water regulators is vital. This would involve regular meetings to discuss failing water systems and identify collaboration opportunities, as well as utilizing existing platforms for enhanced collaboration.

- State should focus on integrating information from MSRs and state water assessments, potentially through formal channels or legislative changes, while providing guidance to LAFCOs for MSR development.

- Identifying consolidation opportunities through well-funded MSRs is crucial, with LAFCOs mandated to investigate shared facilities and make formal consolidation recommendations.

- LAFCOs should proactively integrate priority consolidations, establish pathways for consolidating small private systems, and gain authority for annexations to improve water service provision efficiency.

ANALYSIS

None.

RECOMMENDATION

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

ALTERNATIVES FOR ACTION

None.

PROCEDURES

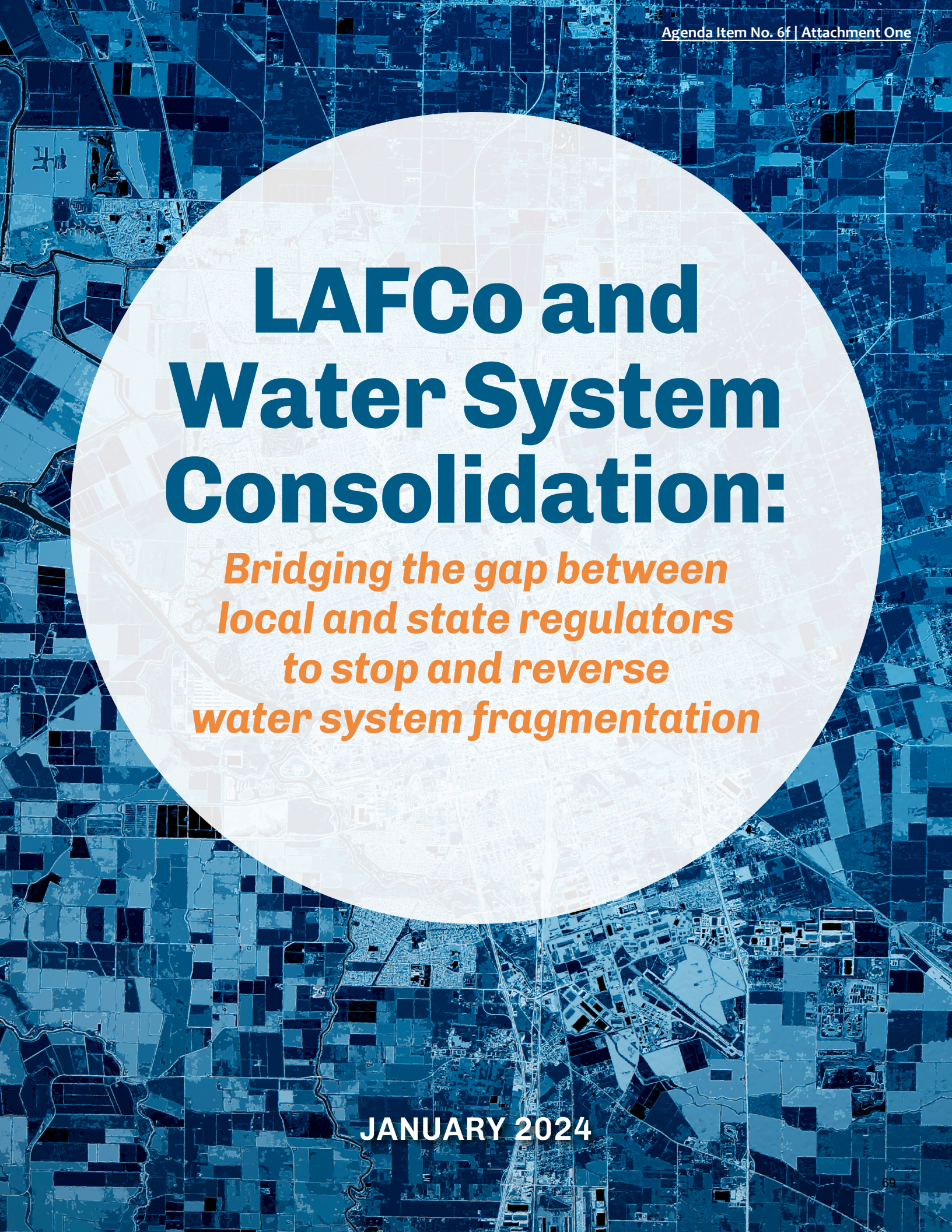
This item has been placed on the San Diego LAFCO's agenda as part of the consent calendar. A successful motion to approve the consent calendar will include taking affirmative action on the staff recommendation unless otherwise specified by the Commission.

On behalf of staff,

Michaela Peters

Michaela Peters
Analyst I

Attachment: as stated



LAFCo and Water System Consolidation:

Bridging the gap between local and state regulators to stop and reverse water system fragmentation

JANUARY 2024

UNIVERSITY OF CALIFORNIA
Agriculture and Natural Resources

Berkeley
UNIVERSITY OF CALIFORNIA

Authors

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Acknowledgements

This report was made possible by generous funding from the University of California Agriculture and Natural Resources (Award# 23-7000). We thank Emily Scott for the design of this report and Sunny Singhal for his help with editing. We would also like to thank the following participants in the consolidations research advisory committee for helping to inform the design and implementation of the project: Michael Claiborne, Nataly Escobedo Garcia, Blanca Surgeon, Sara Luquin, Carlos Bravo, Janaki Anagha, Katrina Hiott, Sergio Carranza, Reyna Rodriguez, Bryan Potter, Allisa Hastie, Khalid Osman, and Greg Pierce. Many additional external reviewers from around the state provided valuable feedback on our initial draft for which we are extremely grateful. Any errors are ours alone.

For more information contact Kristin Dobbin at kbdobbin@berkeley.edu

Introduction

In 2012, California passed AB 685 enshrining the human right to water into state law. Achieving this vision is not a simple task, instead it requires ongoing commitment and investment by state legislators and regulators. Water system consolidation, or the merging of two or more water systems, has increasingly become a focus of these efforts due to a wide array of potential benefits. This is particularly true for the state's very small water systems, many of which struggle to achieve consistent regulatory compliance. In the hopes of halting and reversing the proliferation of small water systems, California has implemented policy changes including developing financial incentives for larger water systems to consolidate small systems, introducing new powers to mandate consolidation under specific circumstances, and working to limit permits for new water systems in favor of extending existing systems. With these efforts as well as unprecedented financial investments in consolidation through the new Safe and Affordable Funding for Equity and Resilience (SAFER) program, the state has reduced the total number of public water systems by more than 3% in the last 9 years.[1]

Despite these successes, implementing consolidations in an efficient and equitable manner continues to be a difficult task. A large array of challenges from local politics to funding regularly delay and sometimes prevent consolidations, both between existing systems and for systems intended to serve new industrial or residential development. This report focuses on one such challenge, the need to coordinate and align actions by state and local regulators. Under the Federal Safe Drinking Water Act, the state of California is responsible for ensuring compliance among public water systems. This role has put the State Water Resources Control Board (SWRCB) at the forefront of efforts to reduce the number of small water systems. Nonetheless, changes to drinking water services often implicate changes to local government, thus requiring consultation with, and sometimes the approval of, local regulators.

In particular, in California, county Local Agency Formation Commissions, known as LAFCos, are regional planning and regulatory agencies tasked with "coordinating logical and timely changes in local government boundaries, conducting special studies that review ways to reorganize, simplify and streamline governmental structure and preparing a sphere of influence for each city and special district within each county."[2] In this capacity, they have a critical role to play in promoting and implementing water system consolidations for existing and proposed water systems. Because LAFCos regulate boundaries between most public agencies, they often have the final say over water system consolidation projects that involve a local government entity including special districts and cities. Yet in practice, many water system consolidations are conceived of and planned without input from local planners and may only come before LAFCo for formal review after significant resources have already been invested in the project. Much the same can be said for local development plans. To the extent a new development relies on a new public water system, local project proponents may find themselves at odds with state regulators who wish to avoid the creation of additional small water systems they perceive as unsustainable. In these cases, there is significant potential for frustration on all sides when plans are delayed or must be changed due to inadequate coordination, conflicting policies and/or competing priorities.

These examples highlight what can be a wide gulf between drinking water regulators and LAFCos when implementing water system consolidations, whether for existing or new systems. Though intertwined in practice, the two often approach questions of water system fragmentation with distinct perspectives and priorities. Such differences can reverberate beyond individual projects, impacting broader efforts to rationalize drinking water services, increase equitable access, and ensure sustainability under a changing climate. Overwhelmingly LAFCos and state drinking water regulators share goals for promoting equitable,

efficient, and sustainable local drinking water service. Yet we are a long way from the policy alignment necessary to stop, let alone reverse, the proliferation of small water systems.

Drawing on interviews with state regulators and LAFCo representatives, input from state technical assistance providers, and a survey of county LAFCo Executive Officers, this report aims to: 1) Highlight important intersections between LAFCos' local planning and regulatory roles and state policies and programs that prioritize water system consolidation as a safe drinking water solution; 2) Identify challenges at these intersections that limit progress on shared goals; and 3) Provide recommendations to begin to address these challenges.

Section I: Understanding LAFCos and Their Role in Water System Consolidation

About LAFCos

Local Agency Formation Commissions (LAFCos) are county-specific independent governmental agencies charged with conducting studies to evaluate, reorganize, and streamline local government functions and services. LAFCos were first created by the State of California in 1963 to manage sprawl. Subsequent legislative updates have gradually increased the scope of LAFCo powers and authorities over time. The most important of these updates occurred in 2000 with the passage of the Cortese-Knox-Hertzberg Act (CKH).[3] Though amended periodically, the CKH Act remains the most important reference for understanding LAFCo powers and processes.

Each LAFCo is governed by a commission comprised of elected and appointed individuals. Every LAFCo includes representatives of the county's Board of Supervisors and city councils from cities within the county boundaries along with one appointed member of the general public. Many LAFCos also include board members from special districts within the county. The exact structure of individual LAFCo commissions varies, but a typical commission has at least five, and up to seven, members who serve four-year terms. Though geographically coterminous with every county, LAFCos are politically independent from the county government where they operate. Commission decisions are not subject to oversight, review, or approval by the County Board of Supervisors.

LAFCo commission meetings are public meetings, and as such must be regularly held, open to the public, and are subject to the Ralph M. Brown Act.[4] The work of the commission is carried out by staff, led by an Executive Officer. Staffing levels vary substantially between counties. Some have full-time Executive Officers and up to eight additional full-time staff members, and others have only part-time Executive Officers and minimal, or even no, additional staff *(See Appendix)*.

The Cortese-Knox-Hertzberg Act of 2000

The Cortese-Knox-Hertzberg Act of 2000 was the most recent major overhaul of LAFCo powers. It establishes procedures for local government changes of organization, including city incorporations, annexations to a city or special district, and city and special district consolidations. In carrying out these functions, the Act specifically directs LAFCos to:

- Limit urban sprawl;
- Ensure orderly boundaries between governmental agencies;
- Preserve open space and agricultural lands.

Though LAFCos may have other priorities related to local political preferences, these three mandates are shared to some extent by all LAFCos in accordance with state law.

LAFCos are funded from two primary sources. First, all LAFCos receive annual funding from the local governments represented on the commission (county, cities, and sometimes special districts). The size of these contributions varies by county, as each LAFCo sets its own budget. Second, LAFCos may charge fees for some types of applications or services. These fees are typically borne by the relevant agencies or other applicants (such as landowners) applying for the action in question, for example, an adjustment to a district's jurisdictional boundary.

LAFCos and water system consolidations

To avoid the duplication of services and ensure that growth occurs in an orderly fashion, one of LAFCos' primary roles is to regulate and approve changes to the jurisdictional boundaries and planning boundaries of all cities and most special districts (the most notable exception is school districts). As a result, LAFCo will be involved in any consolidation project if one or more of the systems — either consolidating or receiving — is a public agency, specifically a city or a special district.[5] If a consolidation project involves no such water systems, there is no formal role for LAFCo, although if the consolidation involves one or more Investor-Owned Utilities, the California Public Utilities Commission (CPUC) will play a similar oversight role. If a project involves both public and private water systems, LAFCo may only be involved in certain components. For example, if an Investor-Owned Utility takes over water provision in a community previously served by a local agency (as in the case of the Sativa Water District in Los Angeles County), LAFCo would be involved in the dissolution of the public district but not in the "annexation" by the Investor-Owned Utility of the new service area which would instead be approved by the CPUC.

It is important to keep in mind that while a LAFCo's purview includes districts that provide drinking water, LAFCos do not primarily regulate drinking water providers or their day-to-day operations. Rather, their role is to ensure that drinking water provision happens in an orderly manner that does not create additional burdens on residents, does not conflict with established local policies or encourage unwanted urban sprawl, and does not create wasteful duplication of services. In other words, in many cases LAFCos will be concerned with the question: How will this consolidation fit into our broader planning priorities for the county?

The answer to this question will largely depend on the structure of the proposed consolidation. Water system consolidation can be accomplished in many ways including not only district or city consolidation but also through extensions of service, annexations, etc. *(See 'Bridging differences in terminology' box)*. Any one of these procedures may also trigger reorganizations or dissolutions, all of which may have distinct procedures and requirements for implementation. In some cases, LAFCos have a preferred pathway for how to accomplish consolidations that will need to be adhered to in order to receive the necessary approvals. However, in other cases, LAFCos may prefer to make recommendations or determinations based on the specifics of an individual project. We recently surveyed LAFCos across the state and received responses from 23 of the state's 58 LAFCos. Nearly 40% of respondents indicated they preferred outright annexation to extraterritorial service agreements whereas 52% reported having no pre-set preference.

Even when a LAFCo has a preference, however, they may still approve exceptions based on specific circumstances. For example, under California law, LAFCos may (but are not required to) approve a request for a service extension outside of a service providers' jurisdictional boundary and sphere of influence to respond to an "existing or impending threat to the health and safety of the public or the residents of the affected territory".[6] More than two thirds of survey respondents indicated they had approved such a request in their county. Notably the requirements for doing so vary between counties. Some counties require only a letter from an affected local government body, while others require expert documentation of the threat.

Beyond the need to coordinate with LAFCo on the structure of a proposed consolidation, LAFCo involvement has another important implication: Fees. Given that LAFCos are authorized to collect

Bridging Differences In Terminology

This report uses the term "consolidation" in a broad sense to mean the formal merging of some or all functions of drinking water provision between two or more water providers or communities. Consolidation, in this drinking-water focused sense, can happen through a variety of different pathways that vary in not only their implementation but also outcomes (for more information see the 2022 guide Designing Water System Consolidations). Under this definition, consolidation can include the physical interconnection of existing water system infrastructure (physical consolidation) but it does not have to. Consolidation may instead entail merging only the governance and management functions of two pre-existing systems (managerial consolidation) or extending a water system to serve a domestic well community or new development. This inclusive definition is informed by, and aligned with, the definition state drinking water regulators and community water advocates employ.

However, for a LAFCo, the term consolidation refers to a narrowly defined legal process, closely constrained by state law. The CKH Act defines consolidation as "the uniting or joining of two or more cities located in the same county into a single new successor city or two or more districts into a single new successor district." Consolidation in a LAFCo sense always entails the creation of an entirely new district.

While largely semantic, this difference can cause confusion. Projects such as the extension of a community water system to serve residents previously reliant on a state small water system or where a special district like a County Service Area is absorbed into a neighboring city would both be commonly referred to as consolidations among drinking water stakeholders. To a LAFCo representative, however, many such "consolidations" are instead understood as extensions of service, annexations, reorganizations, and/or dissolutions.

fees for services and studies and that some rely on these fees to cover the associated costs of those additional reviews, those seeking to consolidate drinking water services may have to bear the cost of any related study required by state law. LAFCos have some degree of autonomy in setting fees to compensate for staff time. As such, relevant fees vary significantly between counties. Of the 23 LAFCos that responded to our survey, estimated total fees associated with a consolidation project ranged from $0 to $50,000, depending on the LAFCo and the complexity of the project. Seventy percent of survey respondents said that they waive fees under specific circumstances, the remainder indicated that fee waivers were not available.

Municipal Service Reviews

Beyond regulating local government boundaries, LAFCos also play an important role in evaluating municipal services within their county and making recommendations for improvements. The CKH Act mandates that every five years, as necessary, LAFCos review and update the designated sphere of influence for each city and special district under their jurisdiction.[7] Prior to establishing or updating a sphere of influence, LAFCos must perform a special study called a Municipal Service Review (MSR). MSRs are comprehensive studies designed to better inform LAFCo, local agencies, and the community about the provision of municipal services. MSRs can be conducted individually for specific cities or districts, covering all services, or on a county-wide or regional basis focused on specific services.

Based on these requirements, some LAFCos conduct regular MSRs while others do so only when necessary, such as when a sphere of influence issues arise. Budget and capacity constraints are a major factor influencing how frequently MSRs are conducted. Some LAFCos reported in interviews that they did not conduct MSRs as frequently as they would like due to high costs.

The requirements related to MSR contents are also loosely bounded, meaning that in practice, the content and level of detail varies by county. Ideally an MSR will have insights into the kinds of things those pursuing consolidation would likely be interested in — water quality, water source reliability, fiscal stability, managerial capacity, and technical expertise. Take for example the recent Countywide Water Service and Sphere Review by Santa Cruz County which provides significant detail

on system finances, water rates, transparency and local accountability among other items.[8] In other cases, MSRs may have few of these details and thus provide little in the way of local insights either supporting or challenging consolidation efforts (capacity can also be a factor here). By statute, LAFCos are authorized to request information from privately owned water systems as part of their reviews including from mutual water companies.[9] Notably, very few LAFCos currently do so and some LAFCos report mutual water companies have failed to respond to requests for information when they have attempted to include them in MSRs.

Approval of new public water systems

Recognizing the importance of stopping the further proliferation of potentially unsustainable small water systems throughout the state, recent regulatory changes now require that all applications for new public water systems[10] must be approved by the SWRCB. Applicants wishing to construct a new system must apply at least six months before initiating water-related development with an accompanying "preliminary technical report." The preliminary technical report must analyze the feasibility of connecting to any public water systems within three miles, assess the twenty-year costs of operating the proposed system, and evaluate the sustainability and resilience of the proposed system long-term. As part of the assessment of consolidation feasibility, an applicant needs to document contact with LAFCo regarding the identified existing water systems. Approval of non-water system related development (e.g., a warehouse facility to be served by the proposed water system), however, remains a local decision and LAFCos retain final authority on areas where services can be provided by the existing water systems of cities and special districts. Thus, there is potential for inconsistent determinations between state and local authorities, which could cause delays and/or lead to potential litigation. These changes increase the need for coordination between state drinking water regulators and local authorities regarding when and where the creation of new water systems is appropriate.

38% of LAFCos report that they evaluate the feasibility of consolidation as part of their MSR process and 61% report that they recommend consolidation in MSR findings where warranted.

Section II: Challenges

Based on our interviews and survey results, in this section we describe seven key challenges that limit effective coordination between state and local regulators with respect to water system consolidation, both among existing and new systems.

Lack of communication and information sharing between LAFCos and drinking water regulators

Although LAFCos, the State Water Resources Control Board (SWRCB), and the California Public Utilities Commission (CPUC) all play key roles relevant to drinking water system consolidations, each has a unique niche in the enforcement patchwork, and communication between these agencies is limited.

While, in many cases, LAFCos rely on publicly available SWRCB data in developing their MSRs for water services, the MSR process also often generates new information about the status of local water providers, especially regarding the state of system governance and finances. This information can be highly relevant to understanding the potential of a system to encounter future challenges. Yet only 30% of surveyed LAFCos report sharing their MSR findings with drinking water regulators. And while some SWRCB staff do independently seek out and use MSRs when working with a system, not all MSRs are publicly available online.

This lack of information sharing mirrors a general lack of communication between local planners and state drinking water regulators. Nearly all LAFCo Executive Officers we interviewed reported only infrequent contact with state drinking water regulators. The lack of communication creates issues in both directions. On the one hand, the SWRCB may have information about the challenges of local agencies unavailable to LAFCos who often only have infrequent communications with the small water providers under their jurisdiction. Similarly, a LAFCo might be aware of issues which could merit consolidation in the future. These systems might be good candidates for SWRCB intervention, but intervention is unlikely if information does not flow between agencies. On the other hand, the SWRCB may pursue solutions such as consolidation without a clear understanding of locally specific challenges such as conflicting policies, or potential political barriers.

California's other key water agency, the CPUC, regulates Investor-Owned Utilities. The CPUC communicates even less frequently with LAFCos than the SWRCB. This is not surprising, given that LAFCos do not regulate private utilities. But in some cases, LAFCos might be ignorant of potential privately-owned consolidation partners for troubled local government systems or vice-versa, of struggling private systems where governmental systems could expand their service area. Additionally, consolidations involving Investor-Owned Utilities (referred to by the CPUC as acquisitions) can significantly impact local development. Currently there are no specific mechanisms for LAFCos to provide feedback to the CPUC on these matters except to file a motion for party status in an acquisition proceeding which is subject to approval and conditions by a judge.

Lack of shared language and vision

Sometimes, when drinking water stakeholders interested in water system consolidations encounter LAFCos, they find the experience to be frustrating. Often, part of the problem is that LAFCos do not share a common vision or even use the same language to talk about consolidations. As previously mentioned, for LAFCo staff the term "consolidation" refers to a specific legal process, not a broad suite of options. Conversations that casually use the term consolidation can thus create confusion, since many water system consolidation projects fall under LAFCo descriptions for annexations, dissolutions, extraterritorial service agreements, or other arrangements.

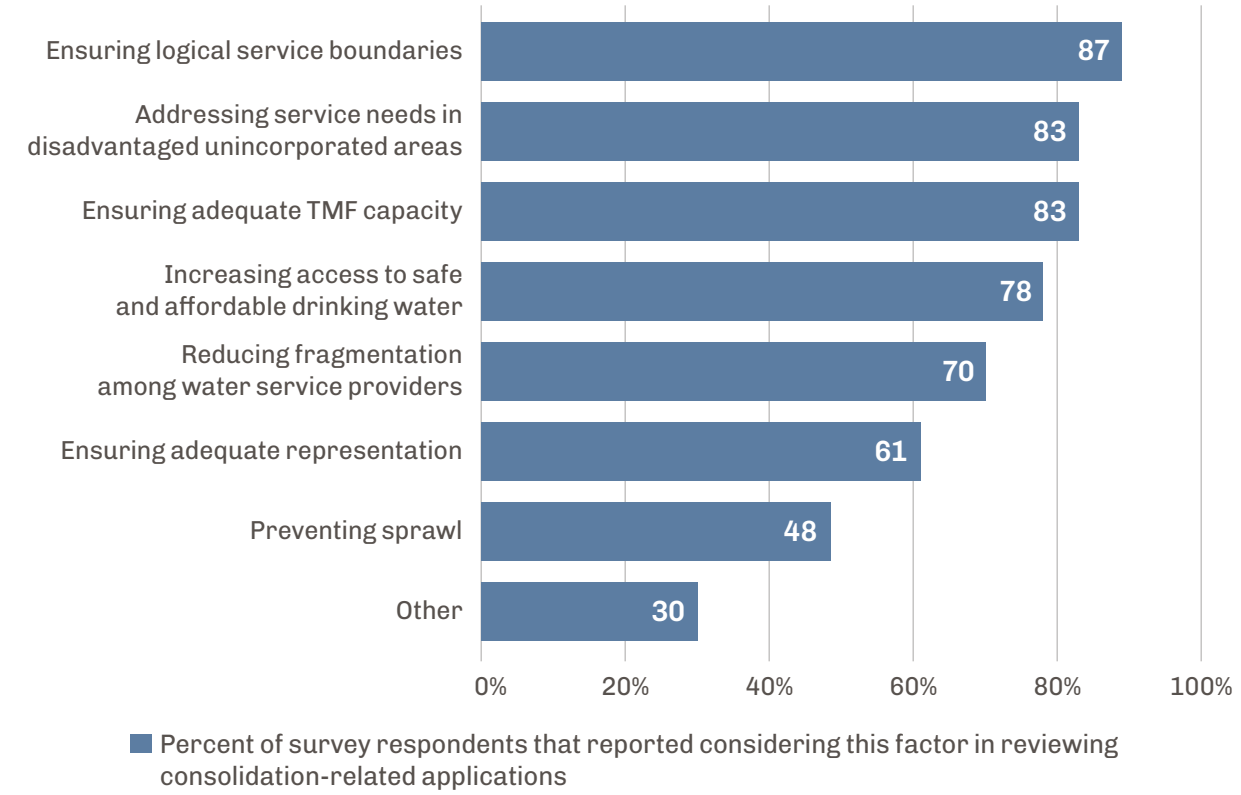
But this challenge is not only semantic. While all parties share a commitment to ensuring efficient, equitable local services, the goals that motivate system consolidation and the metrics by which "success" is assessed in these projects can also vary. State regulators tend to prioritize projects on the basis of Safe Drinking Water Act compliance, cost, and improving system sustainability (i.e., targeting "at-risk" systems). Overall LAFCos take a broader perspective, including considering impacts to different community services as well as county-wide impacts and consistency in long-term planning. This is well demonstrated by the fact that surveyed LAFCos reported considering, on average, more than five different factors when reviewing consolidation-related applications *(Figure 1)*. Among these considerations, 30% of LAFCos reported that ensuring adequate Technical, Managerial, and Financial (TMF) capacity was the most important, followed by ensuring logical service boundaries and increasing access to safe and affordable drinking water, each of which was voted most important 26% of respondents. Notably, whereas preventing and reversing water system fragmentation is a top priority of the SWRCB, this consideration did not rise to the top among LAFCOs, only 70% of which said they consider system fragmentation when reviewing consolidation-related applications.

Diversity in local implementation

All LAFCos are governed by the CKH Act, but policy occurs just as much in implementation as in statute. Because the CKH leaves substantial autonomy for local LAFCos to tailor their operations to local conditions, implementation varies substantially from LAFCo to LAFCo. The state's rules have few hard guidelines except when it comes to specific procedural actions.

For example, according to statute, LAFCos are supposed to interpret any requests to

Figure 1. LAFCo considerations in reviewing consolidation related applications by frequency.



accommodate a system consolidation based on the potential costs and savings, as well as other impacts to local residents. This open-ended set of criteria leaves room for interpretation leading LAFCos to review a wide range of factors as mentioned above. This statute language also allows for LAFCos to have different local policies leading some LAFCos to prioritize specific planning goals, like the prevention of urban sprawl or addressing service needs in unincorporated areas.

LAFCos vary substantially in their preferences regarding consolidation pathways. Technical assistance providers may select a consolidation pathway which they think will best suit the needs of the community they work with. LAFCos will tend to take a more holistic view and measure the proposed benefits of any consolidation project against the potential impact on development and services county-wide. For example, if a consolidation of private wells into a nearby municipal system would extend that city's sphere of influence into an area slated for non-development purposes, the LAFCo may oppose the project for fear of losing open space. In many cases there are workable compromises that can be found if these goals and constraints are clearly communicated, for example pursuing an Extraterritorial Service Agreement (also called Out-of-Agency, Out-of-Boundary or Outside Service Agreements depending on the county).[11]

Unclear roles and responsibilities

While the SWRCB is committed to stopping and reversing the proliferation of small water systems as part of advancing the Human Right to Water (AB 685), precisely because of the planning and local government implications, there are practical and political limits to their ability to do this work on their own. Yet there is ambiguity, and even disagreement, regarding what the role and responsibilities of local planners such as LAFCos is, or should be, with respect to advancing the same mission.

Generally, LAFCos rely on the SWRCB to flag struggling systems and initiate consolidation processes rather than do so themselves (although in certain counties, LAFCos do sometimes play a more central role in promoting projects). However, LAFCos do not necessarily view this as a positive from a local policy standpoint. Several LAFCos indicated that state-level policymakers and agencies generally lacked an understanding of the intricacies of local implementation of consolidations. Some also regarded state-initiated projects without adequate state financial support as unfunded burdens for the affected communities and for LAFCos themselves.

But locally initiating projects has its own challenges. California state law is clear that, in some circumstances, LAFCos have the power to initiate water system consolidations through district dissolution, even without the consent of targeted district.[12] These types of consolidations are rare, however, for several reasons. Perhaps unsurprisingly, LAFCo commissioners are often reluctant to go against locally elected political leaders — some of whom may even sit on the LAFCo commission themselves. Second, such actions are subject to public hearings and can be blocked by formal protests from residents, an outcome which is more likely because the threshold for popular motions to block the action is lower in LAFCo-initiated proceedings. Third, LAFCos are generally reluctant to force other systems to take on new customers, even if the receiving system is best suited to serve those communities. LAFCos generally operate under tight budgets and with limited staff, and thus generally require a project proponent to fund any necessary studies to proceed with a dissolution rather than take on the cost from their own budget. Additionally, LAFCos are prohibited from initiating certain consolidation pathways, such as annexations. Thus, even if a LAFCo knows consolidation is the best choice, they rarely act as proponents. An exception to this trend is when a local scandal erupts, either around system governance or water quality.

Nearly 40% of LAFCos report facilitating or supporting local consolidation projects whereas less than 9% report initiating consolidation projects.

This does not mean, however, that LAFCos do not view themselves as having any role in consolidations. For some LAFCos, considering consolidation options is already a part of their standard operations. Thirty-two percent of surveyed LAFCos reported assessing the feasibility of consolidations as part of MSRs for drinking water service providers. Sixty percent reported recommending system consolidation as part of

Consolidating Sativa County Water District Post-Scandal

When some Compton residents began to notice discolored water in their taps in the spring of 2018, popular protests erupted. One entity was not surprised. Los Angeles (LA) LAFCo had flagged the water provider, the Sativa County Water District, as struggling in multiple categories as early as 2005, and staff had recommended outright dissolution of the agency to the commission in 2012. However, despite these red flags, the agency continued to operate, and no consolidation efforts were formally initiated, either locally or by the SWRCB. When the protests began, however, LA LAFCo was prepared to spring into action. With the changed political winds following the fallout from the scandal, the commission was able to initiate a dissolution process for Sativa just two months after complaints first arose and soon thereafter work with the state to allow the county to temporarily takeover operations while all parties looked for a new permanent provider.

The case of Sativa highlights just how effective a well-resourced LAFCo can be in dealing with a local crisis. But the case also provides an example of how a lack of coordination around system dissolution priorities and political inertia can led to a crisis in the first place. A more aggressive approach locally, or better coordination from the SWRCB, might have dealt with the issues at Sativa before brown water flowed out of residents' taps. Nonetheless, LA LAFCo's quick response and effective collaboration between local and state regulators headed off the problem before things got worse.

MSRs based on assessments of water supply, governance, proximity to other systems, or other factors. In these cases, our interviews reveal that most LAFCos view the initiative to then fall on the individual system boards to explore possible options for consolidations or alternatively, for the SWRCB to intervene if a system is underperforming to such a degree to require consolidation.

As a result, most consolidation projects in California are initiated by, or in partnership with, the SWRCB. Due to the SWRCB's responsibilities under the Safe Drinking Water Act, these consolidations tend to target existing or imminent health and safety concerns. A more proactive approach to other types of potentially challenged systems — such as small systems with governance issues, those unable to raise capital or with retiring staff or those particularly vulnerable to climate disasters — has so far not been on the agenda for lack of a clear responsible party or champion.

Gaps in relevant authorities

In addition to ambiguity about the role of LAFCos in reversing water system fragmentation, the fact that not all water systems are subject to the jurisdiction of LAFCos limits even the potential for LAFCos to support consolidation projects. Water systems are regulated by a patchwork of state and local agencies, depending on the structure of the system and other key factors. Because of this, some of the systems most suitable for consolidation fall between the cracks.

LAFCos only regulate and review cities and special districts, not private firms. Yet many struggling water systems are private systems, like mobile home parks or mutual water companies, which unlike Investor-Owned Utilities, are not regulated by the CPUC. State policymakers have noticed this oversight and granted LAFCos the ability to include information for private water systems operating in their county in MSRs. However, doing so is optional, and often inhibited by resource and information constraints. Because most LAFCos have their hands full performing MSRs for the public agencies under their jurisdiction, very few have included mutual water companies, mobile home parks, or other small systems in their MSR cycles, and most do not anticipate doing so in the future. While LAFCos might seem to be natural agencies to promote consolidation for these types of systems, they ultimately do not have either the statutory mandate, funding, or powers to do so.

Resident Support Is Often Non-Negotiable

Most LAFCo actions, such as district dissolutions and annexations, are subject to protest by registered voters and landowners in the affected territory. Generally, if more than 25% of the voters or landowners representing 25% of the assessed value of land in the area submit written protests, the change must then be approved by voters in an election which is a costly and time-consuming undertaking. In some instances, namely if LAFCo initiates the boundary change itself, this threshold is lowered to 10%. Moreover, some LAFCo actions that can be needed for a consolidation project, like the creation of new special district, always require a local election. This means that regardless of whether a consolidation project is initiated by the state or a local proponent, resident support is usually critical to successful implementation.

Competing local priorities

LAFCos are political organizations primarily composed of elected officials. As such, local politics matter a lot. If a local agency's board does not favor consolidation, even for a consolidation that is logical and feasible, LAFCo commissioners may be reluctant to force the issue to avoid controversy or protect local relationships. The same can be true for supporting new development. To the extent that a new water system is tied to a politically favored development project or powerful local interests, LAFCos may be subject to significant political pressure to support the preliminary technical report required by the SWRCB.

County specific priorities and policies can also impede consolidation efforts. One such example is the issue of limiting urban sprawl. If a consolidation project is seen to have the potential for increasing development in an area the county has earmarked for light or no development, a LAFCo might be unlikely to approve the consolidation. Notably, such concerns are county specific. Only 48% of survey respondents listed preventing sprawl as a factor for approving consolidation-related

applications. However, it is increasingly common for municipalities or special districts to implement their own moratoriums on new connections. Such moratoriums serve to arrest new development, but they can also prevent the consolidation of water services for existing peripheral residents.

Importantly, local priorities and interests can also have positive effects on efforts to increase water system consolidation. When locals identify system fragmentation as a major concern, LAFCo staff can work effectively to foster consolidation in unique ways. Tulare County, for example, has completed more than 16 consolidations since 2015, in part due to the active involvement and support from the Board of Supervisors.

Limited and uneven LAFCo resources

LAFCos have uneven funding levels across the state. Because represented agencies are a primary source of funds, counties with small numbers of cities, special districts, or both, typically have small LAFCo budgets. In some of these counties, LAFCo work may be handled on a contract basis by the county planning department or be contracted out to a private firm. By contrast, counties with large amounts of regulated agencies, like San Diego or Los Angeles, often have relatively large LAFCo budgets.

In many cases, funding levels can directly correspond to staffing levels. LAFCos in counties with low staffing levels may be harder to contact and necessary procedures may take longer, especially if there is no full-time staff. MSRs in such counties may also be updated less frequently than would be preferred if local capacity was higher. Limited resources can also lead to over-reliance on fees associated with studies and applications, which can in turn increase costs and impede a county's ability to offer fee waivers. As previously mentioned, only about two-thirds of the 23 LAFCos who responded to our survey offered fee waivers for studies.

Section III: Recommendations

Based on the challenges outlined in the previous section, the following recommendations highlight potential pathways for addressing the existing gaps and improving alignment between local and state regulators organized around three key themes: Improving information sharing and communication between regulators; Identifying consolidation opportunities; and Advancing locally-driven consolidation projects.

Improving information sharing and communication between regulators

- ***Ensure regular, sustained communication between LAFCos and state drinking water regulators:*** Locally, LAFCo, the SWRCB, and the CPUC (as applicable) should routinely meet to discuss failing and at-risk systems within each county. Such meetings would present the opportunity for each party to share the information on specific systems as well as identify promising partnerships across a range of system types that are consistent with local plans and policies. When distinct from LAFCo staff, county planners should also be included. At the state-level, biannual LAFCo conferences and SWRCB's internal staff training programs present opportunities for cross-learning on relevant topics with the potential to increase collaboration. Regular communication would go a long way to increasing mutual understanding of relevant priorities and limitations as well as overcoming terminology and other barriers.
- ***Transmit and connect information from MSRs and the annual state drinking water needs assessment:*** Currently, both MSRs and the annual SWRCB drinking water needs assessments contain information helpful for assessing the functioning and sustainability of community water systems operated by cities and special districts. Systematically sharing these findings would help connect relevant knowledge from the local and state agencies and align with the Open and Transparent Water Data Act. At a minimum, MSRs should be readily accessible online and county-level meetings can support their use by the SWRCB. Most LAFCos that responded to the

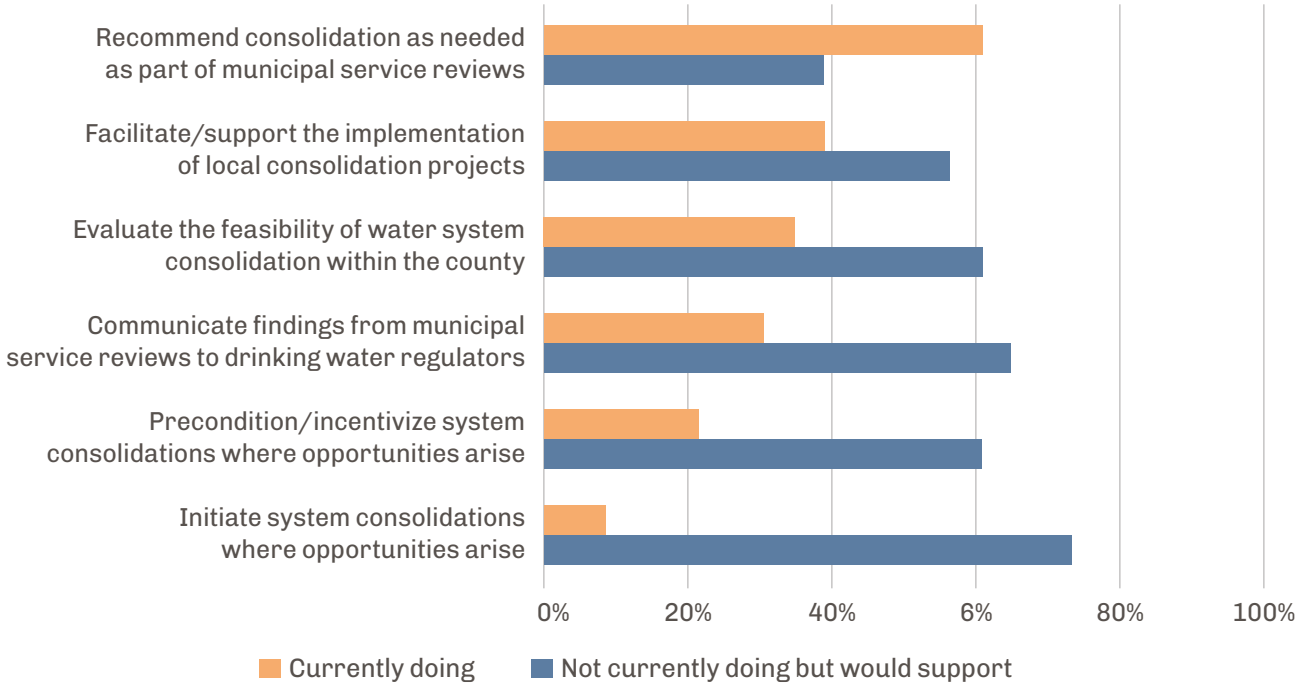
survey support this type of information sharing *(See Figure 2)*. In the future, the SWRCB could create formal pathways for integrating MSR data and/or the state legislature could consider changes to require information sharing and coordination.

- *Clarify and message relevant state goals:* Many LAFCos are eager to support state efforts for advancing safe, accessible, and affordable drinking water and climate resilience but do not have a clear understanding of state priorities on these topics nor the type of performance metrics they could use to assess and advance these goals locally. The state should develop clear resources that can guide LAFCos in the development of MSRs and inform local decision-making about service boundaries.
- *Ensure early coordination on system consolidation projects:* For project proponents, ensuring early coordination between communities, the SWRCB, technical assistance providers and LAFCo staff is essential. Consolidation can be accomplished through many potential pathways that must be matched with local conditions. It is therefore important to learn what pathways are preferred or even possible locally and why. If a LAFCo has formal or informal policies related to consolidation, they should be shared as soon as possible. Having this information as a project is developed will help ensure alignment with local planning and promote success. Early communication can also help avoid unnecessary delays in planning or implementation by anticipating fees, processing times, etc.
- *Ensure early coordination on proposals that implicate new public water systems:* State regulators, LAFCos, and counties should communicate as early as possible about development proposals that explicitly or implicitly could lead to the creation of a new public water system. Early coordination on priorities and limitations at both levels will help prevent inconsistencies that could lead to conflict and delay.

Identifying consolidation opportunities

- *Ensure robust and regular MSRs for drinking water service providers:* Municipal Service Reviews (MSRs) are a valuable opportunity to both assess the functioning of local service providers and make recommendations for improvements. Ensuring that thorough MSRs are conducted regularly throughout the state could go a long way towards identifying and advancing consolidations. Importantly, identifying funding sources to support this work is likely key to achieving this goal.
- *Standardize assessment of consolidation feasibility as a part of the MSR process and recommend consolidation, as appropriate, in the findings:* California state law requires that LAFCos explore "opportunities for shared facilities" for public water systems as a part of their MSR process. Some LAFCos go beyond this requirement to assess consolidation opportunities for some or all systems under their jurisdiction. All LAFCos should do so with an eye not only for physical consolidations but also managerial consolidations and water system partnerships (e.g., shared staff). Where appropriate based on these findings, LAFCos should make formal recommendations for consolidation as part of their MSR findings. While not all counties responded to our survey, the results demonstrate unanimously support for both actions among those who did.
- *Fill data and oversight gaps for under-regulated water systems:* LAFCos collect and maintain important information about the water systems operated by municipalities and special districts in their jurisdictions. The CPUC maintains similar information for the state's Investor-Owned Utilities. For other private water systems like mutual water companies and mobile home parks data collection is limited to the drinking water needs assessment which necessarily provides very limited insights on system governance and management. Figuring out how to fill this gap should be a state priority. For example, these systems could be subject to reporting and oversight by the CPUC or included in MSRs.
- *Proactively identify priority consolidations and tie these into other opportunities for boundary expansion:* Some systems are reluctant to receive

Figure 2. Existing practices and policy preferences among surveyed LAFCos for addressing local water challenges.



customers from struggling systems but are happy to expand with greenfield development. Working with both state drinking water regulators and local water managers (e.g. Groundwater Sustainability Agencies), LAFCos should develop and maintain a list of priority consolidation projects in their county. LAFCos should then use their existing authorities to tie these projects to locally promoted boundary changes, for example, annexations or sphere of influence updates, when feasible. More than 80% of LAFCos that responded to the survey support this type of approach.

- *Clarify roles for identifying and promoting potential consolidations:* Currently the SWRCB is the primary entity identifying potential consolidation projects and initiating conversations with a particular focus on "failing systems" with pressing health and safety concerns and those at-risk of failing. There is a need to clarify who else, if anyone, should take responsibility for identifying and initiating potential consolidations among different subsets of systems such as privately-owned non-Investor-Owned Utilities and low-hanging fruit consolidations (e.g., based on proximity or where system managers wish to retire).

Advancing locally-driven consolidation projects

- *Reduce financial impediments to locally-driven consolidations:* Proposed consolidations entail LAFCo related costs to be borne by a project proponent and/or the LAFCo itself. As such, promising projects can languish if they are not financially supported by the SWRCB and/or a local government proponent. Establishing a funding source to support LAFCos or other local proponents to advance consolidation projects could help increase the number of locally initiated projects. Similarly, state and federal funding and technical assistance is often essential to make consolidation feasible. Creating clear pathways for accessing these resources for locally-initiated projects could similarly increase local leadership on the issue.

- *Reduce administrative and procedural hurdles to implementing consolidations:* Consolidation is a complicated and difficult process constrained by convoluted statutes with significant limitations and even contradictions. Often a single consolidation project may trigger several concurrent actions which only further increases the administrative burden and associated costs. To every extent possible, the associated statutory requirements should be clarified and streamlined.
- *Create local pathways for consolidation of mutual water companies, mobile home park systems, and other small private systems:* LAFCos do not have authority over private water systems and therefore cannot initiate consolidation among them. Thus, the state must explore possibilities to promote the consolidation of small private systems that are not Investor-Owned Utilities.
- *Allow LAFCos to initiate annexations:* Currently LAFCos can initiate dissolutions but not annexations. Given that annexation is a common and often preferred mechanism for consolidating water systems, granting LAFCos the ability to initiate annexations could increase the number of projects advanced locally.
- *Ensure technical assistance providers working on consolidations have a clear understanding of work plan elements and project requirements related to LAFCo:* The SWRCB should provide technical assistance providers clear guidance for addressing the local planning dimensions of consolidations including working with LAFCo. Ensuring that LAFCo tasks and expenses are accounted for in work plans and budgets will streamline implementation.

Resources and Further Reading

Assembly Committee on Local Government. (2023). Guide to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. https://alcl.assembly.ca.gov/system/files/2024-01/ckh-local-goverment-reorganization-act-of-2000-2023.pdf

Bui, T. & Ihrke, B. (2003). It's time to draw the line: A citizen's guide to LAFCos. https://humboldtLAFCo.org/wp-content/uploads/TimetoDrawLine_LAFCos.pdf

Dobbin, K., McBride, J. & Pierce, G. (2022). Designing Water Systems Consolidation Projects. https://innovation.luskin.ucla.edu/wp-content/uploads/2022/10/Designing-Water-System-Consolidation-Projects.pdf

Senate Governance and Finance Committee. (2013). 50 Years of LAFCos: A guide to LAFCos. https://caLAFCo.org/sites/default/files/resources/50%20Years%20of%20LAFCos%20%282013%29%20-%20A%20guide%20to%20LAFCos_0.pdf

State Water Resources Control Board (SWRCB). (2021). Permits for Water Systems. https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/Permits.html

State Water Resources Control Board (SWRCB). (2023). Drinking water system partnerships and consolidations. https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/waterpartnership.html

US Water Alliance. (2022). Catalyzing Community-Driven Utility Consolidations and Partnerships. https://uswateralliance.org/wp-content/uploads/2023/09/Catalyzing-Community-Driven-Utility-Consolidations-and-Partnerships-PAGES_0.pdf

Appendix

LAFCo information and select survey results by county

County	# of Staff	Offers Fee Wavers?	Approx. Range for Consolidation-Related Fees
Alameda	2	N	$6,500 - $13,000
Alpine	1	Did not respond to survey	Did not respond to survey
Amador	4	Did not respond to survey	Did not respond to survey
Butte	4	Y	$1,000 – $25,000
Calaveras	2	Did not respond to survey	Did not respond to survey
Colusa	2	Did not respond to survey	Did not respond to survey
Contra Costa	2	Y	$4,000 - $8,500
Del Norte	2	Did not respond to survey	Did not respond to survey
El Dorado	2	Y	$1,000 – $50,000
Fresno	5	Did not respond to survey	Did not respond to survey
Glenn	1	Did not respond to survey	Did not respond to survey
Humboldt	3	Did not respond to survey	Did not respond to survey
Imperial	4	Did not respond to survey	Did not respond to survey
Inyo	2	Did not respond to survey	Did not respond to survey
Kern	3	Did not respond to survey	Did not respond to survey
Kings	2	Did not respond to survey	Did not respond to survey
Lake	2	Did not respond to survey	Did not respond to survey
Lassen	3	Did not respond to survey	Did not respond to survey
Los Angeles	7	Y	$6,000 - $30,000
Madera	2	N	$3,000 - $6,000
Marin	2	Did not respond to survey	Did not respond to survey
Mariposa	1	Did not respond to survey	Did not respond to survey
Mendocino	2	Did not respond to survey	Did not respond to survey
Merced	2	N	$2,000 - $5,000
Modoc	2	Did not respond to survey	Did not respond to survey
Mono	1	Did not respond to survey	Did not respond to survey
Monterey	4	Did not respond to survey	Did not respond to survey
Napa	2	Y	$8,500 - $34,000

County	# of Staff	Offers Fee Wavers?	Approx. Range for Consolidation-Related Fees
Nevada	2	Did not respond to survey	Did not respond to survey
Orange	5	N	$10,000 - $30,000
Placer	2	Y	$20,000 - $40,000
Plumas	2	Did not respond to survey	Did not respond to survey
Riverside	5	Did not respond to survey	Did not respond to survey
Sacramento	2	Y	$3,000 - $10,000
San Benito	2	Did not respond to survey	Did not respond to survey
San Bernardino	4	Did not respond to survey	Did not respond to survey
San Diego	10	Y	$6,500 - $25,000
San Francisco	1	Did not respond to survey	Did not respond to survey
San Joaquin	3	N	$2,000 - $2,500
San Luis Obispo	3	Y	$3,000 - $7,500
San Mateo	3	Y	$2,000 - $10,000
Santa Barbara	2	Y	$2,000 - $6,000
Santa Clara	2	Y	$4,000 - $8,500
Santa Cruz	2	Y	$1,000 - $2,000
Shasta	2	Did not respond to survey	Did not respond to survey
Sierra	1	Did not respond to survey	Did not respond to survey
Siskiyou	2	Did not respond to survey	Did not respond to survey
Solano	3	N	$7,500 - $35,000
Sonoma	3	Y	$4,000 - $6,000
Stanislaus	3	Y	$500 - $3,500
Sutter	3	Did not respond to survey	Did not respond to survey
Tehama	1	Did not respond to survey	Did not respond to survey
Trinity	2	Did not respond to survey	Did not respond to survey
Tulare	3	Y	$3,500 - $4,000
Tuolumne	2	Did not respond to survey	Did not respond to survey
Ventura	3	Did not respond to survey	Did not respond to survey
Yolo	2	Y	$1,500 - $6,500
Yuba	2	Did not respond to survey	Did not respond to survey

References and Notes

1 Dobbin, K. B., McBride, J., & Pierce, G. (2023). Panacea or placebo? The diverse pathways and implications of drinking water system consolidation. Water Resources Research, 59(12), https://doi.org/10.1029/2023WR035179.

2 CALAFCo website, What Are LAFCos responsibilities? Accessed 11/6/23. https://caLAFCo.org/LAFCo-law/faq/what-are-LAFCos-responsibilities

3 CA Government Code §56000 et seq.

4 CA Government Code §54950 et seq.

5 A consolidating water system is a system that will stop providing drinking water service after a consolidation is completed. In contrast, a receiving water system is a system that continues to provide drinking water service including to new customers/territory added through the consolidation.

6 CA Government Code §56133(c)

7 CA Government Code §56425(g); A sphere of influence or SOI is a planning boundary outside of an agency's jurisdictional boundary (such as the city limit line or water service area) that designates the agency's probable future boundary and service area.

8 Countywide Water Service and Sphere Review. Local Agency Formation Commission of Santa Cruz County. Accessed 01/22/24. https://santacruzlafco.org/wp-content/uploads/2022/09/Countywide-Water-MSR-Adopted-Version.pdf

9 CA Government Code §56430(7)(d)

10 A public water system is a water system serving at least 15 connections or 25 people for a minimum of 60 days per year. This is the body of water systems that is regulated by the SWRCB under the Federal Safe Drinking Water Act.

11 Extraterritorial, Out-of-Agency, Out-of-Boundary or Outside service agreements all refer to situations where a city or special district extend services outside of their jurisdictional boundaries. For drinking water service this means outside of their approved service area. Prior to 1994 service extensions only required LAFCo approval if they involved annexation. Since 1994 service extensions always require approval by LAFCo (with some exceptions such as the transfer of non-treated water).

12 CA Government Code §56035; For a LAFCo, a dissolution entails the "disincorporation, extinguishment, or termination of the existence of a district and the cessation of all its corporate powers."

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AGENDA REPORT
Consent | Information

March 4, 2024

TO: Commissioners

FROM: Erica Sellen, Commission Clerk
Michaela Peters, Analyst I

SUBJECT: **Update on Special District Election**

SUMMARY

The San Diego County Local Agency Formation Commission (LAFCO) will receive an update on the scheduled election called by the Executive Officer to seat a special district board member to serve on the Commission with a four-year term beginning May 6, 2024. The election involves one of the two voting seats dedicated to special districts and presently held by Commissioner MacKenzie. The item is for information only.

BACKGROUND

Responsibility to Conduct Special District Elections

San Diego LAFCO is responsible under statute to conduct elections by mail on behalf of the 56-member Independent Special Districts Selection Committee whenever the Executive Officer determines achieving an in-person quorum is not feasible. The mailed process spans a minimum of 60 days and includes delivering a call for nominations followed by written ballots assuming more than one nomination is made. All nominations and ballots must be signed by the districts' presiding officers. In order for the election to be valid, a quorum majority of special districts must participate and submit ballots.

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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
Vacant, General Public
Harry Mathis, Alt., General Public

DISCUSSION

This item is for San Diego LAFCO to receive an update on the scheduled election called by the Executive Officer to seat a special district board member to serve on the Commission with a four-year term beginning May 6, 2024. The by-mail election has been called in advance of Commissioner Mackenzie's current term expiring on May 5, 2024. Actions to date involve staff transmitting on January 24, 2024 a call for nominations via certified mail to all independent special districts with a deadline of February 26, 2024. Staff also provided an announcement on the election and call for nominations at the most recent California Association of Special Districts' quarterly meeting held on February 15, 2024 at the Butcher Block restaurant in Kearny Mesa.

Assuming two or more nominations are received by the preceding deadline, LAFCO staff will proceed with issuing ballots tentatively by March 1, 2024 with a corresponding return date of April 29, 2024. Additional updates will be provided at future meetings.

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 staff,

Erica A. Sellen

Erica Sellen
Commission Clerk

Attachments: none

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AGENDA REPORT
Public Hearing

March 4, 2024

TO: Commissioners

FROM: Keene Simonds, Executive Officer
Carolanne Ieromnimon, Analyst II

SUBJECT: **Proposed "Tucker – Valley Road Reorganization" | Annexation to National City with Concurrent Detachments from South Bay Irrigation District, Bonita-Sunnyside Fire Protection District, and County Service Area No. 135 and Related Sphere of Influence Amendment (RO23-01)**

SUMMARY

The San Diego Local Agency Formation Commission (LAFCO) will consider a reorganization proposal filed by landowner petition with the principal action to annex approximately 2.16 unincorporated acres in the Bonita community to National City. A secondary action to detach the affected territory from South Bay Irrigation District (ID), Bonita-Sunnyside Fire Protection District (FPD), and County Service Area No.135 (CSA) are also proposed. The affected territory comprises two legal parcels the lie entirely within the sphere for National City. The proposal purpose is to facilitate the planned development of a minor subdivision consisting of 10 single-family residences known as the "Valley View Development Project". Staff recommends conditional approval of the proposal as submitted, along with a conforming sphere of influence action for Bonita-Sunnyside FPD's sphere, and a municipal service review waiver under L-106. It is also recommended the Commission waive protest proceedings along with making parallel findings to the mitigated negative declaration adopted by National City.

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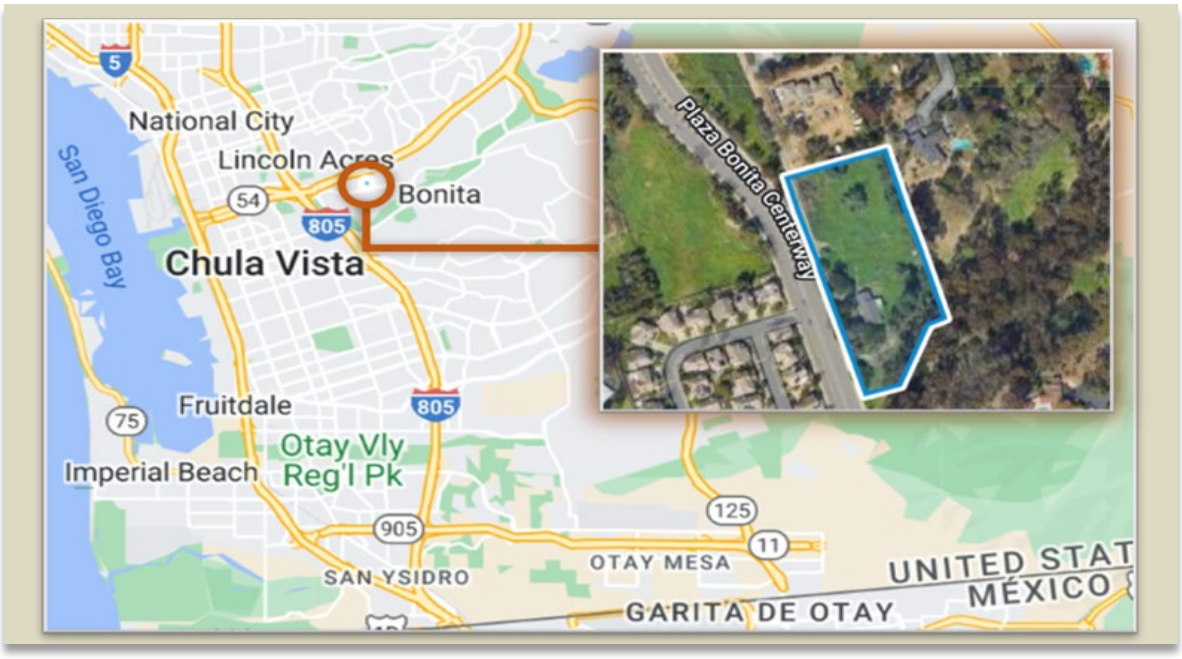
BACKGROUND

Applicant Request

San Diego LAFCO has received a reorganization proposal initiated by an interested landowner – Valley View Development LLC (Laurence Tucker) – for the primary purpose of annexing approximately 2.16 acres of unincorporated territory in Bonita to National City. The affected territory as submitted comprises two legal parcels with one developed with a 1,612 square foot single-family residence built in 1964 at 3410 Valley Road and the other presently undeveloped at 0 Valley Road. The County Assessor's Office identifies the subject parcels as 591-100-31 (3410 Valley Road) and 591-100-27 (0 Valley Road). The proposal also includes concurrent detachments from South Bay ID, County Service Area No. 135, and Bonita-Sunnyside FPD along with a conforming sphere amendment to Bonita-Sunnyside FPD sphere to remove the entire affected territory.

Regional Setting

The affected territory is located in southeast San Diego County within the unincorporated community of Bonita, which generally lies east of Interstate 805, south of the State Route 54, and west of Interstate 125. Principal access to the affected territory is provided by Plaza Bonita Centerway via Valley Road. The affected territory lies within County Supervisorial District No. 1 (Nora Vargas), Assembly District No. 80 (David A. Alvarez), and Senate District No. 18 (Steve Padilla). An aerial map of the affected territory and its regional setting follows with a more detailed map – including the existing parcel and jurisdictional boundaries – provided as Attachment One.



Subject Agencies

The proposed reorganization filed with San Diego LAFCO involves four subject agencies: Bonita-Sunnyside FPD, National City, County Service Area No. 135, and South Bay Irrigation District.[1] Summary of the subject agencies in terms of governance, resident population, municipal functions, and financial standing follows.

- **National City** was incorporated in 1887 as a general-law municipality with an existing estimated resident population of 56,525. It spans approximately 5,888 acres or 9.2 square miles and bordered by the City of Chula Vista to the south, and the City of San Diego to the north. National City is a full-service municipality and headlined by directly providing community planning, fire protection, parks and recreation, police protection, and wastewater. (Water services are geographically limited and supplemented by other special districts within City limits.) Current budgeted staffing totals 331. LAFCO last reviewed and affirmed National City's sphere in 2014 with a "larger-than-city" designation that included 234 non-jurisdictional acres mostly within the Lincoln Acres area. National City's most recent audit shows its net position at $220.9 million as of June 30, 2022, with an unrestricted balance of ($41.4 million). The unrestricted amount is adjusted to ($33.7 million) less pension and related retiree liabilities. The ending non-restricted balance within the General Fund separately finished at $43.6 million. Overall, National City's total net position has changed by 6.0% over the prior three audited years as of June 30, 2022, with an undesignated balance of $19.5 million with an ending cash balance of $24.5 million.

- **Bonita-Sunnyside FPD** is an independent special district governed by a three-member board of directors. An appointed general manager (fire chief) oversees day-to-day activities, and this includes a current full-time budgeted staff of 14.0. Bonita-Sunnyside FPD was formed in 1950 with an existing jurisdictional boundary spanning 4,480 acres or 7.0 square miles with National City and Chula Vista bordering its boundary. Bonita-Sunnyside FPD provides three municipal service functions: fire protection; emergency medical; and ambulance transport. LAFCO last reviewed and affirmed the sphere for Bonita-Sunnyside FPD in 2013 with a "larger-than-district" designation which included an additional 273 non-jurisdictional acres located along Proctor Valley Road. The most recent audit shows Bonita-Sunnyside FPD's net position at $3.5 million as of June 30, 2021. This accrued amount reflects an overall three-year change of 10.5% and includes an unrestricted portion of $2.8 million. The audited balance sheet shows a total of $7.7 million with $7.2 million unassigned and readily spendable.

- **CSA No. 135** is a dependent special district of the County of San Diego encompassing 3,739.8 square miles and includes all unincorporated lands as well as 10 of the 18 cities in San Diego County. CSA No. 135 was formed in 1994 to provide public safety radio communications through a funding agreement with a third-party (Regional

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

Communication Systems, LLC) and involves operating an 800-megahertz system. Administration of this municipal function is provided by County Sheriff. The current estimated resident population within CSA No. 135 is 1,074,319. LAFCO established a sphere of influence in 1994 coterminous to San Diego County. The sphere was last reviewed and affirmed in 2007. The most recent audit shows the County's net position at $3.790 billion as of June 30, 2022 with an unrestricted portion of ($1.858 billion) that adjusts to $1.297 billion less retiree obligations. Overall, the County's total net position has changed by 5.4% over the prior three audited years.

- **South Bay ID** is an independent special district formed in 1951 and spans 32.3 square miles or 20,666 acres in southwest San Diego County and overlaps the western portion of the City of Chula Vista and the unincorporated communities of Bonita and Lincoln Acres. An elected five-member Board oversees South Bay ID's lone municipal service function – water – and operated through the Sweetwater Authority; a joint-powers entity of the District and Cities of Chula Vista and National City. LAFCO estimates the current resident population is 132,389. LAFCO established a sphere of influence for South Bay ID in 1985, which was last updated in 2007 with a larger-than-agency designation to include approximately 995 non-jurisdictional acres. South Bay ID's last published audited net position tallied $0.100 million as of June 30, 2022 with all $0.100 million designated as unrestricted.

Affected Local Agencies

The affected territory presently lies within the jurisdictional boundaries and/or spheres of influence of eight local agencies directly subject to San Diego LAFCO's planning and regulatory responsibilities. These agencies qualify as "affected agencies" relative to the proposed reorganization for noticing purposes and listed below.[2]

- Bonita Sunny-Side Fire Protection District
- City of National City
- CSA No. 135 (Regional Communications)
- Metropolitan Water District of Southern California
- San Diego County Flood Control District
- San Diego County Street Lighting District
- San Diego County Water Authority
- South Bay Irrigation District

The affected territory also lies within the following school and college districts, and accordingly has received notice: Chula Vista Elementary School District; Sweetwater Union High School District; and Southwestern Community College.

2 State law defines "affected 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.

DISCUSSION

This item is for San Diego LAFCO to consider approving – with or without discretionary modifications to the physical footprint – the reorganization proposal and its principal action to annex the affected territory to National City with concurrent detachments from Bonita-Sunnyside FPD, South Bay ID, and CSA No. 135. The Commission may also consider applying conditions as allowed under statute so long as it does not directly regulate land use, property development, or subdivision requirements. Additional discussion with respect to proposal purpose, development opportunities, and Commission focus follows.

Proposal Purpose

The purpose of the proposed reorganization before San Diego LAFCO is to annex the affected territory to National City and in doing so accommodate the planned development of a minor subdivision consisting of 10 single-family residences and ancillary improvements as part of the "Valley View Development Project". The timing of the proposal follows National City's approval of the tentative map and adoption of the mitigated negative declaration associated with the proposed subdivision in September 2023.

Current and Planned Development Opportunities

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 General Plan to the Sweetwater Community Plan (2011). The present land use designation applied to the affected territory is Semi-Rural Residential (SR-1), which provides up to one dwelling unit per one acre. The affected territory is zoned Rural Residential (RR) with a minimum lot size of 1.0 acres. National City separately designates the affected territory as Small-Lot Residential, with a pre-zoning assignment of RS-2, which prescribes a 0.14-acre – or 5,000 square foot - minimum lot size. This pre-zoning assignment provides a maximum density potential of the City's land use authority of 6-9 dwelling units per acre. This sets the maximum intensity potential for the affected territory of up to 18 units. On September 5, 2023, National City approved the tentative subdivision map for the proposed 10-lot residential development and ancillary improvements associated with the affected territory and commonly known as the "Valley View Development Project". This approval allows the construction of 10 single-family residences and ancillary improvements which include a private street, biofiltration basin and open space (drainage).

Commission Focus

Three central and sequential policy items underlie San Diego LAFCO's consideration for the proposed reorganization. These policy items ultimately take the form of determinations and orient the Commission to consider the interrelated merits of (a) accommodating sphere of influence action for Bonita-Sunnyside FPD, (b) timing of the reorganization, and (c) whether discretionary boundary 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 reorganization is divided into two subsections. The first subsection pertains to evaluating the central policy issues referenced in the preceding section starting with the merits of the conforming sphere of influence action and the timing of the reorganization relative to the factor mandated for review by the Legislature and local policies. The second subsection considers other germane issues required for the LAFCO proposal consideration and this includes complying with the California Environmental Quality Act (CEQA).

Central Policy Items

Item No. 1 |
Conforming Sphere of Influence Amendment

The proposed reorganization necessitates San Diego LAFCO to consider a concurrent action to the Bonita-Sunnyside FPD sphere of influence to achieve consistency with the requested boundary changes required under statute. (The spheres of the other subject agencies readily conform to the proposed reorganization.) Consideration of the concurrent sphere action is premised on the Commission's statutory responsibility to designate spheres to demark the affected agencies' appropriate current and future service areas relative to community needs and – among other features – to conform with proposed changes of organization or reorganization when warranted. Staff believes the amendment to remove the affected from Bonita-Sunnyside FPD's sphere is merited.

Analysis of the related amendment follows.

- Sphere Factor No. 1:
  Consideration of a Municipal Service Review

  Statute requires LAFCO to prepare municipal service reviews to inform its related task to regularly review and update all local agencies' spheres of influence. The statute further directs LAFCO perform sphere updates every five years as needed. Commission policy L-106 affirms this statutory direction while also providing waiver allowances based on Executive Officer recommendations. The most recent series of municipal service reviews prepared by LAFCO germane to the affected territory and subject agency was completed in 2014. Requiring one or more new municipal service reviews – however and specific to informing the proposed reorganization – does not appear warranted. This conclusion ties to the relatively limited scope of the amendment and otherwise certainty in analyzing service impacts and related capacities as detailed further in this agenda report.

- Sphere Factor No. 2:
  Consideration of the Agency-Affected Territory Relationship

  The Legislature prescribes consideration of five factors anytime LAFCOs act on spheres of influence. These factors parallel the macro topics in municipal service reviews with a generalized focus on the relationship with the affected territory – including service needs and adequacy of available services. The factors also orient the Commission to broadly consider the relationship between current and planned land uses in the affected territory plus – and as needed – effects on qualifying disadvantaged unincorporated communities. The factors and staff analysis follows.

  - With respect to **present and planned land uses**, the affected territory as submitted comprises two parcels within the Bonita community that lie entirely within the sphere of influence for National City. National City has pre-zoned the affected territory as Small-Lot Residential (RS-2) with a minimum lot size of 0.14 acres. The planned residential uses – which parallels existing surrounding uses – is readily compatible with the proposal and conforming sphere amendment to Bonita-Sunnyside FPD's sphere. The sphere action serves to represent the Commission's belief National City – and not Bonita-Sunnyside FPD – is the appropriate long-term service provider of fire protection for the planned development going forward.

  - With respect to **present and probable need for one or more public services**, the affected territory's existing residential uses coupled with it being substantially surrounded by National City and within its sphere of influence merits a full range of municipal services to provide coordinated and uniformed service (fire protection, wastewater, and community planning, etc.) within the region. Amending the sphere to exclude the affected territory from Bonita-Sunnyside FPD to accommodate the annexation to National City and the planned development contemplated under the City's land use policies is consistent with these present and probable service needs. The amendment formalizes the Commission's belief National City – and not Bonita-Sunnyside FPD – is the appropriate long-term service provider of fire protection following reorganization.

  - With respect to **overall adequacy of the agencies' public services**, no material deficiencies have been identified by LAFCO staff as part of the proposal review. Specifically, and as detailed in the proceeding section, National City has existing infrastructure and related capacities to readily extend municipal services to the affected territory without adverse impacts to current ratepayers. This includes integrated fire protection and emergency medical services. Amending the sphere to exclude the affected territory from Bonita-Sunnyside FPD is consistent with these present and adequate capacities.

  - With respect to **social or economic communities of interest if relevant to the agencies**, LAFCO established relevant social and economic ties between the affected territory and National City in concert with adding the subject lands to

National City's sphere of influence in step with designating the City as the preferred ultimate service provider. The proposed amendment to Bonita-Sunnyside FPD's sphere to exclude the affected territory readily syncs and formalizes these existing social and economic ties and formalizes the Commission's standing inclusion of the affected territory within National City's sphere of influence.

- With respect to **present and probable need for services involving any disadvantaged unincorporated communities**, none of the affected territory qualifies under LAFCO statute.

- Sphere Factor No. 3:
  Consideration of Policy L-102

San Diego LAFCO's policies guiding sphere of influence actions are primarily codified under L-102. This policy was adopted in August 1990 and last substantively updated in June 2000. It directs the Commission to utilize spheres to guide deliberations on future changes of organizations and in doing so – and among other growth management objectives – help reflect and preserve community identities. The policy further directs LAFCO to use spheres to discourage duplication of municipal services and similarly encourages local agency consolidations, whether functional or political. The sphere of influence amendment necessary to accommodate the proposed reorganization conforms with L-102. Most directly, the amendment would formalize Commission expectation that National City is the appropriate long-term fire protection service provider as presently reflected in the Commission's standing inclusion of the affected territory within National City's sphere.

CONCLUSION |
MERITS OF CONFORMING SPHERE OF INFLUENCE AMENDMENT

The conforming sphere of influence amendment necessary to accommodate the proposed reorganization involving Bonita FPD is sufficiently justified under both statute and local policy. Justification is marked by the preceding analysis and largely premised on the following assumptions. First, it is assumed the Commission determines a new municipal service review is not necessary to inform the conforming sphere amendment to Bonita FPD given the otherwise limited scope of service impacts and a waiver is appropriate. Second, it is assumed the Commission determines there is sufficient and overriding connectivity between National City's services – and specifically in this regard to fire protection and emergency medical – warranting removal from Bonita FPD's sphere and in doing so designate the City as the appropriate service provider going forward.

Item No. 2 |
Reorganization Timing

San Diego LAFCO's consideration of the proposed reorganization's timing draws on analyzing baseline factors required in statute as well as applicable policies set by the Commission. Most of the baseline factors in statute focuses 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 providing services going forward.[3] 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.

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, register voter counts, and so on – to discretionary analyses. This latter category is highlighted by evaluating the proposed annexation's relationship to community needs as well as the service capacities and related financial resources of the subject agencies. A summary of key conclusions generated in reviewing these discretionary matters for the proposed reorganization with an emphasis on the receiving entity (National City) regarding (a) service needs, (b) service availability and capacities, and (c) related financial considerations follow.

  - With respect to **service needs**, the present and planned residential land uses of the affected territory merits organized public services and would be aided by the reorganization and annexation to National City and its ability to provide a range of urban-supporting services. The Commission has previously designated National City as the appropriate future land use authority and primary service provider for the affected territory and its two subject parcels through standing inclusion in the City's sphere of influence. Annexation to National City memorializes this standing.

  - With respect to **service availability and capacities**, the City of National City would directly assume most municipal service responsibilities for the affected territory upon reorganization and highlighted by providing the following core functions: community development; wastewater; integrated fire protection and emergency medical; and police protection. One other key municipal service function that would continue to be provided to the affected territory post reorganization involves water provided by the Sweetwater Authority.) Additional details on these core National City functions and relationship – availability and capacity – with the affected territory follows.

3 Reference to Government Code Section 56668.

National City would assume wastewater service responsibilities for the affected territory upon reorganization. An existing National City collection main is located immediately west of the affected territory within the public right-of-way Plaza Bonita Center Way as well as an additional connection traversing through the south of the parcel. LAFCO projects the average wastewater demands generated within the affected territory at its planned development would equal 1,900 gallons.[4] This average demand projection is based on the development of 10 single-family residences with a per unit daily generation of 190 gallons. This projected demand equals 0.0528% of the available average day wastewater system capacity currently available to National City from the City of San Diego's Point Loma Wastewater Treatment Plant with additional details footnoted.[5]

National City would assume community planning responsibilities for the affected territory from the County of San Diego as part of the reorganization. The transition is contemplated in the National City's General Plan (2011) and prescribed by it prezoning the subject lots as Small-Lot Residential (RS-2).

National City would formally assume integrated fire protection and emergency medical service responsibilities for the affected territory. This change would have minimal impact on service levels given National City. First-response would be provided from National City's Station No. 31, located nearby at 2333 Euclid Avenue. Response times to the affected territory are estimated to be less than 6 minutes (90% of the time) for priority calls and non-priority calls. Total response time would fall within the City's response time standard of 6 minutes or less (90% of the time) for urban areas and suburban areas.

National City would formally assume police protection responsibilities from the County of San Diego as part of the reorganization. This change would have no material impact on service levels given National City's automatic aid agreement with the County Sherriff already commits the City to serve as first responder for all high proximity calls for the region given its proximity to City resources.

- With respect to **related financial considerations,** staff analysis shows National City has financial resources and administrative controls to readily assume municipal service responsibilities to the affected territory in support of its existing and planned uses without significant adverse impacts. This macro comment considers the relatively limited scale of the proposed annexation to National City paired with acknowledging recent City stresses due to escalating resources requiring redirection to cover pension costs as well as recent Capital Improvement Projects that were completed in Fiscal Year ending June 2022.[6] National City, nonetheless,

4 Estimate provided by LAFCO.
5 National City's existing average day wastewater flow is 3.89 million gallons, which equals 52.0% of the overall 7.487 million gallons per day capacity at the City of San Diego's Point Loma Wastewater Treatment Plant.
6 National City completed 4 major capital improvement projects In fiscal year 2021-2022 that include the Euclid Bike and Pedestrian

finished with positive General Fund total margins in each of the last three completed fiscal years with a period average of 8.3% ending in June 2022.

- 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. If applicable, and unless waived by the Executive Officer, the policy requires applicants and/or their representatives to consult with opponents to resolve any known issues – concerns, disputes, etc. – before the item is formally considered by the Commission.[7] If an agreement is reached through the consultation process, the policy states the Commission shall consider the provisions as part of the application. If an agreement is not reached despite exhausting good-faith efforts, the policy states the Commission shall proceed to consider the application as submitted.

  No jurisdictional disputes have been disclosed by National City, South Bay Irrigation District, Bonita-Sunnyside Fire Protection District, and County Service Area No. 135. LAFCO staff, similarly, has not identified any disputes or related concerns involving other local agencies through the administrative review.

CONCLUSION |
MERITS OF REORGANIZATION TIMING

The timing of the reorganization to annex the affected territory to National City is warranted. Justification is marked by the preceding analysis and facilitates a known and otherwise orderly development project consistent with the City's General Plan. Further, the reorganization readily syncs with the City's existing infrastructure with sufficient capacities to accommodate the maximum potential demands projected within the affected territory post reorganization. Additional analysis supporting the conclusion is provided in Appendix A.

Item No. 3 |
Modifications and Terms

No modifications to the submitted reorganization have been identified by San Diego LAFCO staff meriting Commission consideration at this time. This includes confirmation that the annexation of the affected territory would not generate any corridors and/or otherwise illogical jurisdictional features. Further, standard approval terms appear appropriate.

Enhancements, Sweetwater Rd Safety Enhancements, Sweetwater River Bikeway and Pedestrian ADA Improvement Project.

7 The Executive Officer retains discretion to determine the extent of consultation needed.

Notwithstanding the preceding analysis, consideration of an otherwise warranted modification has been raised in the review of the reorganization involving the Port of San Diego – formally the San Diego Unified Port District. This otherwise warranted modification would involve expanding the proposal to include the concurrent annexation of the affected territory to the Port and in doing so keep the Port's boundary consistent with National City as intended in the Port's principal act. This type of ministerial action parallels LAFCOs consideration of city annexations with respect to conforming detachments from CSAs. Adding this modification to the proposal – however – is not recommended at this time in deference to allowing the Commission to first addressing its oversight role of the Port as part of Agenda Item No. 8a. Should the Commission determine the Port is subject to LAFCO oversight, it is advised the Commission work with Port on a comprehensive boundary clean up that includes the affected territory should it be annexed into National City.

CONCLUSION | MODIFICATIONS AND TERMS

No modifications appear warranted at this time. This includes – materially – deferring consideration of a conforming modification to annex the affected territory to the Port of San Diego for reasons detailed. 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 between the County of San Diego and the subject agencies for the proposed reorganization before San Diego LAFCO. The associated statutes also empower the County of San Diego to make all related property tax exchange determinations on behalf of cities and special districts without consultation unless the affected agencies request otherwise. LAFCO staff has confirmed the County has adopted a master property tax transfer resolution applicable to the proposed reorganization. The application of the County's adopted master exchange resolution will result in National City receiving 46% of the County's existing apportionment of the 1% property tax. This amount includes $31.36 in property taxes being exchanged as a result of the detachment from South Bay ID. There are no property taxes to be exchanged involving detachment from Bonita-Sunnyside FPD and CSA 135.

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 two distinct findings under CEQA in consideration of the proposed reorganization. Staff's analysis follows.

- San Diego LAFCO serves as lead agency under CEQA for the conforming sphere of influence amendment to Bonita-Sunnyside FPD. It is recommended the Commission find these actions a project under CEQA but exempt from further review under State CEQA Guidelines Section 15061(b)(3). This exemption appropriately applies given it can be seen with certainty spheres are planning policies and any amendments do not make any changes to the environment or authorize any new uses.

- National City serves as the lead agency under CEQA for the reorganization and principal action to annex the affected territory to the City as part of its discretion to approve the underlying development project. National City determined the project did not qualify for an exemption and proceeded to prepare an initial study, which identified potential significant environmental impacts in the categories of biological resources, cultural resources, tribal cultural resources, hydrology/water quality, and utilities/service systems. A Mitigated Negative Declaration (MND) was subsequently prepared and approved by National City on September 5, 2023.[8] Staff has independently reviewed the MND and believes it would be appropriate for the Commission to adopt the findings of the MND as responsible agency.[9]

Protest Proceedings

Protest proceedings for the proposed reorganization may be waived by San Diego LAFCO should the Commission proceed with an approval under Government Code Section 56662.This waiver appropriately applies given the affected territory is uninhabited as defined under LAFCO law (i.e., less than 11 voters), the subject agencies have not filed objections to the waiver, and the landowners have consented to the underlying action.[10]

RECOMMENDATION

Staff recommends conditional approval of the reorganization proposal as submitted along with a conforming sphere of influence amendment as detailed. This recommendation and ancillary actions are consistent with 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 reorganization proposal as submitted (no modifications) and conforming sphere of influence amendment as detailed along with making required findings under CEQA. Protest would also be waived.

Alternative Two:
Continue consideration to the next regular meeting.

8 National City also adopted a Mitigation Monitoring and Reporting Program (MMRP) to reduce identified impacts to less-than-significant levels.
9 A copy of the initial study and MND are available online at sdlafo.org.
10 LAFCO law defines uninhabited as territory in which less than 11 registered voters reside.

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

PROCEDURES FOR CONSIDERATION

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

1. Commissioner disclosures, if any.
2. Receive verbal presentation from staff unless waived.
3. Open the public hearing and invite testimony beginning with the applicant.
4. Discuss item and consider the staff recommendation.

On behalf of the Executive Officer,

Carolanne Ieromnimon
Analyst II

Appendices:

A) Analysis of Boundary Change Factors

Attachments:

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

APPENDIX A

Government Code Section 56668
Mandatory 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 populated areas; the likelihood of significant growth in the areain the next 10 years.

The affected territory as submitted comprises two unincorporated parcels in the community of Bonita that collectively span 2.16 acres total. One of the subject parcels (APN 591-100-31) is presently developed with an existing 1,612 square-foot single-family residence built in 1964 while the other parcel (APN 591-100-27) is presently undeveloped. The current assessed land value (land and structures) of the subject parcels' totals $693,600 with the last transaction date recorded in December 2021.

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.

National City would assume responsibility as primary purveyor of general governmental services to the affected territory following reorganization. This includes assuming responsibility from the County specific to land use and community planning, roads, and police protection. The City would also assume wastewater from South Bay Irrigation District and fire protection and emergency medical services from Bonita-Sunnyside FPD. Water service to the affected territory would remain the responsibility of the Sweetwater Authority. The most notable change in municipal services as proposed affects the provision of wastewater services to the affected territory and is the focus of the succeeding analysis.

- National City would directly assume wastewater service responsibilities for the affected territory upon the reorganization. An existing National City collection main is located immediately west of the affected territory within the public right-of-way Plaza Bonita Center Way as well as an additional connection traversing through the south of the parcel. LAFCO projects the average wastewater demands generated within the affected territory at its planned development would equal 1,900 gallons. This average demand projection is based on the development of 10 single-family residences with a per unit daily generation of 190 gallons. This projected demand equals 0.0592% of the available average day capacity currently available to National City at the City of San Diego's Point Loma Wastewater Treatment Plant.

- National City would assume community planning responsibilities for the affected territory from the County of San Diego as part of the reorganization. The transition is contemplated in the National City's General Plan (2011) and further prescribed by the City prezoning the subject lots as Small-Lot Residential (RS-2).

- National City would formally assume integrated fire protection and emergency medical service responsibilities for the affected territory. This change would have minimal impact on service levels given National City. First-response would be provided from National City's Station No. 31, located nearby at 2333 Euclid Avenue. Response times to the affected territory are estimated to be less than 6 minutes (90% of the time) for priority calls and non-priority calls. Total response time would fall within the City's response time standard of 6 minutes or less (90% of the time) for urban areas and suburban areas.

- National City would formally assume police protection responsibilities from the County of San Diego as part of the reorganization. This change would have no material impact on service levels given National City's automatic aid agreement with the County Sherriff already commits the City to serve as first responder for all high proximity calls for the region given its proximity to City resources.

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 reorganization and annexation therein to National City would establish clear economic and social ties between the City and the affected territory. These existing social and economic ties are relatedly reflected in the Commission's standing inclusion of the affected territory within National City's sphere of influence.

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 reorganization and annexation to National City would facilitate the orderly and otherwise modest expansion of the City'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 exists 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, subject 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 "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.

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 appears 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.

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

The proposal and its anticipated outcomes do not generate any known conflicts with *San Diego Forward*, the regional transportation plan established by the San Diego Association of Governments (SANDAG).

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

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 General Plan to the Sweetwater Community Plan (2011). The present land use designation applied to the affected territory is Semi-Rural Residential (SR-1), which provides up to one dwelling unit per one acre. The affected territory is zoned Rural Residential (RR) with a minimum lot size of 1.0 acres. National City separately designates the affected territory as Small-Lot Residential, with a pre-zoning assignment of RS-2, which prescribes a 0.14-acre – or 5,000 square foot - minimum lot size. This pre-zoning assignment provides a maximum density potential of the City's land use authority of 6-9 dwelling units per acre. This sets the maximum intensity potential for the affected territory of up to 18 units. On September 5, 2023, National City approved the tentative subdivision map for the proposed 10-lot residential development and ancillary improvements associated with the affected territory and commonly known as the "Valley View Development Project". This approval allows the construction of the minor subdivision consisting of 10 single-family residences and ancillary improvements. These planned uses are consistent with the proposal's core purpose to annex the affected territory into National City.

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

See agenda report analysis.

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

Notice of the submitted reorganization 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 February 26, 2024.

k) The ability of the newly formed or receiving entity to provide the services which 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 National City 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.

- National City's last outside audit covers 2021-2022 and shows the City finished with sufficient liquidity levels with an agency-wide current ratio of 5.5 (i.e., $5.5 in current assets for every $1.00 in current liabilities).

- National City finished 2021-2022 with sufficient capital levels and marked by a debt ratio of 57.4% (i.e., only $57.4 out of every $100.00 in net assets are financed.)

- National City finished 2021-2022 with an overall total margin of (67.1%).

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

The affected territory's planned residential uses are presently within and connected to Sweetwater Authority's water system with wholesale supplies provided by the San Diego County Water Authority. Approval of the proposed reorganization would not affect these existing relationships and/or commitments. Further, Sweetwater Authority did not request any approval terms in the course of receiving a notice of review on the reorganization.

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.

The proposed reorganization would not impact any local agencies in accommodating their regional housing needs. All potential units tied to the lands are already assigned to National City by the region's council of governments. The proposed reorganization and annexation to National City would not affect this assignment.

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

The landowner has initiated the proposed reorganization. There are no residents or voters currently within the affected territory.

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 reorganization is expected to aid and/or otherwise promote environmental justice by enhancing the availability of wastewater service within the affected territory. This latter category – notably – includes low-income communities, communities of color, tribal nations, and other disadvantaged groups. Consideration of existing environmental justice factors within the affected territory draw 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 involves (a) pollution burdens and (b) susceptible population to pollution burdens relative to all census tracts in California. These rankings follow.

- The affected territory's **composite pollution burden ranking** falls in the thirty-seventh percentile with an internal range between 0 to 75 percentiles. Six pollution burden measurements exceed the 50 percentile and considered relatively high. These six measurements are relative to air quality (PM and diesel), toxic releases, traffic, hazardous waste and impaired water.

- The affected territory's **composite susceptible population** ranking falls in the thirty-seventh percentile with an internal range between 10 to 87 percentiles. One of these at-risk groups exceeds the 50 percentile and involves unemployed individuals.

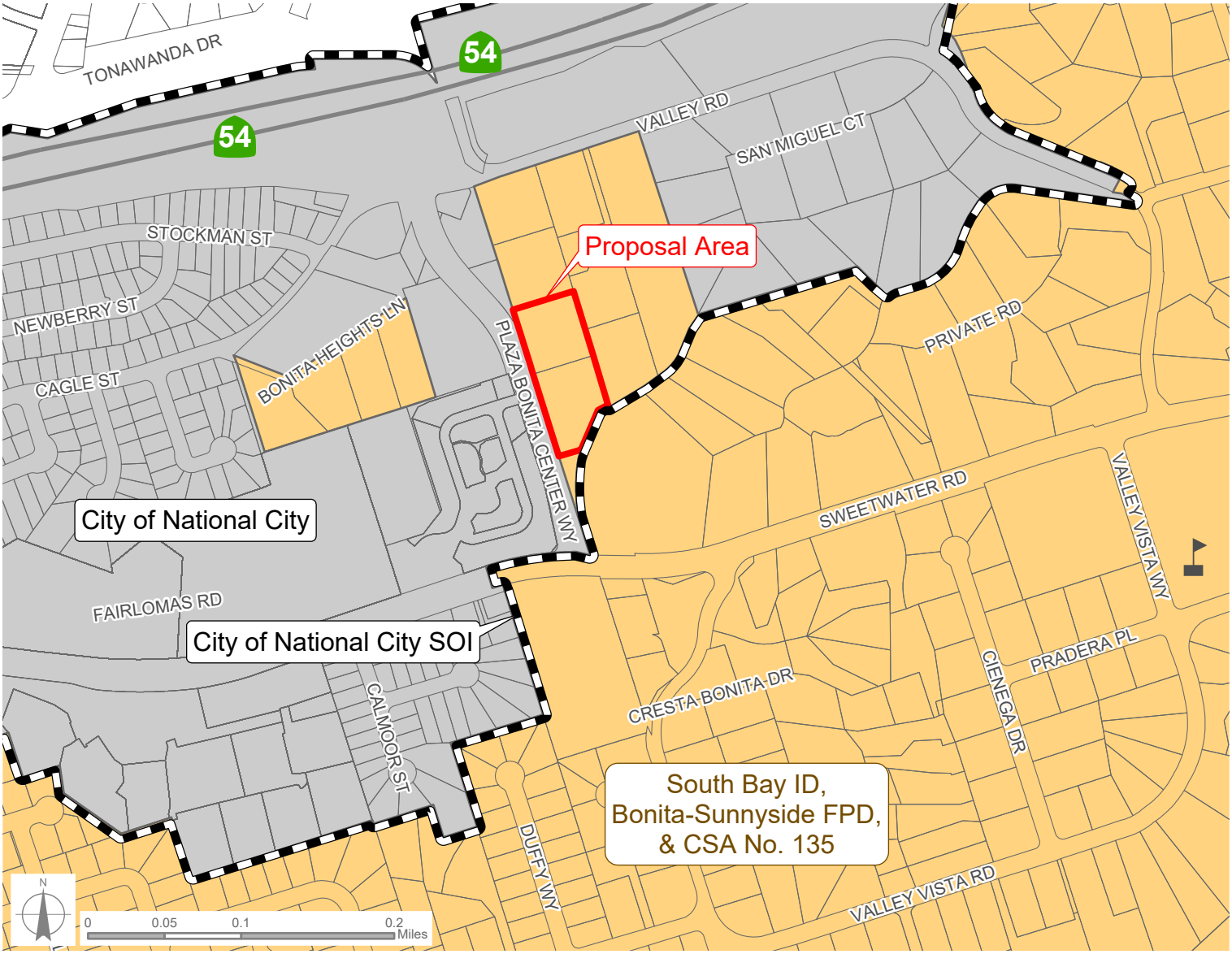
A summary of all tracked pollution burdens and susceptible population follows.

Census Tract 6073003204
Pollution Burdens and Susceptible Population
Table 2.6a (Source: California Environmental Protection Agency and SD LAFCO)

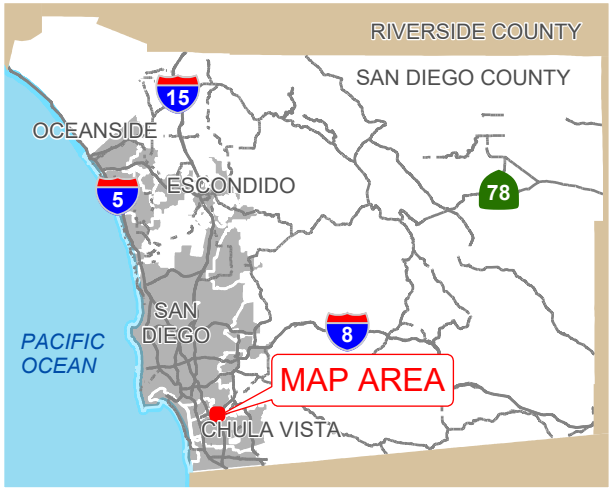
Factor	Census Tract 6073003204
No. of Census Tracts	1
Estimated Population within Tract(s)	3,285
Pollution Burden	**Weighted Percentile**
... Percentile	**36.81**
Indicator | Air Quality: Ozone	29.89
Indicator | Air Quality: PM 2.5:	50.34
Indicator | Air Quality: Diesel PM:	68.10
Indicator |Pesticides:	0.00
Indicator | Toxic Releases:	56.45
Indicator |Traffic:	75.10
Indicator | Drinking Water Contaminants:	33.43
Indicator | Lead in Housing:	36.86
Effects | Cleanup Sites:	0.00
Effects | Groundwater Threats:	0.00
Effects | Hazardous Waste:	57.46
Effects | Impaired Water:	72.15
Effects | Solid Waste:	0.00
Sensitive Population	**Weighted Percentile**
... Percentile	**36.62**
Population | Asthma:	28.00
Population | Low Birth Weight:	47.96
Population | Cardiovascular Disease:	10.01
Population | Education:	43.07
Population | Linguistic Isolation:	N/A
Population | Poverty:	38.91
Population | Unemployment:	87.06
Population | Housing Burden:	43.89

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 in an undesignated fire hazard zone and a lower-level earthquake hazard zone.







RO23-01

"TUCKER - VALLEY ROAD REORGANIZATION" | ANNEXATION TO NATIONAL CITY WITH CONCURRENT DETACHMENTS FROM SOUTH BAY ID, BONITA-SUNNYSIDE FPD, & CSA NO. 135 WITH A RELATED SPHERE OF INFLUENCE AMENDMENT

- City of National City SOI
- Proposal Area
- South Bay ID, B-S FPD, & CSA 135
- City of National City

SOI = Sphere of Influence

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

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Created by Dieu Ngu -- 12/5/2023

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RESOLUTION NO._____

SAN DIEGO COUNTY LOCAL AGENCY FORMATION COMMISSION

MAKING DETERMINATIONS and APPROVING A REORGANIZATION

"TUCKER - VALLEY ROAD REORGANIZATION"
ANNEXATION TO NATIONAL CITY WITH CONCURRENT DETACHMENTS FROM SOUTH BAY IRRIGATION DISTRICT, BONITA-SUNNYSIDE FIRE PROTECTION DISTRICT, AND COUNTY SERVICE AREA NO. 135 AND RELATED SPHERE OF INFLUENCE AMENDMENT
LAFCO FILE NO. RO23-01

WHEREAS, on January 10, 2023, an interested landowner – Valley View Development LLC (Laurence Tucker) – filed a petition to initiate 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 seeks approval of a reorganization to annex approximately 2.16 acres of unincorporated territory to National City with concurrent detachments from South Bay Irrigation District, Bonita-Sunnyside Fire Protection District and County Service Area No. 135; and

WHEREAS, the affected territory as proposed includes two unincorporated legal parcels with one parcel developed with an existing single-family residence identified by the County Auditor and Assessor's Office as 591-100-31; and one undeveloped parcel identified by the County Auditor and Assessor's Office as 591-100-27; and

WHEREAS, an applicable master property tax transfer agreement applies to the proposed reorganization dated December 11, 1984; and

WHEREAS, the proposed reorganization necessitates the Commission consider certain conforming sphere of influence amendment to accommodate the jurisdictional change; and

WHEREAS, the Commission's Executive Officer has reviewed the proposed reorganization 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 March 4, 2024; and

WHEREAS, the Commission considered all the factors required by law under Government Code Sections 56425 and 56668 as well as adopted local policies and procedures.

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

1. The public hearing 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 hearing, the Commission called for, heard, and considered all public comments by interested parties and read and considered the Executive Officer's report.

3. The Commission is tasked under the California Environmental Quality Act (CEQA) in considering the potential impacts of the proposal as it separately relates to the (a) accommodating sphere of influence amendment and (b) reorganization itself. The Commission's findings follow.

    a) San Diego LAFCO serves as lead agency under CEQA for the conforming sphere of influence amendment to Bonita-Sunnyside FPD. It is recommended the Commission find this action a project under CEQA but exempt from further review under State CEQA Guidelines Section 15061(b)(3). This exemption appropriately applies given it can be seen with certainty spheres are planning policies and any amendments do not make any changes to the environment or authorize any new uses.

    b) National City serves as the lead agency under CEQA for the reorganization and principal action to annex the affected territory to the City as part of its discretion to approve the underlying development project. National City determined the project did not qualify for an exemption and proceeded to prepare an initial study, which identified potential significant environmental impacts in the categories of biological resources, cultural resources, tribal cultural resources, hydrology/water quality, and utilities/service systems. A Mitigated Negative Declaration (MND) was subsequently prepared and approved by National City on September 5, 2023. Staff has independently reviewed the MND and believes it would be appropriate for the Commission to adopt the findings of the MND as responsible agency.

4. The Commission <u>CONDITIONALLY APPROVES</u> the sphere of influence amendment for Bonita-Sunnyside Fire Protection District to accommodate and otherwise match the reorganization as shown in the vicinity map provided as "Exhibit A".

    a) Approval is contingent upon the approval and related issuance of a Certificate of Completion for the reorganization.

    b) Approval of the above-stated sphere of influence amendment include an enabling waiver by the Commission as recommended by the Executive Officer of the provision in L-106 that would otherwise match the reorganization as shown

in Exhibit A and does so by making the determinative statements covering the factors under Government Code Section 56425 provided in the Executive Officer's written report.

5. The Commission APPROVES the reorganization without modifications as described below and subject to conditions as provided. Approval involves all of the following:

    a) Annexation of the affected territory to National City as shown in "Exhibit B-1" and described in "Exhibit B-2."

    b) Detachment of the affected territory from Southbay Irrigation District, Bonita-Sunnyside Fire Protection District and County Service Area No. 135 as shown in "Exhibit B-1" and described in "Exhibit B-2."

6. The Commission CONDITIONS all approvals on the following terms being satisfied by March 4, 2025 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 Division.

    c) Submittal to the Commission of the following payments:

        - A check made payable to LAFCO in the amount of $100.00 for the County of San Diego-Clerk Recorder to reimburse for filing a CEQA Notice of Exemptions consistent with the findings in the resolution.

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

        - A check made payable to LAFCO to reimburse for the costs of noticing the proposal for the public hearing in the San Diego Union Tribune in the amount of $1,594.04.

7. The Commission waives L-106 and the otherwise provision to prepare a municipal service review to inform the associated sphere of influence amendment authorized as part of this proposal.

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

    "Tucker – Valley Road Reorganization"

9. The affected territory as designated by the Commission is uninhabited as defined in Government Code Section 56079.5.

10. The Commission delegates conducting authority proceedings under Government Code Section 56662 to the Executive Officer.

11. The Southbay Irrigation District, Bonita-Sunnyside Fire Protection District and County Service Area No.135 are registered-voter districts.

12. The Southbay Irrigation District, Bonita-Sunnyside Fire Protection District and County Service Area No.135 all utilize the County of San Diego assessment roll.

13. The affected territory will be liable for any existing bonds, contracts, and/or obligations of National City as provided under Government Section 57328.

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

15. As allowed under Government Code Section 56107, the Commission authorizes the Executive Officer to make non-substantive corrections to this resolution to address any technical defects, errors, irregularities, or omissions.

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

17. 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 the Government Code.

**

PASSED AND ADOPTED by the Commission on 4th of March, 2024 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

**

Attest:

_____
Keene Simonds
Executive Officer

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EXHIBIT A
VICINITY MAP OF THE AFFECTED TERRITORY
SPHERE OF INFLUENCE AMENDMENT TO BONITA-SUNNYSIDE FPD

-Placeholder-

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EXHIBIT B-1
MAP OF THE AFFECTED TERRITORY

-Placeholder-

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EXHIBIT B-2
DESCRIPTION OF THE AFFECTED TERRITORY

-Placeholder-

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SAN DIEGO LOCAL AGENCY FORMATION COMMISSION
CHANGE OF ORGANIZATION OR REORGANIZATION APPLICATION

RECEIVED
JAN 10 2023
SAN DIEGO LAFCO

The following information must be submitted when filing a change of organization or reorganization proposal with the San Diego Local Agency Formation Commission (LAFCO); additional information may be requested during review of the proposal.

☑ 1. **Completed CHANGE OF ORGANIZATION OR REORGANIZATION APPLICATION.**

☑ 2. (a) A **certified resolution of application** from an affected city or district; **or**

(b) A **landowner or registered voter petition** making application to San Diego LAFCO (available from LAFCO or http://www.sdlafco.org/forms/petition.pdf).

☑ 3. A **metes-and-bounds legal description of the proposal territory perimeter** for the proposed boundary change(s), a **reproducible parcel/plat map,** and a **vicinity map.** For information about mapping requirements, refer to: http://www.sdlafco.org/forms/legal_description.pdf, and contact the County Assessor's Mapping Division at 619/531-5588. The Thomas Brother's Guide may be used for the vicinity map.

☐ 4. **Environmental documentation** to comply with the California Environmental Quality Act (CEQA); submit documents for applicable category only:

(a) INITIAL STUDY: Submit completed form (available from LAFCO) if no environmental review has been conducted;

(b) CATEGORICAL EXEMPTION: Submit document if an agency has certified that the project qualifies for a categorical exemption from CEQA;

(c) NEGATIVE DECLARATION (ND): Submit document with certifying resolution and Initial Study*;

(d) ENVIRONMENTAL IMPACT REPORT (EIR): Submit 15 copies of the Final EIR and certifying resolution, plus one copy of the EIR Appendix*.

* For an ND or EIR, a copy of the receipt for the fee paid to the California Department of Fish and Game must be submitted.

☐ 5. If annexation to a city is proposed, submit one copy of the **city resolution approving prezoning and general plan land-use designations** for the proposal territory.

☑ 6. **JURISDICTIONAL CONFLICTS:** If the response to question number 6 on page 3 is "Yes", complete and sign the Policy L-107 form at http://www.sdlafco.org/forms/Legislative_Policy_L_107.pdf.

☑ 7. **Completed CAMPAIGN CONTRIBUTION DISCLOSURE FORM AND EVALUATION CHECKLIST for DISCLOSURE OF POLITICAL EXPENDITURES** (pages 7 and 8 of application).

☑ 8. **PROPERTY-OWNER CONSENT FORM FOR INCLUSION OF PROPERTY** (page 9 of application).

☑ 9. Completed **SUBJECT AGENCY SUPPLEMENTAL INFORMATION FORM** (pages 10-12 of application) from **each** subject agency.

☐ 10. **LAFCO processing fees.** The San Diego LAFCO FEE SCHEDULE is available at http://www.sdlafco.org/document/feeschedule.pdf, or contact LAFCO staff.

SAN DIEGO LOCAL AGENCY FORMATION COMMISSION
9335 Hazard Way · Suite 200 · San Diego, CA 92123
(858) 614-7755 · www. sdlafco.org

Updated: September 3, 2019

RECEIVED

CHANGE OF ORGANIZATION OR REORGANIZATION APPLICATION

JAN 10 2023

SAN DIEGO LAFCO

The information in this application is used by LAFCO staff to evaluate proposals for changes of government organization. Please respond to all items in this form, indicating "NA" when an item does not apply.

SUBJECT AGENCY(IES) (City or Special District)	PROPOSED CHANGE OF ORGANIZATION/ACTION (Annexation, detachment, sphere amendment, etc.)
1. County of San Diego (Bonita)	1. City of National City
2.	2.
3.	3.
4.	4.

As part of this application, the City of National City or the _____ District, Valley View Dev, LLC (the applicant), and/or the _____ (real party in interest): subject landowner and/or registered voter agrees to defend, indemnify, hold harmless, and release the San Diego LAFCO, its agents, officers, attorneys, and employees from any claim, action, or proceeding brought against any or all of them, the purpose of which is to attack, set aside, void, or annul San Diego LAFCO's review, approval or denial of this application or adoption of or refusal to adopt the environmental document which accompanies it or any other action San Diego LAFCO takes with respect to this application. This defense and indemnification obligation shall include, but not be limited to, attorneys' fees, expert witness fees and other costs of defense, damages, costs, and expenses, including attorney fees payable to another party. Applicant and/or real party in interest agree that San Diego LAFCO shall have the right to appoint its own counsel to defend it and conduct its own defense in the manner it deems in its best interest and that San Diego LAFCO's taking such action does not limit the obligations to indemnify and reimburse San Diego LAFCO's defense costs. This defense and indemnification obligation shall apply whether or not there is concurrent passive or active negligence on the part of the San Diego LAFCO, its agents, officers, attorneys, or employee. The person signing this application will be considered the proponent for the proposed action(s) and will receive all related notices and other communications. San Diego LAFCO's acceptance of this application is sufficient to make this agreement a binding, bilateral contract between us.

I acknowledge that annexation to the city of National City or the _____ district may result in the imposition of taxes, fees and assessments ***existing within the (city or district)*** on the effective date of annexation. I hereby waive any rights I may have under Articles XIIIC and XIIID of the State Constitution (Proposition 218) to a hearing, assessment ballot proceeding or an election on those ***existing taxes, fees and assessments.***

Agreed:

Signature: Laurence Tucker Date: 01/10/2022

Print/Type Name: Laurence Tucker, Valley View Dev LLC

Address: 2575 University Ave.

San Diego, CA 92104 Telephone: (619-988-5850

Property Address: 3410 Valley Rd. Bonita, CA 91902

Cross Street(s): Plaza Bonita Center Rd

Assessor Parcel Number(s): 591-100-27-00, 591-100-31-00 Acres: 2.16

Indicate below if anyone, in addition to the person signing this application, is to receive notices of these proceedings.

Name: Larry Dutton, Alidade Engineering

Address: 28936 Old Town Front St., #205

Temecula, CA 92590 Telephone: (619-787-1550

A. PROPOSAL DESCRIPTION/JUSTIFICATION

1. Explain in detail why the proposal is necessary ***at this time*** (e.g., condition of an approved tentative map, an existing structure requires new services, etc.).
The county of San Diego desperately needs more housing and since the property is in the county of San Diego/Bonita. The site is currently zoned RR with a minimum 1 acre lot size. Annexing to National City would allow us to increase the density to 1 D.U. per 5,000sqft.

2. Describe the use of ***developed*** property within the proposal territory, including details about existing structures. Describe anticipated development of ***vacant*** property, including types of buildings, number of units, supporting facilities, etc., and when development is scheduled to occur.
Currently parcel 591-100-27 is a vacant lot parcel 591-100-31 has a single family home on it that was built in 1964 and is approximately 1,612sqft We are proposing to build a planned development with 10 dwelling units total. 5 of them 4bd/2.5ba 1,800sqft and 5 3bd/2ba 1,600sqft new construction modern homes.

3. Describe the topography and physical features of the proposal territory, as well as its general location in relation to communities, major freeways/highways, roads, etc.
The site is located on Plaza Bonita Center Way off the State Route 54 southbound exit before Sweetwater Rd. The topography is mostly gentle with an average slope of approximately 1.8%. There is a jurisdictional creek that runs through the south portion of the site, that creek will remain intact.

4. How many residents live within the proposal territory? 0

5. How many of these residents are registered voters? 0

6. Are there any jurisdictional issues associated with the LAFCO proposal or pending LAFCO action?

☑ NO ☐ YES (If yes, please complete the Policy L-107 form at http://www.sdlafco.org/forms/Legislative_Policy_L_107.pdf)

B. LAND USE INFORMATION

GENERAL PLAN AND ZONING:

If the proposal territory is ***not*** within an incorporated city, San Diego County General Plan and zoning information may be obtained by calling (858) 565-5981 or toll-free (888) 267-8770 with the Assessor Parcel Number(s) of the subject property. If the proposal territory is within a city, please call the appropriate city's planning department for General Plan and zoning information.

1. COUNTY:

(a) The territory is within the County of San Diego community plan.

(b) The County General Plan or community plan designation and allowed density:
1 dwelling unit per acre

(c) Current County zoning and allowed density: zoning is RR (Rural Residential) & density is 1 D.U. per acre

2. CITY:

(a) The territory is within the general plan area for the City of National City

(b) The City General Plan land use designation and allowed density: Land use for the site is vacant + single family detached and is medium density residential (up to 9.0 D.U./acre)

(c) Current City zoning and allowed density: low medium residential and up to 9.0 D.U./acre

(d) Current City prezoning and allowed density: _____

3. Indicate below ***all*** permits or approvals that will be needed by the County or any city to complete the project. If already granted, please note the date of approval and attach a copy of each resolution of approval. If approval is pending, please note the anticipated approval date.

Type of Approval or Permit	File No.	Approval Date	Is Resolution Attached?
Tentative Subdivision Map			☑ YES ☐ NO
Tentative Parcel Map			☐ YES ☐ NO
Major Use Permit			☐ YES ☐ NO
City/County General Plan Amendment			☐ YES ☐ NO
City Prezoning			☐ YES ☐ NO
County Rezone			☐ YES ☐ NO
(Other)			☐ YES ☐ NO

4. Describe the land uses surrounding the proposal territory (e.g., residential, commercial, agricultural, industrial, open space, etc.).

North: Single family residential East: Single family residential

South: Single family residential West: Single family residential

5. Indicate with a ✔ if any portion of the proposal territory contains the following:

☐ Agricultural land uses ☐ Agricultural Preserve

☐ Open Space Easement ☐ Slopes greater than 25%

☐ Sewer moratorium area ☐ Coastal Permit Zone

☑ Unusual features such as: Jurisdictional waterway

6. For city annexation proposals: Is any part of the proposal territory under a Williamson Act contract? If yes, please contact the LAFCO office for special instructions regarding petition/resolution of application requirements. ☐ YES ☑ NO

C. PUBLIC SERVICES INFORMATION

SEWER SERVICE:

1. (a) Is the proposal territory within a district or city that provides public sewer service? ☑YES ☐NO

   (b) ***If yes,*** which agency? County of San Diego

2. (a) Is a developed parcel in need of annexation due to failed septic system? ☐YES ☑NO

   (b) ***If yes,*** include a copy of any letters from the San Diego County Department of Environmental Health or private septic-system company.

   (c) ***If no,*** is annexation for sewer service part of this application? ☑YES ☐NO

3. If annexation for sewer service is proposed, which district or city would serve the territory if this jurisdictional change is approved? National City

4. (a) Has the agency that will be providing service issued a letter of sewer availability? ☐YES ☑NO

   (b) ***If yes,*** please provide a copy of the letter with this application. (This documentation should be completed by the agency no longer than 6 months prior to submittal to LAFCO.)

5. (a) Will the agency be prepared to furnish sewer service upon annexation? ☑YES ☐NO

   (b) ***If no,*** please explain:_____

WATER SERVICE:

1. (a) Is the proposal territory within a district or city that provides public water service? ☑YES ☐NO

   (b) ***If yes,*** which agency? Sweetwater Authority

2. Is a well or other on-site water system currently used on the property? ☐YES ☑NO
3. Is an on-site system proposed to be used when the property is developed? ☐YES ☑NO
4. (a) Is annexation for water service part of this application? ☐YES ☑NO

   (b) ***If yes,*** which district or city would serve the territory if this jurisdictional change is approved? _____

   (c) Will the agency that will be providing service be prepared to furnish water service upon annexation? ☑YES ☐NO

5. (a) Has the agency that will be providing service issued a letter of water availability? ☑YES ☐NO

   (b) ***If yes,*** please provide a copy of the letter with this application. (This documentation should be completed by the agency no longer than 6 months prior to submittal to LAFCO.)

FIRE PROTECTION SERVICES: NOTE: Complete the following section ***only*** if annexation to a fire protection service provider is proposed—or if the current fire protection service provider is proposed to change.

1. (a) Is the proposal territory ***currently*** within an agency that provides fire protection? ☑YES ☐NO

   (b) ***If yes,*** provide name and address/location of current fire service provider

   Bonita-Sunnyside Fire Protection District

   4900 Bonita Rd. Bonita, CA 91902

   (c) Provide estimated response times to the proposal territory:

   priority 4 minutes; non-priority 5 minutes

2. Is annexation for fire protection service part of this application? ☑YES ☐NO

3. Which city or district would serve the proposal territory if this jurisdictional change is approved?

   National City Fire Dept

   (a) Location/address of the proposed fire service provider:

   2333 Euclid Ave. National City, CA 91950

   (b) Estimated response times to the proposal territory:

   Priority 4 minutes; non-priority 5 minutes

POLICE PROTECTION SERVICES: NOTE: Complete the following section ***only*** if the police protection provider is proposed to change.

1. Which police agency ***currently*** serves the proposal territory?

   N/A

   (a) Location/address of nearest police station: _____

   _____

   (b) Estimated response times to the proposal territory: priority____ minutes; non-priority____ minutes

2. Which police agency would serve the proposal territory if this jurisdictional change is approved?

   _____

   (a) Location/address of nearest police station:_____

   _____

   (b) Estimated response times to the proposal territory:

   Priority_____ minutes; non-priority_____ minutes

CAMPAIGN CONTRIBUTION DISCLOSURE PROVISIONS

LAFCOs are subject to the campaign disclosure provisions detailed in Government Code Section 84308, and the Regulations of the Fair Political Practices Commission (FPPC), Section 18438.

Please carefully read the following information to determine if the provisions apply to you. If you determine that the provisions are applicable, the Campaign Disclosure Form must be completed and returned to San Diego LAFCO with your application.

1. No LAFCO commissioner shall accept, solicit, or direct a contribution of more than $250 from any party[1] or agent[2] while a change of organization proceeding is pending, and for three months subsequent to the date a final decision is rendered by LAFCO. This prohibition commences when your application has been filed, or the proceeding is otherwise initiated.

2. A party to a LAFCO proceeding shall disclose on the record of the proceeding any contribution of more than $250 made to any commissioner by the party, or agent, during the preceding 12 months. No party to a LAFCO proceeding, or agent, shall make a contribution to a commissioner during the proceeding and for three months following the date a final decision is rendered by LAFCO.

3. Prior to rendering a decision on a LAFCO proceeding, any commissioner who received contribution of more than $250 within the preceding 12 months from any party, or agent, to a proceeding shall disclose that fact on the record of the proceeding, and shall be disqualified from participating in the proceeding. However, if any commissioner receives a contribution that otherwise would require disqualification, and returns the contribution within 30 days of knowing about the contribution and the relevant proceeding, that commissioner shall be permitted to participate in the proceeding.

[1] "Party" is defined as any person who files an application for, or is the subject of, a proceeding.

[2] "Agent" is defined as a person who represents a party in connection with a proceeding. If an individual acting as an agent also is acting as an employee or member of a law, architectural, engineering, or consulting firm, or a similar entity or corporation, both the individual and the entity or corporation are agents. When a closed corporation is a party to a proceeding, the majority shareholder is subject to these provisions.

To determine whether a campaign contribution of more than $250 has been made by you or your agent to a commissioner within the preceding 12 months, all contributions made by you or your agent during that period must be aggregated.

Names of current LAFCO commissioners are available at http://www.sdlafco.org/document/CommRoster.pdf. If you have questions about Government Code Section 84308, FPPC regulations, or the Campaign Disclosure Form, please contact San Diego LAFCO at 9335 Hazard Way, Suite 200, San Diego, CA 92123, (858) 614-7755.

CAMPAIGN CONTRIBUTION DISCLOSURE FORM

(a) Proposed change(s) of organization: _____

N/A

_____

(b) Name and address of any party, or agent, who has contributed more than $250 to any commissioner within the preceding 12 months:

1. _____

_____

_____

2. _____

_____

_____

(c) Date and amount of contribution:

Date _____ **Amount $** _____

Date _____ **Amount $** _____

(d) Name of commissioner to whom contribution was made:

1. _____

2. _____

(e) I certify that the above information is provided to the best of my knowledge.

Printed Name _____

Signature _____

Date _____ **Phone** _____

To be completed by LAFCO:

Proposal:

Ref. No.

DocuSign Envelope ID: 90BA47FE-0046-4D1E-91A9-D2205705208D

CAMPAIGN CONTRIBUTION DISCLOSURE PROVISIONS

LAFCOs are subject to the campaign disclosure provisions detailed in Government Code Section 84308, and the Regulations of the Fair Political Practices Commission (FPPC), Section 18438.

Please carefully read the following information to determine if the provisions apply to you. If you determine that the provisions are applicable, the Campaign Disclosure Form must be completed and returned to San Diego LAFCO with your application.

1. No LAFCO commissioner shall accept, solicit, or direct a contribution of more than $250 from any party[1] or agent[2] while a change of organization proceeding is pending, and for three months subsequent to the date a final decision is rendered by LAFCO. This prohibition commences when your application has been filed, or the proceeding is otherwise initiated.

2. A party to a LAFCO proceeding shall disclose on the record of the proceeding any contribution of more than $250 made to any commissioner by the party, or agent, during the preceding 12 months. No party to a LAFCO proceeding, or agent, shall make a contribution to a commissioner during the proceeding and for three months following the date a final decision is rendered by LAFCO.

3. Prior to rendering a decision on a LAFCO proceeding, any commissioner who received contribution of more than $250 within the preceding 12 months from any party, or agent, to a proceeding shall disclose that fact on the record of the proceeding, and shall be disqualified from participating in the proceeding. However, if any commissioner receives a contribution that otherwise would require disqualification, and returns the contribution within 30 days of knowing about the contribution and the relevant proceeding, that commissioner shall be permitted to participate in the proceeding.

[1] "Party" is defined as any person who files an application for, or is the subject of, a proceeding.

[2] "Agent" is defined as a person who represents a party in connection with a proceeding. If an individual acting as an agent also is acting as an employee or member of a law, architectural, engineering, or consulting firm, or a similar entity or corporation, both the individual and the entity or corporation are agents. When a closed corporation is a party to a proceeding, the majority shareholder is subject to these provisions.

To determine whether a campaign contribution of more than $250 has been made by you or your agent to a commissioner within the preceding 12 months, all contributions made by you or your agent during that period must be aggregated.

Names of current LAFCO commissioners are available at http://www.sdlafco.org/document/CommRoster.pdf. If you have questions about Government Code Section 84308, FPPC regulations, or the Campaign Disclosure Form, please contact San Diego LAFCO at 9335 Hazard Way, Suite 200, San Diego, CA 92123, (858) 614-7755.

CAMPAIGN CONTRIBUTION DISCLOSURE FORM

(a) Proposed change(s) of organization: _____

_____

_____

(b) Name and address of any party, or agent, who has contributed more than $250 to any commissioner within the preceding 12 months:

1. _____

_____

_____

2. _____

_____

_____

(c) Date and amount of contribution:

Date _____ Amount $ _____

Date _____ Amount $ _____

(d) Name of commissioner to whom contribution was made:

1. _____

2. _____

(e) I certify that the above information is provided to the best of my knowledge.

Printed Name DocuSigned by: Josue Arturo Valdez

Signature J Arturo Valdez

Date 2/26/2024 | E80910C08D2407... Phone 619-988-5850

To be completed by LAFCO:

Proposal:

Ref. No.

DISCLOSURE OF POLITICAL EXPENDITURES

Effective January 1, 2008, expenditures for political purposes, which are related to a change of organization or reorganization proposal that will be or has been submitted to LAFCO, are subject to the reporting and disclosure requirements of the Political Reform Act of 1974 and the Cortese-Knox-Hertzberg Act of 2000.

Please carefully read the following information to determine if reporting and disclosure provisions apply to you.

- 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 of 1974 (Government Code Section 81000 et seq.) as provided for local initiative measures, and Section 56700.1 of the Cortese-Knox-Hertzberg Act of 2000.
- 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 filed with the Secretary of State and the appropriate city or county clerk. Copies of the report must also be filed with the Executive Officer of San Diego LAFCO.
- A roster of current San Diego LAFCO commissioners is available from the LAFCO office: 9335 Hazard Way, Suite 200, San Diego, CA 92123, (858) 614-7755, or from http://www.sdlafco.org/document/CommRoster.pdf

EVALUATION CHECKLIST FOR DISCLOSURE OF POLITICAL EXPENDITURES

The following checklist is provided to assist you in determining if the requirements of Government Code Sections 81000 et seq. apply to you. For further assistance contact the Fair Political Practices Commission at 428 J Street, Suite 450, Sacramento, CA 95814, (866) 275-3772 or at http://www.fppc.ca.gov.

1. **Have you directly or indirectly made a contribution or expenditure of $1,000 or more related to the support or opposition of a proposal that has been or will be submitted to LAFCO?**

   ☐ Yes

   ☑ No

   Date of contribution_____ Amount $ _____

   Name/Ref. No. of LAFCO proposal_____

   _____

   Date proposal submitted to LAFCO _____

2. **Have you, in combination with other person(s), directly or indirectly contributed or expended $1,000 or more related to the support or opposition of a proposal that has been or will be submitted to LAFCO?**

   ☐ Yes

   ☑ No

   Date of contribution_____ Amount $ _____

   Name/Ref. No. of LAFCO proposal_____

   _____

   Date proposal submitted to LAFCO _____

3. **If you have filed a report in accordance with FPPC requirements, has a copy of the report been filed with San Diego LAFCO?**

   ☐ Yes

   ☑ No

PROPERTY-OWNER CONSENT FORM FOR INCLUSION OF PROPERTY

Note: Processing of jurisdictional boundary change proposals, which involve ***uninhabited***[1] territory, can be expedited by approximately 60 days if all affected landowners consent to the proposal. If you wish to take advantage of this option, please return the completed PROPERTY-OWNER CONSENT FORM FOR INCLUSION OF PROPERTY to San Diego LAFCO with your application for a jurisdictional boundary change. If consenting signatures of ***100%*** of the affected property owners are affixed and LAFCO does not receive any opposition from subject agencies, the Commission may consider the proposal without public notice, public hearing and/or an election.

[1] Territory included within a proposed boundary change that includes less-than12 registered voters is considered ***uninhabited*** (Government Code 56045).

The undersigned owners(s) of property hereby consent(s) to inclusion of that property within a proposed change of organization or reorganization consisting of:

(Please list all proposed actions)

Annexation to:
1. City of National City
2. _____
3. _____

Detachment from:
1. Southbay Irrigation District
2. Bonita-Sunnyside Fire Protection District
3. County Service Area XD. 135

	Date	Signature	Assessor's Parcel Number(s)
1.	12/08/2022		591-100-27
2.	12/08/2022		591-100-31
3.			
4.			
5.			

Attach additional sheets if necessary

SUBJECT AGENCY SUPPLEMENTAL INFORMATION FORM

NOTE: *A copy of this form must be completed and signed by **each** local agency that will gain or lose territory as a result of the proposed jurisdictional boundary change. Attach additional sheets if necessary.*

Signature of agency representative	MARTIN REEDER, AICP *Print name*
PLANNING MANAGER *Title*	
619-336-4323 *Telephone*	12/8/2022 *Date*

A. JURISDICTIONAL INFORMATION:

Name of agency:
City of National City

1.	Is the proposal territory within the agency's sphere of influence?	Yes ☑ No ☐
2.	Upon annexation, will the proposal territory be included within an assessment district and be subject to assessment for new or extended services?	Yes ☐ No ☑
3.	Does the agency have plans to establish any new assessment district that would include the proposal territory?	Yes ☐ No ☑
4.	Will the proposal territory assume any existing bonded indebtedness?	Yes ☐ No ☑
	If yes, indicate any taxpayer cost: $_____	
5.	Will the proposal territory be subject to any special taxes, benefit charges, or fees?	Yes ☐ No ☑
	If yes, please provide details of all costs: _____	
	_____	
6.	Is the agency requesting an exchange of property tax revenues as a result of this proposal?	Yes ☐ No ☑
7.	Is this proposed jurisdictional change subject to a master property tax agreement or master enterprise district resolution?	Yes ☐ No ☑
8.	FOR CITY ANNEXATIONS: Does the proposal territory contain existing commercial development that generates retail sales of ten million dollars or more per year?	Yes ☐ No ☑
9.	FOR CITY ANNEXATIONS: If any part of the proposal territory is under a Williamson Act contract, please contact the LAFCO office for special instructions regarding petition or resolution of application requirements.	

EXPEDITED PROPOSAL PROCESSING: *Processing of jurisdictional boundary change proposals can be expedited by approximately 60 days if all affected landowners consent to the waiver of protest and termination (conducting authority) proceedings and subject agencies do not oppose the waiver. If you do NOT want to waive these proceedings, then attach a written statement to the subject agency information form containing a signature, date, and declaration of opposition to a waiver of such proceedings.*

B. SEWER SERVICE:

1. What is the agency's current wastewater treatment capacity (expressed in million gallons per day and equivalent dwelling units)? 240 MGD (City of San Diego Point Loma Wastewater Treatment Plant)

2. What is the average volume of influent currently being treated by the agency (expressed in million gallons per day and equivalent dwelling units)? 3.89 MGD

3. (a) What is the agency's peak flow volume (expressed in million gallons per day)? 4.656 on 01/20/2017

   (b) What is the agency's peak flow capacity (expressed in million gallons per day)? 7.1 MGD

   (c) Has the agency exceeded the flow (peak) capacity within the past two years? ☐YES ☑NO

   (d) ***If yes,*** please describe the frequency and volume of incidents that exceeded the agency's peak capacity:

4. (a) Has the agency issued a letter of sewer availability for the proposal territory? ☐YES ☑NO

   (b) ***If yes,*** please provide a copy of the letter. (This documentation should be completed by the agency no longer than 6 months prior to submittal to LAFCO.)

5. (a) How many future equivalent dwelling units have been reserved or committed for proposed projects?

   (b) Can all projects that have received commitments of sewer availability (e.g., "will serve letters") be accommodated with planned capacity? ☑YES ☐NO

6. (a) Does the agency have the necessary contractual and/or operational treatment capacity to provide sewer service to the proposal territory? ☑YES ☐NO

   (b) ***If yes,*** please specify the proposal territory 's estimated sewer demand and the agency's available sewer capacity (expressed in million gallons per day and equivalent dwelling units):
   Estimated Demand: .0144 MGD
   Available sewer capacity: 2.4MGD

   (c) ***If no,*** please describe the agency's plans to upgrade capacity to resolve any capacity related issues:

7. Will the proposal territory be annexed to a sewer improvement district? ☐YES ☑NO

8. (a) The distance for connection of the proposal territory to the agency's existing sewer system is 38 feet.

   (b) Describe the location of the connection to the agency's existing sewer system:
   Existing 8" sewer main on property frontage along Sweetwater Rd.

C. WATER SERVICE:

1. (a) Does the subject agency have adequate water supply and sufficient contractual and/or operational capacity available to serve the proposal territory? ☑YES ☐NO

   (b) ***If yes,*** describe the proposal territory's estimated water demand and the agency's available water supply and capacity (expressed in acre-feet or million gallons per day):

   _____

   (c) ***If no,*** what plans does the agency have to increase its water capacity?

   _____

2. Specify any improvements (on and off-site) that will be necessary to connect and serve the anticipated development. Indicate the total cost of these improvements and method of financing (e.g., general property tax, assessment district, landowner or developer fees): _____ ☐YES ☐NO

   _____

3. (a) Has the agency issued a letter of water availability for the proposal territory? ☐YES ☑NO

   (b) ***If yes,*** please provide a copy of the letter. (This documentation should be completed by the agency no longer than 6 months prior to submittal to LAFCO.)

4. (a) The distance for connection of the proposal territory to the agency's existing water system is 5 _____ feet.

   (b) Describe the location of the connection to the agency's existing water system:
   5ft from the east curb

5. (a) Is the agency currently under any drought-related conditions and/or restrictions? ☐YES ☑NO

   (b) ***If yes,*** describe the conditions and specify any related restrictions:

   _____

6. (a) Will the proposal territory utilize reclaimed water? ☐YES ☑NO

   (b) ***If yes,*** describe the proposal territory's reclaimed water use and the agency's available reclaimed water supply and capacity (expressed in acre-feet or million gallons per day):

   _____

   (c) The distance for connection of the proposal territory to the agency's existing reclaimed water system is _____ feet.

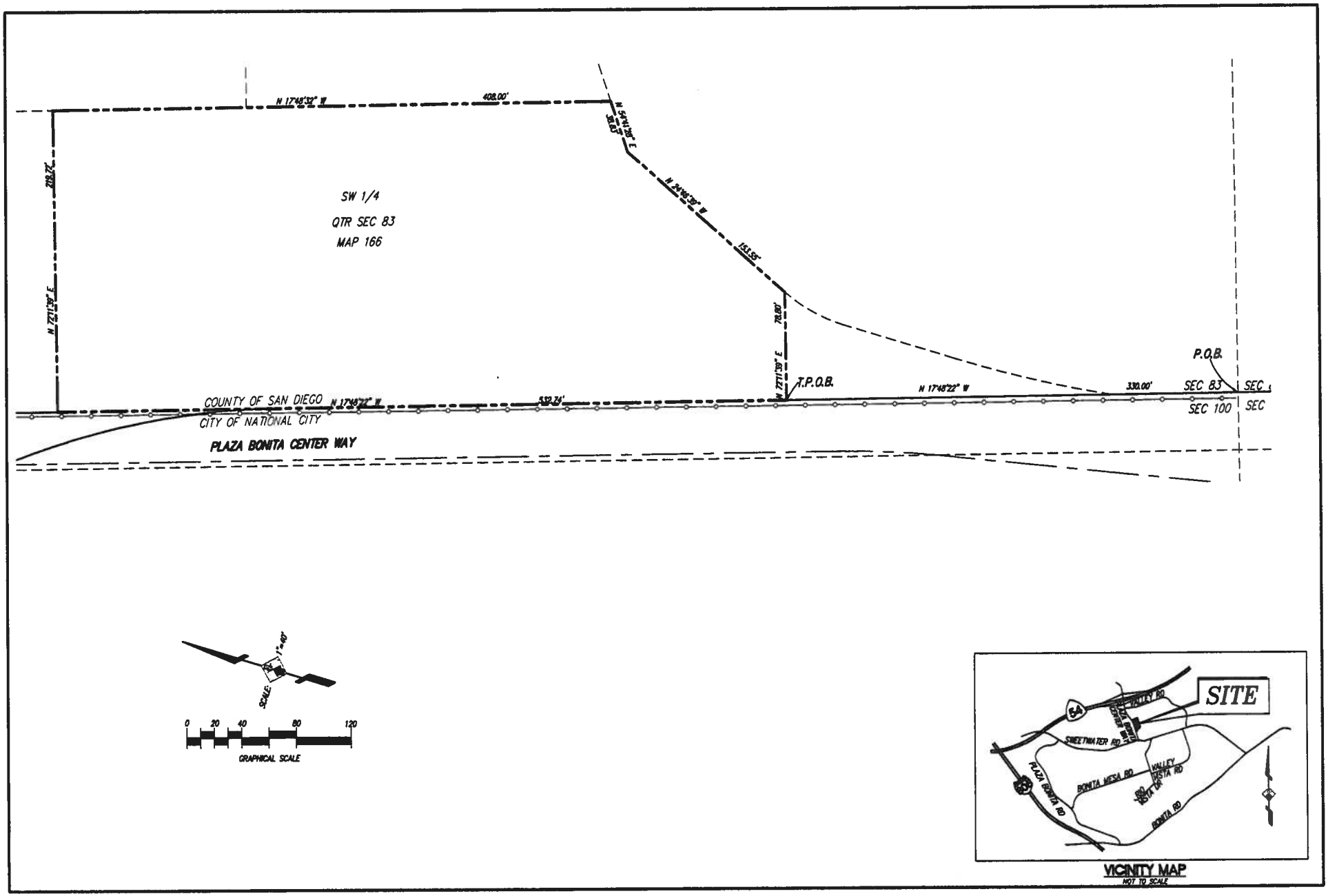
   (d) Describe the location of the connection to the agency's existing reclaimed water system: _____

   (e) ***If no,*** has the agency considered availability of reclaimed water to the proposal territory? ☐YES ☑NO

   (f) What restrictions prevent use of reclaimed water? _____

   Sweetwater Authority does not have reclaimed water

7. Will the proposal territory be annexed to an improvement district? ☐YES ☑NO



VICINITY MAP
NOT TO SCALE

BEING A PORTION OF THE SOUTHWEST QUARTER OF SECTION 83 OF RANCHO DE LA NACION, ACCORDING TO MAP THEREOF NO. 166 BY MORRILL, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 83; THENCE ALONG THE WESTERLY BOUNDARY THEREOF NORTH 17°48'22 WEST 330.00 FEET TO THE **TRUE POINT OF BEGINNING**; THENCE NORTH 12°11'39" EAST 78.80 FEET; THENCE NORTH 24°46'39" EAST 153.55 FEET; THENCE NORTH 54°41'28" EAST 38.83 FEET; THENCE NORTH 17°48'32" WEST 408.00 FEET; THENCE SOUTH 72°11'39" WEST 219.72 FEET TO A POINT ON THE WESTERLY SECTION LINE OF SAID SECTION 83; THENCE SOUTHERLY ALONG SAID LINE SOUTH 17°48'22" EAST 532.74 FEET TO THE **TRUE POINT OF BEGINNING.**

CONTAINS 2.451 ACRES, MORE OR LESS

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

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: Detachment of organization for both parcels of property located at 3410 Valley Rd. Bonita, CA 91902 and annexing property to city of National City

2. The reason(s) for the proposal are: To be able to bring more housing units to the county of San Diego Able to build more units with annexation to National City

Josue Arturo Valdez	Laurence Tucker	DocuSigned by: Josue Arturo Valdez E809167C08D2407...	DocuSigned by: Laurence Tucker CDD1D9DFAC37415...
Proponent's Name (print)		Signature of proponent or representative	

2575 University Ave San Diego, CA 92104	
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 _____
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.

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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: Detachment from County of San Diego and associated organizations to annex to city of National City and associated organizations

(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: Annexing to National City and creating a planned subdivision allows us to build more housing units. We are proposing to build 10 new housing units once the property is annexed to National City

(e) Signers of this petition have signed as (select one): [X] landowner; [ ] registered voter.

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

1. Josue Arturo Valdez — 2575 University Ave San Diego, CA 92104
   Name of chief proponent (print) — mailing address
2. Laurence Tucker — 2575 University Ave San Diego, CA 92104
   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) [X] 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) [X] 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: _____

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Part IVa: REGISTERED VOTER 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 registered voter within the County of San Diego.
- I personally affixed hereto the date of my signing this petition and my place of residence, or if no street or number exists, then a designation of my place of residence that will enable the location to be readily ascertained.

Name of Signer	Residence Address	Date Signed	Official Use
Sign DocuSigned by: Josue Arturo Valdez E809167C08D2407... Print Josue Arturo Valdez	1892 Titus Street San Diego, CA 92110	2/26/2024	
Sign _____ Print _____			
Sign _____ Print _____			
Sign _____ Print _____			
Sign _____ Print _____			
Sign _____ Print _____			

DocuSign Envelope ID: C5EB07B8-4E4B-4510-B577-9641E3858850

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 DocuSigned by: J Arturo Valdez E809167C08D2407... Print J Arturo Valdez	591-100-27-00 591-100-31-00	2/25/2024	
Sign Print			
Sign Print			
Sign Print			
Sign Print			
Sign Print			

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 Laurence Tucker Print Laurence Tucker	591-100-27-00 591-100-31-00	01/05/2023	
Sign _____ Print _____			
Sign _____ Print _____			
Sign _____ Print _____			
Sign _____ Print _____			
Sign _____ Print _____			

DocuSign Envelope ID: 1FE3CC0E-87C2-4A6F-9AC4-37FD4A2152A3

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 DocuSigned by: Josue Arturo Valdez E809167C08D2407... Print Josue Arturo Valdez	591-100-27-00 591-100-31-00	2/26/2024	
Sign Print			
Sign Print			
Sign Print			
Sign Print			
Sign Print			

DocuSign Envelope ID: 1FE3CC0E-87C2-4A6F-9AC4-37FD4A2152A3

Part V: MINIMUM SIGNATURE REQUIREMENT FOR A SUFFICIENT PETITION UNDER THE PROVISIONS OF THE CORTESE-KNOX-HERTZBERG LOCAL GOVERNMENT REORGANIZATION ACT OF 2000

Reorganization—Signatures must comply with the applicable signature requirements for each of the changes proposed (Govt. Code § 56864.1).

District Formation—Signatures as required by the principal act under which the new district is proposed to be formed (Govt. Code § 56860).

Dissolution of a District—For registered voter district: signatures by (a) not less than 10% of the registered voters within the district; or (b) not less than 10% of the number of landowners within the district who also own not less than 10% of the assessed value of land within the district.
—For landowner-voter districts: signatures by not less than 10% of the number of landowners within the district who also own not less than 10% of the assessed value of land within the district.
—If dissolution is for inactivity, the petition must be signed by three or more registered voters or landowners within the subject district and include statement and recitations as required by Govt. Code 56871 (Govt. Code § 56870).

Consolidation of Districts—For registered voter districts: signatures by not less than 5% of the registered voters within each of the districts.
—For landowner-voter districts: signatures by landowners-voters constituting not less than 5% of the number of landowner-voters owning land within each of the several districts who also own not less than 5% of the assessed value of land within each of the districts (Govt. Code § 56865).

Merger of District with City or Establishment of a Subsidiary District—For a registered voter district: signatures by (a) 5% of the registered voters of the district; or (b) 5% of the registered voters residing within the territory of the city outside the boundaries of the district.
—For a landowner-voter district: signatures by (a) 5% of the number of landowner-voters within the district; or (b) 5% of the registered voters residing within the territory of the city outside the boundaries of the district (Govt. Code § 56866).

District Annexation or Detachment—For a registered voter district: signatures by (a) not less than 25% of the number of registered voters within the territory proposed to be annexed or detached; or (b) not less than 25% of the number of landowners within the territory proposed to be annexed or detached who also own not less than 25% of the assessed value of land within the territory.
—For a landowner-voter district: signatures by not less than 25% of the number of landowners owning land within the territory proposed to be annexed or detached who also own not less than 25% of the assessed value of land within the territory (Govt. Code § 56864).

Incorporation of a City—Signatures by: (a) not less than 25% of the registered voters residing in the area to be incorporated; or (b) not less than 25% of the number of owners of land within the territory proposed to be incorporated who also own not less than 25% of the assessed value of land within the territory proposed to be incorporated (Govt. Code § 56764).

Disincorporation of a City—Signatures by not less than 25% of the registered voters residing in the city proposed to be disincorporated (Govt. Code § 56766).

Consolidation of Cities—Signatures by not less than 5% of the registered voters of each affected city (Govt. Code § 56766).

Annexation to a City—Signatures by: (a) not less than 5% of the number of registered voters residing within the territory proposed to be annexed; or (b) not less than 5% of the number of owners of land within the territory proposed to be annexed who also own 5% of the assessed value of land within the territory (Govt. Code § 56767).

Detachment from a City—Signatures by: (a) not less than 25% of the number of registered voters residing within the territory proposed to be detached; or (b) not less than 25% of the number of owners of land within the territory proposed to be detached who also own 25% of the assessed value of land within the territory (Govt. Code § 56768).

RESOLUTION NO. 2023 - 128

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, ADOPTING THE MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM FOR THE ANNEXATION OF TWO PROPERTIES LOCATED AT 3410 VALLEY ROAD (BONITA) AND THE TENTATIVE SUBDIVISION MAP FOR A 10-LOT RESIDENTIAL DEVELOPMENT AND AUTHORIZING THE FILING OF A NOTICE OF DETERMINATION.

WHEREAS, the Planning Commission conducted a duly noticed public hearing on August 7, 2023, and considered the staff report, written public commnets, and oral public testimony and recommended that the City Council adopt the Mitigated Negative Declaration and Mitiation Monitoring and Reporiting Program; and

WHEREAS, the City Council of the City of National City, California, considered said recommendation at a duly advertised public hearing held on September 5, 2023, at which time the City Council considered evidence; and

WHEREAS, at said public hearing the City Council considered the staff report provided for Case File No. 2022-13 IS, which is maintained by the City and incorporated herein by reference; along with any other evidence presented at said hearing; and

WHEREAS, this action is taken pursuant to all applicable procedures required by State law and City law; and

WHEREAS, the action hereby taken is found to be essential for the preservation of the public health, safety and general welfare.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA DOES RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:

Section 1: That the evidence presented to the City Council at the public hearing held on September 5, 2023, support the following findings:

1. That the project does not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory, because mitigation measures identify remedies for potential biological and cultural impacts that may be identified during and after construction that will mitigate potential impacts to a less-than-significant level.

2. That the project does not have impacts that are individually limited but cumulatively considerable, because the project is an infill development on a partially-disturbed property and is mostly surrounded by urban development. Existing improvements in the

area and the existing development pattern can accommodate the project without causing any impacts to the environment or to existing services. In addition, mitigation measures identify remedies for potential biological and cultural impacts that may be identified during and after construction that will mitigate potential impacts to a less-than-significant level.

3. That the project does not have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly, because the project is a low-intensity residential development. As determined by the Initial Study for the project, both short and long term activities will have a less than significant impact on air quality.

4. The proposed project has been reviewed in compliance with CEQA for which a Mitigated Negative Declaration (MND) has been prepared and, although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described in the Mitigation Monitoring and Reporting Program have been added to the project as conditions of approval.

Section 2: That the City Council has considered the proposed Negative Declaration No. 2022-13 IS, together with any comments received during the public review process, and finds on the basis of the whole record (including the Initial Study and any comments received) that there is no substantial evidence that the project will have a significant effect on the environment and that the Mitigated Negative Declaration reflects the City's independent judgment and analysis.

Section 3: The City Council hereby adopts the Mitigated Negative Declaration and Mitigation Monitoring and Reproting Program, as attached as Exhibit 7 of the staff report, and authorizes the filing of a Notice of Determination.

Section 4: The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

PASSED and ADOPTED this 5th day of September, 2023.

Ron Morrison, Mayor

ATTEST:

for Shelley Chapel, MMC, City Clerk

APPROVED AS TO FORM:

for Barry J. Schultz, City Attorney

Passed and adopted by the City Council of the City of National City, California, on September 5, 2023 by the following vote, to-wit:

Ayes:	Bush, Rodriguez, Yamane, Molina, Morrison
Nays:	None.
Absent:	None.
Abstain:	None.

AUTHENTICATED BY: RON MORRISON
Mayor of the City of National City, California

Shelley Chapel
City Clerk of the City of National City, California

BY: _____
for Shelley Chapel, MMC, City Clerk

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7b

AGENDA REPORT
Public Hearing

March 4, 2024

TO: Commissioners

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

SUBJECT: **Proposed Draft Workplan and Budget for 2024-2025**

SUMMARY

The San Diego County Local Agency Formation Commission (LAFCO) will consider recommendations in adopting a proposed draft workplan and budget for 2024-2025. The draft workplan outlines 30 activities in priority order and headlined by continuing municipal service reviews on wholesale water service providers and healthcare districts as well as grant work evaluating economic conditions for certain agricultural crops. Several new projects round out the draft workplan and headlined by initiating a municipal service review on the San Diego Association of Local Governments (SANDAG) and its housing and transportation functions as well as an informational report on governmental homeless services. The draft workplan informs the draft budget, which totals $2.887 million in matching expenses and revenues. More than four-fifths of total expenses – $2.403 million – covers operating costs and represents an increase of 6.3% and largely ties to inflationary adjustments plus targeted enhancements in certain non-labor accounts as detailed. Local agencies' apportionments continue to represent nine-tenths of all operating revenues and set to increase inline with the rise in operating expenses at 6.3%. Adoption of the draft workplan and budget will precede a formal public review and conclude with final actions in May.

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
Barry Willis, Alpine Fire Protection
Jo MacKenzie, Vista Irrigation
David A. Drake, Alt., Rincon del Diablo
Vacant, General Public
Harry Mathis, Alt., General Public

BACKGROUND

San Diego LAFCO is responsible under State law to adopt a proposed budget by May 1st and a final budget by June 15th. A mandatory review by all local funding agencies is required between the two adoption periods. State law also specifies the proposed and final budgets shall be equal to the budget adopted for the previous fiscal year unless LAFCO formally finds any reduced costs will allow the membership to meet its regulatory and planning duties.

DISCUSSION

This agenda item is for San Diego LAFCO to consider recommendations in adopting a coordinated proposed draft (a) workplan and (b) budget for the upcoming fiscal year. Adoption of these policy documents – with any changes made by the Commission – will immediately precede a formal public review and comment period – including providing notice to all local funding agencies – with final actions scheduled for the May meeting. A summary discussion of the main components underlying both the draft workplan and budget follows.

Summary | Proposed Draft Workplan in 2024-2025

The draft workplan as proposed draws on a review of San Diego LAFCO needs and associated goals by the Executive Officer and Assistant Executive Officer. The development of the workplan is further refined through ongoing communications with the Commission as well as the rolling five-year study schedule and recommendations generated in earlier projects. These considerations produce a workplan with 30 special projects supplementing LAFCO's core responsibilities to prioritize first and foremost applicant proposals, community outreach, and budget management. The projects are divided between statutory and administrative tasks and organized among three priority categories: high; medium; and low. Summaries of all 10 high priorities follows with the entire listing provided as Attachment One (Exhibit A).

- No. 1 | MSR: Wholesale Water Agencies
  This continued project draws on the rolling study schedule and involves a comprehensive review of the San Diego County Water Authority and Metropolitan Water District of Southern California relative to the latter's relationship to San Diego. The project's placement as a high priority directly ties to concerns raised in processing the Fallbrook/Rainbow detachment proposals. The Assistant Executive Officer is project manager. Staff tentatively anticipates completing an administrative draft in fall 2024.

- No. 2 | MSR: Healthcare Districts – Part I
  This continued project draws on the rolling study schedule and involves a countywide municipal service review on the four healthcare districts in San Diego County: Fallbrook; Palomar; Grossmont; and Tri-City. The project's placement as a high priority directly ties to concerns raised in processing an out-of-agency service request involving (directly and indirectly) Palomar and Tri-City. Consistent with the subject agencies' feedback, the project has been divided into two parts with the "Part I" representing a macro municipal service review of existing baseline conditions underlying healthcare district services and

community needs. Staff continues to vet potential outside consultants to assist in the analysis while concurrently proceeding with the demographic and financial analysis of the subject agencies. Analyst II Carol Ieromnimon is project manager. Staff tentatively anticipates an administrative draft of Part I being complete in spring 2025.

- No. 3 | Transition to Online Accounting and Related Reconciliations
  This continued project involves completing the transition of the accounting software used to reconcile LAFCO's accounts with the County of San Diego and San Diego County Credit Union from QuickBooks' desktop to online platform. This transition is expected to provide added flexibility to manage the accounting system under telework conditions and expanded access to QuickBooks support its own efforts to redirect customers to its cloud system. Commission Clerk Erica Sellen is project manager. Staff tentatively anticipates completing the project towards the end of 2024-2025.

- No. 4 | MSR: Carlsbad Region
  This continued project draws on the rolling study schedule and involves a regional municipal service for the Carlsbad region covering the City of Carlsbad, Carlsbad Municipal Water District, and Leucadia Wastewater District. Sphere of influence updates for all three agencies are expected to directly follow. Analyst I Michaela Peters is project manager. Staff anticipates completing the project in early fall 2024.

- No. 5 | SALC Grant 2.0
  This continued project involves completing second year of a two-year $450,000 planning grant received from the State to expand on LAFCO's earlier data collection (SALC 1.0) involving agricultural trends. SALC 2.0 involves partnering with the County of San Diego and providing market analysis to economically inform and support small farming in San Diego County. Analyst I Michaela Peters is project manager. Staff anticipates completing the balance of the project towards the end of 2024-2025.

- No. 6 | RCD Ad Hoc Committee: Part II
  This continued project involves building on the success of the Ad Hoc Committee's Part I efforts in establishing a memorandum of understanding between all three resource conservation districts (Greater San Diego, Mission, and Upper San Luis Rey) to share resources and related allowances in covering out-of-agency service activities under LAFCO statute. Part II focuses on long-term true ups for all three subject agencies to align their jurisdictional boundaries with their existing and expected service areas. LAFCO Consultant Adam Wilson is project manager. Staff anticipates the project covering multiple years.

- Nos. 7 and 8 | MSR: Central 78 Corridor: Parts I and II
  This continued project draws on the rolling study schedule and involves a regional municipal service for the San Marcos-Vista region. Staff has restructured the project from its original structure involving separate reviews of the San Marcos and Vista regions into one consolidated study divided into two distinct parts. "Part I" focuses on the two cities - San Marcos and Vista - while Part II focuses on the five special districts – Vista Irrigation District, Vallecitos Water District, Buena Sanitation District, San Marcos Fire

Protection District, Vista Fire Protection District – in the region. (Part II is expected to focus on specific service and governance factors involving all four districts.). Analyst II Carol Ieromnimon is project manager. Staff tentatively anticipates completing an administrative draft covering Part I in early spring 2025.

- No. 9 | Policy Review: Audit and Accounting Procedures
  This new project draws from discussions with our contract bookkeeper (Leaf and Cole) to review and expand existing policies to reflect current best practices for governmental agencies with respect to accounting and auditing activities. This also includes incorporating recent recommendations from the outside auditor (O'Conner and Company) to establish – among other items – a capitalization policy for lease liabilities. Assistant Executive Officer Priscilla Mumpower would serve as project manager. Staff anticipates this project being completed in 2024-2025.

- No. 10 | Staffing and Professional Development
  This project involves ensuring all 8.0 budgeted positions are filled and/or covered along with establishing in-service day activities throughout the fiscal year inline with advancing professional development. This project responds to two current budgeted positions being open heading into 2024-2025 paired with a recommendation by the Commission's contract human resources advisory (Regional Government Services Authority) to enhance organizational capacities through coordinated development and team-bonding. The Executive Officer would serve as project manager.

Summary | Proposed Draft Budget in 2024-2025

The draft budget as proposed has been developed in conjunction with funding the referenced workplan and sets total matching expenses and revenues at $2.887 million. More than four-fifths of total expenses tie to operating costs and equals $2.403 million, which represent a net change of 6.3% – or $142,114 – over the current fiscal year. This increase accommodates baseline operating expenses and their inflationary changes – including a preapproved 2.75% cost-of-living adjustment for all staff – plus certain targeted enhancements. This latter category – targeted enhancements – is headlined by adding additional monies within the professional services account to cover additional outside consultant usage to assist in advancing several of the scheduled municipal service reviews. Additional monies are also added to the membership account in line with funding a new relationship with the Assura Group to develop and host a customized online project management tracking tool specific to LAFCO's regulatory and planning work. Cost-savings to help curb the overall rise in expenses are headlined by decreasing overall budgeted staffing from 9.0 to 8.0 fulltime equivalent positions with the de-budgeting of the currently vacant Executive Assistant position. This action saves approximately $95,000 (salaries and benefits) and directly mitigates three-fifths of the cost increase that would otherwise apply. Duties otherwise tasked to the Executive Assistant will be shared by the Commission Clerk (budgeted and filled) and Administrative Analyst (budgeted). Additional budgeted staffing details are footnoted.[1]

1 The draft budget provides funding for the following 8.0 fulltime positions: Executive Officer (1.0); Assistant Executive Officer (1.0); Analyst II/I (3.0); GIS Analyst (1.0); Administrative Analyst (1.0); and Commission Clerk (1.0).

With respect to revenues, and consistent with practice, four-fifths of the operating total are covered by local agency apportionments and collectively total $2.162 million. This apportionment total similarly reflects a 6.3% increase over the current fiscal year and would be divided consistent with statutory formula among local agencies. An additional $0.725 million is budgeted in operating (application fees and interest) and non-operating (grants and reserves) sources and raises all revenues to $2.884 million to match total expenses.

A detailing of draft expenses and revenues is provided as part of Attachment One (Exhibit B).

ANALYSIS

San Diego LAFCO's proposed draft workplan and budget for 2024-2025 largely reflects a status quo with respect to continuing existing service and funding levels with limited exceptions. The status quo is reflected in the draft workplan and it continuing the Commission's practice to set a full and otherwise proactive workplan with 30 special projects over the 12-month period. The first 10 projects serve as the highest priorities with several being forwarded from the current fiscal year and headlined by high-profile municipal service reviews covering the wholesale water services (County Water Authority and Metropolitan Water District) and healthcare districts (Fallbrook, Grossmont, Palomar, and Tri-City). The status quo is similarly reflected in the draft budget and highlighted by labor costs increasing by only 0.5% over the current fiscal year while retaining core staffing resources as detailed above. Most non-labor costs are also staying relatively flat with limited exceptions and highlighted by a targeted enhancement to increase funding for consultants and their technical expertise and done so to better reflect recent fiscal year actuals. Cost-savings in other labor and non-labor accounts are helping to reduce the overall increase in operating expenses to 6.3% – or $142,114 – and only slightly above the current annual inflation estimate of 5.8% for the San Diego region.

A public guide to the draft workplan and budget is available as Attachment Two. This guide will be updated to reflect any changes approved by the Commission and will be made available to the public as part of the mandatory review and comment period proceeding this hearing.

RECOMMENDATION

It is recommended San Diego LAFCO approve the proposed draft workplan and budget as presented with any desired changes. This recommendation is consistent with taking the actions identified in the proceeding section as Alternate One.

ALTERNATIVES FOR ACTION

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

> Alternative One (recommended):
> Adopt the attached resolution provided as Attachment One approving the proposed draft workplan (Exhibit A) and budget (Exhibit B) for 2024-2025 with any desired changes and direct staff to circulate for public review and comment.

Alternative Two:
Continue consideration of the item to its next regular meeting.

PROCEDURES FOR CONSIDERATION

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

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

Respectfully,



Priscilla Mumpower
Assistant Executive Officer

Attachments:

1) Draft Resolution Approving a Proposed Workplan and Budget for FY2025
   - Exhibit A: Proposed Draft Workplan
   - Exhibit B: Proposed Draft Budget
2) Guide to the Proposed Draft Workplan and Budget for FY2025

RESOLUTION No. ___

SAN DIEGO COUNTY LOCAL AGENCY FORMATION COMMISSION
ADOPTING A PROPOSED DAFT WORKPLAN AND BUDGET
FISCAL YEAR 2024-2025

WHEREAS, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 requires the San Diego County Local Agency Formation Commission ("Commission") to perform certain regulatory and planning duties to facilitate orderly and accountable local government; and

WHEREAS, the Commission is required to annually adopt proposed and final budgets by May 1st and June 15th, respectively; and

WHEREAS, the Executive Officer has prepared a written report and recommendations on a proposed draft workplan and budget for 2024-2025; and

WHEREAS, the Commission has heard and fully considered all the evidence on a proposed draft workplan and budget for 2024-2025 presented at a public hearing held on March 4, 2024;

WHEREAS, the adoption of a workplan and budget are not projects under the California Environmental Quality Act.

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

1. The proposed draft workplan for 2024-2025 shown as Exhibit A is APPROVED.

2. The proposed draft budget for 2024-2025 shown as Exhibit B is APPROVED.

3. The Executive Officer is directed to circulate copies of the approved workplan and budget for public review and comment – including notice all LAFCO funding agencies – and return with a final workplan and budget no later than June 15, 2024.

The foregoing resolution was duly and regularly adopted by the Commission at a public hearing held on March 4, 2024 by the following vote:

Yes: _____

No: _____

Abstain: _____

Attest:

_____
Executive Officer

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PROPOSED DRAFT WORKPLAN FOR FY2024-2025

Exhibit A

Priority	Level	Type	Project	Description
Ongoing	…	Statutory	Applicant Proposals and Requests	Prioritize resources to address all 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
1	High	Statutory	MSR | Wholesale Water Service Providers	Continue scheduled review of wholesale water suppliers – CWA (comprehensive) and MET (abbreviated)
2	High	Statutory	MSR | Healthcare Districts: Part I	Continue macro municipal service review of the four healthcare districts in San Diego County
3	High	Administrative	Transition to Online Accounting	Complete transition to QuickBooks accounting from desktop to online platform
4	High	Statutory	MSR | Carlsbad Region	Complete the scheduled reviews of the City of Carlsbad, Carlsbad MWD, and Leucadia WWD
5	High	Administrative	SALC Planning Grant 2.0	Complete two-year grant to expand SALC 1.0 to establish ag costs/revenues for existing and emerging crops with gap analysis
6	High	Administrative	RCD Ad Hoc Committee: Part II	Complete Commission's approved scope of work focused on long-term service/boundary true ups for all three RCDs
7	High	Statutory	MSR | Central 78 Corridor Region: Part I	Complete cities portion of regional municipal service review (San Marcos and Vista)
8	High	Statutory	MSR | Central 78 Corridor Region: Part II	Complete districts portion of regional municipal service review (San Marcos and Vista FPDs, Vista ID, Vallecitos WD, and Buena SD
9	High	Administrative	Policy Review | Audit and Accounting	Prepare update to modernize and expand audit + accounting policies; address auditor recommendations
10	High	Administrative	Staffing and Professional Development	Ensure all budgeted positions are filled and establish service days to advance professional development
11	Medium	Administrative	Policy Review | Personnel: Part III	Prepare update to modernize and harmonize job descriptions
12	Medium	Statutory	MSR | SANDAG	Initiate agency-specific municipal service review of SANDAG and its housing and transportation functions
13	Medium	Administrative	Custom Project Management Tracker	Work with outside consultant to develop and implement custom online project tracking platform
14	Medium	Statutory	Special Districts Advisory Committee	Provide administrative support to the Special Districts Advisory Committee and hold no less than three formal meetings in FY
15	Medium	Administrative	White Paper | Homeless Services	Evaluate scope and scale of governmental homeless services in San Diego County and potential governance options
16	Medium	Statutory	Cities Advisory Committee	Provide administrative support to the Cities Advisory Committee and hold no less than two formal meetings in FY
17	Medium	Statutory	MSR | Encinitas Region	Complete regional study covering the City of Encinitas + San Dieguito WD et al.
18	Medium	Administrative	Prepare Outside Audit + Enhancements	Complete outside audit of financial statements for 2023-2024 with supplemental information for added value
19	Medium	Statutory	MSR | Del Mar-Solana Beach Region	Complete regional study covering the Cities of Del Mar and Solana Beach + Santa Fe ID et al.
20	Medium	Administrative	Website Content Expansion	Proceed with content expansion for newly redesigned LAFCO website with multi-media enhancements

Priority	Level	Type	Project	Description
21	Low	Administrative	Annual Local Agency Directory	Update and publish an annual local agency directory subject to LAFCO oversight
22	Low	Statutory	Policy | Applicant Procedures	Update and streamline application materials and establish protocols in suspending and terminating proposals
23	Low	Administrative	Establish Credit Card Payments	Establish process and related rules to accept card payments for applicant proposals
24	Low	Administrative	CALAFCO Leg Committee	Reestablish regular participation on the CALAFCO Leg Committee
25	Low	Statutory	Legislative Proposal | G.C. 56133	Sponsor and/or 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 and related procedures to sync with current member interests/priorities
27	Low	Administrative	White Paper | Community Choice Aggregations	Evaluate scope and scale of CCAs and their operations in San Diego County and connectivity to LAFCO
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 San Diego 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	Statutory	Policy | Cities Advisory Committee	Coordinate with CAD in updating bylaws and related procedures to sync with current member interests/priorities

San Diego County Local Agency Formation Commission

Regional Service Planning | Subdivision of the State of California

Exhibit B

EXPENSES		FY2022-2023			FY2023-2024			FY2024-2025		
		Adopted	Amended	Actuals	Adopted	Amended	Estimate	Draft Proposed	Difference $	Difference %
Salaries and Benefits Unit										
Account No.	Description									
51110-51310	Salaries and Per Diems	786,510	786,510	715,968	891,455	891,455	748,349	881,906	(9,549)	-1.1%
51410	Retirement - SDCERA	275,694	275,694	255,990	318,295	318,295	286,496	343,637	25,342	8.0%
51415	Retirement - OPEB	9,030	9,030	8,190	10,273	10,273	8,565	9,968	(305)	-3.0%
51450	Payroll Taxes	55,537	55,537	49,377	64,840	64,840	51,581	63,744	(1,096)	-1.7%
51510-51550	Group Insurance	125,476	125,476	102,010	150,033	150,033	95,659	143,481	(6,552)	-4.4%
51560	Unemployment Insurance	2,000	2,000	1,000	1,000	1,000	1,000	1,000	-	0.0%
		1,254,248	1,254,248	1,132,535	1,435,895	1,435,895	1,191,650	1,443,736	7,840	0.5%
Services and Supplies Unit										
Account No.	Description									
52074	Communications	12,961	12,961	6,327	43,824	43,824	28,558	42,299	(1,525)	-3.5%
52138	General Liability Insurance	12,402	12,402	12,737	12,737	12,737	14,194	14,194	1,457	11.4%
52178	Vehicle - Maintenance	980	980	1,051	980	980	1,899	1,000	20	2.0%
52182	Vehicle - Fuel	500	500	497	500	500	500	500	-	0.0%
52270	Memberships	30,248	30,248	27,037	28,994	28,994	23,343	38,736	9,741	33.6%
52304	Miscellaneous	50	50	50	50	50	-	50	-	0.0%
52330	Office: General Support	8,211	8,211	11,461	8,211	8,211	9,985	12,380	4,169	50.8%
52332	Office: Postage USPS	250	250	200	250	250	250	250	-	0.0%
52334	Office: Design + Printing	15,000	15,000	15,000	22,500	22,500	30,326	23,000	500	2.2%
52336	Office: Books and Guidelines	2,000	2,000	42	-	-	-	-	-	-
52338	Office: Drafting/Engineering	50	50	-	-	-	-	-	-	-
52344	Office: Supplies and Furnishings	14,600	14,600	11,318	14,600	14,600	7,894	12,100	(2,500)	-17.1%
52354	Office: County Mail Services	10,000	10,000	9,201	10,000	10,000	10,909	10,000	-	0.0%
52370	Professional Services	270,960	270,960	379,047	296,170	296,170	487,186	445,767	149,597	50.5%
52490	Publications and Legal Notices	4,650	4,650	12,500	8,150	8,150	5,000	8,500	350	4.3%
52504	Leases: Equipment	6,600	6,600	6,600	6,600	6,600	6,600	4,500	(2,100)	-31.8%
52530	Leases: Office Space	137,868	137,868	142,239	144,743	144,743	144,743	154,308	9,565	6.6%
52550	Special Expenses: County Overhead	72,466	72,466	30,624	40,000	40,000	32,366	33,000	(7,000)	-17.5%
52562	Special Expenses: New Hire Checks	-	-	469	-	-	70	-	-	-
52566	Special Expenses: Minor Equipment	500	500	-	-	-	-	-	-	-
52602	Computer Training	500	500	-	-	-	-	-	-	-
52610	Travel and Training | In County	2,700	2,700	4,500	2,700	2,700	4,000	2,700	-	0.0%
52612	Employee Auto	8,700	8,700	7,890	8,700	8,700	8,346	8,700	-	0.0%
52622	Travel and Training | Out of County	16,050	16,050	13,436	15,050	15,050	20,000	15,050	-	0.0%
52721	IT Reimbursements: Network	26,553	26,553	16,748	20,000	20,000	16,731	18,000	(2,000)	-10.0%
52723	IT Reimbursements: Data Center	29,015	29,015	26,621	33,000	33,000	26,390	30,000	(3,000)	-9.1%
52725+28	IT Reimbursements: Financial Systems	40,146	40,146	23,881	35,000	35,000	19,784	25,000	(10,000)	-28.6%
52732	IT Reimbursements: Desktop Computing	21,488	21,488	24,382	28,000	28,000	29,082	30,000	2,000	7.1%
52734	IT Reimbursements: Help Desk	2,331	2,331	2,002	2,331	2,331	1,712	2,331	(0)	0.0%
52750	IT Reimbursements: Catalog Equipment	3,748	3,748	25,937	40,000	40,000	10,000	25,000	(15,000)	-37.5%
52758	Fleet Reimbursements: Vehicle Lease	2,000	2,000	2,000	2,000	2,000	2,000	2,000	-	0.0%
		753,528	753,528	813,798	825,091	825,091	941,867	959,364	134,273	16.3%
	OPERATING EXEPENSE TOTAL	2,007,776	2,007,776	1,946,333	2,260,986	2,260,986	2,133,517	2,403,100	142,114	6.3%

EXPENSES CONTINUED...		FY2022-2023			FY2023-2024			FY2024-2025		
		Adopted	Amended	Actuals	Adopted	Amended	Estimate	Draft Proposed	Difference $	Difference %
Non Operating Unit										
Account No.	Description									
51421	Debt Service: OPEB Obligation Bonds	37,388	37,388	32,781	34,092	34,092	33,932	34,092	-	0.0%
53585	Equipment Depreciation	-	-	-	-	-	-	-	-	-
TBD	Grant Award Payments	-	215,500	215,500	450,000	450,000	450,000	450,000	-	0.0%
54955-54961	Fixed Assets	-	-	-	-	-	-	-	-	-
		37,388	252,888	248,281	484,092	484,092	483,932	484,092	-	0.0%
	EXPENSE TOTALS	2,045,163	2,260,664	2,194,614	2,745,078	2,745,078	2,617,449	**2,887,192**	**142,114**	**5.2%**

REVENUES		FY2022-2023			FY2023-2024			FY2024-2025		
		Adopted	Amended	Actuals	Adopted	Amended	Estimate	Draft Proposed	Difference $	Difference %
Intergovernmental Unit										
Account No.	Description									
45918.1	Apportionments | County	515,479	515,479	515,479	581,074	581,074	581,074	617,716	36,642	6.3%
45918.2	Apportionments | Cities (less SD)	515,479	515,479	515,479	581,074	581,074	581,074	617,716	36,642	6.3%
45918.3	Apportionments | City of San Diego	257,830	257,830	257,830	290,639	290,639	290,639	308,966	18,327	6.3%
45918.4	Apportionments | Special Districts	515,479	515,479	515,479	581,074	581,074	581,074	617,716	36,642	6.3%
		1,804,265	1,804,266	1,804,266	2,033,861	2,033,861	2,033,861	2,162,115	128,254	6.3%
Service Charges Unit										
Account No.	Description									
46234	Application Fees	170,000	170,000	250,000	200,000	200,000	175,000	200,000	-	0.0%
		170,000	170,000	250,000	200,000	200,000	175,000	200,000	-	0.0%
Earnings Unit										
Account No.	Description									
44105	Interest and Dividends	15,000	15,000	5,000	15,000	15,000	6,500	15,000	-	0.0%
		15,000	15,000	5,000	15,000	15,000	6,500	15,000	-	0.0%
	OPERATING REVENUE TOTAL	1,989,265	1,989,266	2,059,266	2,248,861	2,248,861	2,215,361	2,377,115	128,254	5.7%
Non-Operating Unit										
Account No.	Description									
TBD	Grant Awards	-	215,500	215,500	450,000	450,000	450,000	450,000	-	0.0%
47540	Transfer from Fund Balance	55,898	55,898	55,898	46,218	46,218	46,218	60,078	13,860	30.0%
		55,898	271,398	271,398	496,218	496,218	496,218	510,078	13,860	2.8%
	REVENUE TOTALS	2,045,163	2,260,664	2,330,664	2,745,079	2,745,079	2,711,579	**2,887,192**	**142,113**	**5.2%**
TOTAL NET		-	-	**136,050**			**94,130**	-		

FUND BALANCE (unrestricted)	Start of Year	End of Year	Start of Year	Estimate End of Year
Committed				
... Stabilization	250,000	250,000	250,000	
... Opportunity	500,000	500,000	500,000	
Assigned by EO	62,500	62,500	62,500	
Unassigned	708,055	788,242	788,242	
	1,520,555	1,600,706	1,600,742	
% of unassigned balance to operating expenses:	35.3%	40.5%	34.9%	



PROPOSED DRAFT

Workplan & Budget Guide

FOR 2024–2025

About Us

Local Agency Formation Commissions – or LAFCOs – are boundary makers that oversee the creation and expansion of cities and special districts in all 58 counties of California. LAFCOs exercise regulatory and planning powers to coordinate publicly provided services, such as water or fire protection, and match them with community needs. **The goal of every LAFCO is to facilitate smart growth while avoiding urban sprawl.**

San Diego LAFCO operates within the second largest county in California as measured by population and currently tasked with overseeing over 100 local governmental agencies.

A summary of San Diego LAFCO's proposed draft workplan and budget for 2024–2025 follows.

2024-2025 Workplan Guide

The proposed draft workplan list 30 targeted projects for 2024-2025 comprising both new and continued activities. The targeted projects complement LAFCO's baseline commitment to process jurisdictional proposals and related service requests in a timely manner and are divided between three priority categories – high, medium, and low. An outline of all 30 projects with additional details on the "Top 10" follows.

No. 1
Municipal Service Review on Wholesale Water Service Providers
San Diego County Water Authority + Metropolitan Water District

No. 2
Municipal Service Review on Healthcare Districts
Fallbrook, Grossmont, Palomar, + Tri-City Healthcare Districts

No. 3
Transition External Accounting System
Implement Cloud Conversion for Quickbooks and Add Public-Facing Features

No. 4
Municipal Service Review on the Greater Carlsbad Region
City of Carlsbad, Carlsbad Municipal Water District, + Leucadia Wastewater District

No. 5
State Planning Grant Award (SALC 2.0): "Greening Agriculture"
Return-on-Investment and GAP Analyses in Support of Small Farming Operations

No. 6
RCD Ad Hoc Committee, Year Two: Transitioning OSAs to Boundary Changes
Greater San Diego, Mission, + Upper San Luis Rey Resource Conservation Districts

No. 7
Municipal Service Review on Greater San Marcos/Vista Region: Part I
Cities of San Marcos and Vista

No. 8
Municipal Service Review on Greater San Marcos/Vista Region: Part II
San Marcos and Vista Fire Protection Districts, Vista Irrigation District, Vallecitos Water District, + Buena Sanitation District

No. 9
Policy Review on Accounting + Auditing Procedures
Modernize and Harmonize Accounting + Auditing Policies to LAFCO's Needs

No. 10
Staffing + Professional Development
Fill Budgeted Positions + Establish In-Service Days to Enhance Professional Development

Medium Priorities

- No. 11 | Policy Review: Job Descriptions
- No. 12 | MSR: SANDAG
- No. 13 | Custom Project Manager Tracker
- No. 14 | Staffing Special Districts Advisory Committee
- No. 15 | Info Report on Homeless Services
- No. 16 | Staffing Cities Advisory Committee
- No. 17 | MSR: Greater Encinitas Region
- No. 18 | Complete FY2023 Audit
- No. 19 | MSR: Greater Del Mar/ Solana Beach Region
- No. 20 | Website Content Expansion + Enhancement

Lower Priorities

- No. 21 | Annual Local Agency Directory
- No. 12 | Policy Review: Applicant Forms + Requirements
- No. 23 | Authorizing Credit Card Payments
- No. 24 | CALAFCO Legislative Committee
- No. 25 | Legislative Proposal on G.C. 56133
- No. 26 | SDAC Bylaws
- No. 27 | Info Report on Community Choice Aggregations
- No. 28 | Liaison with Local Native American Tribes
- No. 29 | Online Service + Fiscal Indicators
- No. 30 | Policy Review: Public Member Appointments

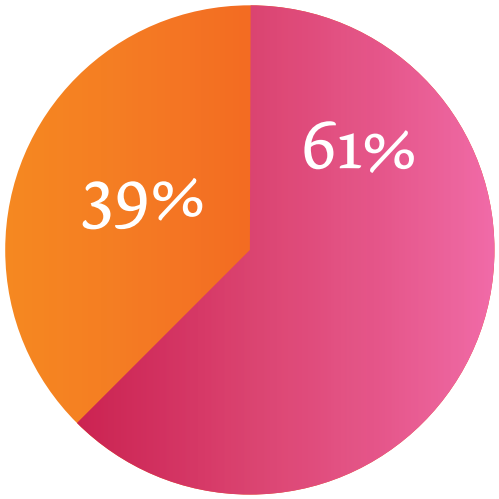
For a complete listing of the draft workplan, please visit: **sdlafco.org**

2024-2025 Draft Budget Guide

San Diego LAFCO's proposed draft budget for 2024-2025 ties directly to funding the associated workplan and sets total matching expenses and revenues at $2.888 million. Four-fifths of total expenses tie to operating costs, which tally $2.403 million and represents a change over the current fiscal year of 6.3% - or $142,14 and slightly above the 5.8% annual inflation rate for the San Diego area. The remaining portion of the total budget involves non-operating units and largely tie to transacting revenues and expenses involving a State planning grant and debt service.

Key budgeted operating expenses and revenues follow.

Operating Expenses: $2.403 Million



Salaries and Benefits Cost

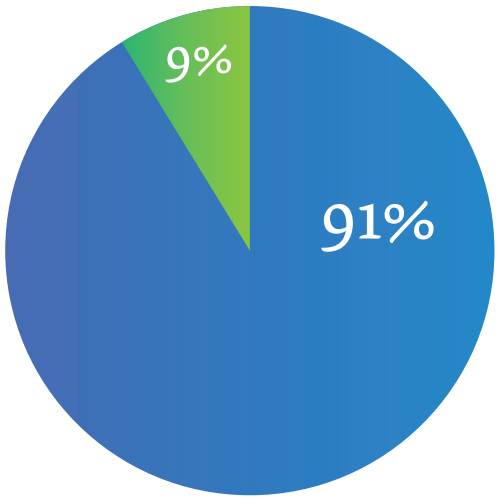
- $1.444 million; an increase of 0.5% over current year
- Amount equals 61% of all operating expenses
- Reduces budgeting staffing from 9.0 to 8.0 FTE
  - Eliminates vacant executive assistant position
- Accommodates previously approved 2.75% COLA
- Also accommodates anticipated merit increases
- Also accommodates CPI increase to meeting per diems to $291
- All line-item accounts show decreases expect pension

Services and Supplies Cost

- $0.959 million; an increase of 16.3% over current year
- Amount equals 39% of all operating expenses
- Two line item accounts underlie increase:
  - Increase in professional services to cover increase need for consultants and their technical expertise in preparing MSRs
  - Increase in memberships to cover new partnership with Assura Group to implement and host online project management tracking



Operating Revenues: $2.377 Million



Application Fees

- $0.215 million; same as current year
- Amount equals 9% of all operating revenues

Local Agency Contributions

- $2.162 million; an increase of 6.3% over current year
- Amount equals 91% of all operating expenses
- Allocation set by State law as follows:
  1. County of San Diego covers $0.618 million
  2. Cities less San Diego cover $0.618 million
  3. Special districts cover $0.618 million
  4. City of San Diego covers 0.309 million

Amounts for specific cities and districts further apportioned by Auditor's Office based on each agency's percentage of revenues relative to all revenues collected by their city/district peers

UNRESTRICTED FUND BALANCE

(estimate as of June 1, 2024)

Committed:	$750,000
Assigned:	$62,500
Unassigned:	$836,154
TOTAL:	$1,648,654

TOP CITY ALLOCATION

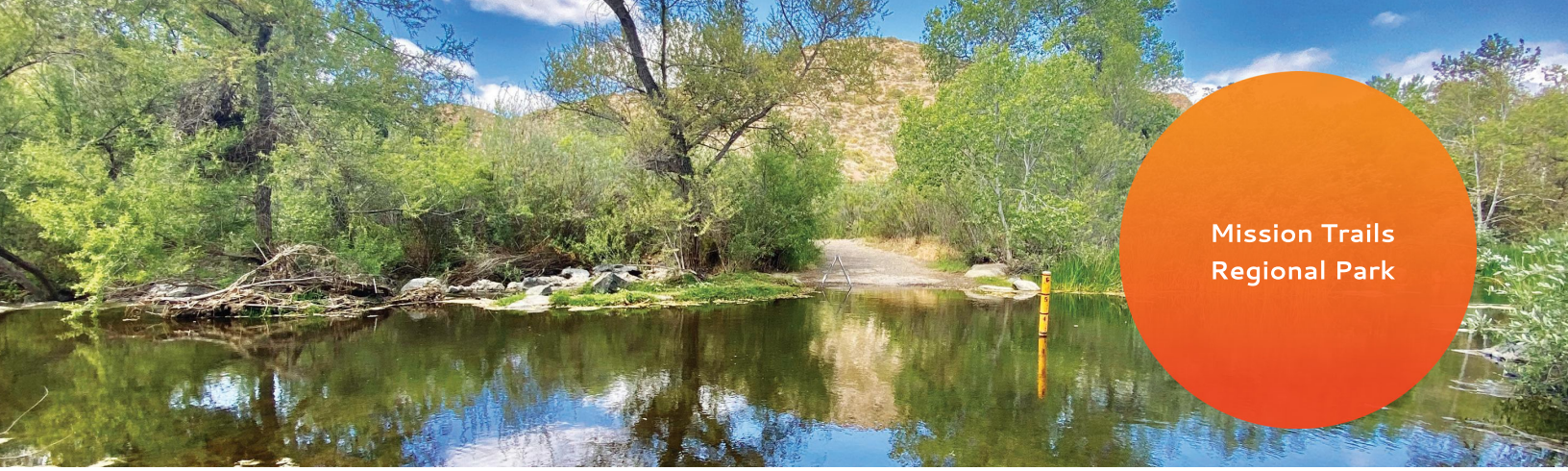
1. San Diego
2. Chula Vista
3. Carlsbad
4. Oceanside
5. Escondido

(based on FY2023 contributions)

TOP DISTRICT ALLOCATIONS

1. Otay Water District
2. Helix Water District
3. Padre Dam Municipal Water District
4. Olivenhain Municipal Water District
5. Vallecitos Water District

(based on FY2023 contributions)



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



Jim Desmond
Past Chair
County of San Diego



Joel Anderson
Commissioner
County of San Diego



Kristi Becker
Commissioner
City of Solana Beach



Jo MacKenzie
Commissioner
Vista Irrigation



Dane White
Commissioner
City of Escondido



David Drake
Alternate
Rincon Del Diablo



Harry Mathis
Alternate
General Public



John McCann
Alternate
City of Chula Vista



Nora Vargas
Alternate
County of San Diego



Marni von Wilpert
Alternate
City of San Diego

8a

AGENDA REPORT
Business | Action

March 4, 2024

TO: Commissioners

FROM: Keene Simonds, Executive Officer
Chris Cate, LAFCO Consultant
Adam Wilson, LAFCO Consultant
DeeAnne Gillick, Special Outside Counsel

SUBJECT: **Final Administrative Assessment | Commission Oversight Duties and Port of San Diego**

SUMMARY

The San Diego County Local Agency Formation Commission (LAFCO) will receive a final administrative assessment on LAFCO's oversight duties as they relate to the Port of San Diego – formally the San Diego Unified Port District. The assessment fulfills a request by the Commission to evaluate whether the Port is subject to LAFCO similar to other special districts in San Diego County. The assessment expands on the analysis provided in a preliminary version presented in December – including incorporating input from the Port and State Lands Commission (SLC) – while continuing to conclude the Port is subject to LAFCO oversight as an independent special district in the performance of local governmental and proprietary functions. It is recommended the Commission accept the assessment and approve a conforming policy statement. Alternatively, and as contemplated, should it separately determine the Port is performing functions exclusively for the benefit of the State, the Commission should accept the assessment and approve a substitute policy statement that the Port is not subject to LAFCO oversight.

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

BACKGROUND

LAFCOs' Oversight Responsibilities

State Legislature delegates LAFCOs' oversight responsibilities to regulate and plan the location of cities and most special districts and their municipal service areas in all 58 counties. This includes establishing, expanding, and reorganizing cities and special districts in meeting LAFCOs' underlying directive to facilitate orderly and accountable growth and development relative to community needs – current and future. Specific regulatory actions under LAFCO statute include approving or disapproving all of the following jurisdictional changes: city incorporations and disincorporations; district formations, consolidations, and dissolutions; city and district mergers; and city and district annexations and detachments. LAFCOs also authorize cities and special districts to provide new or extended services outside their jurisdiction boundaries by contracts or agreements.

Special Districts Defined + Legislative Exclusions

The Legislature defines "special district" under LAFCO statute as follows: [1]

> *"An agency of the state, formed pursuant to general law or special act, for the local performance of government or proprietary functions within limited boundaries and in areas outside district boundaries when authorized by the commission under Section 56133."*

The Legislature excludes the following special districts from LAFCO oversight that otherwise would qualify under the preceding definition: [2]

- School Districts
- Community College Districts
- Assessment Districts
- Special Assessment Districts
- Improvement Districts
- Community Facilities Districts (Mello Roos)
- Permanent Road Districts
- Air Pollution Control Districts
- Air Quality Maintenance Districts

Commission Request For Future Item | Administrative Assessment on LAFCO Oversight Regarding the Port

At its October 2023 meeting, San Diego LAFCO provided support for a request made from the dais by Commissioner MacKenzie for staff to prepare a future item to assess whether LAFCO's oversight applies to the Port. The request cited a recent Civil Grand Jury report, which – among other items – identifies the Port as a special district without local oversight.

1 Reference to Government Code 56036(a).
2 Reference to Government Code 56036(b).

A front-page article in the Union-Tribune proceeded to cover the Grand Jury report and presented its own queries into the Port and related oversight and accountability questions.

Preliminary Assessment

LAFCO staff proceeded to present a preliminary administrative assessment on the Port's standing at the December 4th meeting. The preliminary assessment tentatively concluded – and in contrast to administrative practice – the Port is subject to LAFCO oversight. It also tentatively concluded the Port qualifies as an independent district and therefore eligible to participate in elections to seat district members on the Commission while also being responsible for contributing to the annual LAFCO apportionment. In presenting the item, staff emphasized a material qualifier underlying the assessment in its preliminary form ties to limited input from the Port as well as expected input from the SLC. The Commission concluded the discussion with direction for staff to return with a final assessment in early 2024 while also encouraging formal input from the Port.

DISCUSSION

This item is for San Diego LAFCO to receive a final administrative assessment evaluating the applicability of LAFCO's oversight duties as it relates to the Port and making a related policy determination. The assessment has been finalized with the assistance of outside counsel and follows the Commission's initial discussion at its December 4th meeting. It also incorporates input received from the Port as well as comments submitted by SLC. Additional discussion on these latter communications follow.

Port Communication | Public Trust Doctrine and Orientation as State Agent

LAFCO staff met with Port leadership immediately before the December 4th meeting and after the publication of the preliminary assessment. Port attendees – including then Chair Rafael Castellanos and current Chair Frank Urtasun – communicated openness to the notion of LAFCO oversight, although with a significant qualifier orienting them to believe otherwise.[3] The qualifier involves the Port's orientation they are bound under the "public trust doctrine" to act exclusively to the benefit of the State as a grantee of certain tidal and submerged lands in the San Diego Bay. This orientation means – among other things – the Port views itself as an exclusive State agent and not a provider of local municipal services. Port attendees added the orientation is a central theme in their recent response to the Grand Jury report. The meeting concluded amicably with all attendees agreeing to schedule a joint meeting with SLC and do so ahead of LAFCO staff's expectation of returning the topic to the Commission as early as its February 2024 meeting.

3 Other Port attendees included Acting Chief Executive Officer Randa Coniglio and Vice President of Strategy and Policy Job Nelson.

SLC Communication | Port Act Provides SLC with Exclusive Oversight

LAFCO was subsequently notified by the Port on January 10, 2024 they had met with SLC staff to discuss the preliminary assessment. Port communicated SLC staff's preference to not meet with LAFCO on the topic, and instead proceed directly with issuing a comment letter. A letter from the SLC Executive Officer was received on January 25th and outlines a staff position they share the Port's position they are not subject to LAFCO. Instead, SLC staff asserts SLC has exclusive oversight given the Port's special legislation and management of public trust properties. Highlighted passages from the letter follows.

> *"The Legislature granted tide and submerged land in San Diego Bay to the Port in 1962, through the San Diego Unified Port District Act (Port Act). The Port Act defined the Port's boundaries, including how those boundaries will change; granted the Port the State's tidelands and submerged lands to be used for purposes in the Statewide interest; and empowered it to act to achieve those interests, including outside of Port property. Where the Port Act contemplates oversight of Port actions, such as expenditures outside of Port boundaries, that oversight is entrusted to the State Lands Commission."*

> *"The San Diego Unified Port District is different from port and harbor districts formed under the Harbors and Navigation Code. The Port was not formed under the Harbors and Navigation Code's general port district provisions, and not every harbor or port district manages legislatively granted land. LAFCO oversight of the Port presents different issues than oversight of other port and harbor districts."*

> *"LAFCO's review and potential denial of Port boundary changes, services outside of Port property, and other actions authorized by the Port Act contradict the Legislature's intent in creating the Port. The Legislature already approved these actions as necessary to serve the State's interests. If LAFCO could condition or deny them, it would allow LAFCO to impede the Legislature's intent and override the State Lands Commission's oversight. Therefore, Commission staff conclude that the Port is not subject to LAFCO oversight."*

Attachment One provides copies of both the SLC staff letter and LAFCO staff response.

ANALYSIS

Staff concludes the Port is subject to San Diego LAFCO's regulatory and planning oversight as an independent special district. This final administrative assessment has been vetted through outside counsel and premised on determining the Port performs local governmental and property functions – broadly categorized as harbor and port, recreation, public safety, and community (waterfront) development – and in doing so meets the Legislature's definition of "special district" relative to LAFCO oversight.[4]

[4] Reference to Government Code 56036(a).

Should the above conclusion apply, the substantive effect is the applicability of LAFCO's legislative task to oversee the Port's physical development (jurisdictional boundary, extraterritorial service area, and any latent powers) and accountability in meeting community needs in line with the Commission's regional growth management priorities. The material effect of the conclusion, however, is somewhat narrowed given local conditions suggest future boundary changes will likely be limited to expansions necessitated by annexations to the Port's member cities (e.g., Chula Vista, National City, and San Diego). Providing this service – and specifically by LAFCO reorganizing annexations to any of the cities to include concurrent annexations to the Port – is nonetheless important. It ensures the Port's jurisdictional boundary is clear and known and void of any deviations that could complicate future board appointments and/or elections.[5] Additional public value and benefit would separately come in the form of LAFCO preparing periodical municipal service reviews covering the Port. These studies provide decision-makers and the public independent evaluations of the performance of local agencies relative to meeting community needs – current and future – and telegraph and/or initiate merited true-ups.[6]

Other material factors underlying the assessment and central conclusion the Port is subject to LAFCO oversight follows.

- **LAFCO Statute Covers "Special Act" Districts**
  The creation of the Port by a special act does not materially separate applicability from other port and harbor districts overseen by LAFCOs – including the Oceanside Small Craft Harbor District. Statute defines special districts for the purpose of delineating LAFCO oversight to include agencies of the state formed under "general law or special act." (Emphasis added.)

- **SLC Oversight and LAFCO Oversight are Different**
  Introducing LAFCO oversight would not moot or otherwise override SLC's existing oversight tasks involving the Port specific to managing granted public trust lands. However, as provided in its enabling special act, the Port can exercise its powers (active and latent) beyond public trust lands and has a relatively expansive jurisdictional boundary to do so. Overseeing the jurisdictional boundary via annexations, detachments, etc. is tasked to LAFCO. Also tasked to LAFCO is preparing periodical studies on the performance and accountability of associated governmental services in meeting current and future community needs.

5 As noted in the preliminary assessment, the State Board of Equalization reports no changes to the Port's boundary have been filed since 2000 when the reporting function transitioned to LAFCOs as part of the Cortese-Knox-Hertzberg Local Government Reorganization Act. The lack of boundary updates for the Port directly conflicts with several annexations concurrently occurring since 2000 involving Chula Vista, National City, and San Diego.

6 The conclusion would also materially require the Port to begin participating in the annual apportionment applied to independent special districts as well as elections to seat district members on LAFCO. The total special district apportionment to LAFCO equals 28.5% of the total approved annual budget less any other budgeted revenues (e.g., application fees). This amount is apportioned among all the districts based on their percentage share of total revenues collected by all of the districts in the most recent fiscal year as reported by the State Controller's Office. The County Auditor-Controller invoices the districts directly. In 2023-2024, the Auditor-Controller estimates the apportionment to the Port would have been $75,453.

- **Dual Oversight is Contemplated and Practiced**
  LAFCO statutes readily addresses the inter-relationship between SLC and LAFCO through reconciling procedures. This includes direction to LAFCO to defer to SLC when boundary changes involve public trust lands. Direction is provided to SLC to report its determinations with allowance for LAFCO to take action as needed. There are approximately 10 other special districts – including port and harbor districts – in California that are currently overseen by both SLC and LAFCO.

- **Port's Dual Performance to State and San Diego**
  The Port's governmental and related proprietary services (e.g., harbor and port, recreation, public safety, and community development) are organized to benefit both the State and San Diego. The former's benefit ties to the State's allowance to facilitate the Port's creation via a special act and subsequent granting of public trust properties. The latter's benefit ties to local voters' actual election approval to form the Port on November 6, 1962 with governance shared by the five member cities.

Notwithstanding the above analysis, an alternative conclusion is reasonably available to the Commission in determining the Port is not subject to LAFCO oversight. This alternative conclusion is premised on the Commission determining the Port's services are exclusively performed for the benefit of the State. Any associated local benefit or related impact of the Port would be entirely incidental. This alternative is consistent with the Port's input.

RECOMMENDATION

It is recommended San Diego LAFCO accept the final administrative assessment and determine the Port is subject to Commission oversight. This recommendation and related authorizations 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) Accept the final administrative assessment as presented.
(b) Approve a conforming policy statement confirming the Port is an independent district subject to LAFCO's oversight.
(c) Authorize the Executive Officer to effectuate the above policy determination with respect to adding the Port to the annual appointment as well as add the Port as an eligible voter on the Independent Special Districts Selection Committee.

Alternative Two:
(a) Accept the final administrative assessment as presented.
(b) Approve a substitute policy statement conforming the Port is not subject to LAFCO's oversight.

Alternative Three:
Continue item to a future meeting.

PROCEDURES

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

1) Receive verbal report from staff unless waived.
2) Questions from the Commission.
3) Invite comments from the audience.
4) Commission discussion and potential action.

Respectfully,



Keene Simonds
Executive Officer

Attachment:

1) Correspondence Between LAFCO staff and SLC staff
   - LAFCO letter, dated February 20, 2024
   - SLC letter, dated January 24, 2024

Online Materials:

1) Preliminary Assessment, December 4, 2023 Agenda Report
   - https://www.sdlafco.org/home/showpublisheddocument/7388/638366986182570000

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

February 20, 2024

Delivered by Electronic Mail:
Ms. Jennifer Lucchesi, Executive Officer
California State Lands Commission
100 Howe Avenue, Suite 100-South
Sacramento, California 95825-8202
Jennifer.Lucchesi@slc.ca.gov

SUBJECT: San Diego Unified Port District

Ms. Lucchesi:

Thank you for your letter dated January 24th to the San Diego County Local Agency Formation Commission (LAFCO) regarding the San Diego Unified Port District ("Port"). The letter is well-timed given our current evaluation on whether LAFCO's oversight powers and duties involving special districts apply to the Port. The letter concludes the State Lands Commission (SLC) staff shares "the Port's conclusion that the San Diego LAFCO does not have oversight over the Port."

I have reviewed the letter with the assistance of outside counsel and respectfully believe there are material misunderstandings regarding LAFCO statute undercutting the SLC staff conclusion. Relatedly, there are other material misunderstandings or omissions involving the existing inter-relationships between LAFCO and other State agents – including SLC – in fulfilling our respective tasks creating substantive pause in endorsing the SLC staff conclusion. Accordingly, while it remains possible LAFCO ultimately reaches a similar conclusion – i.e., the Port is not subject to LAFCO – it is my observation the criteria to do so will differ and/or incorporate additional factors.

The following points are offered in support of the preceding statements. These points are numbered to generally – although not entirely – follow the sequence of comments in the SLC letter and prefaced on the open invitation to schedule a meeting to discuss in more detail.

1. LAFCO staff acknowledges and respects SLC's task and exclusive jurisdiction related to "public trust lands," which include tidelands and submerged lands of the State. LAFCO staff similarly acknowledges the Port manages tidelands and submerged lands in San Diego Bay consistent with the oversight by SLC and pursuant to the Port District's enabling statute, the San Diego Unified Port District Act – or Port Act.

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Chair Stephen Whitburn, City of San Diego
Marni von Wilpert, Alt., City of San Diego
Vice Chair Barry Willis, Alpine Fire Protection
Jo MacKenzie, Vista Irrigation
David A. Drake, Alt., Rincon del Diablo
Vacant, General Public
Harry Mathis, Alt., General Public

2. Notwithstanding the above acknowledgments, the Port's authority and powers (active and latent) are not bound to managing certain State public trust lands. This is reflected – among other measurements – in the Port's jurisdictional boundary extending inland by more than 20 straight-line miles from the Bay in capturing the entirety of Chula Vista, Coronado, Imperial Beach, National City, and San Diego.

3. LAFCO is a State agency tasked with administering the Cortese Knox Hertzberg Local Government Reorganization Act – or CKH – with delegated oversight to help ensure cities and special districts' boundaries and municipal services are orderly, sustainable, and accountable. The State's delegation includes exclusive authority over local agency change of organizations – like special district annexations, detachments, and dissolutions.[1] CKH also provides cities and special districts must receive LAFCO approval before providing services outside their jurisdictional boundaries by contract or agreement.[2]

4. LAFCO is also tasked with certain planning duties to independently inform its oversight responsibilities. This includes regularly performing studies – e.g., municipal service reviews – to "contribute to the logical and reasonable development of local agencies" and "to shape the development of local agencies to advantageously provide for the present and future needs of each county and its communities."[3] Furthermore, the State empowers LAFCO to initiate certain change of organizations involving special districts if consistent with study recommendations.[4]

5. The SLC letter asserts the establishment of the Port through a special act materially separates it from other port and harbor districts overseen by LAFCOs. CKH does not make this distinction. Instead, CKH defines special districts for the purpose of delineating LAFCO oversight as follows:

   ""District" or "special district" are synonymous and mean an agency of the state, formed pursuant to general law or special act..." [5]

6. SLC's letter asserts the Port Act provides SLC with exclusive oversight of the Port. This position does not seem supported by the provisions presented in the letter; it also counters existing statutes and related procedures. Consider the following.

   a) The SLC letter references the Port Act establishes procedures for how the Port's boundary may change. LAFCO staff concurs. This includes acknowledging the Port Act provides for the ministerial annexation of new territory to the Port in step with remaining coterminous with the boundaries of its five-member cities (Chula Vista, et al.). CKH readily reconciles these types of ministerial or otherwise scripted annexations within special districts' principal acts and provides that these actions proceed while LAFCO retains ultimate oversight.[6]

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[1] CKH defines change of organizations to include city incorporations and disincorporations, district formations and dissolutions, city and district annexations and detachments, mergers and consolidations, and activations and divestitures of district functions and classes (Government Code 56021).
[2] Reference to Government Code 56133.
[3] Reference to Government Code 56301.
[4] Reference to Government Code 56375(a).
[5] Reference to Government Code Section 56306.
[6] Reference to Government Code 56120.

b) The Port Act states the Port may annex additional territory and/or be dissolved by "operation of law." LAFCO staff is not aware of another State agent authorized to conduct these jurisdictional procedures. Accordingly, it appears the operation in law would fall to LAFCO to effectuate an annexation of additional territory to the Port or dissolution of the Port.

c) CKH addresses the inter-relationship between SLC and LAFCO through complementary and reconciling procedures. Specifically, CKH provides LAFCO must defer to SLC when boundary changes involve tidelands and submerged lands.[7] CKH equally provides SLC shall report its determinations to LAFCO and "thereafter, filings and action may be taken" by LAFCO.[8]

7. The SLC letter states the Port Act predates CKH and its predecessor laws and intended to solely govern the Port's organization. CKH contemplates conflicts and/or omissions with principal acts given – and as cited – many special districts' enabling legislation predate LAFCO with the following remedy:

   "It is not necessary for the principal act of any district to adopt or incorporate this division by reference and any change of organization or reorganization provided for by this division may be made by, or with respect to, any district."[9]

8. The SLC letter asserts LAFCO oversight and the potential to deny or condition Port boundary changes, outside services, and other actions provided in the Port Act contradicts the State's intention in creating the Port in 1962. The letter further asserts LAFCO oversight would negatively impact SLC oversight. These assertions lack harmony with the referenced reconciliations in CKH as well as existing conditions throughout coastal California where several local agencies with granted public trust properties already operate with oversight from both SLC and LAFCO.[10]

As mentioned, the above observations are offered in my role as Executive Officer with the intention of sharpening the ongoing administrative review on the appropriate relationship between LAFCO and the Port going forward. Should SLC staff have additional comments on the topic, please note we anticipate forwarding our final analysis at LAFCO's March 4, 2024 meeting. Additional comments provided prior to the meeting will be forwarded to the LAFCO membership.

Respectfully,



Keene Simonds
Executive Officer

[7] Reference to Government Code 56740.
[8] Reference to Government Code 56740(e).
[9] Reference to Government Code 56119.
[10] The SLC website currently lists more than 50 cities and special districts that have been granted management of public trust properties. This includes the Noyo Harbor District (Mendocino), Moss Landing Habor District (Monterey), Crescent City Habor District (Del Norte), Port San Luis Harbor District (San Luis Obispo), and Santa Cruz Port District (Santa Cruz). All of these special districts are overseen by their respective county LAFCO.

San Diego LAFCO
February 20, 2024
Letter to SLC Regarding the San Diego Unified Port District

Attachments:

1) SLC Letter, Dated January 24, 2024

cc:

Chair Stephen Whitburn
Vice Chair Barry Willis
Outside Counsel DeeAnne Gillick
AEO Priscilla Mumpower
LAFCO Consultant Chris Cate
LAFCO Consultant Adam Wilson
Port President and CEO Randa Coniglio
Port Vice President of Strategy and Policy Job Nelson

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CALIFORNIA STATE LANDS COMMISSION

Established in 1938

EXECUTIVE OFFICE
100 Howe Avenue, Suite 100-South
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JENNIFER LUCCHESI, *Executive Officer*
916.574.1800
TTY CA Relay Service: **711** *or Phone* **800.735.2922**
from Voice Phone **800.735.2929**
or for Spanish **800.855.3000**

January 24, 2024

VIA EMAIL AND REGULAR MAIL
Keene.Simonds@sdcounty.ca.gov

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

Subject: LAFCO oversight of the San Diego Unified Port District

Dear Mr. Simonds,

State Lands Commission staff understand that the San Diego Local Agency Formation Commission is considering whether it has jurisdiction over the San Diego Unified Port District (the Port). Commission staff have reviewed correspondence between the Port and San Diego LAFCO and LAFCO's December 4 Agenda Item 7a and share the Port's conclusion that the San Diego LAFCO does not have oversight over the Port.

Based on San Diego LAFCO's December 4 Agenda Item, it appears that some of the interest in jurisdiction over the Port stems from a Civil Grand Jury Report's conclusion that the Port does not have sufficient local oversight. Commission staff have reviewed that Grand Jury Report and believe it misunderstood the Port's role as the State's trustee of public trust lands and resources. Commission staff agree with the Port's response to the Report, which correctly explained the Port's unique obligations as the State's trustee and the oversight provided by the State Lands Commission.

The Port manages tidelands and submerged lands in San Diego Bay on behalf of the State, with oversight by the State Lands Commission. Under the Public Trust Doctrine, the State owns tidelands and submerged lands – also sometimes called public trust lands – as the public's trustee, and must manage them to promote maritime commerce, navigation, fisheries, recreation, and

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other water-dependent uses that benefit the statewide, not merely local, public.[1]

Sometimes, the Legislature grants tidelands and submerged land to local agencies to manage on the State's behalf through grant statutes. The State Lands Commission has "[a]ll jurisdiction and authority remaining in the State as to tidelands and submerged lands as to which grants have been or may be made," and the lands "remain subject to the oversight authority of the state by and through the State Lands Commission."[2] The local grantees continue to be bound by the Public Trust Doctrine, and, in addition, act as the State's trustee in management of the granted land and must abide by the terms and conditions of their grant statute.

The Legislature granted tide and submerged land in San Diego Bay to the Port in 1962, through the San Diego Unified Port District Act (Port Act).[3] The Port Act defined the Port's boundaries, including how those boundaries will change[4]; granted the Port the State's tidelands and submerged lands to be used for purposes in the Statewide interest[5]; and empowered it to act to achieve those interests, including outside of Port property.[6] Where the Port Act contemplates oversight of Port actions, such as expenditures outside of Port boundaries, that oversight is entrusted to the State Lands Commission.[7]

The Port is the State's trustee in managing the tidelands and submerged land granted to it and must manage the lands for the benefit of the statewide public, "without subjugation of statewide interests, concerns, or benefits to the inclination of local or municipal affairs, initiatives, or excises."[8] The Port also has fiduciary duties to the State, including the duty to administer the trust solely in the statewide public's interests, rather than local interests.[9]

The San Diego Unified Port District is different from port and harbor districts formed under the Harbors and Navigation Code. The Port was not formed under the Harbors and Navigation Code's general port district provisions, and not

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[1] Pub. Resources Code, § 6009, subd. (a), see *Marks v. Whitney* (1971) 6 Cal.3d 251, 259–260.
[2] Pub. Resources Code, §§ 6009, subd. (c); 6301.
[3] Harbor and Nav. Code, App. 1, §§ 1 *et seq.*
[4] Harbor and Nav. Code, App. 1, §§ 5, 53.
[5] Harbor and Nav. Code, App. 1, § 87.
[6] Harbor and Nav. Code, App. 1, §§ 4, 30, 81-85.
[7] Harbor and Nav. Code, App. 1, § 30.5.
[8] Pub. Resources Code, §6009, subd. (d).
[9] Pub. Resources Code, §6009.1., subd. (c)(5).

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every harbor or port district manages legislatively granted land.[10] LAFCO oversight of the Port presents different issues than oversight of other port and harbor districts.[11]

LAFCO's review and potential denial of Port boundary changes, services outside of Port property, and other actions authorized by the Port Act contradict the Legislature's intent in creating the Port. The Legislature already approved these actions as necessary to serve the State's interests. If LAFCO could condition or deny them, it would allow LAFCO to impede the Legislature's intent and override the State Lands Commission's oversight. Therefore, Commission staff conclude that the Port is not subject to LAFCO oversight.

Commission staff is mindful that the San Diego LAFCO promotes the Legislature's objective of promoting efficient and effective governance in San Diego County. The Port is required to prepare Trust Land Use Plans and Port Master Plans that define its long-term management of its granted tidelands and submerged lands, and LAFCO may consult these plans to ensure there is no unnecessary duplication of government services. Commission staff are also happy to discuss any concerns LAFCO may have about Port activities.

Commission staff appreciates the San Diego LAFCO's willingness to consider its perspective. If you have any questions, please contact me at Jennifer.Lucchesi@slc.ca.gov.

Sincerely,

DocuSigned by:
Jennifer Lucchesi
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JENNIFER LUCCHESI
Executive Officer

[10] For example, the Ventura Port District and Stockton Port District do not have Legislative grants of tidelands and submerged land.

[11] The only district other than the Port formed by a special act contained in the Harbors and Navigation Code Appendix is the Humboldt Bay Harbor, Recreation, and Conservation District. The Legislature explicitly made the Humboldt District subject to LAFCO oversight under a predecessor to the Cortese-Knox-Hertzberg Act. (See Harb. & Nav. Code, § App. 2, § 79.) By contrast, the Port Act predated the predecessor LAFCO laws and was intended to solely govern the Port's organization.

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AGENDA REPORT
Business | Discussion

March 4, 2024

TO: Commissioners

FROM: Keene Simonds, Executive Officer
Priscilla Mumpower, Assistant Executive Officer
Susanne St. Clair, Contract RGS Consultant

SUBJECT: **Proposed Policy Update:**
LAFCO Personnel Policies and Procedures

SUMMARY

The San Diego County Local Agency Formation Commission (LAFCO) will review a proposed policy update to its personnel policies and procedures. The proposed update ties to the adopted workplan and prepared with the assistance of LAFCO's contract human resources advisor – Regional Government Services Authority (RGS). The Commission reviewed a draft version at its December 2023 meeting with feedback for staff to further refine certain employer-employee relationships – including telework provisions and related liability protections. The proposed update incorporates these and other refinements and edits as detailed and presented for Commission approval with any changes. Consideration may also be apportioned over two or more meetings should the Commission prefer a more detail discussion of each section comprising the update.

BACKGROUND

Human Resources Support & Current Policies

Starting in October 2022, San Diego LAFCO contracted with RGS to provide human resources support services. These support services are billed hourly and primarily focus on employee relationships ranging from benefit and leave administration to performance management.

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Chair Stephen Whitburn, City of San Diego
Marni von Wilpert, Alt., City of San Diego
Vice Chair Barry Willis, Alpine Fire Protection
Jo MacKenzie, Vista Irrigation
David A. Drake, Alt., Rincon del Diablo
Vacant, General Public
Harry Mathis, Alt., General Public

This relatedly includes reconciling the Commission's own policies on certain personnel topics with more expansive cross-references to the County of San Diego's policies as part of Rule 6.

Adopted Workplan & Two-Part Comprehensive Update to Personnel Policies

San Diego LAFCO's current workplan was adopted at a noticed public hearing in May 2023 and includes 30 priority-listed projects for the fiscal year. This includes a two-part project tied to a comprehensive update to LAFCO's personnel policies (Rule 6) and divided between setting a scope of work and proceeding with the drafting of the document itself. The underlying intent to the two-part project is to scale LAFCO's personnel procedures as a stand-alone document and reflect the employer-employee needs of a relatively small public agency. The Commission proceeded to approve a scope of work in August 2023.

DISCUSSION

This item is for San Diego LAFCO to consider a proposed policy update to its personnel policies and procedures (Rule 6). The proposed update returns largely intact from its draft presentation at the December 2023 meeting with revisions largely tied to addressing Commission comments involving telework and related liability issues. A summary of all substantive edits reflected in the proposed update before the Commission follows.

- **Clarifying Dress Code**
  Section 3.13.1 - Dress Code (Office Attire):
  This section was amended to remove reference to jeans within the listing of accepted business casual clothing and moved to be included as part of the last paragraph – permitting casual clothing on Friday's.

  > "Employees working at the LAFCO office on Fridays are welcomed to dress more casually so long as they clothes remain neat, clean, and in good repair. Jeans are allowed if free of any tears, fading or fraying. The following exceptions apply and are not allowed at any time: gym or workout attire; shirts or t-shirts with images or designs; and flipflops."

- **Limiting Use of Personal Equipment**
  Section 2.4 - Electronic Communication:
  This section was amended to make explicit LAFCO employees are only to conduct Commission business on LAFCO issued devices.

  > The Commission, as the provider of access to its electronic communications and data e-sources, reserves the right to specify how those resources will be used and administered to comply with this policy. Employees may be subject to corrective action including termination for using the Electronic Communications Resource Devices in a manner other than for their intended purposes, or in a manner that violates applicable laws. Employees should only perform work on LAFCO issued devices and must not use personal devices – this applies to employees who are allowed telecommuting privileges.

Section 2.5.3 - Electronic Communication:
This section was amended to make explicit LAFCO employees are only to conduct Commission business on LAFCO issued devices and consistent with the preceding amendment (Section 2.4).

> Added to telecommuting equipment section:
> Use of personal equipment is not permitted. Employees should only perform work on LAFCO issued equipment. ~~When using personal equipment for telecommuting, the employee is responsible for maintenance and repair of the equipment.~~

- **Defining Incidental Use**

Section 2.4.4 – Incidental Personal Use:
This section was amended to further address and clarify the meaning of "incidental personal use" of Commission devices.

> San Diego LAFCO employees may use Commission devices (e.g., computers, telephones, smart phones, and tablets as well as e-mail and data networks) for incidental personal communications if kept to a minimum and limited to break times or non-working hours and does not violate the terms of this policy. Incidental personal use of electronic resources must not adversely affect the performance of official duties or the organization's work performance, must not be disruptive of colleagues and peers, and must be of limited duration and frequency. More than occasional, incidental use of Commission devices, including during nonwork time, is not permitted.

Section 2.6 – Use of LAFCO Vehicles:
This section was amended to further address and clarify the meaning of using a LAFCO-owned vehicle on an "incidental basis.".

> San Diego LAFCO employees with a valid California driver's license and insurance certificate on file with the County of San Diego and the Executive Officer are eligible to use LAFCO-owned vehicles for official agency business. Use is subject to approval by the employee's supervisor and/or manager and may include overnight privileges. LAFCO-owned vehicles shall not be used to transport unauthorized passengers, including family members except as may occur on an incidental basis or with a business justification. Incidental personal use of LAFCO-owned vehicles must not adversely affect the performance of official duties or the organization's work performance, must not be disruptive of colleagues and peers, and must be of limited duration and frequency. More than occasional, incidental use of a LAFCO-owned vehicle, including during non-work time, is not permitted. Employees with authorization to use the LAFCO-owned vehicles will be responsible for keeping the vehicle clean and presentable at all times. Accidents and/or damages must be immediately reported to the employee's supervisor and/or manager.

A copy of the proposed update with track changes reflecting the revisions made after the February 5th meeting is provided as Attachment One.

ANALYSIS

The proposed update before San Diego LAFCO follows the Commission's approved scope of work and scaled to the organization's unique setting as a public agency with less than 10 fulltime employees. This includes addressing evolving workforce themes with respect to setting modern rules and expectations of employment at LAFCO ranging from adaptive accommodations to health and safety protections. Equally, the update addresses modern rules and expectations of employees with respect to workplace interactions and relationships, attire and appearance, and off-duty activities – including outside employment and social media uses. The update also – materially – establishes more direct and simplified complaint and disciplinary processes. Requested changes by the Commission involving further refinement of teleworking and other forms of potential liability are also addressed.

RECOMMENDATION

It is recommended San Diego LAFCO approve the proposed update to the Commission's personnel policies. 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 update to LAFCO's personnel policies (Rule 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.
3) Consideration of the staff recommendation.

Respectfully,



Priscilla Mumpower
Assistant Executive Officer

Attachments:

1) Existing Rule No. 6
2) Proposed Update to Personnel Policies (Rule 6)

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RULES
SAN DIEGO
LOCAL AGENCY FORMATION COMMISSION

ARTICLE VI
PERSONNEL RULES

6.1	Application
6.2	Definitions
6.3	Rest Periods
6.4	Holidays
6.5	Classification
6.6	Compensation
6.7	Performance Reports
6.8	Eligibility for Step Adjustments
6.9	Overtime
6.10	Leave
6.11	Vacation
6.12	Dismissal or Suspension
6.13	Temporary Appointment to a Higher Class
6.14	Employees Previously Employed by a County
6.15	Benefits
6.16	Compensation Plan
6.17	Recruitment
6.18	Suspension of Personnel Rules
6.19	Effective Dates
6.20	Executive Officer Compensation Plan
6.21	Telecommuting

6.1 APPLICATION -

Unless otherwise provided in the employment contract between the Commission and the Executive Officer, the foregoing personnel rules and the attached compensation / benefits summary shall apply to all employees who have been:

1. Appointed and serve at the pleasure of the Commission; or
2. Appointed by the Executive Officer.

6.2 DEFINITIONS -

1. "Biweekly Pay Period" means the 14-day period commencing on August 16, 1974 and ending at midnight of the second Thursday thereafter and each subsequent 14-day period.

2. "Commission" means the San Diego Local Agency Formation Commission.

3. "County" means the County of San Diego.

4. "Discipline" means an action or actions taken by the Executive Officer or Commission to reprimand, dismiss, demote or suspend an employee of LAFCO.

5. "Executive Officer" means the Executive Officer appointed by the Commission pursuant to Government Code Section 56038.

6. "Immediate Family" means husband, wife, child, stepchild, brother, stepbrother, sister, stepsister, parent, stepparent, any person serving or who has served as parent or any other person living in the same household as the employee.

7. "Overtime" means authorized or ordered work required of an employee which is in excess of the work week as set by the Executive Officer for that employee.

8. "Part-time Employee" means an employee whose biweekly work week is less than 80 hours.

9. "Professional Employee" means the Executive Officer, Assistant Executive Officer, Chief of Policy Research, Chief of Governmental Services, and Local Governmental, Geographic Information Systems (GIS) Analyst, Local Governmental Analysts I, II, and III for the purpose of these personnel rules only.

10. "Rate of Compensation" means the specific amount of compensation established for a specific period of work.

11. "Reprimand" means a written or verbal expression of disapproval related to the activities of an employee of LAFCO.

12. "Rules" mean the Rules of the Commission.

13. "Support Employee" means Administrative Assistant, Administrative Aide, Commission Clerk, Executive Assistant, Records Clerk, for the purpose of these personnel rules only.

14. "Temporary Employee" means an employee hired by the Commission for a period not to exceed six calendar months.

15. "Work week" means the number of hours authorized in a biweekly pay period by the Executive Officer for each employee.

6.3 REST PERIODS -

Each employee may take a 15-minute rest period at midmorning and at mid-afternoon.

6.4 HOLIDAYS -

Full-time, permanent employees shall be entitled to the same holidays on full pay as authorized for the employees of the County of comparable classes unless otherwise specified by the Commission. Part-time, permanent employees' pay for holidays shall be equivalent to one-tenth (1/10) the number of regularly scheduled hours in the employee's biweekly pay period in which the holiday occurred.

6.5 CLASSIFICATION -

The Commission, through the adoption of these Rules, shall provide for the classification of its employees per the position specifications included in Article VI of the Rules (Exhibit A).

6.6 COMPENSATION -

The compensation for each position shall be according to a schedule fixed by the Commission. To the extent each position is comparable to a similar position in the County of San Diego, compensation shall approximate that for the comparable county position. Wage and benefit adjustments given by the County to its employees will be applicable to the comparable Commission positions. The rate of compensation set forth in the pay schedule shall represent the total compensation in every form except for overtime compensation, health insurance benefits, compensation plans, retirement benefits and reimbursement for actual and necessary expenses for traveling subsistence and general expenses authorized and incurred incident to employment. With commission budgetary approval, the Executive Officer is authorized to implement the employee performance incentive program. The program is based on recognizing exemplary performance through providing bonuses and/or cash awards. The Executive Officer may provide a one-time annual exemplary performance bonus to qualified Commission staff, not to exceed 5% of the annual salary for employees deemed eligible by the Executive Officer. The annual cycle is based on the fiscal year. Commission employees may receive exemplary performance pay and/or recognition pay in one lump sum cash award or in incremental cash awards.

In addition to performance bonuses up to 5% of an employee's annual salary, the Executive Officer may also provide recognition pay to Commission staff not to exceed $1,000 per award. The criteria for the award will be based on cost-savings, service improvement, or other tangible benefits to LAFCO operations directly attributable to an individual member of the LAFCO staff. Multiple awards may be granted to Commission staff as long as the aggregate monetary total of the awards do not exceed $1,000 for each member of the staff during the fiscal year. The Executive Officer is also authorized to establish an office-wide performance recognition program and is authorized to allocate up to $1,250 annually to support this program.

Non-executive Commission employees with a minimum of 15 years of continuous LAFCO/County of San Diego employment are eligible for a 1-2% annual salary band increase, contingent on exemplary performance subject to a determination by the Executive Officer.

Further information about the wages and benefits are included in the Benefits / Compensation Summary attached to the Rules.

6.7 PERFORMANCE REPORTS -

For the purpose of determining the step adjustment to which each employee of the Commission may be entitled, the Executive Officer shall provide for a system of reporting the performance and progress of employees. Performance reports for each employee shall be prepared prior to the six-month anniversary appointment and at least once a year thereafter. Consistent with LAFCO budget policy and Commission direction, the Executive Officer may approve step adjustments after above standard performance reports of employees. The Executive Officer shall, upon completion of the performance report, review same with the affected employee. Employees who do not concur with the Executive Officer's performance report may, within 15 days following the review of the performance rating, file a written request for reconsideration with the Executive Officer, unless that person reports to the Executive Officer. Employees who report to the Executive Officer may, within 15 days following the review of the performance rating, file a written request for reconsideration to the Personnel Committee.

6.8 ELIGIBILITY FOR STEP ADJUSTMENTS -

Consistent with LAFCO budget policy and Commission direction, the Executive Officer may approve step adjustments after above standard employee performance evaluations. On the first day of the pay period immediately following the twelve month anniversary of the appointment of an employee to a position and after completion of each additional year of service in the same position, an employee may be eligible to receive step adjustments. Step adjustments are awarded upon the approval of the Executive Officer.

6.9 OVERTIME -

Any authorized time worked in excess of the employee's weekly work schedule as established by the Executive Officer (see Section 6.2) shall be considered overtime.

Cash payment in lieu of compensatory time-off shall be considered when, in the judgment of the Executive Officer, granting compensatory time-off would detrimentally affect the operations of the office. Overtime shall be recorded in units of hours and tenths of hours on a biweekly basis. All hourly (non-exempt) employees are allowed compensatory time-off on an hour and a half-for-hour basis. Employees' hourly (non-exempt) positions may receive cash payments for overtime worked in any work week only at the discretion of the Executive Officer.

Compensatory time-off to which employees are entitled shall be allowed and taken no later than the last day of the fiscal year following the end of the fiscal year in which the overtime was worked. In authorizing compensatory time-off, the Executive Officer shall give consideration to the desires of the employee as to the date of such time-off and to the needs of the office.

6.10 LEAVE -

Any employee returning from an approved leave shall return to the same position, at the same pay-step, and with the same rights, privileges and obligations as other employees of the same position.

1. Leave With Pay

(a) Sick leave - Sick leave is paid time off that may be used when an employee is absent from duty for the reasons outlined below. Employees shall accrue sick leave at a rate of .05 x hours worked or of paid leave of absence (4 hours per 80-hour pay period) during each biweekly pay period. Unused sick leave may be accumulated from year to year. An employee may be authorized to use a maximum of eighty (80) hours of paid accrued sick leave in a twelve-month period for the purpose of caring for a member of the immediate family who is ill or injured. In addition, if the employee requests paid sick leave in excess of eighty (80) hours in order to care, or arrange care, for a member of the immediate family who is critically or terminally ill, additional accrued sick leave may be available to the employee when granted by the Executive Officer upon receipt of satisfactory verification from a physician.

Sick leave is paid time off that may be used because of the employee's:

(1) illness, injury, or exposure to contagious disease which incapacitates the employee for work;

(2) receipt of medical or dental care or consultation, including prenatal and postnatal care, which is not available except during working hours;

(3) requirements to care for an ill or injured immediate family member;

(4) necessity to be present because of a critical or terminal illness of an immediate family member; or

(5) need to discharge the required obligations that arise from the death of an immediate family member.

Upon termination of employment, employees hired prior to March 3, 1980 shall be compensated in cash for sick leave credits accrued. This provision authorizing cash compensation for unused sick leave shall apply 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 one hundred (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.

(b) Bereavement Leave - Employees shall be allowed up to five working days of leave with pay upon approval of the Executive Officer due to death in the immediate family.

(c) Military Leave - Military leave may be allowed an employee in the same manner and under the same conditions as granted by the Civil Service Rules of the County of San Diego.

(d) Disability Leave - Disability leave may be allowed an employee in the same manner and under the same conditions as provided by the County of San Diego in the Civil Service Rules.

(e) Absence due to Required Attendance in Court - Absence due to required attendance in court may be allowed an employee upon approval by the Executive Officer and in the same manner and under the same conditions as provided by the County of San Diego in the Civil Service Rules.

(f) Administration of Leave With Pay - The Executive Officer shall maintain records of leave with pay and shall require of the employee a statement of reasons for absence by the employee; sick leave taken for more than three consecutive work days shall be verified by the attending physician or dentist. If, after investigation, the Executive Officer is convinced that the employee is not entitled to paid sick leave, the Executive Officer shall notify the employee accordingly.

(g) Computation of Leaves With Pay - Authorized leaves with pay shall be recorded in units of one hour; pay shall be allowed at the rate the employee would be paid for working during the same period.

2. Leave Without Pay

An employee may be allowed up to one year of leave without pay upon approval by the Executive Officer when such leave is in the best interests of the Local Agency Formation Commission. Any such request shall be in writing, shall state the reason for requesting leave and shall specify the dates requested. Reasons for requesting leave without pay shall include, but are not limited to, military service, extended illness or maternity.

(a) Leaves of Absence on Account of Illness or Injury - Leaves of absence without pay on account of illness or injury, which are not job incurred, may be granted for a maximum period of 26 full biweekly pay periods. This includes disabilities caused or contributed to by pregnancy, miscarriage, abortion, childbirth, and recovery therefrom. Such leaves will be granted only after all accrued sick leave credits have been used and shall be substantiated by a physician's statement.

(b) Leaves of Absence for Personal Reasons - Leaves of absence without pay for personal reasons may be granted for a maximum of 13 full biweekly pay periods. Such leaves shall only be granted after all accrued vacation, and holiday credits have been used.

(c) Family/Medical Leave (FML) - Family/Medical Leave shall be allowed in accordance with the provisions of the Moore-Brown-Roberti California Family Rights Act of 1993 (Government Code Sections 12945.1-12945.2, and relevant provisions within Section 4.3.12 of the County Compensation Ordinance notwithstanding minimum employee limits contained in the CFRA. Employees may use accrued sick and vacation leave balances during this time.

(d) The Executive Officer shall maintain records of such leave without pay. Any determination by the Executive Officer of a request for leave without pay shall be in writing. Only permanent or probationary employees occupying permanent positions are eligible for leaves of absence without pay under the provisions of this section.

6.11 VACATION -

1. All permanent professional employees hired prior to January 1, 2013 shall be entitled to vacation with pay in accordance with the schedule established for those positions. During the first five years of continuous service, professional employees shall be allowed 15 working days per calendar year of vacation time to be accumulated at a rate of 4.6 hours per biweekly pay period. After the completion of five years of continuous service, professional employees shall be allowed 20 working days of vacation time per calendar year to be accumulated at a rate of 6.1 hours per biweekly pay period. After completion of ten years of continuous service, professional employees shall be allowed 25 working days of vacation time per calendar year to be accumulated at a rate of 7.6 hours per biweekly pay period.

2. All permanent support employees hired prior to January 1, 2013 shall be entitled to vacation with pay in accordance with the schedule established for those positions. During the first three years of continuous service, support employees shall be allowed 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 shall be allowed 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 shall be allowed 20

working days of vacation time per calendar year to be accumulated at a rate of 6.1 hours per biweekly pay period.

3. All permanent professional and support employees hired on or after January 1, 2013 shall be entitled to vacation with pay in accordance with the schedule established for those positions. During the first five years of continuous service, employees shall be allowed 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 shall be allowed 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 shall be allowed 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/year*
5+ to 10 years =	15 days/year
10+ years =	20 days/year

**Vacation time credit shall accrue 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.*

4. Vacation time for part-time professional or support employees shall be computed on the basis of the number of hours in the normal work week as established for that part-time employee by the Executive Officer.

5. No employee will be allowed to 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 shall cease to accrue vacation hours. An employee can only accrue additional vacation hours if the employee's vacation accumulation is below the maximum limit. Vacation time credit shall be accrued and may be taken during the first twelve calendar months of employment. The time at which each employee shall be granted vacation leave shall be at the discretion of the Executive Officer.

6. Upon termination of employment, an employee shall be compensated in cash for the unused vacation time, provided such employee has been in continuous service for more than six months. The cash compensation for unused vacation time shall be computed on the basis of the employee's rate of pay at the time of termination, but will not count toward the retirement benefit formula.

6.12 DISMISSAL OR SUSPENSION -

(a) Probationary Period. All employees appointed by the Executive Officer shall serve a one-year probationary period. During the probationary period, the Executive Officer

may dismiss the employee with or without cause. No appeal may be taken to the Personnel Committee from discipline imposed during the probationary period. In addition, any temporary employee may be dismissed by the Executive Officer, and the employee shall have no right of appeal.

(b) Discipline Subsequent to Probationary Period. The Executive Officer may dismiss, demote or suspend a permanent employee for cause after the employee has completed his or her probationary period. Rule VII of the San Diego County Civil Service Rules shall apply to any disciplinary action regarding a non-probationary permanent employee except that the Personnel Committee ("Committee") shall take the place of the Civil Service Commission. The Committee may appoint one of its members to hear the appeal and report back to the Committee with findings and a proposed decision. Any decision adopted by the Committee shall be final unless overturned by a court on appeal.

(c) No employee reprimanded by the Executive Officer shall have the right of appeal to the Personnel Committee.

6.13 TEMPORARY APPOINTMENT TO A HIGHER CLASS –

On the recommendation of the Executive Officer, the Commission may grant an employee a ten percent increase in compensation while such employee is assigned to perform the duties of a position which at the time is compensated at least ten percent higher than such employee's class; the assignment must be for a period exceeding 10 continuous working days but shall not exceed 130 working days.

6.14 EMPLOYEES PREVIOUSLY EMPLOYED BY A COUNTY -

The Commission shall accrue all sick leave, vacation, and retirement benefits of persons hired from counties pursuant to Section 56385 of the Government Code. For the purpose of calculating such benefits, the Commission may add previous county service to the tenure of service of employees, providing service has been continuous.

6.15 BENEFITS –

The Commission may contract for retirement, health and medical benefits for its employees pursuant to Section 56385 of the Government Code. LAFCO employees participate in the County of San Diego's Health and Medical Plans, Retirement System, Deferred Compensation Plan(s), Terminal Pay Plan, and other programs available to county employees.

6.16 COMPENSATION PLAN –

All employees are entitled to receive compensation plan benefits granted to personnel working in similar positions in the County of San Diego.

6.17 RECRUITMENT –

The Commission is an equal opportunity employer and in the recruitment and selection of

new employees directs the Executive Officer to apply similar principles as used by the Department of Human Resources of the County of San Diego.

6.18 SUSPENSION OF PERSONNEL RULES –

Upon good cause being shown and upon a finding of the public interest being served, the Commission reserves the right to waive, suspend, change or modify any of the foregoing rules.

6.19 EFFECTIVE DATES –

The Personnel Rules of the Commission shall become effective on August 5, 1974 and shall be amended thereafter by a majority vote of the Commission. Technical changes or updates to the Rules may be approved by the Executive Office subject to provision 1.12 of the Rules.

6.20 EXECUTIVE OFFICER COMPENSATION PLAN –

This Executive Officer Compensation Plan establishes the compensation for the Executive Officer, an Executive Management position. The plan provides for initial placement and subsequent adjustment of salary within the salary schedule fixed by the Commission. Any adjustment in rate of compensation pursuant to this plan shall be administered by the Commission.

1. Structure

   (a) The minimum, midpoint, and maximum rate of the designated range are set forth in the salary schedule. The salary band range for the Executive Officer classification will be aligned with and automatically adjusted from time to time with the same salary range as comparable classifications in the County (i.e., planning director, public works director, registrar of voters, etc.).

   (b) The midpoint rate of the designated range represents the job value of a fully competent employee and is the benchmark used to compare the class to other classes, internally and externally. The midpoint rate may be changed periodically by the Commission to reflect changes in internal and/or external factors. Any such change to the midpoint shall not automatically effect a change in the then current rate of the Executive Officer.

   (c) The relationship between the minimum and maximum rates of the designated range shall approximate a differential of 50%.

   (d) The range does not have steps. The Executive Officer may be paid an amount equal to or between the minimum and maximum rate of the designated range, according to the provisions of this plan.

   (e) The structure of the range shall be reviewed periodically, and may be changed by the Commission. The structure will be automatically adjusted based on salary band changes authorized by the County to its employees in comparable positions.

2. Appointment

The Executive Officer is appointed by the Commission and serves at the pleasure of the Commission. A person initially appointed as Executive Officer shall receive a salary determined by the Commission.

3. Adjustment Within Range up to Midpoint

For an employee whose salary is below midpoint of the designated range, adjustments up to the midpoint shall be governed by this subsection (3). No provision in this subsection (3) shall be construed to provide a guarantee of adjustment at any time during the employee's term of employment.

(a) Effective the first day of any pay period after each anniversary date of the employee's appointment as Executive Officer, the employee may receive a salary adjustment of 5% of current salary, not to exceed midpoint. Any adjustment shall be approved by the Commission and based upon the determination by the Executive Officer Compensation Committee that the employee's overall performance is rated at the level of "meritorious" or higher.

(b) No provision contained in this subsection (3) shall be construed to limit or deny the Commission's discretion to postpone an adjustment or reduce the compensation of an employee as a result of the employee's performance, as recommended by the Executive Officer Compensation Committee. However, any subsequent salary adjustment prior to the employee's next annual anniversary date must be based upon a mid-cycle Performance Evaluation. If such adjustment is an increase, the new salary rate shall not exceed that which the employee would have been eligible to receive on or after the immediately preceding anniversary date, pursuant to this subsection (3).

(c) Notwithstanding subdivisions (a) and (b) of subsection (3) above, the Commission may approve an adjustment of the Executive Officer's salary rate upon recommendation of the Executive Officer Compensation Committee.

4. Adjustment Within Range Above Midpoint

The Commission may adjust the Executive Officer's salary rate above midpoint if the employee's overall performance is rated at the level of "outstanding" by the Executive Officer Compensation Committee. This rating alone does not entitle the employee to a pay adjustment.

5. Exemplary Performance Compensation Adjustment

(a) Eligibility and Maximum. An Executive Officer may receive an exemplary performance compensation adjustment (e.g., cash award and/or bonus) in

increments of one percent (1%) not to exceed a total of (10%) of the employee's approximate annual salary at the time of approval of the adjustment.

(b) Approval. Adjustments shall be based upon the recommendation of the Executive Officer Compensation Committee following a performance evaluation, subject to the availability of funds within the budget.

(c) Term of Adjustment. An Executive Officer shall be limited to one exemplary compensation adjustment in a calendar year and shall be paid either in a lump sum or in incremental payments during the year.

(d) Compensation Unfixed. Payment of compensation adjustments shall not affect the Executive Officer's rate of compensation. Commencing the first day of the first full pay period of each calendar year, compensation of the Executive Officer shall be unfixed and indefinite for the year until such time as the Commission determines whether to authorize an exemplary performance compensation adjustment. That determination is to be based upon an evaluation of the employee's performance by the Executive Officer Compensation Committee.

6. Executive Officer Compensation Committee

Wherever this plan refers to the Executive Officer Compensation Committee, the following shall apply:

(a) The Executive Officer Compensation Committee shall consist of three members of the Personnel Committee as provided under Rule No. 1.11 with the option of the Chair to add a fourth member at his or her discretion.

(b) The Executive Officer Compensation Committee shall periodically review and rate the performance of the Executive Officer and make recommendations to the full Commission for any adjustments to the Executive Officer's compensation.

7. Relocation Allowance

Upon determination by the Commission that relocation allowance is appropriate to facilitate recruitment for and appointment of an Executive Officer, a relocation allowance in an amount not to exceed $12,000.00 may be authorized for the actual and reasonable relocation expenses incurred incidental to relocation of the appointee and his/her immediate family to San Diego County. Expenses may include, but are not limited to, personal transportation, moving expenses for household goods and temporary housing arrangements. Claims for expenses submitted pursuant to this provision shall be subject to review and determination by the Chairperson prior to reimbursement. Reimbursement for relocation expenses shall be subject to review of the full Commission.

8. Severance Pay

If an Executive Officer is terminated by the Commission, s/he may be eligible to receive up to six (6) months of their then annual salary upon approval of the Commission; provided, however, that no severance pay may be paid if termination is for reasons of malfeasance or misfeasance in office or conviction of a crime involving moral turpitude.

6.21 TELECOMMUTING –

Telecommuting is an arrangement that allows eligible LAFCO employees to work in a designated area outside the office. Telecommuting is a cooperative arrangement between employees and LAFCO. Telecommuting benefits employees, LAFCO, and the community, and as such is encouraged by the Commission to the extent applicable with these provisions.

Benefits include:

- Ability to function during an emergency when the regular worksite is inaccessible.
- Increased productivity.
- Efficient use of LAFCO resources, including office space.
- Recruitment and retention of highly qualified employees.
- Greater flexibility for employees.
- Improved employee morale and job satisfaction.
- Reduced employee absenteeism.
- Reduced employee commute time and costs.
- Decreased energy consumption, pollution, traffic, and related congestion.

1. Policy Guidelines

a) Telecommuting is a privilege, not a right. All LAFCO employees who telecommute must have an approved telecommuting agreement under this policy. In his/her discretion, the Executive Officer may have additional telecommuting requirements, guidelines, or procedures, provided they are consistent with the intent of this program.

b) Telecommuting does not change the duties, obligations, responsibilities, or terms and conditions of LAFCO employment. Telecommuting employees must comply with all LAFCO rules, policies, practices, and instructions.

c) A telecommuting employee must perform work during scheduled telecommuting hours. Employees may not engage in activities while telecommuting that would not be permitted at the regular worksite, such as child, elder, or other dependent care. Telecommuting employees may take care of personal business during unpaid lunch periods, as they would at the regular worksite.

d) Employees must read the telecommuting policy and any guidelines issued by the Executive Officer, obtain the Executive Officer's approval and execute the telecommuting agreement before telecommuting.

e) The Executive Officer may deny, modify, or terminate a telecommuting agreement for any business reason that is not arbitrary or capricious. Similarly, a telecommuting employee may end or request to change a telecommuting agreement at any time.

f) Telecommuting is intended to be cost neutral. LAFCO is not required to provide telecommuting employees with materials or supplies needed to establish an alternate worksite (desk, chair, computer, software, cell phone, etc.), and assumes no responsibility for set-up or operating costs at an alternate worksite.

g) The Executive Officer has the sole discretion to provide equipment, software, or supplies, or allow employees to use their personal equipment while telecommuting. The Executive Officer has the sole discretion to reimburse employees for the costs of using personal equipment while telecommuting. Any provision to reimburse costs should be addressed expressly in the telecommuting agreement.

h) All LAFCO rules regarding the use of computers, network, and the internet apply while an employee is telecommuting, regardless of whether the employee is using LAFCO-provided or personal equipment.

i) Telecommuting is distinguished between "regular" and "situational." Regular telecommuting involves an employee continually working specific days/times from an offsite location. Situational telecommuting involves an employee working specific days/times from an offsite location with defined start and ending periods and typically in response to temporary issues (daycare, schooling, transportation, etc.).

2. Eligibility

a) Eligibility for telecommuting is based on both the position and the employee. Not every job, or every employee, is well suited for telecommuting.

b) All professional positions as defined in Rule No. 6 are eligible for regular or situational telecommuting privileges.

c) All support positions as defined in Rule No. 6 are eligible for situational telecommuting privileges.

d) The determination of whether eligible employees are authorized for regular or situational telecommuting is the sole discretion of the Executive Officer.

e) Only employees with most recent satisfactory or above job performance evaluations are eligible to telecommute.

f) Notwithstanding eligibility under normal conditions, all employees shall automatically telecommute for the duration of any declared emergency by the County Health Officer unless otherwise required by the Executive Officer.

3. Agreement Options

a) Telecommuting agreements can be authorized by the Executive Officer on a regular or situational basis as defined in this policy.

b) Telecommuting agreements – whether regular or situational – shall follow the form approved by Commission Counsel and signed by both employee and Executive Officer.

c) All signed telecommuting agreements shall be filed with employees' personal records.

4. Work Hours

a) Under normal conditions, the percent of telecommuting hours for any authorized employee should not exceed 50% of their total workhours during the fiscal year.

b) All the rules applicable at the regular worksite are applicable while telecommuting.

This includes all of the following standards:

- Telecommuting employees must perform their designated duties and tasks during scheduled work hours.
- Employees must account for and report time spent telecommuting the same way they would at the regular worksite, or according to the terms of the agreement.
- Time accounting should be included in the telecommuting agreement.
- Employees may work overtime only when directed to do so and approved in advance by the Executive Officer or Assistant Executive Officer.
- Employees must obtain approval to use vacation, sick, or other leave in the same manner as departmental employees who do not telecommute
- Telecommuting employees who become ill must report the hours actually worked and use sick leave for hours not worked.

5. Offsite Work Area

a) A telecommuting employee must designate a work area suitable for performing official business. The employee must perform work in the designated area when telecommuting. Telecommuting employees must work in an environment that allows them to perform their duties safely and efficiently.

b) Employees are responsible for ensuring their work areas comply with the health and

safety requirements covered in the telecommute agreement. LAFCO may request photographs of the employee's designated work area to determine compliance with health and safety rules.

c) Employees are covered by workers' compensation laws when performing work duties at their designated alternate locations during regular work hours. Employees who suffer a work-related injury or illness while telecommuting must notify the Executive Officer or Assistant Executive Officer and complete any required forms immediately.

d) LAFCO is not liable for damages to an employee's personal or real property while the employee is working at an alternate worksite.

6. Equipment and Supplies

a) A telecommuting employee must identify the equipment, software, supplies, and support required to successfully work at an offsite location and must specify those items in the telecommute agreement. If LAFCO does not provide the needed equipment, software, supplies, or support, and the employee does not have them, the employee will not be eligible to telecommute.

b) Equipment, software, or supplies provided by the LAFCO are for LAFCO business only. A telecommuting employee does not obtain any rights to LAFCO equipment, software, or supplies provided in connection with telecommuting. The employee must immediately return all LAFCO equipment, software, and supplies at the conclusion of the telecommuting arrangement or at the Executive Officer's request.

c) A telecommuting employee must protect LAFCO equipment, software, and supplies from possible theft, loss, and damage. The telecommuting employee may be liable for replacement or repair of the equipment, software, or supplies in compliance with applicable laws on negligence or intentional conduct in the event of theft, loss, or damage.

d) Any equipment, software, files, and databases provided by the LAFCO shall remain the property of the LAFCO. A telecommuting employee must adhere to all software copyright laws and may not make unauthorized copies of any LAFCO-owned software.

e) Employees may not add hardware or software to LAFCO equipment without prior written approval.

f) Employees who use their personal equipment for telecommuting are responsible for the installation, repair, and maintenance of the equipment. Telecommuting employees must understand and agree that the LAFCO is entitled to, and may access, any personal equipment used while telecommuting, such as a personal computer, telephone, fax machine, monthly bills, and internet records. Employees must contact the Executive Officer or Assistant Executive Officer if equipment, connectivity, or other supply problems prevent them from working while telecommuting.

7. Security of Confidential Information

   a) All files, records, papers, or other materials created while telecommuting are LAFCO property. Telecommuting employees shall identify any confidential, private, or personal information and records to be accessed and ensure appropriate safeguards are used to protect them.

   b) LAFCO may require employees to work in private locations when handling confidential or sensitive material. Employees may not disclose confidential or private files, records, materials, or information, and may not allow access to LAFCO networks or databases to anyone who is not authorized to have access.

8. Sunshine Laws

   a) The California Public Records Act a regarding public information and public records apply to telecommuting employees. Public records include any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by the LAFCO regardless of physical form or characteristic. Public information means the contents of a public record.

   b) Upon receipt of an appropriate request, and subject to authorized exemptions, a telecommuting employee must permit inspection and examination of any public record or public information in the employee's custody, or any segregable portion of a public record, within required time limits. This requirement exists regardless of where the public record is located.

9. Procedures

   a) Employees must complete the following steps before telecommuting:

      - Talk with the Executive Officer to determine eligibility.
      - Complete the telecommute agreement as required by the Executive Officer.
      - Receive approval of the telecommute agreement by the Executive Officer.

10. Denial, Modification, or Termination

    a) Denial, modification, or termination of a telecommuting agreement is not subject to the grievance procedures in any Memorandum of Understanding, or to any other review or appeal procedures, except as noted in this section.

    b) An employee who believes their telecommute agreement has been denied, or whose previously approved agreement has been modified or terminated, for arbitrary or capricious reasons may appeal the decision to LAFCO's Personnel Committee or its designee. The decision of LAFCO'S Personnel Committee or its designee is final.

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SAN DIEGO COUNTY
LOCAL AGENCY FORMATION COMMISSION

CHAPTER ONE
GENERAL PROVISIONS

1.1 INTRODUCTION

Welcome to San Diego County Local Agency Formation Commission (LAFCO or the "Commission"). We hope you will enjoy partnering with us and will find your work interesting, challenging, and fulfilling.

LAFCOs were established in 1963 and are political subdivisions of the State of California responsible for providing regional growth management services in all 58 counties. LAFCOs are comprised of locally elected and appointed officials with regulatory and planning powers delegated by the Legislature to collectively ensure smart and sustainable growth in California relative to the unique needs and conditions characterizing each county. Pertinently, LAFCOs coordinate and oversee the establishment, expansion, and organization of cities, towns, and special districts as well as their municipal service areas. This means actively balancing competing public policy interests and headlined by accommodating new growth and development while protecting agricultural and open space resources from their premature conversion.— Further, when accommodating new growth, LAFCOs are tasked with prioritizing housing for persons and families of all incomes given the essentiality to the social, fiscal, and economic well-being of the state.

A common thread underlying San Diego LAFCO activities over its first 60 years has been the proven principle that local government is dynamic and evolves to the changing needs of the county and its nearly 3.3 million residents. More changes to local government are assuredly needed to help ensure San Diego County continues to grow for its own economic and social well-being. Equally assured is the next 60 years will not necessarily resemble the last 60 years and each employee is vital in helping to ensure the Commission remains adaptive and responsive in its service to the public.

1.2. SHARED VALUES

On June 21, 2023, San Diego LAFCO staff participated in a facilitated team workshop to assess shared values in step with continuing to improve organizational performance. At the conclusion of the workshop, staff identified the following five shared values to serve as baseline expectations in holding each employee accountable to one another at work.

1. **Respect**
   Treat all persons with courtesy and respect at all times. Be mindful and have regard for others in all interactions.

2. **Teamwork**
   Promote and foster a collaborative work environment to achieve San Diego LAFCO's ~~m~~Mission, Vision, and ~~and~~ shared sense of ~~purpose~~community.

3. **Duty**
   Dutifully serve and support the Commission in its mission and vision ~~and~~to ~~to~~ promote the public good, public engagement, transparency, and accuracy.

4. **Innovative**
   Be empowered to work independently and adaptively in generating innovative solutions. Be productive~~e~~ and resourceful in producing quality work.

5. **Integrity**
   Demonstrate personal integrity. ~~-~~Commit to being accountable, honest, and adhere to a high standard of ethical values.

1.3 EXPECTATIONS

1.3.1 Policy Intentions

The personnel policies and procedures outlined in this handbook are not intended to be a legal contract or agreement with employees. Instead, this handbook serves to describe the way the organization works and what mutual expectations you and the Commission should have from each other. There will be circumstances that will require changes to the policies, practices, and benefits. Amendments to these policies and procedures may be made and updates may be distributed to you from time to time. Where an applicable employee agreement specifically conflicts with a policy, the employee agreement provision will prevail.

1.3.2 Employee Responsibilities

Each employee at San Diego LAFCO is responsible for reading and complying with these policies and procedures. Violations of these policies and procedures will be addressed with employees in performance discussions and may result in disciplinary action up to and including termination of employment.

In the event there is a discrepancy between the language in these policies and procedures relative to state or federal law, federal or state law will prevail.

1.4 SEVERABILITY

If any part of these policies and procedures is determined to be unconstitutional or illegal, that part will be ~~severed~~severed, and the remaining provisions will be applicable.

CHAPTER TWO
WORKING CONDITIONS

2.1 EQUAL EMPLOYMENT AND RELATED PROTECTIONS

San Diego LAFCO affords equal employment opportunity for all qualified employees and applicants to all terms of employment ~~with the~~with the ~~Commission including~~Commission including, but not limited to, compensation, hiring, training, promotion, discipline, and termination of employment.

~~The Commission~~The ~~protects~~Commission protects all employees, interns, applicants, and any others doing business with LAFCO from harassment, discrimination, and retaliation. This includes prohibiting any forms of discrimination, harassment, and retaliation from occurring within the Commission working experience; to define those terms; and to establish procedures for investigating and resolving internal complaints.

Any employee, job applicant, intern, volunteer, officer, official, or contractor who believes they have experienced any form of harassment or discrimination are encouraged to report this immediately to the Assistant Executive Officer or the Executive Officer using the complaint procedure provided in Appendix A, Prevention of Harassment and Discrimination. Alternatively, complaints may be made by contacting the United States Equal Employment Opportunity Commission or the State of California Civil Rights Department (CRD) www.calcivilrights.ca.gov

2.1.1 Reasonable Accommodation

San Diego LAFCO is committed to providing reasonable accommodations to affirmatively address employees and applicants' disabilities or other types of hardships whether temporary or permanent that otherwise effect their work activities. Where it is not an undue hardship or a direct threat to the health and safety of others, the Commission provides employment-related reasonable accommodations to:

- Employees and applicants who request reasonable accommodations to enable them to perform essential job functions based on temporary or permanent health conditions and as verified by an authorized medical provider;

- Employees with conditions related to pregnancy, childbirth, or a related medical condition, if she so requests, and with the advice of her health care provider;

- Employee victims of domestic violence, sexual assault, or stalking - to promote the safety of the employee victim while at work; and

- Employees who request reasonable accommodation to address a conflict between religious belief or observance and any employment requirement.

The Commission may require the individual to provide reasonable medical documentation confirming the existence of the disability and the need for reasonable accommodation, along with the name and credentials of the individual's health care provider. If the individual provides insufficient documentation, the Commission will: (1) explain the insufficiency; (2) allow the individual to supplement the documentation; and (3) pursue the interactive process only to the extent that the request for reasonable accommodation is supported by the medical documentation provided.

If the employee's – other than the Executive Officer – condition causes them to be unable to perform the essential functions of their position even with a reasonable accommodation, the Commission may separate the employee from employment. Similarly, should the Executive Officer's condition cause the same limitations, as described above, the Commission may separate the employee from employment.

If a pregnant employee, or an employee with a pregnancy-related condition – including an adoption, requests a reasonable accommodation, the Executive Officer or designee will provide the employee with notice of the need for a medical certification within two business days after the employee's request for accommodation. A medical certification confirming the need for a reasonable accommodation is sufficient if it contains:

- A description of the requested accommodation;

- A statement describing the medical advisability of the accommodation due to pregnancy; and

- The date that the need for the accommodation will become necessary and the estimated duration of the accommodation.

2.1.2 Certification of Victim Status

Any San Diego LAFCO employee who is a victim of domestic violence, sexual assault, or stalking and who requests an accommodation to provide for their safety while at work must provide both of the following:

- A written statement signed by the employee or an individual acting on the employee's behalf, to certify that the accommodation is to address victim-safety concerns while at work; and

- A certification demonstrating the employee's status as a victim of domestic violence, sexual assault, or stalking, which can be in the form of: a police report indicating the employee's victim status; a court order separating the perpetrator from the employee or that the employee has appeared in court for that purpose; or documentation from a medical professional or counselor that the employee is undergoing treatment for physical or mental injuries or abuse resulting from an act of domestic violence, sexual assault, or stalking.

2.1.3 Fitness for Duty Examinations

With respect to current employees at San Diego LAFCO, and to help ensure appropriate protections for all parties, the Executive Officer may require an employee to submit to a fitness for duty examination. The purpose of the examination is to determine whether the employee has a disability and can perform the essential functions of their job when there is significant evidence of the following:

- Employee's ability to perform one or more essential functions of their job has declined; or

- Circumstances cause a reasonable person to question whether an employee is still capable of performing one or more of their essential job duties or is still capable of performing those duties in a manner that does not harm themselves or others.

Should an employee not comply with a request from the Executive Officer to report to the designated medical provider for a fitness duty examination they will be subject to ~~discipline including~~discipline including possible termination of employment.

With respect to applicants, after the Commission extends a conditional offer of employment to an applicant, San Diego LAFCO may require the applicant to submit to a fitness for duty examination that is job-related, necessary for efficient operations of the agency, and required of all applicants for the job classification.

The Commission will notify an applicant or employee who is required to pass a medical and/or psychological examination of their right to obtain a second opinion at their expense and that they may submit such second opinions for consideration.

2.2 OUTSIDE EMPLOYMENT AND RELATED ACTIVITIES

Employees at San Diego LAFCO may not engage in any outside employment or perform off-duty work, paid or ~~volunteer, if~~volunteer, if it conflicts with or impairs the employee's ability to perform their job duties and responsibilities through the end of their workday. Similarly, any outside employment or off-duty work that impacts any aspect of the Commission's operations in terms of otherwise reasonable requests for employees to attend meetings, trainings, and conferences that are outside their normal workday schedules shall be avoided and is the responsibility of the employee to mitigate.

To avoid perceived or actual conflicts of interest that may arise from outside employment, all employees must obtain prior written approval from the Executive Officer or designee.

2.2.1 Off Duty Conduct

While San Diego LAFCO does not seek to interfere with an employee's off-duty conduct, certain types of conduct exhibited outside of work may interfere with the Commission's legitimate business interests. Employees are expected to conduct their personal affairs

in a manner that does not adversely affect the Commission's integrity, reputation, or credibility. Off-duty conduct that adversely affects legitimate Commission business interests or an employee's ability to perform their work is not permitted.

2.3 CONFIDENTIAL INFORMATION

San Diego LAFCO is a public agency and most but not all of the information on fille is readily available to the public through proper request procedures. However, the Commission also possess information regarded as confidential. A prominent example involves personnel records, which should remain confidential except when disclosure is required by law. The following examples are intended to serve as a guide to the types of such information and material:

- Commissioners and coworkers' home addresses, private telephone numbers, and personal email addresses.
- Privileged communications with Commission Counsel's Office.
- Working documents – including emails, notes, and draft reports – generated in the ongoing administrative review of applicants' proposals and requests.
- Any information that, if disclosed, could adversely affect the Commission's business.

Upon separation of employment, or at any time upon the Commission's request, employees must deliver all copies of confidential information or other property belonging to San Diego LAFCO.

2.4 ELECTRONIC COMMUNICATION

Electronic information and communications require safeguards and impose unique responsibilities on all users at San Diego LAFCO. This policy and related procedures provide guidelines for the acceptable use of all Electronic Communications Resources and the responsibility for use of data stored electronically. The provisions of this policy apply to all employees of the Commission, including, but not limited to, full-time, part-time, and temporary employees, as well as volunteers, interns, agents, and vendors.

This policy governs all Electronic Communications including, but not limited to, the following commonly used devices at LAFCO:

internet	e-mail	voice-mail
smart phones	computers/laptops	tablets
video + audio equipment	wireless networks	email networks
data networks	agency social media sites	software programs

The Commission, as the provider of access to its electronic communications and data e-sources, reserves the right to specify how those resources will be used and administered to comply with this policy. Employees may be subject to corrective action including termination for using the Electronic Communications Resource Devices in a manner other than for their intended purposes, or in a manner that violates applicable laws. Employees should only perform work on LAFCO issued devices and must not use personal devices – this applies to employees who are allowed telecommuting privileges.

2.4.1 No Expectation of Privacy

San Diego LAFCO's information and communication network is provided by the Commission to individual employees based on authorization by the Executive Officer. It remains at all times Commission property. All employee transactions on the internet from Commission devices (e.g., computers, telephones, smart phones, and tablets as well as e-mail and data networks) - including e-mail, contact lists, and task lists - are considered public information. Records of these transactions can be requested by anyone at any time, subject to certain Public Records Act exceptions and attorney-client privilege material. In that regard, the internet may be monitored for legitimate reasons at any time.

Employees using the internet from Commission devices have no reasonable expectation of privacy. Messages that are transmitted via the internet can be intercepted by anyone and the information contained in the message can be used for any purpose by anyone retrieving the message. Access to the web browser is being logged and these files can be subject to review at any time.

2.4.2 Active Monitoring

All communications transmitted via Commission Electronic Communications Resources Devices at San Diego LAFCO, whether related to personal or confidential matters, are subject to monitoring, at the Commission's discretion. The Commission monitors communications transmitted via the assigned Commission e-mail in the ordinary course of business for purposes that include ensuring their reliability and security. The existence of passwords and "message delete" functions do not restrict or eliminate the ability or right of the Commission to access electronic communications.

Employees should not communicate any personal, private, privileged, or confidential information including but not limited to personal attorney client communications, financial, medical information, or other privileged information, using the Commission's Electronic Communications Resources Devices. Employees who do communicate their private, privileged, or confidential information using the Commission's Electronic Communications Resources Devices will be considered to have waived any privilege or privacy rights in those communications, even where those communications are made via personal password-protected accounts using the Commission's Electronic Communications Resource Devices. Users can have no reasonable expectation of privacy in use of Commission systems, devices, or materials. Additionally, the Commission may be

required to produce information transmitted or stored on its Electronic Communications Resource Devices pursuant to a court order, subpoena, or statute.

2.4.3 Internet Restrictions

The information sources accessible through the internet are worldwide and constantly growing in kind and number. It is not possible to fully itemize the types of information accessible by systems and their users. Nonetheless, San Diego LAFCO reserves the right to restrict access to any online data source at its sole discretion. These restrictions do not constitute an implication of approval of other non-restricted sources.

Without exhausting all the possibilities, the following are examples of inappropriate use of the Commission's Electronic Communications Resource Devices:

- Exposing others unwillingly, either through carelessness or intention, to material which is offensive, obscene or in poor taste. This includes information which could create an intimidating, offensive, or hostile work environment.

- Using Electronic Communications Resource Devices in any way that may, for a reasonable person, create or further a hostile attitude or give offense based on race, color, religion, national origin, citizenship, ancestry, marital status, gender, disability, age, veteran's status, sexual orientation, or any protected status.

- Communicating confidential LAFCO information to unauthorized individuals within or outside the Commission.

- Sending messages or information that conflicts with applicable law or LAFCO policies, rules, or procedures.

- Attempting to access unauthorized data or break into any LAFCO or non-LAFCO system.

- Engaging in theft or the unauthorized copying of electronic files or data.

- Intentionally misrepresenting one's identity for improper or illegal acts.

- Engaging in unlawful activities.

- Transmitting and/or accessing obscene material and/or pornography.

- Online gambling.

- Engaging in commercial activity or activity for financial gain, not under the support of the Commission.

- Receiving and/or downloading executable files and programs using electronic mail or the Internet without express permission of the Executive Officer is prohibited. This includes, but is not limited to, software programs and software upgrades. All downloaded files must be scanned for viruses before installing on Commission owned equipment. Software applications/programs that must be upgraded on a routine basis are exempt from this restriction.

- Using another user's name and/or account, without express written permission of the Executive Officer, to access the Internet is strictly prohibited.

- Violating copyright and license agreements regarding software or publication they access or download from the internet. The Commission will not condone violations of copyright laws and licenses and the employee will be personally liable for any fines or sanctions caused by the license or copyright infringement. Any software or publication that is downloaded onto Commission computer resources, becomes the sole property of the Commission.

- Using Commission equipment or resources to speak on the Commission's behalf without authorization.

2.4.4 Incidental Personal Use

San Diego LAFCO employees may use Commission devices (e.g., computers, telephones, smart phones, and tablets as well as e-mail and data networks) for incidental personal communications if kept to a minimum and limited to break times or non-working hours and does not violate the terms of this policy. Incidental personal use of electronic resources must not adversely affect the performance of official duties or the organization's work performance, must not be disruptive of colleagues and peers, and must be of limited duration and frequency. More than occasional, incidental use of Commission devices, including during nonwork time, is not permitted.

2.4.5 Personal Social Media Code of Conduct

San Diego LAFCO understands that employees may engage with personal social media and social networking websites on their own time. While the Commission respects its employees' right to engage in these off-duty activities, employees are nonetheless held to a high professional standard as public servants and expected to conduct themselves appropriately in all such public communications, whether on or off the clock. Individuals violating this policy may be subject to discipline up to and including termination.

To ensure that Commission employees understand the Commission's expectations regarding external social media use, the following guidelines have been developed. Employees are expected to follow these guidelines using their best personal and professional judgment. Employees are expected to always conduct themselves professionally, and in a manner that does not adversely impact Commission interests.

- Employees are personally responsible for the content they publish on blogs, wikis, or any other online form of user-generated media and should be mindful that what is published will be public indefinitely.

- Employees should avoid discussing Commission or Commission-related matters using personal social media. If such matters must be discussed, the employee should write in the first person and make it clear that they are representing themselves, and not the Commission.

- Employees may not publish or disclose Commission or another's confidential or other proprietary information. Employees should not publish or report on conversations or any communication on information that is meant to be private or internal to the Commission.

- Employees may not use insensitive language or otherwise engage in any conduct that would be discourteous, offensive, or unprofessional in the workplace, or that would otherwise violate any Commission policy, including but not limited to the policy prohibiting harassment and discrimination.

- Employees are not to use Commission logos in any of forums for non-work-related purposes.

- Employees should be aware of their association with the Commission in online social networks and ensure that their profile and related content are consistent with how they wish to present themselves to colleagues and the public.

- Employees are encouraged to be the first to correct unprofessional behavior, not to provoke fights, and avoid altering previous posts without indicating that they have done so.

- Employees should refrain from using social media during paid work hours, even if they are not actively posting to social media.

This policy is in no way intended to prevent employees from engaging in protected concerted activity or engaging in otherwise lawful conduct on their own time. This policy is separate from the Commission's Administrative Policy (A-107) regarding the Social Media Use Program.

2.5 TELECOMMUTING

San Diego LAFCO has implemented a telecommuting policy under Commission Rules 6.21 (Telecommuting) and allows certain employees to telecommute from an alternative worksite on a situational or regular basis for some ~~of their~~of their regularly scheduled work hours. Telecommuting is a privileged and cooperative arrangement between employees and the Commission and subject to certain eligibility conditions and requirements.

The Executive Officer or designee possesses the discretionary authority to determine the job classifications, positions, and employees who are eligible to telework under this policy. The Executive Officer or designee, may decide using criteria including, but not limited to, the following:

- Regular status full time employees who have worked at the Commission for at least one 6 months, including the probationary period, with the discretion of the Executive Officer to reduce or expand the period;

- Prior annual job performance evaluation and/or job performance that meets or exceeds standards across all listed performance measures and demonstrates employee ability to work independently;

- The employee is self-motivated and demonstrates high dependability;

- Job duties and requirements allow the employee to be away from the Commission's worksite for a period during the work week;

- The availability or ability to create a functional, reliable, healthy, safe, and secure alternate worksite for the employee at a reasonable cost;

- The risk factors associated with performing the employee's job duties from a location other than the LAFCO office;

- Telecommuting does not impede other employees or work groups from performing their job duties, impact the Commission's business needs, or diminish the operations of the Commission;

- Telecommuting does not reduce service to internal or external customers; and

- The supervisor can manage the employee remotely – this includes the ability to have ready access to the employee throughout the workday.

2.5.1 Requesting Privileges

San Diego LAFCO employees may request telecommuting privileges by completing a LAFCO Telecommuting Application under Commission Rule 6.21. The employee is responsible for filing the completed request form with their supervisor or manager. The employee's supervisor or manager will proceed to provide the request to the Executive Officer with a recommendation. The Executive Officer will consider the recommendation provided by the employee's supervisor or manager in acting on the request with respect to approving, approving with modifications, or denying.

The Executive Officer will consider Teleworking requests on a case-by-case basis consistent with the criteria above and other factors relevant to the employee's request to

telecommute. The decision of the Executive Officer regarding an employee's telecommuting request is final and binding. The employee possesses no right to appeal the decision.

2.5.2 Participation Guidelines

The duties, obligations, responsibilities, and conditions of employment at San Diego LAFCO are not changed by telecommuting. Employee's wage, retirement, benefits, and insurance coverage remain unchanged.

The telecommuting employee remains obligated to comply with all Commission rules, policies, practices, and instructions. Violations may result in disqualification from telecommuting and/or disciplinary action, up to and including termination of employment. The Commission's Workers Compensation liability for job-related accidents will continue to apply during the employee's telecommuting work hours.

Work hours, overtime compensation, and vacation schedule will conform to Commission policies and practices, Fair Labor Standards Act (FLSA), and to any other terms agreed upon by the employee's supervisor, except that, those terms may not violate the laws/provisions stated above. Flexible hours of work can be arranged with the supervisor.

Employees will work at a designated location during hours agreed upon. Arrangements for flexible work schedules are subject to the Executive Officer's or supervisor's approval.

2.5.3 Employer Expectations

San Diego LAFCO expects employees to match productivity whether they are working at the office or telecommuting. Expectations must be pre-established within the agreement and between telecommuters and supervisor or manager regarding work assignment(s), productivity level, and productivity measurements to be used when employee is telecommuting. Timeliness, quality, and quantity of work must be maintained.

Attendance and punctuality that observes scheduled hours on a regular basis is essential and must be maintained during telecommuting, unless otherwise approved in advance. The employee is expected to be prepared to participate in videoconferencing at any time during their scheduled telecommuting work hours and is expected to abide by the appearance and dress code policy, have their video feed on at all times, and be in a professional approved off-site work setting without distractions.

The employee agrees not to engage in employment activities other than Commission assignments during telecommuting hours.

- Telecommuting Equipment

  Equipment provided by the Commission is not an entitlement for telecommuters. The Commission may provide equipment but is not obligated to do so. Office supplies needed by the telecommuter will be provided by the Commission. All requests must be pre-approved by the responsible supervisor or manager. The Commission retains ownership of all equipment and/or licenses provided.

  Use of Commission equipment and supplies is limited to authorized persons for purposes relating to Commission business. The employee is responsible for ensuring that equipment is used properly. The Commission will provide for maintenance and repairs to Commission equipment.

  Use of personal equipment is not permitted. Employees should only perform work on LAFCO issued equipment.~~When using personal equipment for telecommuting, the employee is responsible for maintenance and repair of the equipment.~~

  The Commission is not responsible for the payment of utilities (heat, electricity, etc.) or home maintenance costs. Telephone charges related to Commission business will be paid by the Commission.

  In the event of delay in repair or replacement of equipment or any other circumstance under which it would be ineffective for the employee to telecommute, the employee will return to the Commission workplace.

- Telecommuting Location

  The employee must designate a workspace at home or another location that is maintained in a safe condition, free from hazards. The telecommuter will be responsible for completing a workspace safety review. Any accident must be brought to the immediate attention of the supervisor.

  As part of telecommuting responsibilities, the telecommuter must ensure that safety and ergonomic standards are met in their workspace. Although the workspace does not have to be a separate room, it must have adequate lighting, ventilation, and furniture that is ergonomically comfortable and safe to use.

  Telecommuters must have a method for appropriately receiving and responding to communications (phone calls, messages, mail, etc.) from other staff, supervisors, and when applicable, clients and/or the public. Communication method(s) will be included in the written agreement between the supervisor and the employee.

  During the employees' work schedule, the supervisor and/or manager may make an unannounced visit to the employees off-site designated work area.

The teleworker is solely liable for injuries to third persons and/or members of employee's family on employee's premises. The Commission is not liable for damage to the employee's real property.

Telecommuters must take all reasonable precautions necessary to secure Commission information and equipment in their workspace and prevent unauthorized access to any Commission system or information. Data and information used by teleworkers must be treated with the same caution and respect that confidential material is given in the office. In some cases, teleworkers will need to take a few added precautions.

The Commission's Telecommuting Policy under Commission Rules 6.21 serve as a supplement to the above policy.

2.6 USE OF LAFCO VEHICLES

San Diego LAFCO employees with a valid California driver's license and insurance certificate on file with the County of San Diego and the Executive Officer are eligible to use LAFCO-owned vehicles for official agency business. Use is subject to approval by the employee's supervisor and/or manager and may include overnight privileges. LAFCO-owned vehicles shall not be used to transport unauthorized passengers, including family members except as may occur on an incidental basis or with a business justification. Incidental personal use of LAFCO-owned vehicles must not adversely affect the performance of official duties or the organization's work performance, must not be disruptive of colleagues and peers, and must be of limited duration and frequency. More than occasional, incidental use of a LAFCO-owned vehicle, including during non-work time, is not permitted. Employees with authorization to use the LAFCO-owned vehicles will be responsible for keeping the vehicle clean and presentable at all times. Accidents and/or damages must be immediately reported to the employee's supervisor and/or manager.

2.7 USE OF PERSONAL VEHICLES

San Diego LAFCO employees who travel using their personal vehicles on work-related business must have a valid California driver's license and insurance certificate on file with the County of San Diego and the Executive Officer. An employee who is asked and who agrees or is required as a condition of employment as defined in their job description to use their personal vehicle while performing Commission business is eligible for mileage reimbursement at the current rate established by the Internal Revenue Service.

Only hands-free mobile devices may be used when driving in adherence with current law. Employees who drive on work-related business whether using their own or a San Diego LAFCO vehicle should use available safety belts in the vehicles being operated.

2.8 INTEROFFICE RELATIONSHIPS

2.8.1 Employment of Relatives

On occasion, a qualified applicant for job opening at San Diego LAFCO may be a relative, or spouse or registered domestic partner of a present employee. Although given no preferential treatment, they will be considered when applying for job openings. However, consideration will not be limited solely to a relative, but will include all other applicants. The Executive Officer reserves the right to refuse employment of an existing employee's relative where such employment would or could reasonably compromise the safely, security, supervision, or morale of Commission operations. Additionally, relatives will not directly report to and/or supervise another family member.

The following definitions apply to this policy.

- A "relative" is defined as a child, stepchild, parent, grandparent, grandchild, brother, sister, half-brother, half-sister, aunt, uncle, niece, nephew, or in-laws of those enumerated by marriage or domestic partnership.

- A "spouse" means one of two persons to a marriage, or two people who are registered domestic partners, as those terms are defined by California law.

- "Supervisory relationship" means one in which one employee exercises the right or responsibility to control, direct, reward, or discipline another by virtue of the duties and responsibilities under the Commission's organizational chart.

2.8.2 Workplace Relationships

San Diego LAFCO defers to employees' best judgement with respect to entering workplace relationships. Should a workplace relationship develop, both employees should immediately disclose the relationship to their supervisor and/or manager. The subject employees will be required to re-review the Commission's anti-harassment policies and avoid any public displays of affection with each other. Notwithstanding the preceding provisions, the Commission prohibits workplace relationships between superiors and subordinates given the inherent power imbalance.

2.8.3 Married or Domestic Partners After Employment

If two San Diego LAFCO employees later become spouses or domestic partners, and no accommodations for both partners can be found, the Executive Officer has sole discretion to separate one of the employees from employment.

2.9 ALCOHOL AND CONTROLLED SUBSTANCES

Employees are the most valuable resource at San Diego LAFCO. For this reason, the Commission has a critical interest in assuring the health, safety, and wellbeing of its

employees and the maintenance of a safe and efficient work environment. This includes adopting standards and guidelines to promote a professional workplace environment and eliminate drug and alcohol related inefficiencies and associate risks while adhering to state and federal laws applicable to public entities. The following polices and related standards apply to all Commission employees whether they are on LAFCO property, or they are performing Commission related business elsewhere.

- Employees may not consume alcohol while on regular duty in any manner that impairs their professional judgement, irrespective of place.~~, irrespective of place. in any manner that impairs their professional judgement.~~

- Employees cannot consume or manufacture, use, sell, purchase, possess, or distribution of any controlled substances, narcotic (including marijuana) or prescription drug that has not been lawfully prescribed while on regular duty, irrespective of place.

- An employee who is on notified call to return to work outside their regular duty is expected to adhere to all consumption standards and/or prohibitions outlined in this section.

- "Regular" duty means an employee's approved work schedule, which may include authorization to telework from home on certain days.

Employees must inform the Executive Officer of any criminal conviction for an alcohol or drug violation that occurred while on regular duty or on-call within five days after the conviction, and irrespective of filing any legal appeals.

Violation of this policy will result in corrective action, up to and including termination of employment, even for a first offense.

2.9.1 Medications

San Diego LAFCO employees must notify the Executive Officer or Assistant Executive Officer before beginning work when taking medications which could reasonably interfere with the safe and effective performance of duties. This includes the employee's ability to use and/or operate Commission equipment and devices as well as any vehicles – whether LAFCO-owned or personal.

Prescription and over-the-counter drugs are not prohibited when taken in standard dosage and/or according to a physician's prescription. Any employee taking a prescribed or over-the-counter medication is responsible for consulting the prescribing physician or pharmacist to determine whether the medication may interfere with safe performance of their job. An employee is not required to disclose the nature of their medical condition, or to identify the medication they are taking, but must clearly indicate effects, such as impaired alertness, balance impairment, warning about operation of machinery, etc. The

Executive Officer or Assistant Executive Officer reserves discretion to determine whether to direct the employee to take sick leave.

Violation of this policy will result in corrective action, up to and including termination of employment, even for a first offense.

2.9.2 Reasonable Suspicion Drug and Alcohol Testing

If the Executive Officer or Assistant Executive Officer has reason to suspect that an employee with San Diego LAFCO may be under the influence and/or impaired due to drugs or alcohol while at work, or when reporting for work, that employee may be ordered to immediately submit to testing. The test will be conducted by a professional medical staff and laboratory. Likewise, when the Executive Officer or Assistant Executive Officer reasonably suspects that an employee's impairment from drugs or alcohol may have been a factor in an injury or accident during work or while operating Commission equipment or a vehicle, that employee may be also ordered to take a test.

Such examination and/or tests, when requested, will be on Commission time, are considered a condition of employment, and will be at the sole expense of the Commission. Transportation will be provided to and from the medical facility. If the employee tests positive, the employee may be subject to immediate discharge. Should an employee refuse to submit to the requested examination or test, the employee will be subject to corrective action, up to and including termination of employment.

2.10 HEALTH AND SAFETY

San Diego LAFCO is committed to providing employees with a work environment that is conducive to safe, effective, and productive job performance. The health and safety of our employees is a priority. All employees must follow safe working practices and instruct others to work safely. The following best practices should be followed at all times.

- Employees uncertain of the safe way to perform a job, should ask for help. An employee should also inform the supervisor or manager of any perceived hazards.

- All accidents must be immediately reported to the employee's supervisor and/or manager. Any injury, no matter how minor that occurs during regular duty, irrespective of place, must be reported promptly to ensure that the appropriate documentation of the incident is completed. Employees may be entitled to Workers' Compensation benefits for on-the-job injuries, and prompt, accurate reporting of accidents will assist in obtaining the benefits.

In compliance with California law, and to promote the concept of a safe workplace, the Commission maintains an Injury and Illness Prevention Program (IIPP).

2.11 WORKPLACE VIOLENCE

San Diego LAFCO is committed to providing a safe and secure workplace and will not tolerate acts or threats of violence in the workplace. The workplace includes any location where Commission business is conducted, including vehicles and parking lots. Employees are prohibited from participating in or promoting acts of intimidation, violence, threats, coercion, assault and/or abusive behavior toward any person while working for the Commission. The Commission has zero tolerance for any conduct that references workplace violence, even if it was intended to be harmless, humorous, a prank, blowing off steam, or venting. Violations of this policy may lead to criminal prosecution, or corrective action, up to and including termination of employment.

"Workplace violence" is defined as any conduct that causes an individual to reasonably fear for their personal safety or the safety of their co-workers, family, friends, and/or property. Specific examples of workplace violence include, but are not limited to, the following actions:

- Threats or acts of physical harm directed toward an individual or their family, friends, associates, or property;
- The destruction of, or threat of destruction of Commission property or another employee's property;
- Fighting, challenging another person to fight, or participating in dangerous or threatening horseplay;
- Striking, punching, slapping, or assaulting another person;
- Grabbing, pinching, or touching another person in an unwanted way whether sexually or otherwise;
- Harassing or threatening phone calls, tests, videos and/or emails;
- Surveillance;
- Stalking; and
- Possessing a weapon(s) during work hours unless the Commission issues the weapon(s) for performance of the job. "Weapon" is defined as a firearm, chemical agent, club or baton, knife, or any other device, tool, or implement that can cause bodily harm if used as a weapon or displayed in such a manner to cause harm or threaten a person with harm.

Equally, employees should not be subjected to violence or threats. It is the responsibility of all employees to notify the Executive Officer or Assistant Executive Officer immediately of any threats or acts of violence in the workplace. Notification may be made to any of

these persons as appropriate and should be reported as soon as practicable. Retaliation against any person who reports such an incident will not be tolerated.

The Commission whether through the Executive Officer or Commission Counsel will see that reported violations of this policy are investigated as necessary.

2.12 TRAVEL AND EXPENSE REIMBURSEMENTS

San Diego LAFCO business travel will be carried out in an efficient, cost-effective manner resulting in the best value. The Commission will pay or reimburse all pre-approved business travel-related expenses based on reasonableness, meal guidelines and on the actual amount of expense incurred by the employee. Reimbursement for personal expenses and alcoholic beverages will not be authorized for payment and may not be charged to a Commission credit card. Additional guidelines follow.

- Commissioners and employees may be paid for travel time with prior authorization the Executive Officer or Assistant Executive Officer.

- Receipts must be submitted for all expenses, with the completed expense report, including bridge toll receipts and parking costs. If receipts are not available, a written explanation must be provided as to why this is the case and the reason the expense was incurred.

- Complete expense reports submitted to the Executive Officer or Assistant Executive Officer at least two days prior to the end of the pay period to be processed on the upcoming pay period.

2.12.1 Meals

While traveling, San Diego LAFCO employees and Commissioners are responsible for payment of all employee meals unless the Executive Officer and/or the Assistant Executive Officer are present and participating in the meal. Appropriate expenses may be submitted for reimbursement using the employee expense reimbursement form. Employees are expected to use good judgment when incurring expenses while traveling and purchasing meals and remain mindful of appearances.

Meals not incurred as part of out-of-area or overnight travel are limited to activities outside of normal duties, such as business-related meetings held before or after regular working hours (including working lunches) or extended time due to special projects or emergencies. Meal reimbursements are not allowed as part of routine daily work assignments, unless part of the registration cost or the meal is served on site as part of the program to keep all participants together.

2.12.2 Public and Commercial Travel

San Diego LAFCO employees at times may be required to travel as a part of their assigned duties. Common examples include attending out-of-area trainings, conferences, and hearings. Employees should coordinate through the Executive Officer or designee for their air travel, car rental and lodging arrangements and submit expenses on an expense report. Whenever practicable, employees should prioritize public transit options.

Discounted government or sponsoring group rates for transportation and lodging should be used whenever offered and available. When conference or training sponsors have arranged for lodging, employees will stay at these facilities and the cost should not exceed the maximum published group rate. If rooms are not available at these facilities, accommodations should be at a comparable facility at a comparable cost.

2.13 TUITION REIMBURSEMENT

San Diego LAFCO encourages the advancement of its employee in subjects related to Commission functions, including job-related courses that lead to a degree or certification from an accredited institution. The Commission, following completion of a course, will reimburse the employee for the cost of tuition subject to the following conditions:

- The employee has the prior approval of the Executive Officer, and the course is directly related to the position and beneficial to the Commission.

- The applicant is a full-time employee in good standing, that is, not on probation or under disciplinary action, and has met all the course requirements. (The Executive Officer may waive this requirement for probationary employees on a case-by-case basis).

- Approved courses are successfully completed with a letter grade of “C” or better, or a pass/fail grade of “Pass”.

- Reimbursement equals 10% of the tuition cost or $1,500, whichever is greater. Reimbursements are made at the end of each semester, quarter, or class ending.

Courses requiring attendance during work hours will not be charged to vacation time provided the Executive Officer has approved the absence from duty. A forty-hour workweek must be maintained.

This policy does not apply to an employee’s voluntary attendance, outside of normal working hours, at formal or informal educational sessions, even if such sessions may generally lead to improved job performance. While the Commission generally encourages all employees to improve their job skills and promotional qualifications, these activities will not be subject to this policy regarding reimbursement or compensation unless prior written approval is obtained from the Executive Officer.

2.13.1 Advanced Payment

San Diego LAFCO employees may request advanced payment. Employees who receive advanced payment must submit transcript and receipts for covered expenses within 30 days of completion of the class. The Commission will automatically deduct the full amount advanced from the employee's payroll check if the employee fails to submit the required documents or terminates their employment. Employees may request advanced payment for approved courses which might not otherwise be financially feasible.

If an employee retires, resigns, or is terminated prior to the completion of the class and has received an advance, the advanced amount will be deducted from the employee's last paycheck. Hardships will be considered on a case-by-case basis.

2.14 WHISTLEBLOWER PROTECTION

San Diego LAFCO prohibits all the following:

- Taking any retaliatory adverse employment action against an employee because the employee has or is believed to have disclosed information to any government or law enforcement agency, including to the Commission, if the employee has reasonable cause to believe that the information discloses a violation of state or federal law, or a violation or noncompliance with a local, state, or federal rule or regulation;

- Preventing an employee from disclosing information to a government agency, including to the Commission if the employee has reasonable cause to believe that the information discloses a violation of state or federal law, or a violation or noncompliance with a local, state, or federal rule or regulation;

- Retaliating against an employee for refusing to participate in any activity that would result in a violation of state or federal law, or a violation or noncompliance with a local, state, or federal rule or regulation; and

- Retaliating against an employee because the employee's family member has or is perceived to have engaged in any of the protected activities listed above.

This policy governs and protects Commission officials, officers, employees, or applicants for employment.

An applicant or employee who feels they have been retaliated against in violation of this policy should immediately report the conduct according to the complaint procedure in the Commission's policy against discrimination, harassment, or retaliation so that the complaint can be resolved fairly and quickly. Supervisors and managers have the same responsibilities as defined in the policy against discrimination, harassment, or retaliation.

CHAPTER THREE
EMPLOYMENT ADMINISTRATION

3.1 CATEGORIES OF EMPLOYEES

3.1.1 At-Will Employee

All employment at San Diego LAFCO is “at will” meaning both the employee and the Commission have the right to terminate the employment relationship at any time, without cause or advance notice. This also means that any Commission employee may be disciplined, have job responsibilities altered, or incur a decrease in pay without cause or advance notice. No experience with the Commission, including, but not limited to, oral statements, length of employment, performance reviews, promotions, salary increases, or disciplinary measures may be regarded as implicitly changing this at-will relationship.

3.1.2 New Hire Employee

The first six (6) months of continuous employment with San Diego LAFCO is considered a new hire introductory period during which the employee will learn their job responsibilities, get acquainted with co-workers, and learn more about the Commission. Completion of the introductory period does not entitle the employee to remain employed by the Commission for any definite period, but rather allows both the employee and the Commission to evaluate whether the employee is right for the position. During the introductory period, an employee’s employment may be terminated at any time with or without cause or advance notice. The Executive Officer may extend the probation period for an employee for an additional six months at their discretion.

3.1.3 Promotional Employee

After being promoted to a higher job classification, an employee at San Diego LAFCO will be evaluated after completion of six months in the new position as to their suitability for the position.

3.1.4 Regular Full Time Employee

A regular full-time employee at San Diego LAFCO holds a position budgeted to work at least 40 hours per week. Regular full time_employees receive all benefits provided in these policies.

3.1.5 Regular Part Time Employee

A regular employee at San Diego LAFCO who holds a position budgeted to work less than 30 hours per week. Part-time employees may have different rights to leave and other benefits under the law or these policies, depending on the number of hours they work.

3.1.6 Temporary, Intern, or Seasonal Employee

Employees at San Diego LAFCO hired on an "as needed" or casual work basis for a limited duration or for a specific project or projects and may be regularly scheduled to work up to 40 hours per week. Generally, these assignments do not last longer than three months, but may be extended to a maximum of six continuous months (or longer for casual or seasonal employees). Temporary or seasonal employees are not eligible for employment benefits other than those authorized by applicable law.

3.2 CLASSIFICATION PLAN

San Diego LAFCO's classification plan, as per the position specifications included in Article VI of the LAFCO ~~Rules, consists~~Rules, consists of classes of positions described and defined by class specifications (duties, responsibilities, qualifications) and class title. Fulltime and parttime regular positions may be established only upon recommendation of the Executive Officer and approved by the Commissioners. Fulltime and parttime temporary positions may be established only with the approval of the Executive Officer or designee.

3.2.1 Reclassification

The Executive Officer may initiate a job audit to determine whether the duties of a position at San Diego LAFCO have changed to such an extent that they require reclassification of the position from the existing classification to a more appropriate classification. This applies regardless of any incumbent who holds the position(s). When the job audit is completed, the Executive Officer will make a recommendation regarding reclassification to the Commission Board.

3.3 RECRUITMENTS

The Commission or Executive Officer may utilize any legitimate recruitment procedure for attracting qualified applicants to fill budgeted positions at San Diego LAFCO. The Executive Officer or designee may fill a vacant budgeted position with an existing Commission employee, who is both qualified for the position and willing to accept the employment change, leave the position vacant, or fill the vacancy with a person who is not currently a Commission employee. The Executive Officer or designee may make appointments without going through a recruitment procedure, when in the best interest of the Commission.

3.3.1 Disqualification from Further Consideration

The Commission or Executive Officer may reject any application submitted as part of a recruitment at San Diego LAFCO which: is not properly completed or incomplete; received after an application deadline; or indicates that the applicant does not meet the

minimum qualifications for the position. Whenever an application is rejected, the applicant will be notified.

False, or misleading information of material fact on application materials may result in rejection or dismissal of the applicant. Application materials and examinations are confidential records and will not be returned to applicants. No applicant information will be asked that is prohibited under any state or federal law.

3.3.2 Reference Checks

All job applicants with San Diego LAFCO will provide information on previous employment and other references as required. Final offers of employment will not be made until the Commission or Executive Officer has had an opportunity to verify the information to their satisfaction.

It is the policy of the Commission not to discuss the information obtained by way of the reference check with prospective employees and all related correspondence is kept in a separate confidential file.

3.3.3 Background Checks

A candidate being considered for hire at San Diego LAFCO will be subject to a background check that may include review of their credit record (if applicable to the position for which they are applying), personal history, education, professional credentials, military record, and criminal records. However, any background check will be conducted only after a conditional job offer has been made, in accordance with applicable law. No background check will be undertaken without first obtaining the candidate's written authorization. If the candidate refuses to give authorization, the candidate will be considered to have withdrawn their application for employment.

3.4 COMPENSATION

3.4.1 Salary Ranges

Budgeted compensation at San Diego LAFCO is determined by the Commission consistent with current policies and procedures. The Commission sets salary ranges for all established positions sufficient to attract and retain quality employees. The Executive Officer administers and maintains the salary range and benefits (Compensation Plan) for all budgeted positions, and this includes setting employee's pay within the position range.

3.4.2 Hiring Up to Mid Points

All new San Diego LAFCO employees are advised at the time of hire as to their starting base rate of pay and benefits. Unless otherwise merited, the staring base rate will not exceed the mid-point of the established salary range. The base rate of pay of an employee does not change during their introductory period.

3.4.3 Post New Hire Compensation

The Commission or Executive Officer will consider changes to an employee's base rate of pay after the completion of their introductory period with adjustments only occurring at the beginning of a pay period. Changes to pay will be consistent with an employee's performance as determined by supervisor and/or manager.

3.5 PERFORMANCE REVIEWS

Performance reports for each employee at San Diego LAFCO will be prepared prior to the six-month anniversary of hiring, and at least once a year thereafter. The performance review will follow a standard format established by the Executive Officer and serve as the basis to determine any compensation adjustments to which each employee of the Commission may be entitled. The performance review will also provide an opportunity for the Executive Officer with input from any supervisor to set formal objectives for the employee proceeding forward.

After the completion of the performance review, the Executive Officer will share their assessment with the employee and provide a written summation. Employees who do not concur with the Executive Officer's performance review may, within 15 days following the review of the performance rating, file a written response outlining specific objections. The employee's written response will be attached to the Executive Officer's performance review placed in the employee's personnel file at LAFCO.

3.6 HOURS OF WORK

San Diego LAFCO's basic workweek consists of seven consecutive calendar days, beginning at 12:01 a.m. on Sunday and ends at 12:00 p.m. on Saturday. The standard workday begins at 8:00 a.m. and concludes at 5:00 p.m., Monday through Friday at the LAFCO office. All regular employees follow a set work schedule consistent with the standard workday. All part-time, seasonal, or temporary employee follow a set work schedule within the hourly parameters of the standard workday as set by the Executive Officer or Assistant Executive Officer.

Any work outside of the 8:00 a.m. to 5:00 p.m. workday must receive prior approval.

The Executive Officer may authorize an alternative work schedule for employees as a privilege to accommodate employee preferences and/or needs so long as most of their time falls withing the standard workday hours of 8:00 a.m. to 5:00 p.m. Employees' set work schedule may only be changed by the Executive Officer. The Executive Officer has the discretion to suspend or terminate the privilege and return an employee's schedule to the workday hours.

The Executive Officer has the authority to establish and maintain appropriate timekeeping procedures and related verification for all employees.;

3.7 EMPLOYEE BREAKS

3.7.1 Meal Break

A 30-minute non-compensated meal break will be provided by San Diego LAFCO to all full-time overtime-eligible employees who work at least an eight-hour workday. The meal break will be taken within the first five hours of the employee's workhours. It is the responsibility of the employee to take their meal break.

3.7.2 Rest Break

A 15-minute compensated rest period will be provided by San Diego LAFCO to all eligible employees for each four-hour period of service. The rest period is to be taken at a time chosen by the employee. Rest periods may not be combined to shorten the workday or to extend the meal period.

3.8 DEPENDENT CARE ACCOMODATIONS

3.8.1 Family Friendly Efforts

San Diego LAFCO appreciates the additional challenges experienced by employees with dependent care responsibilities away from work. Accordingly, the Commission encourages the Executive Officer to consider and implement additional accommodations for employees with dependent care obligations to assist their work-family balance so long as essential job duties are being met.

3.8.2 Lactation Accommodation

San Diego LAFCO employee who wishes to express breast milk for her infant child during her scheduled work hours will receive a reasonable amount of additional unpaid time beyond the 15-minute compensated rest period. Those who wish to take a lactation break must notify the Executive Officer or Assistant Executive Officer prior to taking such a break. Breaks may be reasonably delayed if they would seriously disrupt operations. Once a lactation break has been approved, the break should not be interrupted except for emergency or urgent circumstances.

The Commission will make reasonable efforts to accommodate employees by providing an appropriate location, which is not in a bathroom, to express milk in private. The Commission will attempt to find a location near the employee's work area. The appropriate location will also meet the following requirements:

- Be shielded from view and free from intrusion while being used to express milk;
- Be safe, clean, and free of hazardous material;

- Contain a surface on which to place a breast pump and personal items;
- Contain a place to sit; and
- Have access to electricity needed to operate an electric-powered breast pump.

The Commission will provide access to a sink with running water and a refrigerator, or other cooling device, suitable for storing milk near the employee's work area.

Employees occupying these private areas will either secure the door or otherwise make it clear to others through signage that the area is occupied and should not be disturbed. All other employees should avoid interrupting an employee during an authorized break under this section, except to announce an emergency or other urgent circumstance. Authorized lactation breaks for employees assigned to the field may be taken at the nearest appropriate private area.

Any employee storing expressed milk in any authorized refrigerated area within the Commission must clearly label it as such. No expressed milk can be stored at the Commission beyond the employee's workday/ shift.

The Commission encourages any employee who does not believe they are being provided with an appropriate lactation accommodation as required by state law to inform the designated RGS Liaison Officer. An employee who does not believe that the Commission is providing them with an appropriate lactation accommodation as required by state law has the right to file a complaint with the California Division of Labor Standard Enforcement/Labor Commissioner. Their nearest offices are in the government section of the telephone book.

3.9 OVERTIME

Overtime is all hours an overtime-eligible employee at San Diego LAFCO works over 40 hours in the designated 7-day workweek. Only actual hours worked will be counted towards the 40-hour threshold for purposes of calculating overtime pay under the Fair Labor Standards Act (FLSA); paid leave will not be counted.

Overtime-eligible employees at San Diego LAFCO are not permitted to work overtime except as directed and authorized by their supervisor or manager, or in case of emergency, as determined by the Commission. Working overtime without prior authorization or approval is grounds for discipline. In emergency situations that require working overtime, the employee must notify a supervisor and/or manager as soon as possible, and in no event later than the end of that day upon which the emergency occurred. If the supervisor or manager denies the request to work overtime, the employee must obey the directive and cease working. Failure to follow these overtime approval procedures may subject the employee to disciplinary action, up to and including termination of employment, for violating the overtime approval procedures.

3.10 TIMEKEEPING

All San Diego LAFCO employees must accurately report all work time to the nearest five (5) minutes. All time spent for the benefit of the Commission must be reported as hours worked on time records so that the employee is paid for all work. Overtime-eligible employees may not "volunteer" work time to perform duties that are the same or similar as their stated or regular job duties. Employees have no authorization to work without compensation. No supervisor has authority to request overtime-eligible employees to volunteer work time at LAFCO.

3.11 PAY DAYS

San Diego LAFCO employees are paid biweekly on Fridays through the County of San Diego Auditor-Controller's Office. Employees with an account at the San Diego County Credit Union, may receive their pay up to one day in advance on Thursdays.

3.11.1 Direct Deposit

San Diego LAFCO employees may choose direct deposit with their own bank or with the San Diego County Credit Union. Should they choose the SDCCU they will receive their pay sooner. Employees who choose this method of payment must complete a form authorizing the Commission to take this action. Forms are available from the Assistant Executive Officer.

3.12 ATTENDANCE

San Diego LAFCO employees are required to seek advance permission from their supervisor and/or manager for any foreseeable absence or deviation from regular working, break, and mealtimes. An employee who is unexpectedly unable to report for work as scheduled must notify their immediate supervisor no later than the beginning of the employee's scheduled work time and report the expected time of arrival or absence. If the immediate supervisor is not available, the employee must notify the Executive Officer or Assistant Executive Officer.

Arriving late to work or leaving early in connection with scheduled work times, breaks, or meal periods is prohibited, without prior authorization. An employee who fails to timely notify the supervisor of any absences as required by this policy, or who is not present and ready to work during all scheduled work times will be considered to have an unauthorized tardy or absence and will not receive compensation for the period of absence.

3.12.1 Excessive Tardiness

Excessive tardiness occurs when an employee who, without authorization, is late to work or late to return from breaks more than three times during any 30-day period. Excessive absenteeism occurs when the number of unapproved absences for reasons that are not permitted by federal or state law, exceeds three days in any three-month period.

Excessive tardiness or absenteeism may be grounds for discipline, up to and including termination of employment.

3.12.2 Abuse of Leave

Abuse of leave is a claim of a right to leave when the employee does not meet the requirements for taking the leave, and may be grounds for discipline, up to and including termination of employment. Should the Commission suspect that there is an abuse of leave by an employee, the employee may be required to submit a physician's certificate to support the absence.

3.13 DRESS CODE

San Diego LAFCO employees are required to dress appropriately during their regular work hours. The following dress code regulations shall apply to all employees – fulltime, part time, seasonal, etc. – and distinguished between office telecommuting attendance. These standards are considered baseline expectations; employees are free to wear more formal attires should they prefer. If an employee has questions about how these standards apply to them, the matter should be immediately raised with their supervisor and/or manager.

3.13.1 Office Attire

While at the San Diego LAFCO office, all employee's dress attire must be professional and reflect a business casual appearance Monday through Thursday. Clothing and footwear must be neat, clean, in good repair, and appropriate. Acceptable attire includes:

- Blazers, peacoats, vests, and cardigans.
- Slacks or dress pants, khakis, and chinos.
- ~~Jeans are allowed if free of any tears, fading or fraying.~~
- Professional maxi or knee-length dresses, skirts, and jumpsuits.
- Button-down shirts, sweaters, blouses, or polo shirts.
- Tank tops allowed if paired with a blazer, jacket, or cardigan.
- Closed-toed shoes such as loafers, oxfords, boots, pumps, or flats.
- Open-toed shoes are allowed; however, flipflops are not permitted.
- Simple, professional accessories such as scarves and belts.

Employees should use their professional judgement in appropriately formalizing their attire when attending Commission meetings.

Employees working at the LAFCO office on Fridays are welcomed to dress more casually so long as they clothes remain neat, clean, and in good repair. Jeans are allowed if free of any tears, fading or fraying. The following exceptions apply and are not allowed at any time: gym or workout attire; shirts or t-shirts with imag~~in~~es or designs; and flipflops.

3.13.2 Telework Attire

While teleworking, San Diego LAFCO employees must remain available by video during their regular workday. Accordingly, employees should generally follow the same attire standards applied at the LAFCO office whenever on video camera.

3.14 APPEARANCES

San Diego LAFCO employees are expected to project a professional appearance while at work and must abide by the standards below.

3.14.1 Tattoos

Permanent or temporary tattoos are not allowed anywhere on the head or face of a San Diego LAFCO employee. Any visible tattoos cannot be obscene, sexually explicit, discriminatory to sex, race, religion, or national origin, extremist, and/or gang related. Any non-conforming tattoos must be covered while at work, irrespective of place.

3.14.2 Body Piercings

No objects, articles, jewelry, or ornamentation of any kind shall be attached to or through the skin if visible on any body part including the tongue or any part of the mouth. Any non-conforming piercing should be removed, covered with a bandage, or replaced with a clear, plastic spacer.

3.15 EMPLOYEE RECORDS

3.15.1 Personnel Files

San Diego LAFCO's personnel files are confidentially maintained according to state and federal guidelines. The Commission maintains a personnel file on each employee. Files are kept for at least three years after separation of employment. A personnel file will contain only material that the Commission considers necessary and relevant or that is required by law. Personnel files are the property of the Commission and access to the information they contain is restricted to protect employee privacy interests.

Upon reasonable notice and during normal business hours on normal business days, current and former employees, or a representative of the employee, may review their official personnel file in the presence of the Executive Officer or designee. Employees are permitted to see any records regarding qualification for employment, promotion, wage increases, earnings and deductions, or discipline. Employees may, upon written request, receive copies of documents from their personnel files; only documents that they have signed may be copied. Employees may respond to anything in writing that is in the personnel file, including any negative information, and may request that the response be included in their file. The file is the property of the Commission; employees may not

remove or add items to their file without Commission approval; and the file must always remain in the custody of the Commission.

Employees may designate a representative to conduct the inspection of the personnel record or receive a copy. However, a designated representative must be authorized in writing to inspect or receive a copy of the personnel record. The Commission may take reasonable steps to verify the identity of the designated representative.

3.15.2 Personal Employee Information

San Diego LAFCO employees are responsible for updating their personal information using the County of San Diego's online self-service application – InSite – which is accessible on the Commission's computer network. This includes updating any changes in name, address, telephone number, driver's license, number of dependents, marital status, beneficiary, education certificates or any other pertinent information All updates entered on InSite are automatically forwarded to the Executive Officer and added to the personnel file.

3.15.3 Release of Employee Information

San Diego LAFCO is authorized to release information to verify the position, salary, and employment dates only for Commission employees. No other reference information will be released. Any other information, including address and phone numbers, may be released only with a written authorization from the employee. All reference inquiries regarding Commission employees should be referred to the supervisor. Employees will be notified of any requests for personal information unless the Commission is prevented from doing so by court order, federal, or state law. Legal requests for information should also be referred to the supervisor.

3.15.4 Medical Files

All medical information about an employee or applicant at San Diego LAFCO is kept in separate medical files and is treated as confidential. Access to employee or applicant medical information is strictly limited to those with a legitimate need to have such information for Commission business reasons, or if access is required by law, subpoena, or court order. In the case of an employee with a disability, supervisors may be informed about necessary restrictions on the work or duties and necessary accommodations.

3.16 TRAINING

San Diego LAFCO employees may be assigned to attend training programs, seminars, conferences, lectures, meetings for the benefit of the Commission or the individual employees. Such training assignment is subject to approval by the Executive Officer or designee, and the Commission will pay for associated fees and necessary and approved travel expenses.

Employee attendance at assigned training activities will be considered hours worked and will be compensated in accordance with normal payroll practices. Procedures to request and obtain reimbursement for approved training-related costs can be found in Section B. (Working Conditions, Travel and Expense Reimbursement).

3.16.1 Mandatory Attendance

Employee attendance at assigned training programs, seminars, conferences, lectures, and related meetings occurring during their regular work hours is not optional.

3.16.2 Optional Attendance

Employee attendance at assigned training programs, seminars, conferences, lectures, and related meetings occurring beyond their regular work hours – such overnight conferences – is discretionary. Nonetheless, and with appreciation to manage dependent care obligations, the Commission expects the employee to make good-faith efforts to accommodate their availability in coordination with their supervisor and/or manager.

3.16.3 Exclusions

This policy does not apply to an employee's self-sponsored attendance at formal or informal educational sessions, even if these sessions generally may lead to improved job knowledge or performance. While the Commission generally encourages all employees to improve their knowledge and job skills, these activities do not qualify for reimbursement or compensation under this policy unless prior written approval is obtained.

3.17 BENEFITS

San Diego LAFCO offers a variety of benefits to employees through contracts with the County of San Diego and San Diego County Employee Retirement Association (SDCERA). At hire, open enrollment, or when applicable, benefits for which an employee is eligible will be offered. Below is a snapshot of benefits provided to eligible employees:

- Healthcare
  Medical, Dental, Vision, Employee Assistance Program, Life, and Short Term & Long-Term Disability

- Retirement & Savings
  Defined Benefit Pension, Health Care Flexible Spending Account, and Dependent Care Flexible Spending Account, Health Savings Account

- Unique Perks
  Flex Credits, Tuition Reimbursement, Perk Spot Discounts

Employees have access to up-to-date information on benefit Offerings – among other items – are made available via the following link:

https://www.sandiegocounty.gov/content/sdc/hr/EmployeeBenefits.html

3.18 WORKERS COMPENSATION

All employees at San Diego LAFCO are covered under the California Workers' Compensation laws. The workers' compensation system provides for coverage of medical treatment and expenses, occupational disability leave, rehabilitation services, as well as partial payment for lost wages due to work related injuries or illness. Procedures established by the County of San Diego for Workers Compensation must be followed alongside the steps below.

To ensure that employees receive any Workers' Compensation benefits to which they may be entitled, the following steps are required:

- Immediately report any work-related injury to their supervisor or manager;
- Seek medical treatment and follow-up care as necessary;
- Complete the Employee's Claim Form (DWC Form 1), along with other required forms, provided by the Commission and return it to the supervisor; and
- If medically advised, provide the Commission with a medical certification regarding the need for Workers' Compensation disability leave, as well as the eventual ability to return to work from the leave.

Upon submission of a medical certification that an employee can return to work after a workers' compensation leave, the employee, under most circumstances, will be reinstated to the same position held at the time the leave began, or to an equivalent position, if available. An employee returning from a workers' compensation leave has no greater right to reinstatement than if they had been continuously employed rather than on leave.

3.18.1 Leave and Benefits

Should a San Diego LAFCO employee receive Workers' Compensation benefits while on leave, reconciliation may be needed to remit any excess monies paid beyond their regular pay. In these circumstances, and when employee authorizes, the difference between the benefit amount established by Workers' Compensation and the employee's regular pay will be deducted from the employee's accumulated leave balances - such as sick leave, vacation, and/or other personal leave if available. The employee will continue in pay status and receive pay until their accumulated sick leave, vacation days, or other personal leave have been depleted to the nearest hour.

During the time the employee is in fully paid status while absent from work by reason of injury or illness covered by Workers' Compensation, sick leave and vacation benefits will continue to accrue as though they were on a leave of absence.

Any employee subject to this policy who depletes their accumulated sick leave, vacation days or other personal leave while absent from work by reason of an injury or illness covered by Workers' Compensation may receive an unpaid leave of absence and continuation of health care benefits consistent with state and/or federal law.

3.18.2 Dishonesty

Employees who are found to abuse, or fraudulently use these temporary disability provisions may be subject to corrective action up to and including termination.

3.19 SEPARATION OF EMPLOYMENT

Separation of employment at San Diego LAFCO can be either voluntary or involuntary and may be initiated either the employee or the Commission.

3.19.1 Voluntary Separation

A San Diego LAFCO employee who wishes to resign their employment should submit written notice of resignation to the Executive Officer generally, two weeks prior to the planned separation date. The written notice should state the reasons for the resignation. A resignation becomes final when the Executive Officer accepts the resignation in writing.

3.19.2 Involuntary Separation / Discharge

An involuntary separation/discharge is one that is initiated by San Diego LAFCO for any reason other than a reduction in work force.

3.19.3 Job Abandonment

A San Diego LAFCO employee is believed to have resigned from their position if they are absent for three consecutive scheduled workdays without prior authorization and notification to their supervisor, and without extraordinary circumstances that can be verified. The last day worked will be the date of separation.

3.19.4 Layoff

A layoff is normally an involuntary termination that is initiated by San Diego LAFCO because of reorganization, position elimination, declining operations/lack of work, or lack of funds and not otherwise caused by the affected employee. Layoffs will be determined by positions(s) at the sole discretion of the Commission with or without a recommendation from the Executive Officer. Generally, positions identified for layoff will be those determined to be the least vital to the continuation of Commission operations even if service levels or types are reduced or modified, or other jobs become subject to reorganization and a change in job duties.

If more than one employee occupies a position identified for layoff, comparative consideration as to which employee will be laid off will be based on merit with consideration given to skills and qualifications possessed, performance records and work history. Any employee laid off will be placed on a rehire list for not less than one year from the date of separation and will be given preference over external applicants in the event the same position, or substantially similar position having reasonable similar requirements, becomes available during that period.

3.19.5 Return of Commission Property

All San Diego LAFCO property in the employee's possession must be returned prior to separation. This includes, but not limited to, keys, key fobs, parking passes, transit cards, identification cards, equipment, laptops and related accessories, credit cards, gas cards, cell phones, and any other Commission holdings.

3.19.6 Job References/Verification of Employment

All reference inquiries and verifications of employment at San Diego LAFCO must be referred to and approved by the Executive Officer. Unless the Executive Officer receives a written waiver signed by the employee, the Commission will release only the employee's dates of employment, last position held, final salary rate, and rehire eligibility. Supervisors and/or managers should not provide information in response to requests for reference checks or verification of employment, unless specifically approved by the Executive Officer on a case-by-case basis.

3.20 DISCIPLINARY PROCESS

San Diego LAFCO employees are expected and required to perform to the best of their abilities at all times. Any employee who fails to perform at least at a satisfactory level, who violates a Commission policy or who otherwise engages in inappropriate conduct may be subjected to discipline, up to and including termination of employment.

While employment may be terminated at will by the employee or the Commission at any time, the Commission may choose to exercise its discretion to use forms of discipline that are less severe than termination in certain cases. Examples of less severe forms of discipline include, but are not limited to written reprimand, suspension, reduction in salary, and demotion. Although one or more forms of discipline may be administered with respect to a particular employee, no formal order or progressive system is necessary or required.

The existence and availability of this process does not change in any way whatsoever the at-will nature of employment, does not grant any property interest nor right in employment, or grant due process rights.

3.20.1 Grounds for Discipline

Regular employees at San Diego LAFCO may be disciplined for, including but not limited to, any of the following causes of discipline.

- Violation of any Commission policy, rule, regulation, ordinance, or resolution;
- Absence without authorized leave;
- Excessive absenteeism and/or tardiness as determined by the Commission;
- Use of disability leave in a manner not authorized or provided for pursuant to the disability leave policy or other policies of the Commission;
- Making any false statement, omission, or misrepresentation of fact;
- Providing wrong or misleading information or other fraud in securing appointment, promotion, or maintaining employment;
- Unsatisfactory job performance;
- Inefficiency;
- Malfeasance or misconduct, which includes, but is not limited to, the following acts or omissions:
  - Conviction of a felony. "Conviction" is interpreted to be a determination of guilt of the accused by a court, including a plea of guilty or *nolo contendre*, regardless of sentence, grant of probation, or otherwise.
  - The damaging of Commission property, equipment, or vehicles, or the waste of Commission resources through negligence or misconduct.
- Insubordination; or insulting or demeaning the authority of a supervisor or manager;
  - Hostility towards co-workers and/or Commissioners.
  - Dishonesty and/or distorting facts.
  - Theft.
  - Disclosure of confidential Commission information to any unauthorized person or entity.

- Misuse or unauthorized use of any Commission property, including, but not limited to physical property, tools, equipment, Commission communication systems, Commission vehicles or Intellectual Property.

- Mishandling of public funds.

- Falsifying any Commission record.

- Discourteous treatment of the public or other employees.

- Failure to cooperate with employee's supervisor or fellow employees.

- Violation of the Commission's Drug-Free Workplace Policy.

- Unapproved outside employment or activity that violates the Commission's policy, or other enterprise that constitutes a conflict of interest with service to the Commission.

- Any conduct that impairs, disrupts, or causes discredit to the Commission, the employee's Commission employment, to the public service, or other employee's employment.

- Failure to comply with OSHA Safety Standards and Commission safety policies or Illness and Injury Prevention Plan.

- Altering, falsifying, and tampering with time records, or recording time on another employee's time record.

- Working overtime without prior authorization or refusing to work assigned overtime.

- Abusive conduct, including malicious verbal, visual or physical actions, or the gratuitous sabotage or undermining of a person's work performance.

3.20.2 Notice of Discipline

All disciplinary actions at San Diego LAFCO involving loss of compensation other than termination (i.e., suspension without pay, reduction in salary, or demotion) are presented to the employee in writing. The written notice of discipline will include:

- The nature and level of the discipline proposed;

- A statement of the facts upon which the discipline is based;

- The policy, rule, or other authority allegedly violated;

- The effective date of the disciplinary action;
- The identity and signature of the Commission representative initiating the discipline;
- Copies of all materials that relied upon in support of the discipline;
- Instructions on how to respond to the discipline; and
- The name of the Commission representative who will hear the employee's response.

3.20.3 Ability to Respond to Discipline

Any San Diego LAFCO employee has the right to respond to a written reprimand, suspension without pay, reduction in salary, or demotion orally or in writing within five (5) calendar days of receipt. An employee's failure to respond within the five (5) calendar days of receipt is a waiver by the employee of their right to respond and an acceptance of the proposed discipline.

3.20.4 Final Decision to Discipline

Upon receipt of and consideration of the employee's response, if any, the Executive Officer will issue a final decision to the employee.

3.21 TERMINATION OF EMPLOYMENT

Although always executed for valid business reasons, San Diego LAFCO does not provide written notice of, nor an ability to respond to, any at will termination of employment.

3.22 COMPLAINT PROCEDURE.

All employment with San Diego LAFCO is "at will" meaning both the employee and the Commission have the right to terminate the employment relationship at any time, without cause or advance notice.

To resolve work-related issues, if a Commission employee believes that they have been unfairly subjected to an adverse employment action, or adversely affected by a perceived violation, misapplication, or misinterpretation of employment law, or a Commission rule or policy, they may initiate a complaint. Employees who have concerns regarding perceived harassment of discrimination may wish to use instead the special procedure outlined in the Commission's policy prohibiting harassment and discrimination.

3.22.1 Step I of Complaint Procedure

The employee ~~first must~~must first meet with the Assistant Executive Officer to discuss the issue within seven calendar days after the employee becomes aware of the concern. The Assistant Executive Officer will attempt to resolve the matter within five calendar days of that meeting.

3.22.2 Step II of Complaint Procedure

If the complaint has not been resolved to the employee's satisfaction at Step I, the employee may take their concern to Step II. To do so, the employee must, within seven calendar days of being advised of the Assistant Executive Officer's proposed resolution mentioned in Step I above, present the issue in writing to the Executive Officer. The Executive Officer will attempt to resolve the complaint by meeting with the supervisor and employee, either jointly or separately, and will communicate a written decision regarding the matter to the employee within 14 calendar days of receiving the written complaint. The Executive Officer's decision is final.

3.22.3 No Retaliation

No retaliatory action will be taken against any San Diego LAFCO employee because they elected to use, or otherwise participate in, this complaint process. Commission employees who violate this non-retaliation provision will be subject to discipline, up to and including termination of employment.

3.22.4 Process

If an employee at San Diego LAFCO is unsure of which step to file a complaint they may file with the Executive Officer', and the complaint will be sent to the appropriate level.

Failure of Commission representatives to comply with the time limits allows the employee to appeal to the next level of review, and failure of the employee to comply with the time limits constitutes abandonment of the complaint. However, the parties may extend time limits by mutual written agreement in advance.

The existence and availability of this process does not change in any way whatsoever the at-will nature of employment, does not grant any property interest nor right in employment, nor grant due process rights.

CHAPTER FOUR
LEAVE ADMINISTRATION

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 (the third Monday in February)
- Cesar Chavez Day (March 31st)
- Memorial Day (the last Monday in May
- Juneteenth Day, June 19th
- Independence Day (July 4th)
- Labor Day (the first Monday in September)
- Veterans Day (November 11th)
- Thanksgiving Day (the 4th Thursday in November)
- Friday after Thanksgiving Day
- Christmas Day (December 25th)

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.

Part-time employees 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

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.

A seasonal, temporary, or extra help employee who works 30 or more days within a year from the beginning of employment with the ~~District~~ 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

An 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~~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 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.

4.2.4 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.

4.2.4 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 one hundred (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.

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.

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.

4.3 VACATION

Vacation leave is paid leave from work that a San Diego LAFCO employee may use for any purpose.

4.3.1 Accrual Rates

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. 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*

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 Accrual Uses

Vacation time credit accrues and may be taken during the first twelve calendar months of employment at San Diego LAFCO. The time at which each employee's vacation leave is approved is at the discretion of the Executive Officer.

4.3.4 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 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, California Family Rights Leave (CFRA) / Pregnancy Disability Leave.

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 a 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. Leaves 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 LEAVE

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~~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.

8c

AGENDA REPORT
Business | Action

March 4, 2024

TO: Commissioners

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

SUBJECT: **Appointment of a Regular Public Member**

SUMMARY

The San Diego County Local Agency Formation Commission (LAFCO) will consider making an appointment to fill the vacated term of the regular public member position. The term became vacated on January 19, 2024 with the resignation of Andy Vanderlaan. The unexpired term extends through April 2025. The item has been noticed to accommodate the Commission proceeding immediately with the appointment of the alternate – Harry Mathis – to assume the unexpired term and done so based on input provided at the February meeting. Any successful appointment requires an at least one affirmative vote from all four appointing categories on the Commission (i.e., County, San Diego, other cities, and special districts). Alternative actions available to the Commission include – but not limited to – forming an ad hoc committee to recruit, interview, and/or recommend candidates to fill the unexpired term.

BACKGROUND

Membership Composition

San Diego LAFCO's membership is prescribed under State law to include 13 appointed Commissioners. The Commissioners are divided between five distinct categories – County of San Diego, cities less City of San Diego, City of San Diego, special districts, and general public

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Krista 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
Vacant, General Public
Harry Mathis, Alt., General Public

– and further distinguished between regular and alternate members. Only the public member category and its regular and alternate appointees are made by LAFCO; the appointments for the other four categories are externally determined under statute.

Membership Terms

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.

Resignation of Public Member Andy Vanderlaan + Initial Commission Discussion

San Diego LAFCO received written notice from Andy Vanderlaan on January 19, 2024 of his immediate resignation as regular public member on the Commission.[1]

As part of its agenda for the February 4, 2024 meeting, the Commission broadly explored its options and related preferences to fil the unexpired term for the regular public member. The Commission concluded the discussion with a request for staff to provide the necessary notice to allow for action at the March 4th meeting with general consensus to proceed with appointment of alternate Harry Mathis.

DISCUSSION

This item is for San Diego LAFCO to consider making an appointment to fill the unexpired term of the regular public member through April 2025. Proper notice has been given as required under statute and readily positions the Commission – and consistent with its discussion in February – to appoint alternate Harry Mathis. A copy of the notice provided to all local agencies with associated posting is provided as Attachment One.

ANALYSIS

San Diego LAFCO has broad discretion in statute and policy in how it chooses to appoint a public member. Statue only requires the appointment follows public notice, the appointee be a resident of San Diego County and not be an employee or officer of a member agency (i.e., the County, cities, or special districts), and an affirmative vote is achieved by all appointing categories on the Commission. Materially, this provision means a successful appointee must receive an affirmative vote by the lone City of San Diego voting member on the Commission.

Three basic and actionable options are readily available to the Commission today with respect to filling the unexpired term of the regular public member:

- Appoint alternate Harry Mathis. This alternative is consistent with the general consensus of the Commission in discussing option at the February 5th meeting.

1 Mr. Vanderlaan served on the Commission since 1996 with the current four-year term extending through April 2025.

- Form and task an ad hoc committee to bring forward candidates.

- Task the Executive Officer and/or Commission Counsel to bring forward candidates.

RECOMMENDATION

It is recommended San Diego LAFCO consider its preferences and proceed accordingly in filling the unexpired term of the regular public member.

ALTERNATIVES FOR ACTION

The following alternative actions are available to San Diego LAFCO and can be accomplished with a single-motion:

Alternative One:
Appoint Harry Mathis as the regular public member to an existing four-year term commencing immediately and terming on May 4, 2025

Alternative Two:
Form an ad hoc committee with prescribed tasks in informing the future appointment of a regular public member to an existing four-year term terming on May 4, 2025.

Alternative Three:
Task staff to initiate an open application process for the regular public member position with added prescription regarding the level and type of recruitment as well as the interview and appointment processes.

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

Attachment:

1) Notice of Vacancy and Anticipated Appointment of a Regular Public Member
(This notice was provided to all local agencies 21-days in advance as required under Government Code Section 56325(d))

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

February 6, 2024

TO: County of San Diego Clerk of the Board
San Diego County Cities
San Diego County Independent Special Districts

FROM: Erica Sellen, Commission Clerk

SUBJECT: **Notice of Vacancy & Anticipated Appointment for Regular Public Member**

The San Diego County Local Agency Formation Commission (LAFCO)'s regular public member position has become vacant with the recent resignation of Andrew Vanderlaan (Bonsal). The Commission is expected to appoint a new regular public member as early as its next meeting on March 4, 2024, to assume the balance of the unexpired term, which runs through April 2025. It is further expected the current alternate public member – Harry Mathis (San Diego) – will be considered for appointment to fill the unexpired term of the regular public member. Should Mr. Mathis be appointed regular public member, a separate notice will be provided advising of the process associated with filling the alternate public member seat at its current term running through April 2027.

Should you have any questions, please contact me by telephone at (619) 321-3380 or by email at Erica.Sellen@sdcounty.ca.gov.

Respectfully,

Erica A. Sellen

Erica Sellen
Commission Clerk

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Dane White, City of Escondido
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Chair Stephen Whitburn, City of San Diego
Marni von Wilpert, Alt., City of San Diego
Jo MacKenzie, Vista Irrigation
Vice Chair Barry Willis, Alpine Fire Protection
David Drake, Alt., Rincon del Diablo
Vacant, General Public
Harry Mathis, Alt., General Public

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AGENDA REPORT
Business | Action

March 4, 2024

TO: Commissioners

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

SUBJECT: **Contingency Options to Appoint New Alternate Public Member**

SUMMARY

The San Diego County Local Agency Formation Commission (LAFCO) will consider available options and related preferences should it be necessary to make a new appointment for the alternate public member position. The item ties to the Commission's separate consideration on the agenda and the potential appointment of the current alternate – Harry Mathis – to fill the unexpired term of the regular public member term. Should Commissioner Mathis become the regular public member, a new appointment will be needed to fill the balance of the alternate position term through April 2027. Consideration will include reviewing polices and/or established procedures used by other LAFCOs in the region. Staff is seeking direction from the Commission on proceeding with specific next-steps should a new appointment be needed, including – but not limited to – forming an ad hoc committee.

BACKGROUND

Membership Composition

San Diego LAFCO's membership is prescribed under State law to include 13 appointed Commissioners. The Commissioners are divided between five distinct categories – County of San Diego, cities less City of San Diego, City of San Diego, special districts, and general

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David A. Drake, Alt., Rincon del Diablo
Vacant, General Public
Harry Mathis, Alt., General Public

public – and further distinguished between regular and alternate members. Only the public member category and its regular and alternate appointees are made by LAFCO; the appointments for the other four categories are externally determined under statute.

Membership Terms

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.

DISCUSSION

This item is for San Diego LAFCO to consider contingency options and preferences to fill the term of the alternate public member should the incumbent – Harry Mathis – be appointed to the regular seat as contemplated in Agenda Item 7b.[1] LAFCO policies are silent on the topic of appointing public members, which provides the Commission broad discretion in proceeding as it sees fit with limited statutory parameters to satisfy as footnoted.[2]

To help guide the Commission's discussion, San Diego LAFCO staff surveyed the other LAFCOs in the region with respect to their policies and/or established procedures in appointing public members. Three of the five other LAFCOs – Los Angeles, Orange, and San Bernardino – share relatively similar provisions focusing on the solicitation and vetting of candidates that generally take the following form:

- Staff prepares an advertisement of the vacancy and invites interested members to submit resumes to the Executive Officer over a specified window (30-45 days).
- Voluntary notice is provided to local community groups and business-related organizations, such as chambers of commerce.
- Committees (standing or ad hoc) screen applicants with or without interviews.[3]
- Commissions interview final and/or recommended applicants.

Only Orange LAFCO's policies address the actual voting process tied to appointing public members. These voting procedures are prefaced on calling each voting member on Orange LAFCO to nominate a candidate. If a candidate receives a majority of the nominations with affirmative votes from each appointing category, they will become the appointee. If no candidate receives a majority of votes with at least one affirmative vote from all appointing authorities, Orange LAFCO will then conduct a run-off vote of the two candidates receiving the most votes. If an appointment cannot be made, Orange LAFCO will restart the process at its beginning (i.e., advertisement and notice of vacancy).

1 The item has been separately placed on the agenda at the earlier suggestion of the Commission.
2 Specifically, statute requires appointments follow 21-day noticing, appointees must be residents of San Diego County and cannot be employees or officers of local agencies, and appointees receive at least one vote from each appointing category. This latter threshold means a successful appointee receives the vote from the lone City of San Diego voting member.
3 Orange County LAFCO uses a standing Executive Committee. San Bernardino County LAFCO similarly uses a standing Personnel Committee. Los Angeles County LAFCO's Chair appoints an ad hoc committee.

The other two LAFCOs in the region – Riverside and Imperial – do not have dedicated policies covering the appointment of public members.

ANALYSIS

None.

RECOMMENDATION

It is recommended San Diego LAFCO consider its preferences and proceed accordingly in prescribing a process to advertise, interview, and select an alternative public member should the position become vacated as an outcome of Item No. 7c.

ALTERNATIVES FOR ACTION

The following alternatives are available to San Diego LAFCO:

Alternative One:
Provide direction to San Diego LAFCO staff on preferences in making a future appointment to fill the alternate public member term through April 2027 – including, but not limited to – creating an advisory committee.

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

PROCEDURES

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

1) Receive verbal report from staff unless waived.
2) Invite comments from interested audience members (voluntarily).
3) Consider recommendation.

Respectfully,



Erica Sellen
Commission Clerk

Attachments:

1) Orange LAFCO Policies on Public Member Appointments
2) San Bernardino LAFCO Polices on Public Member Appointments
3) Los Angeles LAFCO Procedures on Public Member Appointments

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Guidelines for the Appointment of OC LAFCO's Regular and Alternate Public Members and Commissioners' Terms of Office

I. PURPOSE

To establish policy and procedural guidelines for the appointment of OC LAFCO's regular and alternate public members and for the expiration of Commissioners' terms of office.

II. POLICY STATEMENT

Whenever a vacancy exists or may exist in the positions of regular public member and/or alternate public member, it shall be the OC LAFCO policy to advertise that a vacancy exists or may exist in either or both of these positions and solicit all interested persons to apply for consideration as appointee(s) to such vacant position(s). Final appointment to the vacant position(s) shall not be made for at least 40 days after an announcement of the vacancy(ies) occur(s).

III. PROCEDURAL GUIDELINES

1. Whenever a vacancy exists or may exist in either or both positions of regular public member or alternate public member, the Executive Officer will inform the Commission at the first available regular meeting. The Chair shall direct the Executive Officer to prepare and post a special vacancy notice advertising that such vacancy(ies) exist(s) or may exist and solicit interested persons to submit their resumes for consideration to the Executive Officer within 30 days after the announcement of the vacancy occurs. The special vacancy notice shall be posted at the following locations:

    - OC LAFCO staff office.
    - County of Orange digital kiosk located at 601 North Ross Street, Santa Ana, CA 92701.
    - Other places, as directed by the Commission.

2. Per Government Code Section 56325(d), the Executive Officer shall distribute a copy of the special vacancy notice to: city clerks, independent special districts' board secretaries, and the Clerk of the Board of Supervisors.

3. The Executive Officer shall have an announcement prepared and released to the press to the effect that a vacancy exists or may exist in either or both position(s) of regular public member or the alternate public member, and all interested persons are

encouraged to apply by submitting their resumes to the Commission's Executive Officer within 30 days after the announcement occurs.

Thirty (30) days after the announcement occur(s) no further applications for the vacant position(s) shall be accepted by the Executive Officer, who then shall forward all applications to the Executive Committee.

4. The Executive Committee will complete the application screening of applications received and nominate the best qualified candidates for full Commission consideration. The Executive Committee shall recommend to the Commission the names of at least two applicants for nominations to the vacant position(s). However, any eligible Commissioner may nominate a candidate from applications submitted.

5. Upon Commission consideration of the applicants for the vacant position(s), the Chair shall declare the nominations closed and shall direct the clerk to call a vote of members eligible first for one candidate, then the other. The nominee(s) receiving a majority vote and an affirmative vote of at least one county, city, and special district member, shall be appointed to the vacant position(s) for the unexpired term of the regular public member or alternate public member, except when the vacancy is the result of an expiration of term of office, then the appointment shall be for four years and until the appointment and qualification of his/her successor. The expiration date of the term of office of each member shall be the 30th of June in the year in which his/her term is to expire.

6. In the event no candidate from the applicants submitted receives a majority vote and an affirmative vote of at least one county, city, and special district member, 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 of at least one county, city, and special district member, the Chair shall direct the Executive Officer to re-advertise that a vacancy(ies) exists(s) in the manner set forth in these procedures.

7. Final appointment to fill any vacancy in either the position of regular public member or alternate public member shall not be made by the Commission for at least 40 days after the announcement occurs.

8. As stipulated in the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, if the office of a regular public member becomes vacant, the alternate member may serve and vote in place of the former regular public member until the appointment and qualification of a regular public member to fill the vacancy.

9. No applicant for a public member or alternate public member shall be an officer or employee of the county or any city or special district with territory in the county.

IV. COMMISSIONERS' TERMS OF OFFICE

In accordance with Government Code 56332, the term of office of each member of the Commission shall be four years until the appointment and qualification of his or her successor. Effective 2002, the expiration date of the term of office of each member of the Commission shall be June 30th in the year in which the term of the member expires.

Appointment Guidelines
Originally Adopted: 9/14/1977
Last Reviewed: 3/8/2023
Last Revised: 10/14/2015

Terms of Office
Originally Adopted: 4/10/2002
Last Reviewed: 3/8/2023
Last Revised: 8/13/2014

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CHAPTER 2: ORGANIZATION

1. COMPOSITION:

The Commission shall consist of seven regular and four alternate members (§56325 and §56332). By action taken in 1976, the Commission seated representatives from Independent Special Districts on the Commission (see Section V of this Manual for Special District Policies). All Commissioners must be residents of San Bernardino County.

2. SELECTION/APPOINTMENT OF MEMBERS:

A. County: The County Board of Supervisors shall appoint two regular commissioners and one alternate commissioner from the Board's membership to serve on the Commission.

B. City: The City Selection Committee shall elect two regular commissioners and one alternate commissioner to serve on the Commission, each of whom shall be a mayor or city council member from one of the County's incorporated communities (§56325). Such selection shall be made in accordance with the procedures established by the City Selection Committee as described in its rules and regulations.

C. Independent Special Districts: The Independent Special Districts Selection Committee shall select two regular commissioners and one alternate commissioner from the independent special districts within the County (§56332). Such appointment shall be made in accordance with the procedures established by the Special Districts Selection Committee as outlined in Section VI of this Manual.

D. Public Member: The public member and one alternate public member are appointed by the other six commissioners (§56325(d)).

POLICY (adopted June 14, 1978, amended April 16, 1997, January 1, 2001, August 2010, August 19, 2015):

Upon announcement of a vacancy for the public member or alternate public member, the Executive Officer shall:

(1) Publish and post a vacancy notice inviting all interested citizens of San Bernardino County to apply within 30 days. The notice shall be published, mailed, or posted as follows:

a. Posted at the LAFCO staff office, on the LAFCO website, at the regular LAFCO meeting chamber;

b. Mailed to Public Libraries; and

c. Publish a Notice of Vacancy in newspapers of general circulation in the County and provide mailed Notice of Vacancy to all clerks or secretaries of each local agency within the County.

(2) The Executive Officer shall accept no application after the expiration of the 30 days, and shall forward all applications to the members of the Commission. Only applications received by the Executive Officer may be considered for appointment. A review period of not less than 10 days shall follow the 30-day application period.

(3) The Commission may select a personnel committee from among its membership for the purpose of reviewing applications and bringing its recommendations to the full Commission.

(4) Pursuant to Government Code Section 56325 the Public and Alternate Public member candidate must receive an affirmative vote from at least one County member, one City member, and one Special District member for appointment to the position. Having met this threshold, the nominee receiving a majority of the votes cast will be appointed to the vacant position for either the unexpired or full term.

3. <u>TERMS OF OFFICE:</u>

A. The term of office of each Commission member shall be four years, expiring on the first Monday of May in the year in which the term of the member expires (§56334).

B. Any member of the Commission may be removed at any time and without cause by the body appointing that member. If a member who is a City, County, or Special District officer ceases to hold that position during his or her term, that member's seat on the Commission shall become vacant.

C. Any vacancy in the membership of the Commission shall be filled for the unexpired term by appointment by the body that originally appointed the member whose office has become vacant. The alternate member in that category shall serve in his/her place until such time as a new regular member has been appointed.

Simonds,Keene

From: Paul Novak <pnovak@lalafco.org>
Sent: Thursday, February 22, 2024 9:12 AM
To: Simonds,Keene; Carolyn Emery; pg; Gary Thompson; smartinez@lafco.sbcounty.gov
Cc: Mumpower, Priscilla; Luis Tapia; Crystal Craig; Tuerpe, Michael
Subject: [External] RE: Public Member Appointment Process

Andy is a LAFCO Legend, and I will miss seeing him at LAFCO/CALAFCO events. Please pass along my best wishes for a successful LAFCO retirement!

Our commission has traditionally re-appointed incumbent public members and alternate public members. As one's four-year term nears its conclusion, I agendize it and request that the Commission to "re-appoint" or to "provide alternate direction to staff."

On occasion, we have a true vacancy, when the incumbent public member or alternate public member resigns. Twice, this was when a commissioner moved out of the area; on another occasion, the alternate public member was appointed to his former city council seat on a short-term basis. Given our sense that these true vacancies are infrequent, and represent a unique opportunity for any County resident to become a commissioner, we conduct an exhaustive recruitment:

- Draft a notice of vacancy and an election schedule, with ample time built in for individuals to apply.
- Post the notice and schedule on LAFCO's website.
- Send the notice and schedule to:
    - LA County CEO.
    - The City Managers of the 88 cities.
    - The General Managers of the 53 independent special districts.
    - Los Angeles County Regional Planning's list of homeowner associations and community association representatives (via USPS). This is about 250+/- individual contacts, generally in or near to unincorporated communities throughout the county.
    - Members of City of Los Angeles Neighborhood Councils. There are about 100 Neighborhood Councils in the City of Los Angeles. The email list generally contains around 2,000+/- individuals.
    - Representatives at Southern California Association of Governments ("SCAG") and the regional Councils of Government (COGs).
    - Business-related organizations, such as chambers of commerce and economic development associations. Through various sources, we assemble a list of about 75 such organizations spread throughout the County.

The Commission also authorizes staff to send the notice and schedule to "[a]ny other groups or individuals, as determined by the Executive Officer and Deputy Executive Officer, who may have an interest in the position or may assist in publicizing the vacancy. In the past, I've sent out to various individuals (i.e., deputies to elected officials, individuals who applied in previous true vacancy recruitments).

- Distribution of a press release, which staff of the Los Aneles County CEO's Public Information distributes to their proprietary list of media contacts.

In the three recruitments, my recollection is that between 14 and 22 individuals submitted applications to LAFCO. The Commission Chair appoints an ad hoc subcommittee, which reviews the applications and narrows it down (generally to 5 or 6 finalists). At a regular meeting, the Commission interviews the finalists; at its next regular meeting, the Commission votes to appoint the new member.

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From: Simonds,Keene <Keene.Simonds@sdcounty.ca.gov>
Sent: Wednesday, February 21, 2024 5:10 PM
To: Paul Novak <pnovak@lalafco.org>; Carolyn Emery <cemery@oclafco.org>; pg <pg@iclafco.com>; Gary Thompson <gthompson@lafco.org>; smartinez@lafco.sbcounty.gov
Cc: Mumpower, Priscilla <Priscilla.Mumpower@sdcounty.ca.gov>; Luis Tapia <ltapia@oclafco.org>; Crystal Craig <ccraig@lafco.org>; Tuerpe, Michael <mtuerpe@lafco.sbcounty.gov>
Subject: Public Member Appointment Process

Hello LAFCOs –

After nearly a 30-year run Andy Vanderlaan has resigned as public member at SD LAFCO. We anticipate the Commission will likely be appointing the alternate – Harry Mathis – at our next meeting, but in doing so it creates another opening.

SD has no policies on the topic of recruiting, screening, and selecting public members. We also have no recent practice.

It would be wonderful if we can share the policies and/or practices of the other LAFCOs in the region in filling these important positions.

Many thanks, Keene.

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AGENDA REPORT
Business | Information

March 4, 2024

TO: Commissioners

FROM: Michaela Peters, Analyst I

SUBJECT: **Grant Update |**
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 – i.e., "SALC 2.0" -- in partnership with the County of San Diego's Planning and Development Services (PDS). SALC 2.0 entails conducting a comprehensive market analysis for both existing and emerging crops, alongside a gap analysis aimed at pinpointing areas where governmental intervention can help bridge economic gaps, thereby supporting small-scale farming operations throughout the County. Notably, recent progress includes the finalization of the MOU between San Diego LAFCO and PDS, delineating respective roles and responsibilities. Since August 2023, LAFCO has enlisted the expertise of Agricultural Impact Associates to undertake the market analysis, as well as engaged Rick Engineering as an outreach consultant, achieving significant headway in the first two quarters. The update is for information and provides an opportunity for the Commission to ask questions or provide related feedback as grant work extends into late 2025.

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Vice Chair Barry Willis, Alpine Fire Protection
Jo MacKenzie, Vista Irrigation
David A. Drake, Alt., Rincon del Diablo
Vacant, General Public
Harry Mathis, 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.

DISCUSSION

San Diego LAFCO will receive an update on the ongoing work from the previous SALC 1.0 planning grant – specifically focusing on its recommendations – with assistance from partner (San Diego County PDS) and in collaboration with Agricultural Impact Associates and Rick Engineering to assess economic, social, and agricultural sustainability in San Diego County. The item is being presented to the Commission for information and feedback only.

Partnerships

San Diego LAFCO has formally partnered with two consultants 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; and (6) final report – "Greening Agriculture". Details on each agency and its agreed responsibilities follow and detailed in Attachment One.

- ***San Diego County PDS*** is collaborating with LAFCO on the completion of ***tasks 4 through 6*** involving producer & stakeholder outreach, education, meeting participation, meeting facilitation, and report review.

- ***Agricultural Impact Associates*** is collaborating with LAFCO on the completion of ***tasks 2 and 3*** involving market data collection and aggregation, gap analysis of marginal and sustainable small farm operations in San Diego County, preparation of a written report with findings, and participation in meetings.

- ***Rick Engineering*** is collaborating with LAFCO on the completion of ***tasks 4 through 6*** involving constituent outreach, meeting facilitation, meeting participation, community education, and report review.

Grant Budget

The grant is budgeted at $500,000. Through December 2023 total authorized expenses have totaled $52,968 – or 10.6% -- of the total. The highest recorded expense is attributed to data collection for the Market Analysis under Task 2 and totaled at $37,599 – or 41.8% -- of the allocated total for Task 2.

SALC Grant Budget
Task 1 – Task 6

Cost Category	Task #1	Task #2	Task #3	Task #4	Task #5	Task #6	Total
Cumulative Total	$7,425	$37,599	$0.00	$7,943	$0.00	$0.00	$52,968
Allocated Total	**$30,000**	**$90,000**	**$90,000**	**$80,000**	**$80,000**	**$80,000**	**$500,000**
Percentage of Budget	**24.8%**	**41.8%**	**0.00%**	**9.9%**	**0.00%**	**0.00%**	10.6%

ANALYSIS

San Diego LAFCO and consultants are making steady progress on SALC 2.0 – albeit slightly behind the anticipated schedule. With plenty of room left in the planning phase of the project, the delay in data collection to accommodate constituent outreach is justified. Tasks 1, 2, and 4 are concurrently underway with all four crops having been selected: avocados, lemons, strawberries, and tomatoes. Task 2 (market analysis) has been extended by approximately 60-90 days to allow for additional time in acquiring necessary data collected directly from producers through in-person outreach. Task 4 (outreach & education) is underway and highlighted by recently securing Rick Engineering as the tasked consultant. Activities throughout the remainder of the year will be focused on completing both the market and GAP analyses, and continuing outreach and education efforts. Leveraging the data collection phase is expected to culminate in a written report with findings and related recommendations. Grant activities are currently progressing within budget and on schedule.

RECOMMENDATION

Information 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.

Respectfully,

Michaela Peters

Michaela Peters
Analyst I

Attachment:

1) Final SALC 2.0 Work Plan

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Attachment 2: Work Plan

Task Number	Performance Measure (Deliverables)	Timeline *Q1 (Jan – Mar)* *Q2 (April – June)* *Q3 (July – Aug)* *Q4 (Sept – Dec)*	Total Requested Grant Funds
Task 1 - Grant Management	**Main Deliverables:** Subcontractor grant agreements, progress reports, submission of deliverables, and final report to DOC	06/2023-06/2025	**$30,000.00**
Task 2 - Market Analysis Subtask 2A: Identify and Retain an Ag-Economist Consultant Subtask 2B: Market Data Collection and Aggregation Subtask 2C: Prepare Market Analysis Report	**Main Deliverables:** Prepare Market Analysis Report with Market Information and Best Practice Data	06/2023-01/2024	**$90,000.00**
Task 3 - Perform GAP Analysis Subtask 3A: Identify and Retain an Ag-Economist Consultant Subtask 3B: Conduct Gap Analysis Subtask 3C: Prepare Gap Analysis Report	**Main Deliverables:** Gap Analysis on Marginal vs. Sustainable Farm Operations using data generated in Task 2. Defining "sustainable" farming practices. Prepare Report on the Gap Analysis of Market Information and Best Practice Data	01/2024-09/2024	**$90,000.00**
Task 4 - Outreach & Education Plan Subtask 4A: Identify and Retain Planning Consultant & Create Outreach Team Subtask 4B: Hold Series of Producer and Stakeholder Meetings Subtask 4C: Compile Community Input Subtask 4D: Prepare Agricultural Community Feedback Report	**Main Deliverables:** Meetings with Stakeholders Inform/Educate Discuss Receive input Agricultural Community Feedback Report	01/2024-06/2025	**$80,000.00**

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Task 5 - Strategic Plan Subtask 5A: Identify and Retain Planning Consultant to research and identify key policies, programs, and/or projects Subtask 5B: Strategize implementation Subtask 5C: Prepare Report	**Main Deliverables:** Develop Strategic Plan Report outlining key policies, program, and/or projects to aid farmers in closing the economic "gap"	01/2024-03/2025	**$80,000.00**
Task 6 - Greening Agriculture | Final Report Subtask 5A: Draft Final Report Subtask 5B: Circulate Draft for Review and Comment Subtask 5C: Finalize Final Report Subtask 5D: Present Draft and Final Report to Board of Supervisors for adoption.	**Main Deliverables:** Final Greening Agriculture in the San Diego Region Report Presentations to LAFCO Commission and County of San Diego Board of Supervisors with program, policy and/or regulation streamlining recommendations.	01/2025-09/2025	**$80,000.00**