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

REGULAR MEETING AGENDA

SAN DIEGO COUNTY
LOCAL AGENCY FORMATION COMMISSION

MONDAY, OCTOBER 5, 2020 9:00 A.M.
VIDEOCONFERENCE ATTENDANCE ONLY

Chair Dianne Jacob
Vice Chair Andy Vanderlaan

Executive Officer Keene Simonds
Commission Counsel Holly O. Whatley

Consistent with the Governor's Executive Order N-29-20, the October 5, 2020 meeting will occur remotely through videoconferencing. The public may watch the meeting live using the link on our website home page (www.sdlafco.org).

The public may submit comments remotely and/or register to speak by:

1. Submitting an eComment at www.sdlafco.org prior to 2:00 P.M. on Friday, October 2, 2020
   - These comments will be distributed and posted online ahead of the meeting
   - This includes the option to request a call-in to directly comment during the meeting
2. Emailing erica.blom@sdcounty.ca.gov during the meeting on Monday, October 5, 2020
   - These comments will be read by staff into the record and subject to a three-minute limit

1. **9:00 A.M. – WELCOME AND ROLL CALL**

2. **PLEDGE OF ALLEGIANCE**

3. **AGENDA REVIEW**
   The Chair will confirm with the Executive Officer if any changes to the agenda are needed.

4. **PUBLIC COMMENT AND RELATED REQUESTS**
   Opportunity for members of the public to address the Commission on any subject matter within the Commission's jurisdiction but not an item listed on the agenda. Each speaker's presentation may not exceed three minutes. This is also an opportunity for members of the public to request discussion on any items listed under the consent calendar.

5. **CONSENT ITEMS**
   All items calendared as consent are considered ministerial or non-substantive and subject to a single motion approval. The Chair will also consider Commissioner requests to pull an item for discussion before entertaining a motion.

CONSENT ITEMS CONTINUED…

a) **Approval of Meeting Minutes for August 3, 2020 (action)**
The Commission will consider approving action minutes prepared by the Commission Clerk for the August 3, 2020 regular meeting. Recommendation to approve.

b) **Commission Ratification | Recorded Payments for July and August 2020 (action)**
The Commission will review payments received and made for the months of July and August 2020. These payments cover all recorded transactions made by the Executive Officer for the period and include $308,315 in total distributions. Recommendation to ratify.

c) **Proposed "Schirber-Hymettus Avenue Change of Organization" | Annexation to the Leucadia Wastewater District (CO20-07) (action)**
The Commission will consider a change of organization proposal filed by the Leucadia Wastewater District to annex approximately 1.7 acres of incorporated territory within the District's sphere of influence. The affected territory encompasses one assessor parcel developed with a single-family residence in the City of Encinitas. The proposal purpose is to extend public wastewater and facilitate the development of an accessory dwelling unit. Staff recommends approval with a modification to include 0.5 acres of adjacent public right-of-way. Standard terms are also recommended along with waiving protest. The subject parcel is identified as 254-331-12.

d) **Progress Report on 2020-2021 Workplan (action)**
The Commission will receive a progress report on accomplishing specific projects included in the adopted workplan for 2020-2021. This report notes three-fifths of all workplan projects initiated with three near completion and another already completed. Recommendation to accept and file.

e) **Current Proposals and Related Activities (information)**
The Commission will receive a report identifying active change of organization or reorganization proposal applications on file as well as a summary of pending proposal submittals. This includes identifying seven new proposal applications submitted since August. The item is for information and concurrently satisfies LAFCO's reporting requirement to affected agencies for proposed special district annexations submitted by landowner or voter petitions.

6. **PUBLIC HEARING ITEMS**
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.

a) **Proposed "San Diego County Fire Protection District Reorganization" | Concurrent Divestiture of Fire Protection and Emergency Medical Service Functions for County Service Area No. 135 and Formation of the San Diego County Fire Protection District along with Conforming Sphere of Influence Actions (RO20-14 et. al.) (action)**
The Commission will consider a reorganization proposal filed by the County of San Diego to transition fire protection and emergency medical service functions into a new dependent special district. The proposal involves concurrent divestiture of fire protection and emergency medical service powers for County Service Area No. 135 and formation of the San Diego County Fire Protection District as the designated successor agency within the 1.6 million acre affected territory with an estimated 50,476 residents. The proposal's primary purpose is to provide a more traditional governance model for the County Fire Authority to organize, fund, and deliver fire protection emergency medical services going forward and consistent with the recommendations of an earlier municipal service review. Staff recommends approval with terms and conforming sphere of influence actions as well delegating protest proceedings to the Executive Officer.

PUBLIC HEARING ITEMS CONTINUED…

b) **Proposed "SVBF Temple Reorganization" |**
Concurrent Annexation to Rincon del Diablo Municipal Water District, San Diego County Water Authority, and Metropolitan Water District of Southern California with Conforming Sphere of Influence Actions (RO20-16 et. al.) (action)
The Commission will consider a reorganization proposal filed by the Rincon del Diablo Municipal Water District requesting annexation of 19.5 acres of unincorporated territory along with concurrent annexations to its wholesale providers, San Diego County Water Authority and Metropolitan Water District of Southern California. The affected territory encompasses one assessor parcel. The purpose of the proposal is to extend public water service to the subject parcel and in doing so facilitate the development of a religious facility and accessory structures. Staff recommends approval with modifications to include 3.8 acres of adjacent public right-of-way as well as add the affected territory to Rincon del Diablo's Improvement District "E". Conforming sphere of influence actions are also recommended along with specified terms and waiver of protest proceedings. The subject parcel is identified as 241-080-47.

c) **Proposed Update to Agricultural and Open Space Lands Policy (action)**
The Commission will consider approving a proposed update to the "Preservation of Open-Space and Agricultural Lands Policy." The proposed update returns intact from the draft presented in August and subsequent public review and comment period. The proposed update includes several substantive revisions that collectively aim to better balance the Commission's statutory direction to preserve agricultural and open space resources while reflecting local conditions and objectives. Staff recommends approval with an immediate effective date.

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

a) **Ad Hoc Committee Update |**
Proposed Rainbow MWD and Fallbrook PUD Reorganizations (discussion)
The Commission will receive an update on the Ad Hoc Committee and its tasks to assist in the administrative reviews of the reorganization proposals separately filed by the Rainbow Municipal Water District and Fallbrook Public Utility District to detach from the San Diego County Water Authority. This item is for discussion only with the opportunity for related Commission direction.

b) **Proposed Amendment to Employment Agreement for Executive Officer Keene Simonds (action)**
The Commission will consider a recommendation by the Executive Officer Compensation Committee (Chair Jacob, Vice Chair Vanderlaan, and Immediate Past Chair MacKenzie) to approve a third amendment to the employment agreement with Executive Officer Keene Simonds. This item may be taken up following closed session on the Executive Officer's performance review and the conference with labor negotiators.

8. EXECUTIVE OFFICER REPORT

9. COMMISSIONER ANNOUNCEMENTS | REQUESTS FOR FUTURE ITEMS

10. CLOSED SESSION
Closed session items are calendared by Commission Counsel.

a) **Public Employee Performance Evaluation**
Pursuant to California Government Code § (54957(b))
Employee: Keene Simonds, Executive Officer

CLOSED SESSION ITEMS CONTINUED…

b) Conference with Labor Negotiators
Pursuant to California Government Code Section 54957.6
Agency designated representatives: Jacob, MacKenzie and Vanderlaan
Unrepresented Employee: Executive Officer

c) Conference with Legal Counsel – Existing Litigation:
Pursuant to Government Code Section 54956.9(d)(1)): Julian-Cuyamaca Fire Protection District, et al. v. San Diego LAFCO et al. (4th Appellate Dist. Case No. D077048 [San Diego Superior Court Case No. 37-2019-00018076-CU-M C-TL])

d) Conference with Legal Counsel – Existing Litigation:
Pursuant to Government Code Section 54956.9(d)(1)): Julian Fire Company Association, et al. v. Julian-Cuyamaca Fire Protection District, et al., (4th Appellate Dist. Case No. D076639 [San Diego Superior Court Case No. 37-2018-00020015-CU-MC-CTL])

e) Conference with Legal Counsel – Initiation of Litigation:
Pursuant to Government Code Section 54956.9(d)(4)): (One potential case.)

11. ADJOURNMENT TO NEXT MEETING
November 2, 2020

Attest to Posting:

Tamaron Luckett
Commission Clerk

All associated agenda reports are available for viewing at www.sdlafco.org.

Any person with a disability under the Americans with Disabilities Act (ADA) may receive a copy of the agenda or a copy of all the documents constituting the agenda packet for a meeting upon request. Any person with a disability covered under the ADA may also request a disability-related modification or accommodation, including auxiliary aids or services, in order to participate in a public meeting. Please contact the LAFCO office at least three (3) business days prior to the meeting for any requested accommodations.

5a

AGENDA REPORT
Consent | Action

October 5, 2020

TO: Commissioners

FROM: Tamaron Luckett, Commission Clerk

SUBJECT: **Approval of Meeting Minutes for August 3, 2020**

SUMMARY

The San Diego County Local Agency Formation Commission (LAFCO) will consider draft minutes prepared for the regular meeting held on Monday, August 3, 2020. The minutes are in action-form and being presented for formal approval with any desired corrections or clarifications as requested by the Commission.

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 August 3, 2020 regular meeting. The attendance record for the meeting follows.

- All members were present except Commissioners Jo MacKenzie, Chris Cate (alternate), and Greg Cox (alternate).

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Chair Dianne Jacob, County of San Diego
Greg Cox, Alternate, County of San Diego
Mary Casillas Salas, City of Chula Vista
Bill Wells, City of El Cajon
Paul McNamara, Alternate, City of Escondido
Mark Kersey, City of San Diego
Chris Cate, Alternate, City of San Diego
Jo MacKenzie, Vista Irrigation
Barry Willis, Alpine Fire Protection
Erin Lump, Alternate, Rincon del Diablo MWD
Vice Chair Andy Vanderlaan, General Public
Harry Mathis, Alternate, General Public

ANALYSIS

The attached draft minutes for the August 3, 2020 regular meeting accurately reflect San Diego LAFCO's deliberations as recorded by staff. 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 August 3, 2020 regular meeting 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):
Approve the draft minutes prepared for the August 3, 2020 regular meeting with any desired 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,

Tamaron Luckett
Commission Clerk

Attachment:

1) Draft Meeting Minutes for August 3, 2020

DRAFT MINUTES
SAN DIEGO LAFCO
August 3, 2020 REGULAR MEETING

Via Videoconference Only
Per Governor's Executive Order N-29-20

1. CALL TO ORDER | ROLL CALL

The regular meeting was called to order by videoconference at 9:00 a.m. by Chair Jacob.

The Commission Clerk performed the roll call with the following attendance recorded.

Regulars Present:	Jim Desmond, County of San Diego Dianne Jacob, County of San Diego (CHAIR) Mark Kersey, City of San Diego Mary Casillas Salas, City of Chula Vista Andy Vanderlaan, Public (VICE CHAIR) Bill Wells, City of El Cajon Barry Willis, Alpine Fire Protection District
Alternates Present:	Erin Lump, Rincon del Diablo Municipal Water District Harry Mathis, Public Paul McNamara, City of Escondido
Members Absent:	Chris Cate, City of San Diego (alternate) Greg Cox, County of San Diego (alternate) Jo MacKenzie, Vista Irrigation District (regular)

The Commission Clerk confirms a quorum was present with seven voting members present with the eighth seat involving Commissioner MacKenzie being absent as a result of a technical error in connecting to the meeting by videoconference. The Executive Officer mistakenly identified the wrong alternate to vote in Commissioner Mackenzie's absence and as such their vote has been subsequently vacated by the Clerk.

Also present during the meeting were Executive Officer Keene Simonds, Commission Counsel Holly Whatley, Chief Policy Analyst Robert Barry, Local Government Analyst II Linda Heckenkamp, GIS Analyst Dieu Ngu, Commission Clerk Tamaron Luckett, and Administrative Assistant Erica Blom.

2. PLEDGE OF ALLEGIANCE

Commissioner McNamara led the Commission in the Pledge of Allegiance.

3. AGENDA REVIEW AND RELATED REQUESTS

Chair Jacob asked the Executive Officer if there were requests to remove or rearrange items on the agenda. The Executive Officer stated no changes were needed but noted the final agenda was amended from its preliminary posting to include an additional business item identified as 7c. The Executive Officer also noted the meeting was being live-streamed on LAFCO's YouTube page and instructions for the general public to participate and provide comments are provided on the agenda.

4. PUBLIC COMMENT

Chair Jacob invited anyone from the public to address the Commission on a matter not related to an agenda item. The Commission Clerk confirmed no members of the public had registered to address the Commission. The Administrative Assistant also confirmed there were no live e-mail comments received for public comment.

5. CONSENT ITEMS

Item 5a
Approval of Meeting Minutes for June 1, 2020
Item presented to approve draft action minutes prepared for the Commission's June 1, 2020 regular meeting. Recommendation to approve.

Item 5b
Commission Ratification | Recorded Payments for May and June 2020
Item presented to ratify recorded payments made and received by the Executive Officer for the months of May and June 2020. Recommendation to ratify.

Item 5c
End of Year Budget Report for 2019-2020
Item presented to review end of year report comparing budgeted and actual expense and revenue transactions for 2019-2020. Recommendation to accept and file.

Item 5d
Proposed "Orphan-Eolus Avenue Change of Organization" |
Annexation to the Leucadia Wastewater District (CO20-03)
Item presented to consider a change of organization filed by Leucadia Wastewater District to annex 0.56 incorporated acres within the District's sphere of influence (254-392-30). The proposal purpose is to extend public wastewater service to replace an aging septic system. Recommendation to approve a modification of 0.1 acres of adjacent public right-of-way. Standard terms along with waiving protest proceedings.

CONSENT ITEMS CONTINUED…

Item 5e
Proposed "Lupa–Anthony Heights Drive Change of Organization" | Annexation to the Vallecitos Water District (CO20-01)
Item presented to consider a change of organization filed by interested landowner to annex 1.5 acres unincorporated acres to the Vallecitos Water District (228-010-25). The proposal purpose is for provision of wastewater service to an existing single-family residence. Recommendation to approve without modifications. Standard terms along with waiving protest proceedings.

Item 5f
Protest Hearing Results | "County Service Area No. 137 Formation" (CO20-06)
Item summarizes the results of the protest hearing held for the change of organization proposal involving the formation of County Service Area No. 137. The hearing was held July 2, 2020 and produced limited protest from landowners and registered voters. The County of San Diego will assume potable water service to the unincorporated community of Live Oak Springs once terms are satisfied. Item for information only.

Item 5g
Progress Report on 2020-2021 Workplan
Item presented to receive a progress report on accomplishing specific projects as part of the adopted 2020-2021 workplan. Recommendation to accept and file.

Item 5h
Current Proposals and Related Activities
Item presented to update current proposals on file along with identifying anticipated submittals. Item for information only.

Item 5i
CALAFCO | Annual Conference, Board Nominations, and Quarterly Report
Item presented to receive updates and current and planned activities for CALAFCO. Item for information only.

Item 5j
Approval of Independent Audit Expense for FY2019-2020
Item presented to consider approval of an independent audit expense covering 2019-2020. Recommendation to approve.

CONSENT ITEMS CONTINUED…

**

Commissioner Wells motioned with a second from Commissioner Salas to approve the staff recommendations as provided in the agenda reports. Roll call requested:

AYES:	Desmond, Jacob, Kersey, Salas, Vanderlaan, Wells, and Willis
NOES:	None
ABSENT:	Cate, Cox, and MacKenzie
ABSTAINING:	None

The Commission Clerk confirms the motion was approved 7-0.

6. PUBLIC HEARING ITEMS

Item 6a
Proposed Amendments to Adopted Conflict of Interest Code
Item presented to consider proposed amendments to the Commission's adopted Conflict of Interest Code as part of a biennial review. The amendments involve clarifying and/or improving existing provisions to identifying designated positions and applicable disclosure categories. Recommendation to approve.

Executive Officer Keene Simonds presented the item to the Commission.

Chair Jacob invited Commissioner comments or questions. No comments or questions were received.

Chair Jacob opened the public hearing and invited e-comments and live comments from the audience. Commission Clerk noted there were no registered speaker e-comments. The Administrative Assistant also confirmed there were no live e-mail comments received. Chair Jacob proceeded to close the public hearing.

**

Commissioner Wells motioned to approve the staff recommendation as provided in the agenda report with a second from Commissioner Salas. Roll call requested:

AYES:	Desmond, Jacob, Kersey, Salas, Vanderlaan, Wells, and Willis
NOES:	None
ABSENT:	Cate, Cox, and MacKenzie
ABSTAINING:	None

The Commission Clerk confirms the motion was approved 7-0.

7. BUSINESS ITEMS

Item 7a
Draft update to Agricultural and Open Space Lands Policy
Item presented to the Commission to review a draft update to its "Preservation of Open-Space and Agricultural Lands Policy." The draft returned from an earlier version presented in March 2019 to reflect initial Commission feedback and stakeholder input. The draft included substantive revisions that collectively aim to better balance the Commission's statutory direction to preserve agricultural and open space resources while reflecting local conditions and objectives. No action discussion only.

The Executive Officer presented the item to the Commission and noted a letter was received from the Farm Bureau in support.

Chair Jacob invited questions and comments from the Commission.

Chair Jacob invited comments from the public. The Commission Clerk noted there were five registered speakers for the item and proceeded to invite each of the following persons to address the Commission:

- Dan Silver with Endangered Habitats League, Support
- Kim Thorner, Chair, San Diego Special Districts Advisory Committee
- Tom Kennedy with Rainbow Municipal Water District
- Joe Naiman with Fallbrook Village News
- Laura Hunter with Wildlife Habitat Conservation Coalition, Support

The Administrative Assistant noted live e-mail comments were received from the following persons:

- James Peugh with San Diego Audubon Society
- Bill Tippets, Support

Commission discussion followed. Commissioners Jacob and Desmond noted they were pleased with the outreach to stakeholders and were ready to proceed with the formal public review and comment period. Chair Jacob also noted the County of San Diego has an Agricultural Promotion Program Policy and suggested LAFCO staff consult with the County to confirm consistency.

Chair concluded the item with direction to staff to proceed as planned with the public review and comment period.

BUSINESS ITEMS CONTINUED…

Item 7b
Ad Hoc Committee Update |
Proposed Rainbow MWD and Fallbrook PUD Reorganizations
Item presented to the Commission to update the activities of the 10-member Ad Hoc Committee and its work in assisting LAFCO staff in the administrative reviews of the separate but related proposals filed by Rainbow MWD and Fallbrook PUD to detach from the San Diego County Water Authority.

The Executive Officer presented the item to the Commission and summarized topics covered at the last meeting of the Ad Hoc Committee held on July 6th.

Chair Jacob invited Commissioner comments and questions.

General Commission discussion followed.

Chair Jacob proceeded to invite members of the public to comment on the item. Additional comments were received from the following persons:

- Sandy Kerl with San Diego County Water Authority
- Nick Kanetis with EMWD
- Jack Bebee with Fallbrook PUD
- Tom Kennedy with Rainbow MWD

The Administrative Assistant noted two live e-mail comments were received from the following persons and read into the record:

- Mark Muir, former Chair with the San Diego County Water Authority
- Gary Croucher, Vice Chair with San Diego County Water Authority

Additional Commission discussion followed.

Chair Jacob concluded the item and asked staff to return with an update at the next regular meeting.

Item 7c
Adoption of a Draft Resolution to serve as Lead Applicant for Planning Grant
Item presented for the Commission to consider adopting a resolution of authorization to serve as the lead applicant and apply for a $250,000 agricultural conservation planning grant with the Department of Conservation and its Sustainable Agricultural Lands Conservation Program. Item follows preliminary action directing staff to proceed with preparing a grant in cooperation with the RCD of Greater San Diego County in June.

BUSINESS ITEM CONTINUED…

7c Continued

Robert Barry Chief Policy Analyst presented the item to the Commission.

Chair Jacob invited Commissioner comments or questions. No discussion followed.

**

Commissioner Willis motioned to approve the staff recommendation as provided in the agenda report with a second from Commissioner Desmond. Roll call requested:

AYES:	Desmond, Jacob, Kersey, Salas, Vanderlaan, Wells, and Willis
NOES:	None
ABSENT:	Cate, Cox, and MacKenzie
ABSTAINING:	None

The Commission Clerk confirms the motion was approved 7-0.

8. EXECUTIVE OFFICER REPORT

The Executive Officer made the following comments:

- Tamaron Luckett has promoted from Executive Assistant to Commission Clerk while Linda Heckenkamp has been promoted from Analyst I to Analyst II.

- Unless otherwise directed by the Commission, staff will plan on all meetings for the remainder for the calendar year to be held by video-conference in response to COVID-19 and need to practice social distancing.

9. COMMISSIONER ANNOUNCEMENTS | REQUESTS FOR FUTURE ITEMS

None

10. CLOSED SESSION

None

11. ADJOURNMENT TO NEXT MEETING

With no further business the Chair adjourned the videoconference meeting at 10:48 a.m.

I hereby attest the minutes above accurately reflect the deliberations of the Commission at its August 3, 2020 videoconference meeting.

ATTEST,

//electronically signed//
Tamaron Luckett
Commission Clerk

**

A video recording of the August 3, 2020 regular meeting is also available online at www.sdlafco.org or by contacting LAFCO staff at 858-614-7755.

5b

AGENDA REPORT
Consent | Action

October 5, 2020

TO: Commissioners

FROM: Keene Simonds, Executive Officer
Erica Blom, Administrative Assistant

SUBJECT: **Commission Ratification | Recorded Payments for July and August 2020**

SUMMARY

The San Diego County Local Agency Formation Commission (LAFCO) will review a report identifying all payments received and made for the months of July and August 2020. These payments cover all recorded transactions for the two-month period and include $308,315 in total distributions made by the Executive Officer with four-fifths tied to reimbursements to the County of San Diego for payroll, rent, overhead, and information technology services. Payments received during the two-month period total $1,346,685 with the majority involving agency apportionments. The payments are being presented for formal ratification.

BACKGROUND

Accounting Policies and Procedures

San Diego LAFCO's policies provide direction to the Executive Officer to establish and maintain appropriate accounting controls for all financial transactions on behalf of the Commission. These policies specify the Executive Officer shall ensure accounting controls conform to standard procedures commonly enlisted by local governmental. Purchasing allowances are specified and include bid procedures for transactions at or above $10,000 and separate Commission approval for transactions at or above $125,000.

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Mark Kersey, City of San Diego
Chris Cate, Alternate, City of San Diego
Jo MacKenzie, Vista Irrigation
Barry Willis, Alpine Fire Protection
Erin Lump, Alternate, Rincon del Diablo MWD
Vice Chair Andy Vanderlaan, General Public
Harry Mathis, Alternate, General Public

DISCUSSION

This item is for San Diego LAFCO to consider ratification of all payments made and received by the Executive Officer in July and August 2020. A detailing of these transactions prepared by the Administrative Assistant is provided in Attachments One (July) and Two (August). The item also provides the Commission the opportunity to provide feedback on related matters and inform potential changes in accounting procedures going forward.

ANALYSIS

San Diego LAFCO's recorded payments made by the Executive Officer for July and August 2020 totaled $308,315 with 82% – or $253,450 – tied to expenditures with the County of San Diego. This includes covering payroll obligations, office rent, overhead, and information technology services. Professional service expenses represent most of the remaining expenditures during the two-month period and tallied $38,978 and include legal and consultant activities. Recorded revenues during the period totaled $1,346,685 with most of the monies drawn from collecting agency apportionments. All transactions recorded during the period are consistent with the adopted budget.

RECOMMENDATION

It is recommended San Diego LAFCO ratify the payments received and made by the Executive Officer for July and August 2020 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 July and August 2020 as shown in Attachments One and Two.

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

Alternative Three
Take no action.[1]

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

PROCEDURES

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

On behalf of the Executive Officer:



Erica Blom
Administrative Assistant

Attachments:

1) Recorded Payments in July 2020
2) Recorded Payments in August 2020

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SAN DIEGO LAFCO
Expenses by Vendor Detail
July 2020

Payable | Receivable Party	Date	Account	Amount	Purpose	Type	Funding Account
E | After Effects						
	7/12/2020	52270 · Memberships	20.99	Monthly Video Editing Software Subscription	credit card	3558-60 · SDCCU Visa Credit Card
E | Ambius						
	7/9/2020	52370.J · Professional Services	103.94	Monthly Plants Services	check	3558 · SDCCU Checking
E | APA						
	7/7/2020	52562 · Recruitment	295.00	Analyst Recruitment Ad	debit card	3558 · SDCCU Checking
	7/28/2020	52270 · Memberships	627.00	FY20-21 Membership Fee (RB)	check	3558 · SDCCU Checking
			922.00			
E | AT&T Mobility						
	7/8/2020	52074 · Telecommunications	303.46	Monthly Cell Phone Bill | EO and Analysts	check	3558 · SDCCU Checking
	7/28/2020	52074 · Telecommunications	307.80	Monthly Cell Phone Bill | EO and Analysts	check	3558 · SDCCU Checking
			611.26			
E | Chase Design Inc						
	7/29/2020	52370.K · Professional Services	2,250.00	Consultant Services | Social Media	electronic	1000 · County Account (44595)
E | Colantuono, Highsmith & Whatley						
	7/29/2020	52370.B · Professional Services	6,400.44	Legal Services	electronic	1000 · County Account (44595)
E | Cordata						
	7/15/2020	52330 · Office Expense	51.41	Document Storage	check	3558 · SDCCU Checking
E | County of San Diego						
	7/1/2020	52530 · Office Lease	6,993.64	Rent	electronic	1000 · County Account (44595)
	7/1/2020	52354 · Mail/Postage ISF	0.00	Mail/Postage Services	electronic	1000 · County Account (44595)
	7/1/2020	52178 · Vehicle Maintenance	27.89	Vehicle Maintenance Services	electronic	1000 · County Account (44595)
	7/1/2020	52182 · Vehicle Fuel	0.00	Vehicle Fuel	electronic	1000 · County Account (44595)
	7/1/2020	52758 · Vehicle Lease	165.47	Vehicle Lease	electronic	1000 · County Account (44595)
	7/1/2020	52721 et al. · Communications (IT) Services	13,549.61	County IT Services (ITRACK)	electronic	1000 · County Account (44595)
	7/10/2020	51110 et al. · Employee Payroll	48,577.49	Payroll | Pay Period 2021-01	electronic	1000 · County Account (44595)
	7/24/2020	51110 et al. · Employee Payroll	62,376.39	Payroll | Pay Period 2021-02	electronic	1000 · County Account (44595)
	7/31/2020	52504 · Equipment Rental	2.17	County Surcharge | Xerox	electronic	1000 · County Account (44595)
			131,692.66			
E | CSDA San Diego Chapter						
	7/9/2020	52270 · Memberships	150.00	FY20-21 LAFCO Membership Fee	check	3558 · SDCCU Checking
E | Grubhub						
	7/31/2020	52562 · Recruitment	37.21	Lunch for Interview Panel: Analyst I/II	credit card	3558-60 · SDCCU Visa Credit Card
E | Indeed						
	7/5/2020	52562 · Recruitment	27.20	Analyst Recruitment Advertisement	debit card	3558 · SDCCU Checking
E | Leaf & Cole LLP						
	7/29/2020	52370.H · Professional Services	330.00	Consultant Services | Accounting	electronic	1000 · County Account (44595)
E | Planetizen						
	7/5/2020	52562 · Recruitment	149.95	Analyst Recruitment Advertisement	debit card	3558 · SDCCU Checking
E | Price Self Storage						
	7/12/2020	52504 · Equipment Rental	75.00	Storage Unit Monthly Payment	debit card	3558 · SDCCU Checking
E | Symplicity						
	7/5/2020	52562 · Recruitment	400.00	Analyst Recruitment Advertisement (Colleges and Universities)	debit card	3558 · SDCCU Checking
E | Twitter						
	7/16/2020	52370.K · Professional Services	10.00	Consultant Services | Social Media	debit card	3558 · SDCCU Checking
	7/19/2020	52370.K · Professional Services	60.00	Consultant Services | Social Media	debit card	3558 · SDCCU Checking
	7/22/2020	52370.K · Professional Services	54.44	Consultant Services | Social Media	debit card	3558 · SDCCU Checking
	7/26/2020	52370.K · Professional Services	60.00	Consultant Services | Social Media	debit card	3558 · SDCCU Checking
			184.44			
E | Zoom						
	7/5/2020	52270 · Memberships	14.99	LAFCO Monthly Video Conferencing Subscription	debit card	3558 · SDCCU Checking
	7/12/2020	52270 · Memberships	14.99	EO Monthly Video Conferencing Subscription	debit card	3558 · SDCCU Checking
			29.98			
EXPENSE TOTAL			143,436.48			

SAN DIEGO LAFCO
Expenses by Vendor Detail
July 2020

Payable | Receivable Party	Date	Account	Amount	Purpose	Type	Funding Account
R | CALAFCO						
	7/21/2020	49900 · Miscellaneous Revenue	1,667.00	Stipend for DEO Duties (KS)	check	3558 · SDCCU Checking
R | County of San Diego						
	7/1/2020	45918 · LAFCO Apportionment	688,016.08	LAFCO Apportionment for FY20-21	electronic	1000 · County Account (44595)
	7/31/2020	49200 · Interest & Dividends	509.97	Interest Payment to Account 46725	electronic	1001 · General Fund (46725)
	7/31/2020	49200 · Interest & Dividends	598.05	Interest Payment to Account 46726	electronic	1002 · Special Projects Fund (46726)
	7/31/2020	49200 · Interest & Dividends	250.74	Interest Payment to Account 46727	electronic	1003 · Jurisdictional Fund (46727)
			689,374.84			
R | Lloyd Lindauer						
	7/21/2020	46234 · Applications	2,642.06	LAFCO Processing Fess (RO20-11)	check	3558 · SDCCU Checking
REVENUE TOTAL			693,683.90			

SAN DIEGO LAFCO
Expenses by Vendor Detail
August 2020

Payable | Receivable Party	Date	Account	Amount	Purpose	Type	Funding Account
E | After Effects						
	8/12/2020	52270 · Memberships	20.99	Monthly Video Editing Software Subscription	credit card	3558-60 · SDCCU Visa Credit Card
E | Amazon						
	8/9/2020	52344 · Stores Unallocated	65.70	Home Office Supplies for Commissioner JM (Webcam)	credit card	3558-60 · SDCCU Visa Credit Card
	8/20/2020	52344 · Stores Unallocated	215.38	Home Office Supplies for DN (Printer)	credit card	3558-60 · SDCCU Visa Credit Card
	8/27/2020	52344 · Stores Unallocated	47.40	Home Office Supplies for RA (Headset)	credit card	3558-60 · SDCCU Visa Credit Card
			328.48			
E | Ambius						
	8/19/2020	52370.J · Professional Services	103.94	Monthly Office Plant Services	check	3558 · SDCCU Checking
E | APA						
	8/21/2020	52270 · Memberships	434.00	FY20-21 Membership Fee (LH)	check	3558 · SDCCU Checking
E | ARCC (Assessor Recorder County)						
	8/12/2020	52490 · Publications	50.00	NOE Fee | Orphan-Eolus Avenue (CO20-03)	check	3558 · SDCCU Checking
E | AT&T Mobility						
	8/28/2020	52074 · Telecommunications	307.80	Monthly Cell Phone Bill | EO and Analysts	check	3558 · SDCCU Checking
E | Billing Hostway						
	8/9/2020	52370.E · Professional Services	21.95	Monthly Website Hosting Services	debit card	3558 · SDCCU Checking
E | CALAFCO						
	8/31/2020	52270 · Memberships	10,662.00	FY20-21 Membership Dues	electronic	1000 · County Account (44595)
E | Chase Design Inc						
	8/26/2020	52370.K · Professional Services	4,012.50	Consultant Services | Social Media	electronic	1000 · County Account (44595)
E | Colantuono, Highsmith & Whatley						
	8/26/2020	52370.B · Professional Services	12,672.50	Legal Services	electronic	1000 · County Account (44595)
E | Cordata						
	8/21/2020	52330 · Office Expense	51.41	Document Storage	check	3558 · SDCCU Checking
E | County of San Diego						
	8/1/2020	52530 · Office Lease	6,993.64	Rent	electronic	1000 · County Account (44595)
	8/1/2020	52354 · Mail/Postage ISF	1,006.23	Mail/Postage Services for July & August 2020	electronic	1000 · County Account (44595)
	8/1/2020	52178 · Vehicle Maintenance	28.82	Vehicle Maintenance Services	electronic	1000 · County Account (44595)
	8/1/2020	52182 · Vehicle Fuel	0.00	Vehicle Fuel	electronic	1000 · County Account (44595)
	8/1/2020	52758 · Vehicle Lease	165.49	Vehicle Lease	electronic	1000 · County Account (44595)
	8/1/2020	52721 et al. · Communications (IT) Services	12,768.39	County IT Services (ITRACK)	electronic	1000 · County Account (44595)
	8/7/2020	51110 et al. · Employee Payroll	45,305.18	Payroll | Pay Period 2021-03	electronic	1000 · County Account (44595)
	8/21/2020	51110 et al. · Employee Payroll	46,295.98	Payroll | Pay Period 2021-04	electronic	1000 · County Account (44595)
	8/31/2020	52550.B · County Overhead Costs	8,815.50	County Services | A-87 Overhead (1st Quarter)	electronic	1000 · County Account (44595)
	8/31/2020	52370.B · Professional Services	75.90	County Counsel Services	electronic	1000 · County Account (44595)
	8/31/2020	52370 · Professional Services	302.00	County Services | GIS Layers	electronic	1000 · County Account (44595)
			121,757.13			
E | Culigan of San Diego						
	8/19/2020	52330 · Office Expense	6.00	Monthly Water Service	check	3558 · SDCCU Checking
E | Erica Blom						
	8/27/2020	52074 · Telecommunications	55.00	COVID-19 Telework Internet Reimbursement (Two Months)	check	3558 · SDCCU Checking
E | Granicus Inc						
	8/26/2020	52370.I · Professional Services	7,140.00	Website Support Services	electronic	1000 · County Account (44595)
E | Grubhub						
	8/30/2020	52610 · Non-Travel/In-County	55.10	New Analyst Orientation | Office Lunch	credit card	3558-60 · SDCCU Visa Credit Card
E | Indeed						
	8/2/2020	52562 · Recruitment	202.85	Analyst Recruitment Advertisement	debit card	3558 · SDCCU Checking
E | Los Angeles Times						
	8/23/2020	52490 · Publications	98.00	Digital Access Annual Subscription	debit card	3558 · SDCCU Checking
E | Party City						
	8/30/2020	52610 · Non-Travel/In-County	80.28	Office Decorations for PA's First Day	credit card	3558-60 · SDCCU Visa Credit Card
E | Planwest Partners Inc						
	8/26/2020	52370.F · Professional Services	5,380.50	Consultants Services | MSRs	electronic	1000 · County Account (44595)
E | Price Self Storage						
	8/21/2020	52504 · Equipment Rental	75.00	Storage Unit Monthly Payment	debit card	3558 · SDCCU Checking

SAN DIEGO LAFCO
Expenses by Vendor Detail
August 2020

Payable | Receivable Party	Date	Account	Amount	Purpose	Type	Funding Account
E | San Diego History Center						
	8/20/2020	52490 · Publications	255.00	Photos for MSRs	debit card	3558 · SDCCU Checking
	8/27/2020	52490 · Publications	60.00	Photos for MSRs	debit card	3558 · SDCCU Checking
			315.00			
E | San Diego Union Tribune						
	8/19/2020	52490 · Publications	802.92	PHN Agricultural and Open Space Policy Update	check	3558 · SDCCU Checking
E | Twitter						
	8/2/2020	52370.K · Professional Services	15.56	Consultant Services | Social Media	debit card	3558 · SDCCU Checking
	8/9/2020	52370.K · Professional Services	24.00	Consultant Services | Social Media	debit card	3558 · SDCCU Checking
	8/16/2020	52370.K · Professional Services	98.00	Consultant Services | Social Media	debit card	3558 · SDCCU Checking
	8/23/2020	52370.K · Professional Services	38.00	Consultant Services | Social Media	debit card	3558 · SDCCU Checking
	8/30/2020	52370.K · Professional Services	39.45	Consultant Services | Social Media	debit card	3558 · SDCCU Checking
			215.01			
E | Zoom						
	8/4/2020	52270 · Memberships	14.99	LAFCO Monthly Video Conferencing Subscription	debit card	3558 · SDCCU Checking
	8/12/2020	52270 · Memberships	14.99	EO Monthly Video Conferencing Subscription	debit card	3558 · SDCCU Checking
			29.98			
EXPENSE TOTAL			164,878.34			
R | County of San Diego						
	8/1/2020	45918 · LAFCO Apportionment	618,895.22	LAFCO Apportionment for FY20-21	electronic	1000 · County Account (44595)
	8/31/2020	49200 · Interest & Dividends	577.54	Interest Payment to Account 46725	electronic	1001 · General Fund (46725)
	8/31/2020	49200 · Interest & Dividends	677.28	Interest Payment to Account 46726	electronic	1002 · Special Projects Fund (46726)
	8/31/2020	49200 · Interest & Dividends	283.97	Interest Payment to Account 46727	electronic	1003 · Jurisdictional Fund (46727)
			620,434.01			
R | Rainbow MWD						
	8/5/2020	46234 · Applications	20,944.75	LAFCO Processing Fess (RO20-10)	check	1000 · County Account (44595)
R | Real Saet Holdings LLC						
	8/5/2020	46234 · Applications	11,625.08	LAFCO Processing Fess (RO20-12)	check	1000 · County Account (44595)
REVENUE TOTAL			653,003.84			

5c

AGENDA REPORT
Consent | Action

October 5, 2020

TO: Commissioners

FROM: Keene Simonds, Executive Officer
Linda Heckenkamp, Analyst II

SUBJECT: **Proposed "Schirber-Hymettus Avenue Change of Organization" | Annexation to the Leucadia Wastewater District (CO20-07)**

SUMMARY

The San Diego County Local Agency Formation Commission (LAFCO) will consider a change of organization proposal filed by the Leucadia Wastewater District (WWD) to annex 1.7 acres of incorporated territory within the District's sphere of influence. The affected territory as submitted includes one assessor parcel developed with a single-family residence in the City of Encinitas. The proposal purpose is to extend public wastewater to the subject parcel and facilitate an intensity improvement to accommodate the development of an accessory dwelling unit. Staff recommends approval with modifications to include 0.5 acres of adjacent public right-of-way along with standard terms and waiver of protest proceedings.

BACKGROUND

Applicant Request

San Diego LAFCO has received a proposal from Leucadia WWD on behalf of an interested landowner (Kelly Schirber) requesting approval to annex 1.7 acres of incorporated territory within the District's sphere of influence. The affected territory as submitted includes one assessor parcel developed with an approximate 2,700 square foot single-family residence with a situs of 858 Hymettus Avenue in the City of Encinitas along with a portion of an adjacent

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Mark Kersey, City of San Diego
Chris Cate, Alternate, City of San Diego
Jo MacKenzie, Vista Irrigation
Barry Willis, Alpine Fire Protection
Erin Lump, Alternate, Rincon del Diablo MWD
Vice Chair Andy Vanderlaan, General Public
Harry Mathis, Alternate, General Public

public right-of-way. The existing single-family residence was built in 1932 and currently utilizes an onsite underground septic disposal system. The County of San Diego Assessor's Office identifies the subject assessor parcel as 254-331-12.

Affected Territory

The following map shows the approximate location of the affected territory as submitted in relation to the surrounding local area. Attachment One shows the affected territory relative to the proposed boundary change involving the subject agency (Leucadia WWD) and the incorporated territory of the principal affected agency (City of Encinitas).



Source: San Diego LAFCO

Subject Agency

The proposed change of organization filed with San Diego LAFCO involves one subject agency: Leucadia WWD.[1] A summary of the subject agency in terms of municipal functions, resident population, and financial standing follows.

- Leucadia WWD is an independent special district formed in 1959 and provides two active municipal functions: wastewater (collection, treatment, and discharge) and limited recycled water (wholesale and retail). Wastewater is Leucadia WWD' primary function and authorized throughout an approximate 15 square-mile jurisdictional boundary with a projected resident service population of 63,000.[2] The jurisdictional

[1] State law defines "subject agency" to mean any district or city for which a change of organization or reorganization is proposed.
[2] Leucadia WWD's recycled water function (wholesale and retail) is authorized within approximately 215-acre site developed as a golf course and part of Omni La Costa Resort and Spa. This authorization is drawn from a grandfather determination made by the Executive Officer in January 2020 following receipt of a related request for clarification by Carlsbad MWD.

boundary is divided between two municipalities with the City of Encinitas comprising the southern boundary and the City of Carlsbad comprising the northern boundary. Key wastewater infrastructure includes 218 miles of collection lines that conveys raw wastewater for treatment and discharge to the Encina Wastewater Authority; a joint-powers authority co-membered by the District and operator of the Encina Wastewater Pollution Control Facility in Carlsbad. LAFCO most recently updated Leucadia WWD's sphere of influence in 2013 and it includes 547 non-jurisdictional acres. The undesignated fund balance as of July 30, 2019 totaled $32.7 million and sufficient to cover 27 months of normal operating costs based on the current budget.

Affected Local Agencies

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

- City of Encinitas
- Resource Conservation District of Greater San Diego County (sphere only)
- Metropolitan Water District of Southern California
- San Dieguito Water District
- San Diego County Water Authority
- CSA No. 17 (San Dieguito Ambulance Function)
- CSA No. 135 (Regional Communications Function)

DISCUSSION

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

Proposal Purpose

The stated purpose of the proposed change of organization before San Diego LAFCO is to facilitate an intensity improvement within the affected territory to construct an accessory dwelling unit associated with the existing single-family residence comprising the subject parcel. Approval – specifically – would enable the extension of public wastewater service to the subject parcel and in doing so satisfy a permit condition for the intensity improvement by the City of Encinitas. Leucadia WWD has an existing wastewater main located adjacent to the affected territory within the public right-of-way on Fulvia Street and accessible by a lateral.

[3] State law defines "affected local agency" as any entity that contains, or would contain, or whose sphere contains or would contain, any territory for which a change of organization is proposed or ordered. Notice of the proposal and hearing were provided to the agencies.

Development Potential

The City of Encinitas General Plan designates the affected incorporated territory as Residential (R-3) with a matching zoning assignment and prescribe a minimum lot size of 0.33 acres. These existing prescriptions in combination with applicable setback and other ancillary standards allow for additional density to divide the subject parcel up to four residential lots. Additional intensity is also allowed to permit one accessory dwelling unit for each single-family residence.[4] The combined result of these existing allowances under Encinitas policy is a maximum of eight residential units (i.e. four single family residences and four accessory dwelling units) subject to future approvals by the City.

Commission Focus

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

ANALYSIS

San Diego LAFCO's analysis of the proposed change of organization is divided into two subsections. The first subsection pertains to evaluating the central issues referenced in the preceding section regarding the timing of the change of organization relative to the factors mandated for review by the Legislature and local policies as well as whether modifications and terms are appropriate in further addressing Commission goals and policies. The second subsection considers other germane issues and highlighted by environmental review under the California Environmental Quality Act (CEQA) and the disposition of protest proceedings.

Central Policy Items

Item No. 1 | Change of Organization Timing

The timing of the change of organization involving annexation to the Leucadia WWD for public wastewater service appears appropriate. This conclusion draws from the analysis of the statutory factors required for consideration of proposed jurisdictional changes along with the proposal's conformance with locally adopted Commission policies. Most of the prescribed review factors and applicable policies focus on the effects of the proposed

[4] Building permits are required for any accessory dwelling unit along with other ancillary permits (i.e. electrical, plumbing, and/or mechanical). The maximum size of an accessory dwelling unit is 1,200 square feet or up to the size of the primary residences, whichever is less. Each accessory dwelling unit must also have a dedicated parking space unless waived.

annexation on the service and financial capacities of the *receiving* agency, Leucadia WWD (emphasis added). A summary of key conclusions generated from the review of these factors and applicable local policies follow with a complete analysis provided in Appendix A.

- Service Needs
  Annexation of the affected territory to Leucadia WWD would represent a logical and orderly expansion of the District's jurisdictional boundary and public wastewater services therein and marked by accommodating a permitted intensification of an infill residential use. Additional details on relevant service needs follow.

  - The Commission has previously designated Leucadia WWD as the appropriate long-term wastewater provider for the affected territory through its standing inclusion within the District's sphere of influence. Annexation now implements this standing expectation through a public process and accommodates the expressed interest of the affected landowner as evident in their decision to request Leucadia WWD to initiate LAFCO annexation proceedings.

  - Annexation of the affected territory to Leucadia WWD for purpose of establishing public wastewater services going forward is consistent with the adopted land use policies of the City of Encinitas. Encinitas is the current and appropriate long-term land use authority as determined by Commission and marked by the subject land's standing inclusion in the City's sphere of influence.

  - There is a demonstrated present need for public wastewater service to accommodate the current and planned residential use within the affected territory given the alternative would be to maintain an aging private onsite septic disposal system. This alternative – among other items – would counter the Commission's interest and practice in discouraging private septic disposal systems in developing urban areas.

- Service Capacities and Levels
  Leucadia WWD has available and sufficient collection and contracted treatment capacities to accommodate projected service demands within the affected territory at its planned maximum uses without expanding any public infrastructure. Additional details on relevant service capacities and levels follow.

  - An existing Leucadia WWD wastewater main is located immediately adjacent to the affected territory within the frontage public right-of-way on Fulvia Street and accessible through an approximate 100-foot lateral connection.

  - It is projected the maximum average day wastewater demand generated within the affected territory is 240 gallons per equivalent dwelling units (EDU). The maximum potential EDUs for the affected territory includes eight residential units (i.e. four single family residences and four accessory dwelling units subject to future approvals by Encinitas) is equals to 1,920 gallons of the average daily

wastewater demands. This amount represents 0.001% of the existing available capacity of Leucadia WWD, and as such can be readily accommodated without additional resources or infrastructure planning.

- Leucadia WWD attests sufficient wastewater conveyance and treatment capacity exists to extend service to the affected territory without the need for system improvements or additional infrastructure.

- Service Funding and Costs
  Leucadia WWD has the financial resources coupled with administrative controls to provide wastewater services to the affected territory in support of its current and planned development without adversely impacting current ratepayers. This comment is reflected in the staff analysis of Leucadia WWD's recent audited statements which shows – among other items – the District remained profitable in each of the last three audited fiscal years with an average total margin of 151%.

CONCLUSION |
MERITS OF CHANGE OF ORGANIZATION TIMING

The timing of the change of organization involving annexation therein of the affected territory to Leucadia WWD is warranted. Justification is marked by the preceding analysis and highlighted by appropriately responding to the need for public wastewater service in a developing urban area and reflects available capacities and infrastructure. Additional analysis supporting the conclusion is provided in Appendix A.

Item No. 2 |
Modifications and Terms

Staff believes one modification to the submitted change of organization proposal is appropriate and it involves San Diego LAFCO adding the adjacent frontage public right-of-way surrounding the subject parcel to the centerline of Fulvia Street, Hymettus Avenue, and Leucadia Boulevard. This recommendation expands the annexation by 0.5 acres of public right of way and in doing so eliminates any adjacent non-jurisdictional corridors. The recommended modification does not have a material effect on the applicant and would provide consistency with adjacent roadway territory presently within Leucadia WWD. Applying standard approval terms also appears appropriate. A map of the affected territory with the recommended modification is provided as Attachment One.

**CONCLUSION |
MODIFICATIONS AND TERMS**

One proposal area modification appears warranted, involving expansion of the affected annexation territory surrounding the subject parcel to include 0.5 acres of adjacent public right-of-way on Fulvia Street, Hymettus Avenue, and Leucadia Boulevard and thereby provide a more consistent and orderly Leucadia WWD boundary. Standard approval terms are recommended.

Other Statutory Considerations

Exchange of Property Tax Revenues

California Revenue and Taxation Code Section 99(b)(6) requires the County of San Diego to adopt a property tax exchange agreement for the subject proposed change of organization or reorganization prior to San Diego LAFCO issuing a Certificate of Filing and scheduling the proposal for hearing, unless an existing master property tax exchange agreement would govern the proposal's exchange. The associated statutes also empower the County of San Diego to make all related property tax exchange determinations on behalf of affected special districts. Staff has confirmed the County Board of Supervisors has adopted a master tax agreement that will govern the tax exchange for the proposed change of organization. The application of this master tax exchange agreement specifies no transfer of property taxes would occur following the annexation of the affected territory to Leucadia WWD.

Environmental Review

Leucadia WWD serves as the lead agency for assessing potential impacts of the proposal under CEQA given the District has initiated the change of organization proceedings. Leucadia WWD has determined the action qualifies as a project but is exempt from further review under State CEQA Guidelines Section 15319(a). Staff independently concurs Leucadia WWD has made an appropriate determination given the affected territory contains existing private structures consistent with the applicable zoning and there is no corresponding need for an expansion of public infrastructure.

Protest Proceedings

Protest proceedings for the proposed change of organization may be waived by San Diego LAFCO should the Commission proceed with an approval under Government Code Section 56662. The recommended waiver appropriately applies under this statute given the affected territory is uninhabited as defined under LAFCO law; the subject agency has not filed an objection to the waiver; and all landowners have consented to the underlying action.[5] Approval of the recommended modification to include the adjacent public right-of-ways would not affect the proposed waiver of protest proceedings.

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

RECOMMENDATION

Staff recommends approval of the change of organization proposal with modifications as specified along with standard terms. This recommendation is 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 approving the change of organization proposal with a modification to include the adjacent public right-of-way on Fulvia Street, Hymettus Avenue, and Leucadia Boulevard along with standard terms.

Alternative Two:
Continue consideration to the next regular meeting.

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

PROCEDURES FOR CONSIDERATION

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.

On behalf of the Executive Officer,

Linda Heckenkamp

Linda Heckenkamp
Analyst II

Appendices:

A) Analysis of Boundary Change Factors

Attachments:

1) Map of the Affected Territory with Recommended Modification
2) Draft Resolution of Approval

APPENDIX A

Government Code Section 56668
Proposal Review Factors

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

The affected territory as submitted includes one incorporated parcel in the City of Encinitas totaling 1.7 acres. Staff recommends expanding the affected territory to include approximately 0.5 acres of adjacent public right-of-way. The subject parcel is presently developed with an approximate 2,700 square-foot detached single-family residence with four bedrooms and three bathrooms. The application materials identify the affected territory is currently occupied with one resident. The current assessed value of the subject parcel – including land and improvements – is $2,805,000 with the last transaction recorded in December 2019. The affected territory lies within a developing urban-residential area and within the portion of the City of Encinitas historically known as Leucadia. No significant growth is anticipated in the surrounding area within the next 10-year period beyond existing residential land use and zoning designations.

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

The City of Encinitas serves as the primary purveyor of general governmental services to the affected incorporated territory. These governmental services include community development (planning and engineering), parks and recreation, streets and roads, and public safety with the latter including fire protection and law enforcement via a contract with the County Sheriff. Other pertinent service providers include San Dieguito Water District (domestic water) and County Service Area No. 17 (ambulance). This proposal affects only wastewater and is the focus of the succeeding analysis.

- **Extending Public Wastewater to Affected Territory**
  The affected territory and its existing residential uses is currently dependent on an existing on-site underground septic disposal system. The septic system was initially established in the 1930s and subsequently and presumably repaired as needed to date. Connection to Leucadia WWD is readily available through an approximate 100-foot lateral to an existing wastewater main located within the adjacent public right-of-way on Fulvia Street. The average daily wastewater flow for the affected territory at planned maximum use under current Encinitas zoning is projected at 1,920 gallons

based on accommodating eight residential units (four single-family residences and four accessory dwelling units.) This projected amount represents less than 0.001% of the current 3.100 million gallons of available and remaining daily contracted capacity allocated to Leucadia WWD.

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.

Approval of the proposed change of organization and annexation therein to Leucadia WWD would recognize and strengthen existing economic and social ties between the District and the affected territory. These ties were initially established in the 1980's when the Commission included the local area within Leucadia WWD's sphere of influence and signaled the lands would eventually warrant public wastewater service from the District when appropriate.

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

Approving the proposed change of organization and annexation to Leucadia WWD would facilitate the extension of public wastewater services to the existing single-family residence currently comprising the affected territory and accommodate a planned accessory dwelling unit. These actions are consistent with existing Encinitas' community planning policies. Similarly, approval would be consistent with the Commission's adopted policies to sync urbanized uses with urbanized services. 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 San Diego LAFCO Executive Officer. No jurisdictional disputes or related concerns were identified or disclosed by the applicant or by affected agencies or interested parties in the review of the proposal.

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

The affected territory does not contain "prime agricultural land" or "agricultural land" as defined under LAFCO law or further prescribed in local Commission policy. Specifically, the affected territory does not contain lands currently used for any of the following purposes: producing an agricultural commodity for commercial purposes; left fallow under a crop rotational program; or enrolled in an agricultural subsidy program. Approval of the change of organization proposal and annexation to Leucadia WWD would have no effect on maintaining the physical and economic integrity of agricultural lands.

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

LAFCO is in receipt of a draft map and geographic description of the affected territory that details metes and bounds consistent with the standard of the State Board of Equalization and conforming with lines of assessment. LAFCO approval would be conditioned on submittal of a final map and description conforming to the referenced standards and addressing any proposal area modifications enacted by the Commission. Recommendations by staff to expand the annexation to include adjacent public right-of-way, pertinently, would eliminate the creation of non-jurisdictional corridors.

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

The proposal involves new infill development and would not conflict with San Diego Forward, the regional transportation plan established by the San Diego Association of Governments (SANDAG) for the San Diego Region.

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

The affected incorporated territory is presently designated for moderate-density single-family residential use under the adopted land use policies of the City of Encinitas. The affected territory is zoned as R-3, which prescribes a minimum parcel size of 0.33 acres. The existing and planned residential uses are consistent with the proposal's purpose to provide public wastewater to the existing single-family residence and accommodate the planned addition of an accessory dwelling unit.

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

The affected territory lies entirely within the sphere of influence designated for the Leucadia WWD. Additional details are provided in the analysis provided on page 10.

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

Notice of the submitted change of organization proposal was distributed to all affected and interested agencies as required under LAFCO law. No written comments on the proposal were received ahead of preparing this agenda report for distribution on September 25, 2020.

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 Leucadia WWD has sufficient and available financial resources and administrative controls therein relative to providing public wastewater to the affected territory without adversely impacting existing ratepayers. This statement is supported by the following factors.

- Leucadia WWD's last audit covers 2018-2019 and shows the District finished with good liquidity levels with an agency-wide current ratio of 8.0 (i.e., $8.00 in current assets for every $1.00 in current liabilities).

- Leucadia WWD finished 2018-2019 with high capital levels as evident by a relatively low debt ratio of 4.9% (i.e., only $4.90 out of every $100.00 in net assets are financed.)

- Leucadia WWD has remained profitable in each of the last three audited fiscal years with an average operating margin of 151%. The most recent year – 2018-2019 – the operating margin was 32.9%.

The landowner of the affected territory is responsible for payment of all required fees and service charges commensurate with Leucadia WWD's adopted fee ordinance in establishing wastewater services. The wastewater service charge is presently $346.68 per year. The wastewater rates are fixed and are not based on flow or water usage. Extending wastewater service to the affected territory would not adversely impact existing ratepayers.

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

The affected territory's existing residential uses are presently within and connected to San Dieguito Water District's retail domestic water system with wholesale supplies provided by the San Diego County Water Authority. Approval of the proposed change of organization would not affect the timely availability of water supplies to the affected territory.

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

The proposed change of organization would not impact any local agencies in accommodating their regional housing needs. All potential units tied to the lands are already assigned to the City of Encinitas by the region's council of governments, SANDAG. The boundary change would not affect this assignment.

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

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

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.

As used in this review factor, "environmental justice" means the fair treatment of people of all races, cultures, and incomes with respect to the location of public facilities and the provision of public services. The proposed change of organization does not include locating new public facilities and the proposed provision of public services would be limited to the existing single-family residence and proposed accessory dwelling unit. Approval of the proposed change of organization is not anticipated to affect the promotion of environmental justice.

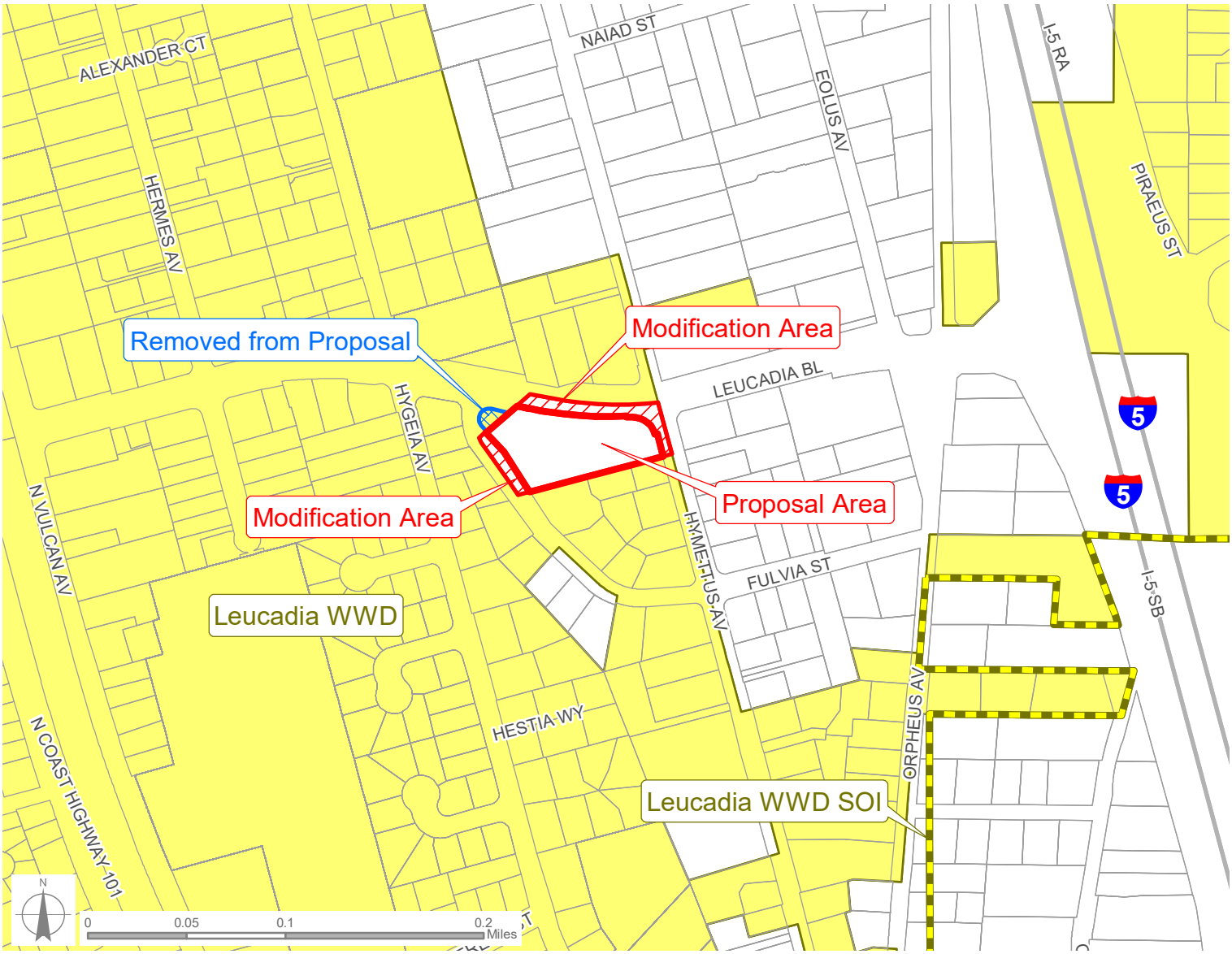
q) Information contained in a local hazard mitigation plan, information contained in a safety element of a general plan, and any maps that identify land as a very high fire hazard zone or maps that identify land determined to be in a state responsibility area, if it is determined that such information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

The City of Encinitas General contains a hazard mitigation plan for potential fire, flooding and earthquakes. The affected territory lies inside an area prone to 100-year frequency storm events which may cause flooding.

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

Approval of the change of organization would be in the best interest of the current and future landowners and/or residents of the affected territory by providing access to reliable public wastewater service going forward. Approval would also benefit adjacent landowners and/or residents by eliminating the operation of a private septic system and the heighten potential therein for future failures.

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CO20-07 PROPOSED "SCHIRBER - HYMETTUS AVENUE CHANGE OF ORGANIZATION" TO LEUCADIA WASTEWATER DISTRICT

SOI = Sphere of Influence

- Proposal Area
- Modification Area
- Removed from Proposal
- Leucadia WWD
- Leucadia WWD SOI

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

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RESOLUTION NO._____

SAN DIEGO COUNTY LOCAL AGENCY FORMATION COMMISSION

MAKING DETERMINATIONS, APPROVING, AND ORDERING A REORGANIZATION

"SCHIRBER-HYMETTUS AVENUE CHANGE OF ORGANIZATION"
ANNEXATION TO THE LEUCADIA WASTEWATER DISTRICT
LAFCO FILE NO. CO20-07

WHEREAS, on April 7, 2020, Leucadia Wastewater District filed a resolution 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 change of organization to annex approximately 1.7 acres of incorporated territory within the City of Encinitas to the Leucadia Wastewater District; and

WHEREAS, the affected territory as proposed includes one incorporated assessor parcel developed with an existing single-family residence identified by the County of San Diego Assessor's Office as 254-331-12; and

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

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

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

WHEREAS, the Commission heard and fully considered all the evidence presented at a noticed public meeting on the proposal on October 5, 2020; and

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

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

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

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

3. Leucadia Wastewater District serves as the lead agency for assessing potential impacts of the proposal under CEQA given the District has initiated the change of organization proceedings. Leucadia WWD has determined the action qualifies as a project, but is exempt from further review under State CEQA Guidelines Section 15319(a) given the affected territory contains existing private structures consistent with the applicable zoning and there is no corresponding need for an expansion of public infrastructure. The Commission serves as the responsible agency and independently concurs Leucadia WWD has made an appropriate determination.

4. The Commission APPROVES the change of organization with a discretionary modification as described below and subject to conditions as provided. Approval involves all of the follow:

    a) The affected territory is modified to include the adjacent incorporated public right-of-way to the centerline on Fulvia Street, Hymettus Avenue, and Leucadia Boulevard totaling 0.5 acres.

    b) Annexation of the affected territory as modified to the Leucadia Wastewater District is shown in "Exhibit A-1" and described in "Exhibit A-2."

5. The Commission CONDITIONS all approvals on the following terms being satisfied by October 5, 2021 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 $50.00 for the County of San Diego-Clerk Recorder to reimburse for filing a CEQA Notice of Exemption 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.

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

    "Schirber - Hymettus Avenue Change of Organization"

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

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

9. The Leucadia Wastewater District is a registered-voter district.

10. The Leucadia Wastewater District utilizes the County of San Diego assessment roll.

11. The affected territory will be liable for any existing bonds, contracts, and/or obligations of the Leucadia Wastewater District as provided under Government Section 57328.

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

13. 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.

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

15. 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 October 5, 2020 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

**

Attest:

_____
Keene Simonds
Executive Officer

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EXHIBIT A
MAP OF THE AFFECTED TERRITORY

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EXHIBIT B
GEOGRAPHIC DESCRIPTION OF THE AFFECTED TERRITORY

-Placeholder-

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AGENDA REPORT
Consent | Action

October 5, 2020

TO: Commissioners

FROM: Keene Simonds, Executive Officer

SUBJECT: **Progress Report on 2020-2021 Workplan**

SUMMARY

The San Diego County Local Agency Formation Commission (LAFCO) will receive a progress report on accomplishing the 26 specific projects included in the adopted workplan for 2020-2021. This includes noting through the first quarter more than three-fifths of all workplan projects have been initiated with three nearing completion and another already completed. The report is being presented to the Commission to receive and file as well as to provide related direction – including identifying potential amendments for future consideration.

BACKGROUND

2020-2021 Workplan

San Diego LAFCO's current fiscal year workplan was adopted at a noticed public hearing held on May 4, 2020. The workplan includes 26 projects and divided into two distinct categories – statutory and administrative – with one of three priority rankings: high; moderate; or low. The intent of the workplan is to serve as a management tool to allocate resources over the 12-month period and track performance. The Commission also reserves discretion to amend the workplan during the fiscal year to address changes in priorities or resources as well as to continue projects into subsequent fiscal years.

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Mark Kersey, City of San Diego
Chris Cate, Alternate, City of San Diego
Jo MacKenzie, Vista Irrigation
Barry Willis, Alpine Fire Protection
Erin Lump, Alternate, Rincon del Diablo MWD
Vice Chair Andy Vanderlaan, General Public
Harry Mathis, Alternate, General Public

DISCUSSION

This item provides San Diego LAFCO with its regular update on the 26 targeted projects formally established for the fiscal year. This includes staff assigning one of four status categories to projects ranging from pending to complete and detailed in Attachment One. The item is being presented for the Commission to receive and file as well as provide general direction on listed projects. The item also provides the Commission the opportunity to discuss the merits of new projects and/or amendments for future consideration.

ANALYSIS

San Diego LAFCO is generally proceeding as planned with work having been initiated on 16 of the 26 projects through the close of the first quarter. Most of the initiated work involves high-priority projects forwarded from the prior fiscal year and includes several comprehensive municipal service reviews with two – Resources Conservation Districts and Poway Region – expected to be presented to the Commission in draft form in November. One project has already been completed and involves the recruitment and placement of a new staff analyst (Priscilla Allen). Three other projects are also nearing their completion and highlighted by an update to the Open Space and Agricultural Lands Policy.

RECOMMENDATION

It is recommended San Diego LAFCO receive and file the item with the invitation to discuss as needed. This recommendation would be accommodated by taking the actions outlined in the proceeding section as Alternative One.

ALTERNATIVES FOR ACTION

The following alternatives are available to San Diego LAFCO:

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

Alternative Two:
Continue consideration of the item to a future meeting and provide direction to staff for more information 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,



Keene Simonds
Executive Officer

Attachment:

1) 2020-2021 Workplan with Status Notations

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San Diego County Local Agency Formation Commission

Regional Service Planning | Subdivision of the State of California

2020-2021 Workplan

Introduction:

Local Agency Formation Commissions' (LAFCOs) operate under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2001 ("CKH") and are delegated regulatory and planning responsibilities by the Legislature to oversee the formation and subsequent development of local government agencies and their municipal service areas. Common regulatory functions include approving jurisdictional changes (annexations, detachments, etc.) and outside service requests. Common planning functions include preparing studies to independently evaluate the availability, performance, and need for municipal services and establishing and updating spheres of influence – which are the Legislature's version of urban growth boundaries and gatekeepers to future jurisdictional changes – for all cities and special districts. All regulatory and planning activities undertaken by LAFCOs may be conditioned and must be consistent with policies and procedures.

Objective:

This document represents San Diego LAFCO's ("Commission") formal 2020-2021 Workplan. The Workplan draws on the recommendations of the Executive Officer as vetted and approved by the Commission. The Workplan is divided into two distinct categories – statutory and administrative – with one of three priority rankings: high; moderate; or low. The underlying intent of the Workplan is to serve as a management tool to allocate Commission resources in a transparent manner over the 12-month period. Further, while it is a stand-alone document, the Workplan should be reviewed in relationship to the adopted operating budget given the planned goals and activities are facilitated and or limited accordingly. Additionally, and as needed, the Commission reserves discretion to amend the Workplan during the fiscal year to address changes in resources and or priorities and to carry-forward projects into subsequent years.

Executive Summary:

The 2020-2021 Workplan continues to guide the Commission to prioritize resources in addressing statutory duties and responsibilities. This includes continuing work on existing projects established – but not yet completed – from earlier fiscal years and marked by completing municipal service reviews for the Escondido, Vista, San Marcos, and Fallbrook-Rainbow regions. Several policy updates are also scheduled and include reviewing LAFCO's existing policies regarding the identification and authorization of special district service functions and classes. Other administrative projects filling the Analyst I/II position and securing a long-term office lease.

Priority	Level	Type	Project	Description and Key Issues	Status
Continual	...	Statutory	Applicant Proposals	LAFCO will prioritize resources to address proposals involving boundary changes and outside service requests and includes the following prominent proposals already on file or expected to be filed in 2020-2021: - Fallbrook PUD/Rainbow MWD/County Water Authority - Reorganization of CSA No. 135 into FPD - Fallbrook PUD Latent Powers Activation - Reorganization of Valley Center CSD into CSA - Harvest Hills (Escondido et al)	
Continual	...	Administrative	Targeted LAFCO Presentations	LAFCO will prioritize public outreach; emphasis on informing stakeholders ahead of MSR work	
1	High	Statutory	MSR | Fallbrook-Rainbow Region	Reviews of Fallbrook PUD, Rainbow MWD, San Luis Rey MWD, & North County FPD	In progress
2	High	Statutory	MSR | Escondido Region Part II	Review of the City of Escondido; follows completion of Part I (Rincon del Diablo MWD and Deer Springs FPD) in 2019-2020	In progress
3	High	Statutory	MSR | Resource Conservation Services	Countywide study on RCD services; reviews of Mission RCD, Upper San Luis Rey RCD, & Greater San Diego RCD	In progress
4	High	Administrative	Policy Review | Ag and Open Space	Update existing policies and procedures involving ag and open space; incorporate stakeholder outreach (Farm Bureau, etc.)	Near completion
5	High	Administrative	Policy Review | Rule No. 4	Update Rule No. 4 and its provisions guiding LAFCO's duty to identify and establish special districts' service functions and classes	In progress
6	High	Statutory	MSR | Poway Region	Review is specific to the City of Poway	In progress
7	High	Statutory	MSR | San Marcos Region	Reviews of the City of San Marcos, San Marcos FPD, & Vallecitos WD	In progress
8	High	Statutory	MSR | Vista Region	Reviews of the City of Vista, Vista ID, Vista FPD, & Buena SD	In progress
9	High	Administrative	Analyst I/II Position	Perform recruitment and hire of a new Analyst I/II	**Completed**
10	High	Administrative	Office Space	Current lease for office space with County of San Diego expires in August 2020 with no extension options	Pending
11	Moderate	Statutory	MSR | Ramona Region	Review is specific to the Ramona MWD	In progress
12	Moderate	Statutory	MSR | Pauma Valley Region	Reviews of Pauma MWD, Pauma CSD, Yuima MWD, Mootamai MWD, and Rincon Ranch CSD	Pending
13	Moderate	Administrative	Cities Advisory Committee	Staff and maintain feedback with Cities Advisory Committee and hold no less than two formal meetings in FY	In progress
14	Moderate	Administrative	Special Districts Advisory Committee	Staff and maintain feedback with Special Districts Advisory Committee and hold no less than three formal meetings in FY	Pending
15	Moderate	Administrative	Live-Streaming and On-Demand Video	Expand LAFCO's real-time accessibility to the public to include live streaming meetings with on demand accessibility	Near completion
16	Moderate	Administrative	2019-2020 Audit	Coordinate outside consultant's review of financial statements for 2019-2020 and identify opportunities to improve accounting system	In progress
17	Moderate	Administrative	Policy Review | Study Schedule	Update study schedule calendaring municipal service reviews to reflect current progress and related observations	Pending
18	Moderate	Administrative	SANDAG	Re-establish regular participation in SANDAG's Technical Working Group (TWG)	Pending
19	Moderate	Administrative	State Groundwater Management Act	Prepare report on State Groundwater Management Act (SGMA) implementation in San Diego County relative to LAFCO duties/interests	Pending
20	Moderate	Administrative	CALAFCO	Participate in CALAFCO through the Board, Leg Committee, and Annual Workshop and Conference in FY	In progress
21	Low	Administrative	Application Procedures	Streamline existing application packet to be more user-friendly; address new statutory requirements	Pending
22	Low	Statutory	MSR | Oceanside and Carlsbad Region	Reviews of the Cities of Oceanside and Carlsbad as well as Carlsbad MWD and Morro Hills	In progress
23	Low	Statutory	MSR | Encinitas Region	Reviews of the City of Encinitas and Leucadia WWD, Olivenhain MWD, & San Dieguito WD	Pending
24	Low	Administrative	SOI/MSR Annual Report	Prepare annual report to serve as living record of all sphere actions in San Diego County	Pending
25	Low	Administrative	Local Agency Directory	Create user-friendly publication identifying and summarizing local governmental agencies subject to LAFCO oversight	Pending
26	Low	Administrative	Social Media	Establish social media presence as a new communication forum; develop policies/procedures accordingly	Near completion

5e

AGENDA REPORT
Consent | Information

October 5, 2020

TO: Commissioners

FROM: Robert Barry, Chief Policy Analyst
Linda Heckenkamp, Analyst II
Priscilla Allen, Analyst I

SUBJECT: **Active Proposals and Related Activities**

SUMMARY

The San Diego County Local Agency Formation Commission (LAFCO) will receive a report identifying active proposals on file with the Commission as well as a summary of anticipated submittals based on ongoing discussions with local agencies. This includes identifying seven new proposals that have been filed with the Commission since the last meeting in August and raising the total number of active applications to 33. The item is for information and concurrently satisfies LAFCO's reporting requirement to affected agencies for notification of proposal filings made by landowner or registered voter petitions.

BACKGROUND

Processing Procedures and Timelines

LAFCO proceedings for consideration of proposed changes of organization or reorganizations – which typically involves annexations, detachments, and service function activations or divestures – are generally initiated by outside applicants (subject landowners or registered voters, and/or local affected agencies). LAFCOs may also initiate proposals specific to forming, consolidating, or dissolving special districts if consistent with the recommendations

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of approved municipal service reviews. LAFCO staff proceeds with administrative reviews and within 30 days provides status letters to applicants advising what – if any – additional information is needed. Once deemed complete, proposals are scheduled for Commission consideration and placed on the agenda as consent, business, or hearing items based on noticing requirements.[1] Overall, most proposals are forwarded to the Commission within six months from the date of submittal.

DISCUSSION

This item is being presented for information only and identifies all active proposals currently on file with San Diego LAFCO. The report also – and for telegraphing purposes of future workload – identifies pending proposals staff anticipates being submitted with LAFCO in the near term based on discussions with local agencies. The information item also serves to concurrently satisfy the Commission's reporting requirement to provide notice on agendas to affected special districts when proposed annexation applications are initiated by landowner or registered voter petitions.[2] A summary of active and pending proposal applications follow and detailed in Attachment One.

Active Proposals & Related Petition Notifications

There are 33 proposals currently active and undergoing processing with San Diego LAFCO as of date. Current processing stages of these active proposals range from pre-Commission action (27) to post-Commission action (6) with the latter category representing items already approved but awaiting the completion of conducting authority proceedings (i.e. protest) or terms. The former category – pre-Commission action – also includes seven new proposal filings since the last meeting in August and are identified below.

- "Sunrise – Barham Drive Reorganization" RO20-15 |
  Annexation to the City of San Marcos and Vallecitos Water District

- "Sringeri Vidya Bharati Foundation Temple Reorganization" RO20-16 |
  Annexation to Rincon Del Diablo Water District

- "Papp – Olive Street Reorganization" RO20-17 |
  Annexation to Vallecitos Water District and Detachment from Vista Irrigation District

- "Plumosa Avenue Reorganization" RO20-18 |
  Annexation to the City of Vista and Detachment from the Vista Fire Protection District

[1] The Executive Officer may also place proposals otherwise meriting consent on the business calendar to solicit additional review and discussion if warranted. Separately, applications involving outside-of-agency service extension requests follow separate proceedings and may be administratively approved by the Executive Officer if addressing documented public health or safety threats.

[2] 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.

- "Lakeside Water District – Riverford Road Reorganization" RO20-19 | Annexation to Lakeside District and Detachment from Padre Municipal Water District

- "Estrada – Veijas View Place Change of Organization" CO20-20 | Annexation to San Diego County Sanitation District

- "Rancho Corrido RV Park Reorganization" RO20-21 | Annexations to Yuima Municipal Water District, San Diego County Water Authority, and Metropolitan Water District of Southern California

Pending Agency Proposals

There are five substantive agency proposals staff anticipates being submitted to San Diego LAFCO in the near future.[3] These five pending proposals are currently under local agency consideration with respect to development entitlements and environmental review. Three of these pending proposals would involve city annexations in North County to accommodate relatively large residential subdivision projects and involve Harvest Hills (Escondido), Sager Ranch (Escondido), and Rancho Lomas Verdes (Vista).

ANALYSIS

San Diego LAFCO remains active in processing nearly three dozen proposals with the majority awaiting consideration by the Commission. Most active proposals have been initiated by landowners and involve single lots in the unincorporated area subject to tentative development approvals and as such require annexations to water and/or wastewater providers. Notable exceptions include two contested reorganization proposals separately filed by Rainbow Municipal Water District and Fallbrook Public Utility District to detach from the San Diego County Water Authority and annex to Eastern Municipal Water District. An update on these latter proposals is separately scheduled in the agenda.

RECOMMENDATION

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

ALTERNATIVES FOR ACTION

This item is being presented for information only; no action is necessary.

[3] Staff uses discretion in listing pending proposals and limits notice to only activities to be initiated by a local governmental agency. Pending proposals to be initiated by landowners and/or registered voters are not disclosed until an actual filing is made.

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,



Linda Heckenkamp
Analyst II

Attachment:

1) Active and Pending Proposal Applications as of September 24, 2020

	File Number	Proposal Name | Affected Agencies	Project Manager	Proposal Summary
ACTIVE PROPOSAL APPLICATIONS | PENDING COMMISSION ACTION				
1	DA08-10	"Avocado Way-Potter Annexation" - Vallecitos WD (Annexation)	Robert Barry	Application submitted in March 2008 for a proposed annexation to Vallecitos WD to obtain wastewater service for two existing residences along Avocado Way but deemed incomplete in April 2008 status letter. A new status letter was sent to the applicant in January 2018 stating the proposal will be considered abandoned unless notified otherwise. The current property owner has responded and conveyed their interest to proceed with the annexation. There have been ongoing discussions with Vallecitos WD as of 2018.
2	RO08-09	"South Mollison Ave-Snyder Reorganization" - City of El Cajon (Annexation)	Robert Barry	Application submitted in May 2008 for a proposed annexation to the City of El Cajon. The annexation area includes approximately 1.25 acres and is subject to a proposed multi-family residential project and was deemed incomplete in June 2008 status letter. A new status letter was sent in January 2018 to the applicant, new property owner, and City stating the proposal will be considered abandoned unless notified otherwise. No response from any of the interested parties to date. (Expected abandonment subject to pending policy authorization.)
3	RO08-15 SA08-15	"Crestlake Estates Reorganization" - San Diego County SD (Annexation) - Lakeside FPD (Annexation) - CSA 69 (Annexation)	Robert Barry	Application submitted in May 2008 requesting a reorganization to provide wastewater services to an approved Tentative Map allowing the development of 60 single-family residences and was deemed incomplete in June 2008 status letter. A new status letter was sent to the applicant in February 2018 stating the proposal will be considered abandoned unless notified otherwise. No response to date. (Expected abandonment subject to pending policy authorization.)
4	DA12-02	"Lorch Annexation" - Borrego WD (Annexation)	Robert Barry	Application submitted in March 2012 to annex approximately 9.4 acres to the Borrego Water District to provide water service to one parcel within the District sphere. 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. Ongoing discussions with Borrego WD continue.
5	RO06-17	"Tobacco Road Reorganization" - City of Escondido (Annexation)	Robert Barry	Application submitted in March 2006 to annex six parcels to the City of Escondido for wastewater service. In 2006, LAFCO approved two out-of-service agreements to allow the City of Escondido to provide wastewater service to two residences with failing septic systems located along Tobacco Road. The agreements between the City and landowners required the annexation of the two parcels. The proposal was deemed incomplete in April 2006 status letter. A new status letter was sent in January 2018 stating the proposal will be considered abandoned unless notified otherwise. Two of the affected landowners have responded to the letter and are now working with the City in determining if the other landowners are interested/willing to proceed with the annexation at this time. Ongoing discussions continue.

	File Number	Proposal Name | Affected Agencies	Project Manager	Proposal Summary
6	DA16-10	"CSA 17 Harmony Grove Annexation" - CSA 17 (Annexation)	Linda Heckenkamp	Application submitted in May 2016 to annex approximately 3,600 acres to CSA 17 for ambulance service and done so as a cross-condition of the Rancho Santa Fe Fire Protection District Reorganization: Dissolution of CSA No. 107 (Elfin Forest/Harmony Grove). The proposal was deemed incomplete in June 2016 status letter. The CSA 17 Advisory Committee has opposed the annexation. A negotiated property tax exchange agreement is also necessary. LAFCO staff met with the applicant in August 2019 to provide assistance and continues to discuss opportunities to proceed forward.
7	RO16-11	"Rancho Hills Annexation" - Rancho Santa Fe CSD (Annexation)	Robert Barry	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. Staff has remained in contact with the applicant and is awaiting their confirmation to proceed.
8	Ro19-04	"Ortega – Olde Highway 80 Change of Organization" - San Diego County Sanitation District (Annexation)	Linda Heckenkamp	Application submitted in February 2019 by landowner petition to annex two residential lots totaling approximately 5.07 acres to San Diego County Sanitation District for wastewater service. The submitted proposal application is incomplete and pending receipt of additional documentation and information from the applicant to complete staff's analysis.
9	SA19-26 RO19-26 OAS19-26	"Valiano - Eden Valley Reorganization" - City of Escondido (Sphere Amendment, OSA - San Marcos FPD (Annexation) - Rancho Santa Fe FPD (Sphere Amendment, Detachment)	Robert Barry	Application submitted in November 2019 by landowner petition and the City of Escondido. Proposal involves reorganization of approximately 10.76 acres with annexation to San Marcos Fire Protection District (FPD) and concurrent detachment and sphere exclusion from Rancho Santa Fe FPD; and, amendments to the spheres of influence for the Cities of Escondido (inclusion) and San Marcos (exclusion) for two unincorporated parcels totaling 82.9 acres and subject to a 240.6 acre County of San Diego-approved Specific Plan (TM-5575); and, approval of a contractual wastewater agreement between the landowner of the unincorporated Specific Plan area and the City of Escondido to extend City wastewater service to 326 single-family residences to be constructed within the Escondido sphere. The submitted proposal application is incomplete and pending staff's analysis. (On January 27, 2020, the San Diego Superior Court overturned the County development approvals for the project. The applicant is appealing the Court decision and has requested LAFCO continue to process the reorganization.)
10	LP(E)19-27	"Fallbrook Public Utility District Latent Power Expansion Park & Rec et,al."	Robert Barry	Application submitted in November 2019 by resolution seeking approval to activate Fallbrook PUD's latent power to exercise park and recreation, street lighting and roads and street functions within its boundaries. The submitted proposal application is incomplete and pending receipt of additional documentation and this includes completion of a scheduled municipal service review for the Fallbrook-Rainbow region.

	File Number	Proposal Name | Affected Agencies	Project Manager	Proposal Summary
11	RO20-04	"Rainbow MWD – Eastern MWD Wholesale Water Service Reorganization" – San Diego County Water Authority (detachment) – Eastern Municipal Water District (annexation)	Robert Barry	Application submitted April 2020 by resolution from the Rainbow MWD to concurrently detach from the San Diego County Water Authority and annex to the Eastern MWD. The submitted proposal application is incomplete and pending receipt of additional documentation and information from the applicant to complete staff's analysis. A 10-member advisory committee has also been established by the Commission to assist staff in evaluating the proposal.
12	RO20-05	"Fallbrook PUD – Eastern MWD Wholesale Water Service Reorganization" – San Diego County Water Authority (detachment) – Eastern Municipal Water District (annexation)	Robert Barry	Application submitted April 2020 by resolution from the Fallbrook PUD to concurrently detach from the San Diego County Water Authority and annex to the Eastern MWD. The submitted proposal application is incomplete and pending receipt of additional documentation and information from the applicant to complete staff's analysis. A 10-member advisory committee has also been established by the Commission to assist staff in evaluating the proposal.
13	CO20-07	"Schirber – Hymettus Avenue Change of Organization" - Leucadia Wastewater District (Annexation)	Linda Heckenkamp	Application submitted in April 2020 by resolution from Leucadia WWD and involves annexation of approximately 1.69 acres for connection to public wastewater service to facilitate intensity improvement. The submitted proposal is scheduled for the October 5th Commission hearing.
14	CO20-08	"Fuerte Ranch Estates Change of Organization" - San Diego County Sanitation District (Annexation)	Robert Barry	Application submitted in May 2020 by landowner petition and involves annexation of approximately 27.3 acres to San Diego County Sanitation District to facilitate the development of 36 single-family homes. The submitted proposal application is incomplete and pending receipt of additional documentation and information from the applicant to complete staff's analysis.
15	SA20-09 OAS20-09	"Mercurio – Grossmont Boulevard Out-of-Agency Wastewater Contractual Service Agreement" - City of La Mesa (Annexation)	Robert Barry	Application submitted in June 2020 by landowner request and involves an out-of-agency contractual wastewater service agreement with the City of La Mesa for one existing single-family residence and one proposed ADU. The unincorporated property totals approximately 0.91 acres, is not contiguous with the City, and is not within the La Mesa sphere of influence. Per Government Code Section 56133, the proposed wastewater OAS agreement requires an amendment for inclusion of the affected territory within the La Mesa sphere in anticipation of a future annexation. The request is incomplete and pending receipt of additional documentation and information from the applicant to complete staff's analysis.
16	RO20-10	"Meadowood Reorganization" - Rainbow Municipal Water District (Annexation) - Valley Center Municipal Water District (Detachment)	Robert Barry	Application submitted in June 2020 by resolution from the Rainbow MWD and involves annexation of approximately 374.7 acres and the development of 844 units for water and wastewater service. A concurrent detachment from Valley Center MWD is also proposed. The submitted proposal application is incomplete and pending receipt of additional documentation and this includes completing a scheduled municipal service review involving Rainbow MWD.

	File Number	Proposal Name | Affected Agencies	Project Manager	Proposal Summary
17	RO20-11	"Lindauer – Olive Street Reorganization" - Vallecitos Water District (Annexation) - Vista Irrigation District (Detachment)	Robert Barry	Application submitted in June 2020 by landowner petition and involves annexation of approximately 4.0 acres for water and wastewater service. The affected territory is developed with a single-family residence experiencing a failing well for domestic water uses. The submitted proposal application is incomplete and pending receipt of additional documentation and information from the applicant to complete staff's analysis.
18	RO20-12	"Ortiz – Olive Avenue Reorganization" - City of Vista (Annexation) - Vista Fire Protection District (Detachment)	Linda Heckenkamp	Application submitted in June 2020 by landowner petition and involves annexation to the City of Vista of approximately 4.94 acres for wastewater service and concurrent detachment from Vista Fire Protection District. The affected territory has proposed development of 15 residential lots. The submitted proposal application is incomplete and pending receipt of additional documentation and information from the applicant to complete staff's analysis.
19	RO20-13	"Valley Center Community Services District -County Service Area No. 138 Reorganization" - Valley Center Community Services District (Dissolution) - County Service Area No. 138 (Formation)	Linda Heckenkamp	Application submitted in June 2020 by resolution and involves the concurrent dissolution of Valley Center Community Services District and formation of County Service Area No. 138 to assume park and recreation services. The submitted proposal application is incomplete and pending receipt of additional documentation and information from the applicant to complete staff's analysis.
20	RO20-14	"SD County Fire Protection District Reorganization" - County Service Are No. 135 (Divestiture of Fire Protection and EMS Functions) - San Diego County Fire Protection District (Formation)	Robert Barry	Application submitted June 2020 by resolution of the County Board of Supervisors. Involving the divesture of latent powers for fire protection and emergency medical service functions of County Service Area No. 135 and the concurrent formation of a dependent San Diego County Fire Protection District within the divestiture territory. The submitted proposal is scheduled for the October 5th Commission hearing.
21	Ro20-15	"Sunrise-Barham Drive Reorganization" - City of San Marcos (Annexation) - Vallecitos Water District (Annexation)	Robert Barry	Application submitted in July 2020 by landowner petition and involves annexation to the City of San Marcos and Vallecitos Water District of approximately 14.4 acres for wastewater and fire protection services. The affected territory has proposed development of 192 multi-family units. The submitted proposal application is incomplete and pending receipt of additional documentation and information from the applicant to complete staff's analysis.
22	RO20-16	"Sringeri Vidya Bharati Foundation Temple Reorganization" - Rincon Del Diablo Water District (Annexation)	Robert Barry	Application submitted August 2020 by resolution and involves annexation to the City of San Marcos and Vallecitos Water District of approximately 19.52 acres for water service. The affected territory has proposed development of a temple project. The submitted proposal is scheduled for the October 5th Commission hearing.
23	RO20-17	"Papp-Olive Avenue Reorganization" - Vallecitos Water District (Annexation) - Vista Irrigation District (Detachment)	Robert Barry	Application submitted in August 2020 by landowner petition and involves annexation of approximately 1.2 acres for water and wastewater service. The affected territory is developed with a single-family residence. The submitted proposal application is incomplete and pending receipt of additional documentation from the applicant to complete staff's analysis.

	File Number	Proposal Name | Affected Agencies	Project Manager	Proposal Summary
24	RO20-18	"Plumosa Avenue Reorganization" - City of Vista (Annexation) - Vista Fire Protection District (Detachment)	Linda Heckenkamp	Application submitted in September 2020 by resolution of the City of Vista and involves annexation of approximately 0.7 acres for wastewater service. The affected territory is developed with a single-family residence. The submitted proposal application is incomplete and pending receipt of additional documentation from the applicant to complete staff's analysis.
25	RO20-19	"Lakeside Water District – Riverford Road Reorganization" - Lakeside Water District (Annexation) - Padre Dam Municipal Water District (Detachment)	Linda Heckenkamp	Application submitted in September 2020 by resolution of the Lakeside Water District and involves annexation of approximately 5.0 acres for water service. The affected territory is undeveloped with a proposed development by the District for a groundwater treatment facility. The submitted proposal application is incomplete and pending receipt of additional documentation and information from the applicant to complete staff's analysis.
26	CO20-20 OAS20-20	"Estrada – Veijas View Place Change of Organization" - San Diego County Sanitation District (Annexation)	Linda Heckenkamp	Application submitted in September 2020 by landowner petition and involves annexation of approximately 1.0 acres for wastewater service. The affected territory is developed with a single-family residence experiencing a failing septic. The submitted proposal application is incomplete and pending receipt of additional documentation from the applicant to complete staff's analysis.
27	RO20-21	"Rancho Corrido RV Park Reorganization" - Yuima Municipal Water District (Annexation) - San Diego County Water Authority (Annexation) - Metropolitan Water District (Annexation)	Linda Heckenkamp	Application submitted in September 2020 by resolution of the Yuima Municipal Water District and involves annexation of approximately 31.0 acres for water service. The affected territory is developed with 20 mobile homes, 80 time-limited recreational vehicle (RV) spaces, and 20 RV spaces with 90-day time limits. The property includes an office, laundry, and swimming facilities. No new development is anticipated. The submitted proposal application is incomplete and pending receipt of additional documentation from the applicant to complete staff's analysis.

	File Number	Proposal Name | Affected Agencies	Project Manager	Proposal Summary
ACTIVE PROPOSALS | POST COMMISSION ACTION				
28	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)	Robert Barry	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.
29	SA18-07 OAS18-07	"Carmichael Drive – Wyman Service Agreement" - City of La Mesa (Sphere Amendment, OAS)	Robert Barry	Proposal involves an outside-of-agency contractual wastewater service agreement between the property owner and the City of La Mesa. OAS covers extension of City wastewater sewer service to one existing unincorporated single-family residence located outside of the La Mesa sphere of influence. The purpose of the OAS is to allow the landowner to proceed with an intensity improvement to develop an accessory workshop unit, which exceeds the permitted capacity of the existing onsite septic system. The proposal was approved by the Commission on April 8, 2018 and is now pending recordation once all terms are satisfied.
30	CO20-06	"County Service Area No. 137 - Live Oak Springs Formation" - Formation of County Service Area No.137 (Live Oak Springs Water)	Linda Heckenkamp	Proposal application submitted April 2020 by resolution of the County of San Diego. Involves formation of County Service Area No. 137 to assume retail water service responsibility for a failing private water company located in the unincorporated community of Live Oak Springs in the southeastern portion of unincorporated San Diego County. The affected territory includes approximately 151.5 acres. The proposal was approved by the Commission on June 1st, 2020 with a protest hearing held on July 2nd and now pending recordation once all terms are satisfied.
31	RO19-15 OAS19-15	"Hamilton-Felicita Reorganization" - City of Escondido (Annexation) - CSA No. 135 (Detachment) - Rincon del Diablo MWD (ID"E") (Exclusion)	Linda Heckenkamp	Proposal application submitted in August 2019 by landowner petition requesting reorganization with the City of Escondido of two unincorporated parcels totaling approximately 0.63 acres and each developed with one single-family residence. Both residences provided documentation of failing/failed septic systems. Emergency OAS agreements for wastewater were granted to resolve the health and emergency situation in advance of annexation to Escondido. Reorganization with Escondido also required concurrent detachment from CSA No. 135 (Regional Communications) and exclusion from RDDMWD ID"E." The proposal was approved by the Commission on June 1st, 2020 and is now pending recordation once all terms are satisfied.

	File Number	Proposal Name | Affected Agencies	Project Manager	Proposal Summary
32	CO20-01	"Anthony Heights - Lupa Change of Organization" - Vallecitos Water District (Annexation)	Robert Barry	Application submitted in February 2020 by landowner petition and involves annexation of one unincorporated residential parcel totaling approximately 1.35 acres to Vallecitos WD for wastewater service along with a 0.16-acre frontage portion of Nordahl Road. The proposal was approved by the Commission on August 3, 2020 and now pending recordation once all terms are satisfied.
33	CO20-03	"Orphan – Eolus Avenue Change of Organization" - Leucadia Wastewater District (Annexation)	Linda Heckenkamp	Application submitted in February 2020 by resolution of Leucadia WWD and involves annexation of approximately 0.56 acres within its boundaries for connection to public wastewater service. The proposal was approved by the Commission on August 3, 2020 now pending recordation once all terms are satisfied.
PENDING PROPOSAL APPLICATION SUBMITTALS (No project manager; inquiries should be direct to Robert Barry)				
34	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. 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 of the affected territory 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 issues have been communicated to the City and are currently under joint review with other stakeholders. Project was originally titled as "Safari Highlands."
35	Pending	"Rancho Lomas Verde Reorganization" - City of Vista		This anticipated reorganization proposal is undergoing development and environmental review by the City of Vista. The anticipated 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 issues have been communicated to the City and are currently under joint review with other stakeholders.

	File Number	Proposal Name | Affected Agencies	Project Manager	Proposal Summary
36	Pending	"Sager Ranch Reorganization" - City of Escondido		This anticipated reorganization involves annexation of approximate 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 lies outside the current City 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 issues have been communicated to the City and are currently under joint review with other stakeholders.
37	Pending	Harmony Grove Village South (TM-626)		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, the San Diego Superior Court overturned the County development approvals for the project.

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AGENDA REPORT
Public Hearing

October 5, 2020

TO: Commissioners

FROM: Keene Simonds, Executive Officer
Robert Barry, Chief Policy Analyst
Ed Sprague, Staff Consultant on Fire Services

SUBJECT: **Proposed "San Diego County Fire Protection District Reorganization" | Divestiture of Fire Protection and Emergency Medical Functions for County Service Area No. 135 with Concurrent Formation of San Diego County Fire Protection District and Conforming Sphere of Influence Actions (RO20-14 et al.)**

SUMMARY

The San Diego County Local Agency Formation Commission (LAFCO) will consider a reorganization proposal filed by resolution of the County of San Diego to transition fire protection and emergency medical services provided by the County Fire Authority into a new dependent special district. The proposal involves the concurrent divestiture of fire protection and emergency medical service powers for County Service Area (CSA) No. 135 and formation of the San Diego County Fire Protection District (FPD) as the designated successor agency. The proposal's primary purpose is to provide a more effective governance model for the County Fire Authority to organize, fund, and deliver fire protection emergency medical services while retaining CSA No. 135's other function involving regional communications. The affected territory is entirely unincorporated and comprises all of CSA No. 135's existing fire protection and emergency medical service area, covering approximately 1.6 million acres and an estimated resident population of 50,476. No expansions of the existing fire protection and emergency medical service area are proposed. No changes are proposed to County Fire Authority's contract with CAL FIRE. Staff recommends approval subject to conditions along

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Erin Lump, Alternate, Rincon del Diablo MWD
Vice Chair Andy Vanderlaan, General Public
Harry Mathis, Alternate, General Public

with conforming sphere of influence actions. It is also recommended protest proceedings be delegated to the Executive Officer.

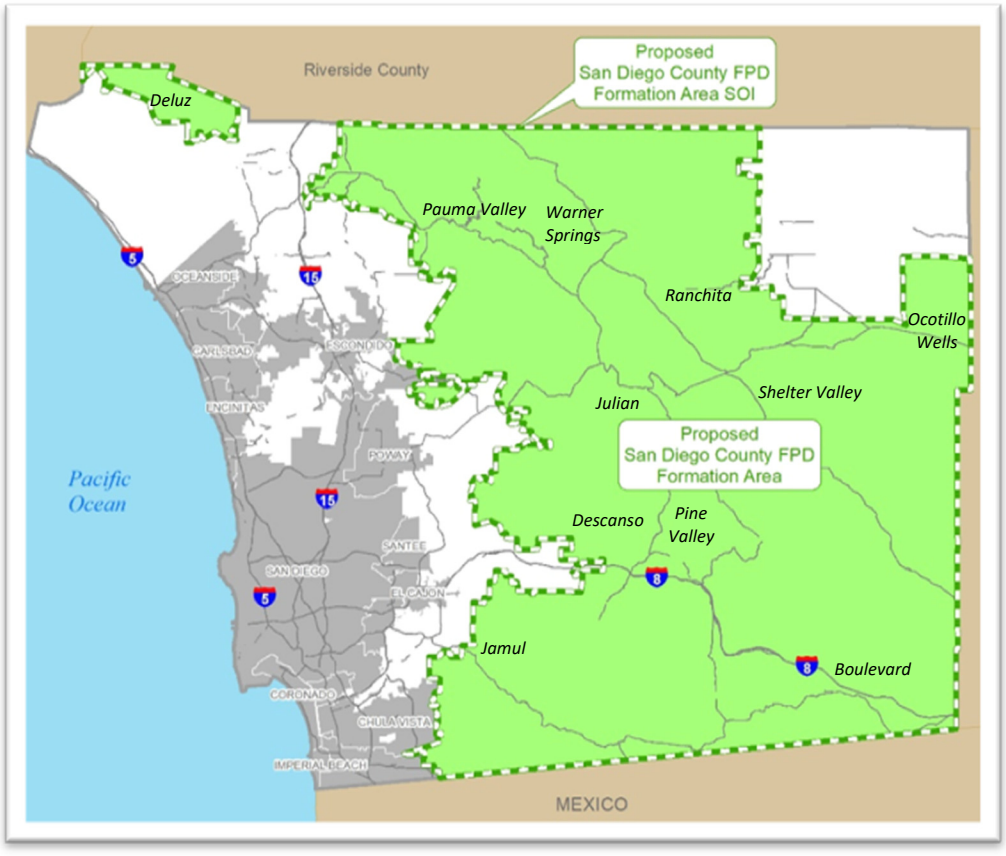
BACKGROUND

Applicant Request

San Diego LAFCO has received a resolution of application from the County of San Diego Board of Supervisors requesting initiation of proceedings for a reorganization involving (a) divestiture of CSA No. 135's existing fire protection and emergency medical service functions with concurrent (b) formation of the San Diego County FPD as successor agency. The affected territory totals 1.597 million acres and comprises all of CSA No. 135's existing fire protection and emergency medical service area. The affected territory is entirely unincorporated and inhabited with 24,474 of registered voters, therefore Commission approval for the proposed reorganization would be subject to protest proceedings for affected landowners and registered voters. Application materials are provided as Attachment Four.

Affected Territory

The following map shows the approximate location of the affected territory in context to the greater San Diego County. An expanded map of the affected territory relative to the proposed boundary changes involving CSA No. 135 is provide as Attachment One.



Subject Agencies

The proposed reorganization before San Diego LAFCO involves one existing subject agency: CSA No. 135. A summary of the subject agency in terms of municipal service functions, resident population, and financial standing follows.

- CSA No. 135 is a dependent special district of the County of San Diego encompassing 2.4 million acres or 3,739.8 square miles and includes all unincorporated lands as well as 10 of the 18 cities in San Diego County.[1] CSA No. 135 was formed in 1994 to provide public safety radio communications through a funding agreement with a third-party (Regional Communication Systems) and involves operating an 800-megahertz system. Administration of this municipal function is provided by County Sheriff. A second municipal service function involving fire protection and emergency medical was activated in 2008 and operates within an internal unincorporated zone that covers two-thirds of the CSA No. 135 jurisdictional boundary. Administration of this municipal function is provided by County Fire Authority. The current estimated resident population within CSA No. 135 is 1,074,319. The current estimated resident population within the fire protection and emergency medical service area (zone) is 50,476. The County's net position on governmental activities has increased over the last five audited fiscal years by more than two-fifths – or 42.7% – from $4.341 to $6.197 billion less pension and benefit obligations.

Affected Local Agencies

The affected territory covers most of the existing unincorporated territory within San Diego County and includes the jurisdictional boundaries and/or spheres of 31 local agencies directly subject to San Diego LAFCO's planning and regulatory responsibilities.[2] These agencies are considered "affected agencies" relative to the proposed reorganization and are listed below.[3]

- CSA No. 69 (Heartland Paramedics)
- CSA No. 81 (Fallbrook Local Parks)
- CSA No. 122 (Otay Mesa East)
- Padre Dam Municipal Water District
- Rainbow Municipal Water District
- San Luis Rey Water District
- Canebrake County Water District
- Cuyamaca Water District
- Otay Water District
- San Diego County Sanitation District

[1] San Diego County cities within CSA No. 135 are Carlsbad, Del Mar, Encinitas, Imperial Beach, Lemon Grove, Poway, San Marcos, Solana Beach, Santee, and Vista.

[2] LAFCO included all local governmental agencies in noticing and staff report distribution for the proposed reorganization and formation of the San Diego County FPD. This distribution included all cities, special districts, school districts, and other local public agencies and organizations.

[3] State law defines "affected local agency" as any entity that contains, or would contain, or whose sphere contains or would contain, any territory for which a change of organization is proposed or ordered. Notice of the proposal and hearing were provided to the agencies.

- Descanso Community Services District
- Jacumba Community Services District
- Julian Community Services District
- Majestic Pines Community Services District
- Fallbrook Healthcare District
- Grossmont Healthcare District
- Palomar Health District
- South Bay Irrigation District
- Vista Irrigation District
- North County Cemetery District
- Ramona Cemetery District
- Valley Center Cemetery District
- Fallbrook Public Utility District
- Lake Cuyamaca Recreation and Park District
- Mission Resource Conservation District
- Resource Conservation District of Greater San Diego County
- Upper San Luis Rey Resource Conservation District
- San Diego County Water Authority
- North County Transit District
- Metropolitan Water District of Southern California

DISCUSSION

This item is for San Diego LAFCO to consider approving – with or without discretionary modifications – the proposed reorganization to divest CSA No. 135 of its fire protection and emergency medical function and concurrently form the San Diego County FPD as successor agency. The Commission may also consider applying conditions so long as it does not directly regulate land use, property development, or subdivision requirements. Additional discussion on proposal purpose, development opportunities, and Commission focus follows.

Proposal Purpose

The primary purpose of the proposed reorganization before San Diego LAFCO is to provide a more effective governance model for the County of San Diego via the County Fire Authority to organize, fund, and deliver fire protection and emergency medical services within the affected territory under State law. Governance would continue to be provided by the County Board of Supervisors. The specific benefits for the proposed reorganization as provided in the County's adopted resolution of application follows:

1. Formalizes County Fire Authority's authorized service area by transitioning from an activated latent power zone imbedded within CSA No. 135 to a clean and stand-alone jurisdictional boundary.

2. Improves governance connectivity by providing the County Fire Authority a more traditional and applicable principal act that syncs with its continued evolution from organizer and funder to organizer, funder, and deliverer of fire protection and emergency medical services.

3. Responds to voters and their approval to amend the County Charter to make the County Fire Authority and its services a committed County of San Diego function.

4. Empowers the County Fire Authority with the ability to directly annex incorporated lands and, in doing so, respond to potential interest among landowners, registered voters and local elected officials.

Current and Potential Development

The entire affected territory is unincorporated and all land uses are subject to existing County of San Diego General Plan and zoning designations. No new development or changes to land use or zoning are proposed as part of the reorganization.

Commission Focus

Three central and sequential policy items underlie San Diego LAFCO's consideration of the proposed reorganization. These policy items take the form of determinations and orient the Commission to consider the interrelated merits of the proposed (a) timing of the reorganization, (b) conforming sphere of influence actions, and (c) whether 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 distinct subsections. The first subsection pertains to evaluating the central issues referenced in the preceding section and headlined by analyzing the merits of the proposed reorganization and conforming sphere of influence actions. The second subsection considers other germane statutory issues required for LAFCO proposal consideration, highlighted by evaluation of applicable provisions under the California Environmental Quality Act (CEQA).

Central Policy Items

Item No. 1 | Reorganization Timing

The timing of the proposed reorganization to divest CSA No. 135's existing fire protection and emergency medical service functions with a concurrent formation of the San Diego County FPD as successor agency appears appropriate. This conclusion draws from the analysis of the prescribed review factors required for consideration under statute along with the proposal's conformance with locally adopted Commission policies. Most of the prescribed review

factors and applicable local policies focus on the effects of the proposed reorganization in terms of the service and financial capacities of the agency to be formed – the San Diego County FPD. A summary of key conclusions generated in the review of these factors and applicable local policies follow with a complete analysis provided as Appendix A.

- Service Needs
  The proposed divesture of CSA No. 135's existing fire protection and emergency medical service functions and concurrent formation of the San Diego County FPD as the successor agency is intended to sustain and enhance service levels within the affected territory. The affected territory spans nearly three-fifths – or 59% – of all unincorporated lands in San Diego County and covers over one dozen distinct communities with an estimated population of 50,476. Notable unincorporated communities within the affected territory include Descanso, Jamul, Julian, Ocotillo Wells, Pine Valley, Pauma Valley, Ranchita, Shelter Valley, and Warner Springs. Provision of organized fire protection and emergency medical services is needed now and into the future to safeguard both life and property within the affected territory as well as to help manage the wildland interface affecting all of San Diego County. Additional details follow.

  - CSA No. 135 has been successful in fulling its role to organize and fund fire protection and emergency medical services in the unincorporated area through the County Fire Authority following LAFCO's approval of a latent power activation in 2008. This includes completing the County's Hybrid Plan for regionalization of fire protection and emergency medical services within the unincorporated territory and serving as successor to 18 merged fire agencies and/or companies through multiple reorganizations approved by LAFCO. The cumulative effect of these earlier reorganizations is the County Fire Authority assuming first-responder status for three-fifths of the unincorporated area.

  - The role of the County Fire Authority has also substantively expanded beyond initial formation expectations and is now a formal commitment under the County of San Diego Charter as a result of a voter-approved amendment in November 2019. The transition into an FPD would affirmatively respond to Charter amendment and sync the County Fire Authority's evolution to direct service provider under a more traditional governance model.

  - San Diego County FPD would assume all fire protection and emergency medical service responsibilities and associated commitments from CSA No. 135 upon reorganization and this includes an existing service agreement with CAL FIRE. This contract currently staffs the County Fire Authority with 141 fulltime equivalent personnel and divided between 120 sworn and 21 non-sworn positions; amounts that have more than doubled in-step with the Authority's expansion since its creation in 2008.

- Overall onsite incidents within CSA No. 135's fire protection and emergency medical service zone have averaged 14.3 daily over the previous five-year report period. Demands have increased overall by 33% with net raises in all five divisions collectively covering the fire protection and emergency medical zone and its approximate 1.6 million acres and 50,476 residents.

- Service Capacities and Levels

  The County of San Diego has included an appropriately detailed plan of service for the proposed formation of the San Diego County FPD as part of their reorganization application. LAFCO also recently completed a comprehensive municipal service review on CSA No. 135 and its active service functions. This includes recommendations for the County to proceed with a reorganization consistent with subsequently filed proposal. Additional details drawn from these documents follow.

  - Fire protection and emergency medical services within the affected territory will continue to be directly provided by CAL FIRE employees under contract with the County and the management of the County Fire Authority. No changes to existing service capacities and levels will result from the reorganization.[4]

  - San Diego County FPD will continue Advanced Life Support (ALS) service for all sixteen stations owned by the County. Staffing is 24-hour coverage, seven days per week, 365 days per year. San Diego County FPD will ensure a Battalion Chief is on duty 24 hours per day.

  - The County Fire Authority has responded exclusively to 78% of all onsite incidents within CSA No. 135's fire protection and emergency medical service zone during the previous five-year period. This response rate has risen by 7.8% during that time and substantiates the County Fire Authority has been successful in planning and syncing resources to meet demands in the District.

  - The portion of onsite arrivals in CSA No. 135's fire protection and emergency medical service zone exclusively provided by outside agencies decreased during the previous five-year period by nearly two-fifths or (37.1%). This latter development further substantiates County Fire Authority's ability to keep pace with demands without overreliance on outside automatic aid agreements.

- Service Funding and Costs

  The County of San Diego has financial resources and related administrative controls to continue the provision of fire protection and emergency medical service functions within the affected territory following reorganization and formation of the San Diego County FPD without significant impacts. This statement draws on both the

[4] The FPD's plan for service also includes winter funding to maintain an expanded-scope basic life support fire engine at select CAL FIRE stations year-round. Paramedic service will be provided within the FPD with full time, year-round staffed paramedic fire engines.

aforementioned municipal service review as well as the application materials with additional details following.

- Services will continue to be financed using existing funding sources from the County Fire Authority (CSA No. 135) including property tax revenues, County general purpose revenues, and special taxes revenue. The General Fund finished the previous five-year period with a balance of $2.307 billion and sufficient to cover 7.4 months of normal County operating expenses.

- All current CSA No. 135 revenue streams for fire protection and emergency medical services will be transferred to the newly formed San Diego County FPD. The County has also agreed to provide future Annual Tax Increments or ATI.

- The County projects total expenses and revenues for the proposed San Diego County FPD as $52.6 million. This amount includes $1.6 million in annual property tax revenues, $15.2 million of fund balance uses, and an annual allocation of $29.7 million in County general funds. This proposed budget for the FPD represents a 5.2% increase over 2020 budgeted funds for the County Fire Authority.

CONCLUSION |
MERITS OF REORGANIZATION TIMING

The timing of the proposed reorganization involving divestiture of fire protection and emergency medical functions for CSA No. 135 and formation of the San Diego County FPD as successor agency is sufficiently warranted. Justification is marked by the preceding analysis and includes appropriately responding to voters amending the County Charter to commit to fire protection and emergency medical services. Additional analysis supporting the conclusion is provided in Appendix A.

Item No. 2 | Conforming Sphere of Influence Actions

The proposed reorganization necessitates San Diego LAFCO consider two concurrent conforming sphere of influence actions. The first action involves an amendment to the adopted CSA No. 135 sphere of influence to remove the fire protection and emergency medical service-specific sphere designation. The second action involves the adoption of a sphere of influence to compliment the formation of the San Diego County FPD. Consideration of the concurrent sphere actions are premised on the Commission's statutory responsibility to designate spheres to demark the affected agencies' appropriate future service areas relative to community needs and – among other features – to conform with proposed boundary changes as warranted. To this end, staff believes eliminating CSA No. 135's fire protection and emergency medical service-specific sphere is appropriate and would memorialize the Commission's determination that the CSA is no longer an appropriate provider of these services now or in the future. Staff relatedly believes establishing a sphere for San Diego County FPD to be coterminous with the jurisdictional boundary inherited from

CSA No. 135 (i.e. the fire protection and emergency medical service zone) is appropriate and would formalize a Commission policy determination that the FPD is the current and future service provider for the lands going forward. Staff also believes it would be prudent to defer consideration of adding any non-jurisdictional lands to the FPD sphere to a future municipal service review on fire protection services in San Diego County.

CONCLUSION | MERITS OF CONFORMING SPHERE OF INFLUENCE ACTIONS

Proceeding with conforming actions to amend CSA No. 135's sphere of influence and remove the fire protection and emergency medical service-specific designation and concurrently adopt a coterminous sphere of influence to compliment the formation of the San Diego County FPD are sufficiently warranted. Justification is marked by the preceding analysis and support the Commission's previous determinations to form an FPD as the appropriate and exclusive fire protection and emergency medical service provider in the affected territory. Additional analysis supporting the conclusion is provided in Appendix B.

Item No. 3 | Modifications and Terms

Staff believes no modifications to the proposed reorganization territory merit consideration by San Diego LAFCO at this time. This includes concluding that potential additions to the San Diego FPD jurisdictional boundary to capture remaining unserved unincorporated lands should be deferred in step with completing a future municipal service review and – among other considerations – mitigates the need for additional environmental review. Staff is recommending approval with standard terms under Government Code Section 57302.

CONCLUSION | MODIFICATIONS AND TERMS

No modifications to the proposed reorganization appear merited as detailed. Standard approval terms are recommended under Government Code Section 57302 for the proposed reorganization.

Other Statutory Considerations

Exchange of Property Tax Revenues

San Diego LAFCO is responsible under statute to determine the amount of property tax revenue to be formally exchanged between CSA No. 135 and San Diego County FPD should the Commission proceed to approve the reorganization. [5] Staff believes an exchange of existing property tax revenues is appropriate given – and among other factors – the intended

[5] Reference to California Government Code Section 56810(a)(2).

function of the San Diego County FPD to recover its costs through dedicated local property tax revenues. As applicant, the County has consented to an exchange or rededication of property taxes to the San Diego County FPD as successor agency in its resolution of application. The County Auditor has identified a total of $1.3 million in current annual property tax revenues currently allocated by the County to CSA No. 135 for fire protection and emergency medical services. Accordingly, staff believes it would be appropriate that all existing property tax revenues currently apportioned to CSA No. 135 for fire protection and emergency medical services be transferred to the San Diego County FPD as successor agency.

Environmental Review

CEQA requires San Diego LAFCO to assess whether environmental impacts would result from activities approved under the Commission's statutory authority. Accordingly, San Diego LAFCO is responsible for making two distinct determinations as lead agency under CEQA with respect to this proposal. This involves addressing the (a) proposed reorganization and (b) conforming sphere of influence actions. The Executive Officer has determined both actions are considered projects under CEQA but are exempt from further environmental review based on the following findings.

- The proposed reorganization involves divestiture of fire protection and emergency medical service functions for CSA No. 135 and concurrent formation of the San Diego County FPD within the same affected territory. Staff believes, accordingly, the reorganization proposal is categorically exempt from environmental review under provisions of State CEQA Guidelines Section 15320(Changes in Organization of Local Agencies) because it would not change the geographic area where previously existing fire protection and emergency medical service powers are exercised.

- The Commission's sphere of influence actions to accommodate the reorganization as recommended in the preceding section qualifies for exemption under State CEQA Guidelines Section 15061(b)(3). This exemption appropriately applies given it can be seen with certainty that spheres are planning policies and their adoption or subsequent amendment does not authorize any new uses or services or have the potential for causing a significant effect on the environment.

Protest Proceedings

Approval of the proposed reorganization by San Diego LAFCO would require protest proceedings under Government Code Section 57000. As allowed under State law and further contemplated under local policy, it is recommended the Commission delegate these proceedings to the Executive Officer and hold a noticed hearing to accept written protest filed by registered voters and/or landowners within the affected territory. The following thresholds would apply in valuing protests and determining next steps:

- Should less than 25% of (a) registered voters and/or (b) landowners holding less than 25% of the assessed value of land within the affected territory file written protests the reorganization will be ordered without an election.

- Should 25% to 50% of (a) registered voters and/or (b) landowners holding 25% to 50% of the assessed value of land within the affected territory file written protests the reorganization will be ordered subject to an election at a future date.

- Should more than 50% of (a) registered voters and/or (b) landowners holding 50% or more of the assessed value of land within the affected territory file written protests the change of organization will be terminated.

Should the Commission proceed with an approval, staff has tentatively scheduled a protest hearing on the reorganization on Friday, November 6, 2020 with the details as to time and place to be determined so as to comply with any physical distancing requirements applicable per state and local orders regarding COVID-19. Notice for the protest hearing would be provided to landowners and registered voters in a manner provided under statute no less than 21-days in advance.[6] Further – and importantly should this apply – all protest forms would need to be signed on or after the date the protest hearing is noticed; signatures dated ahead of the noticing are invalid under statute.

RECOMMENDATION

Staff recommends San Diego LAFCO approve the proposed reorganization without modifications and divest fire protection and emergency medical service functions for CSA No. 135 and concurrently form the San Diego County FPD as the successor agency; the latter including the conveyance of all related powers, assets, and liabilities. The recommendation also includes conforming sphere of influence actions as described and is consistent with Alternative One in the proceeding section. It is relatedly recommended the Commission consider the merits of scheduling a countywide municipal service review on fire protection and emergency medical services in a future workplan and do so to serve as an update to LAFCO's fire studies ("Macro" and "Micro") conducted in the early 2000s.

ALTERNATIVES FOR ACTION

The following alternative actions are available to San Diego LAFCO and can be accomplished with a single-motion:

Alternative One (recommended):

(a) Adopt the attached draft resolution conditionally approving the reorganization proposal without modification and with conforming sphere of influence actions.

(b) Direct the Executive Officer to include an option as part of a future workplan to prepare countywide municipal service review on fire protection services.

[6] Official protest forms for both landowners and voters are available on the LAFCO website with additional instructions.

Alternative Two:
Continue consideration to a future meeting and provide direction to staff concerning additional information, as needed.

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 recommended in the consideration of this item:

1) Receive verbal presentation from staff unless waived.
2) Initial questions or clarifications from the Commission.
3) Open the hearing and invite comments in the following order:
   - representatives from the County of San Diego
   - other interested parties and the general public
4) Discuss item and consider the staff recommendation.

On behalf of the Executive Officer,



Robert Barry, AICP
Chief Policy Analyst

Appendices:
A) Analysis of Proposal Review Factors
B) Analysis of Sphere of Influence Determinations

Attachments:
1) Vicinity Map of the Affected Territory
2) Draft Resolution of Approval
3) Memorandum: Context and Potential Next Steps
4) Application Materials

APPENDIX A

PROPOSAL REVIEW FACTORS
Government Code Section 56668

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

The estimated population within the approximate 1.6 million acre affected territory is 50,476 with a resident density of approximately one person per 32 acres. The affected territory is entirely unincorporated and subject to the County of San Diego General Plan and associated zoning assignments. No changes to land use or zoning assignments are associated with the proposed reorganization. Total assessed valuation for the affected territory is estimated by the County Auditor as $6.1 billion, which provides an approximate per capita assessed valuation as $120,738. The topography of the affected territory ranges from rolling foothills to mountains to deserts from west to east over the approximate 1.6 million acres, with elevations from 200 to over 6,000 feet above sea-level in the mountains. The affected territory covers several watersheds and drainage basins with rivers and creeks flowing west to the Pacific Ocean from the Laguna and Palomar Mountain ranges. The affected territory includes several unincorporated communities and is in proximity to populated incorporated cities on the west. The total annual rate of new fulltime population growth in the affected territory over the last five years has been 0.82%. This rate of growth is one-tenth lower than the corresponding amount for all of San Diego County and reflects the affected territory's generally rural and slower-growth oriented communities. Significant growth is not anticipated within or adjacent to the affected territory over the next 10 years.

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

The County of San Diego is one of 27 original counties established in 1850. A five-member Board of Supervisors oversees the County and its direct provision of multiple municipal services within the unincorporated area and this includes community planning, law enforcement, parks and recreation, and public works. The County also provides other municipal services through several dependent special districts – including CSAs – and marked by fire protection and wastewater. This proposal affects fire protection and emergency medical service and is the focus of the succeeding analysis.

- **Fire Protection and Emergency Medical Service to Affected Territory**
  The proposed divesture of CSA No. 135's fire protection and emergency medical service functions and concurrent formation of the San Diego County FPD as the successor agency is intended to sustain and improve service levels in the affected territory. The proposed change in governance authority from a service-specific subzone of a larger CSA to a stand-alone FPD will also help to strengthen the existing service relationships with surrounding and adjacent fire agencies – including special districts and cities. Additional details follow.

  - CSA No. 135 has been successful in fulling its role to organize and fund fire protection and emergency medical services in the unincorporated area through the County Fire Authority following LAFCO's approval of a latent power activation in 2008. This includes completing the County's Hybrid Plan for regionalization of fire protection and emergency medical services within the unincorporated territory and serving as successor to 18 merged fire agencies and/or companies and in doing so becoming first responder for approximately 70% of the unincorporated area.

  - The role of the County Fire Authority has measurably expanded beyond initial formation expectations and is now a formal commitment under the County of San Diego Charter following a recent voter approved amendment. The proposed FPD would continue to provide fire protection and emergency medical service through the existing service agreement with CAL FIRE. This contract currently staffs the County Fire Authority with 141 fulltime equivalent personnel and divided between 120 sworn and 21 non-sworn positions; amounts that have more than doubled in-step with the Authority's expansion.

  - Overall onsite incidents within CSA No. 135's fire protection and emergency medical service zone have averaged 14.3 daily over the previous five-year report period. Demands have increased overall by 33% during this period with net raises in all five divisions that collectively cover the fire protection and emergency medical service zone and its 1.597 million acres.

  - Fire protection and emergency medical services will be directly provided by CAL FIRE employees under contract with the County and supplemented as needed by County reserve firefighters.[7] The FPD's plan for service also includes winter funding to maintain an expanded-scope basic life support fire engine at select CAL FIRE stations year-round. Paramedic service will be provided within the FPD with full time, year-round staffed paramedic fire engines.

  - The County FPD will continue ALS service for sixteen County owned stations. Staffing is 24-hour coverage, seven days per week, 365 days per year. SDCFPD will ensure a Battalion Chief is on duty 24 hours per day.

[7] Reserve firefighters are used to supplement existing staffing levels across the seventeen County owned and six contract fire stations. On average, five reserve firefighters are on-duty each day and increase the existing staffing on the engine assigned by one member.

- The County Fire Authority has responded exclusively to 78% of all onsite incidents within CSA No. 135's fire protection and emergency medical service zone during the previous five-year period. This response rate has risen by 7.8% during that time and substantiates the County Fire Authority has been successful in planning and syncing resources to meet demands in the District.

- The portion of onsite arrivals in CSA No. 135's fire protection and emergency medical service zone exclusively provided by outside agencies decreased during the previous five-year period by nearly two-fifths or (37.1%). This latter development further substantiates County Fire Authority's ability to keep pace with demands without overreliance on outside automatic aid agreements.

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 proposal to form the San Diego County FPD would strengthen existing economic and social ties between the County of San Diego and the affected territory established with the activation of CSA No. 135's fire protection and emergency medical service function in 2008. These ties underlie public safety within the affected territory and the ability of the County and its Board of Supervisors to effectuate and support fire-wise development.

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 formation of the San Diego County FPD would affirmatively respond to the present and planned uses within the affected territory and associated need for effective fire protection and emergency medical services. Approval conforms to an earlier LAFCO recommendation and identified benefits therein to transition fire protection and emergency medical service responsibilities in the majority of the unincorporated area to a stand-alone FPD within its own jurisdictional boundary while continuing to be governed by the County of San Diego and its economies of resources. The affected territory includes "open-space" as defined under LAFCO law; however, no new growth or development is associated with the proposed reorganization, therefore, no conflicts exists therein under G.C. Section 56377.

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 contain "prime agricultural land" as defined under LAFCO law. However, no new growth or development is associated with the proposed reorganization, therefore, the proposal is not expected to have any effect on maintaining the physical and economic integrity of agricultural lands.

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

LAFCO is in receipt of a draft map and geographic description of the affected territory that details metes and bounds consistent with the standard of the State Board of Equalization. Approval would be conditioned on a final map and description conforming to the referenced standards and address any modifications required by the Commission. Approval for the reorganization of the affected territory would not create any new service islands or corridors of unincorporated territory.

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

No new growth or development is associated with the proposed reorganization; therefore, the proposal is not expected to have any effect on regional transportation plans.[8]

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

The affected territory is entirely unincorporated and subject to the land use designations of the County of San Diego General Plan. No new development, growth, or changes to existing land use or zoning designations are associated with the reorganization.

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

The proposed reorganization involves conforming sphere of influence actions for the subject agencies and detailed in the accompanying agenda report.

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

Staff provided notice of the reorganization proposal to all subject and affected agencies as required under LAFCO law. No written comments were received ahead of preparing this agenda report for distribution on September 25, 2020.

[8] A notice of the proposed reorganization provided to the San Diego Association of Governments or SANDAG did not generate any comments, and as such no conflicts have been identified with respect to its regional transportation plan, San Diego Forward.

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.

The County of San Diego has prepared a detailed plan of service that identifies financial resources and related administrative controls to continue the provision of fire protection and emergency medical functions within the affected territory following reorganization. Additional details follow.

- Services will continue to be financed using existing funding sources from the Fire Authority (CSA No. 135) including property tax revenues, County General Purpose Revenues, and special taxes revenue.

- The General Fund finished the previous five-year period with a balance of $2.307 billion and sufficient to cover 7.4 months of normal County operating expenses.

- All current and future CSA No. 135 fire protection and emergency medical revenues will be transferred to the newly formed FPD.

- The County projects total expenses and revenues for the proposed FPD for the base year at $52.6 million. Key revenue sources include $1.6 million in annual property tax revenues, $15.2 million in fund balance uses, and an annual allocation of $29.7 million from the County General Fund.

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

The proposed reorganization does not involve new development or growth that would require the evaluation of adequate water supplies. The proposal, accordingly, will not have an effect on the timely availability of water supplies.

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

The proposed reorganization would not impact any local agencies in accommodating their regional housing needs. All potential units tied to the lands within the affected territory are already assigned to the County of San Diego by the region's council of governments, SANDAG.

n) Any information or comments from the landowner or owners, voters, or residents of the affected territory.

The affected territory contains 20,474 registered voters and qualifies as "inhabited" as defined by LAFCO law (containing 11 registered voters or greater). Notice of the proposal and associated public hearing scheduled on October 5th has been published in local newspapers with no comments received by the date of the agenda report.

o) Any information relating to existing land use designations.

Please see above analysis for (h).

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

As used in this review factor, "environmental justice" means the fair treatment of people of all races, cultures, and incomes with respect to the location of public facilities and the provision of public services. The proposed reorganization does not include locating new public facilities and therefore approval is not anticipated to directly influence the promotion of environmental justice within the affected territory.

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 contains a hazard mitigation plan for potential fire, flooding and earthquakes. Portions of the approximate 1.6 million acre affected territory lies within "very high" fire hazard zones. It is also mapped within a State Responsibility Area with respect to wildland fire protection. Following the proposed reorganization, the San Diego County FPD would be formed to assume all existing fire protection and EMS service functions and responsibilities within the affected territory.

APPENDIX B

STATEMENT OF SPHERE OF INFLUENCE DETERMINATIONS
Government Code Section 56425

(1) The present and planned land uses, including agricultural and open-space lands.

The affected territory is entirely unincorporated and includes all of CSA No. 135's existing fire protection and emergency medical service area, covering approximately 1.597 million acres and identified as the County Fire Authority. The affected territory is subject to the land use designations of the County General Plan with implementing zoning assignments. The affected territory contains agricultural and open-space lands. No new development or growth is proposed in association with the subject reorganization to divest CSA No. 135's activated fire protection and emergency medical service and form the San Diego County FPD as the successor agency. All present and planned land uses, including agricultural and open-space lands, would not be affected by the proposed reorganization and sphere of influence actions as detailed in the agenda report.

(2) The present and probable need for public facilities and services in the area.

The affected territory contains over 50,000 residents and the proposed formation of the San Diego County FPD addresses the present and probable needs for fire protection and emergency medical services over the approximate 1.6 million acre service area. The establishment of a coterminous sphere of influence for the San Diego County FPD would be consistent with the existing coterminous service-specific sphere for the fire protection and emergency medical service zone of CSA No. 135.

(3) The present capacity of public facilities and adequacy of public services the agency provides or is authorized to provide.

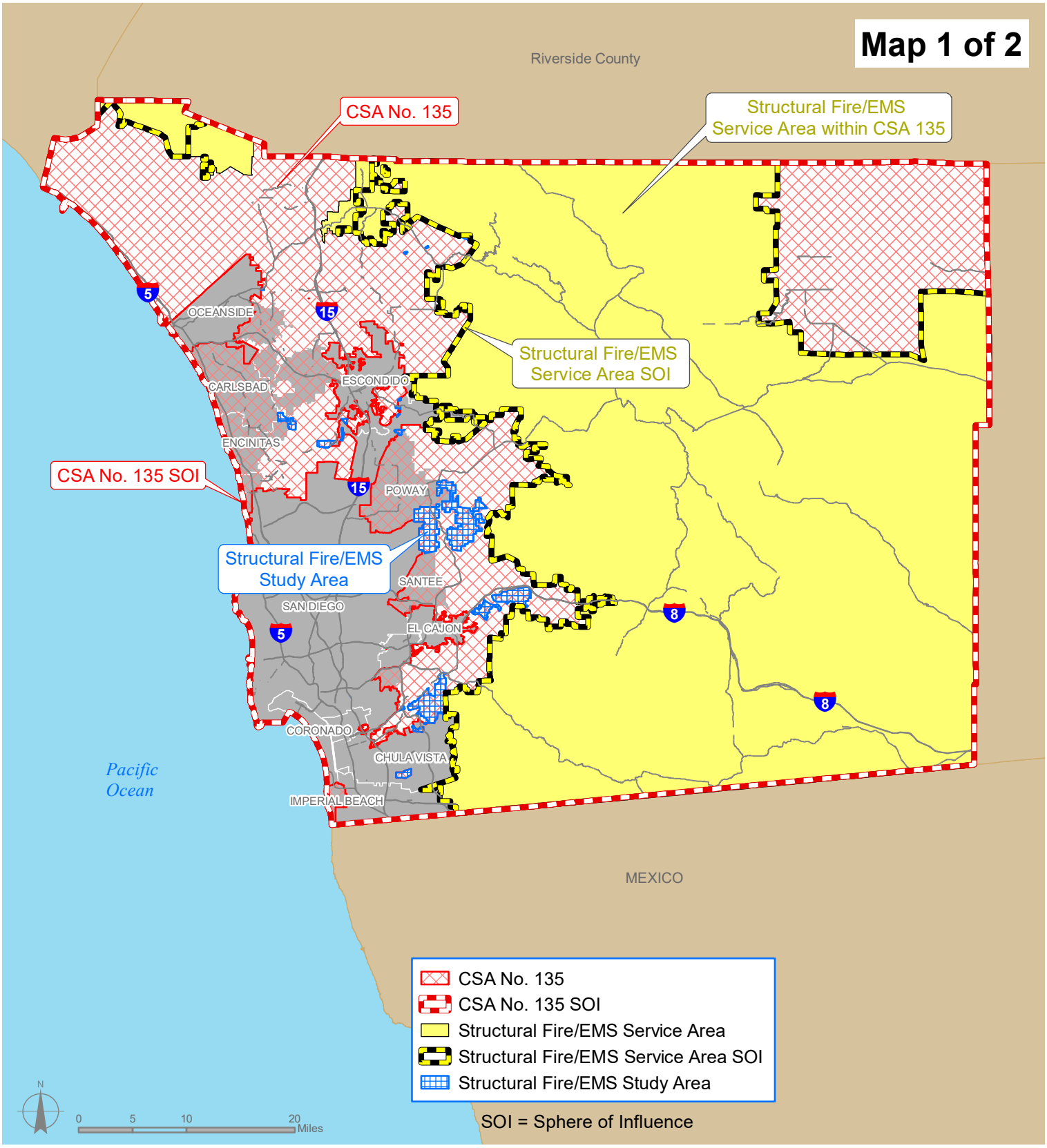
A detailed evaluation of the County Fire Authority and its present service capacities within the affected territory was recently completed by San Diego LAFCO as part of a municipal service review on CSA No. 135. The municipal service review and its assessment of the capacity, demand, and performance of County Fire Authority is incorporated herein.

(4) The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency.

The County of San Diego has established social and economic ties within the affected territory as the primary municipal service provider and headlined by community planning, roads, and public safety. Establishing a coterminous sphere of influence in conjunction with the formation of the San Diego County FPD expands these ties and is consistent with voters recently amending the County Charter to include fire protection as a service commitment.

(5) The present and probable need for those public facilities and services of any disadvantaged unincorporated communities within the existing sphere of influence.

The affected territory and existing coterminous service-specific sphere of influence contains census tracts qualifying as a disadvantaged unincorporated community (DUC) under State statute or LAFCO policy. The sphere of influence actions serve to maintain and improve the delivery of fire protection and emergency medical services to all of the affected territory and benefits all DUC and non-DUC residents.



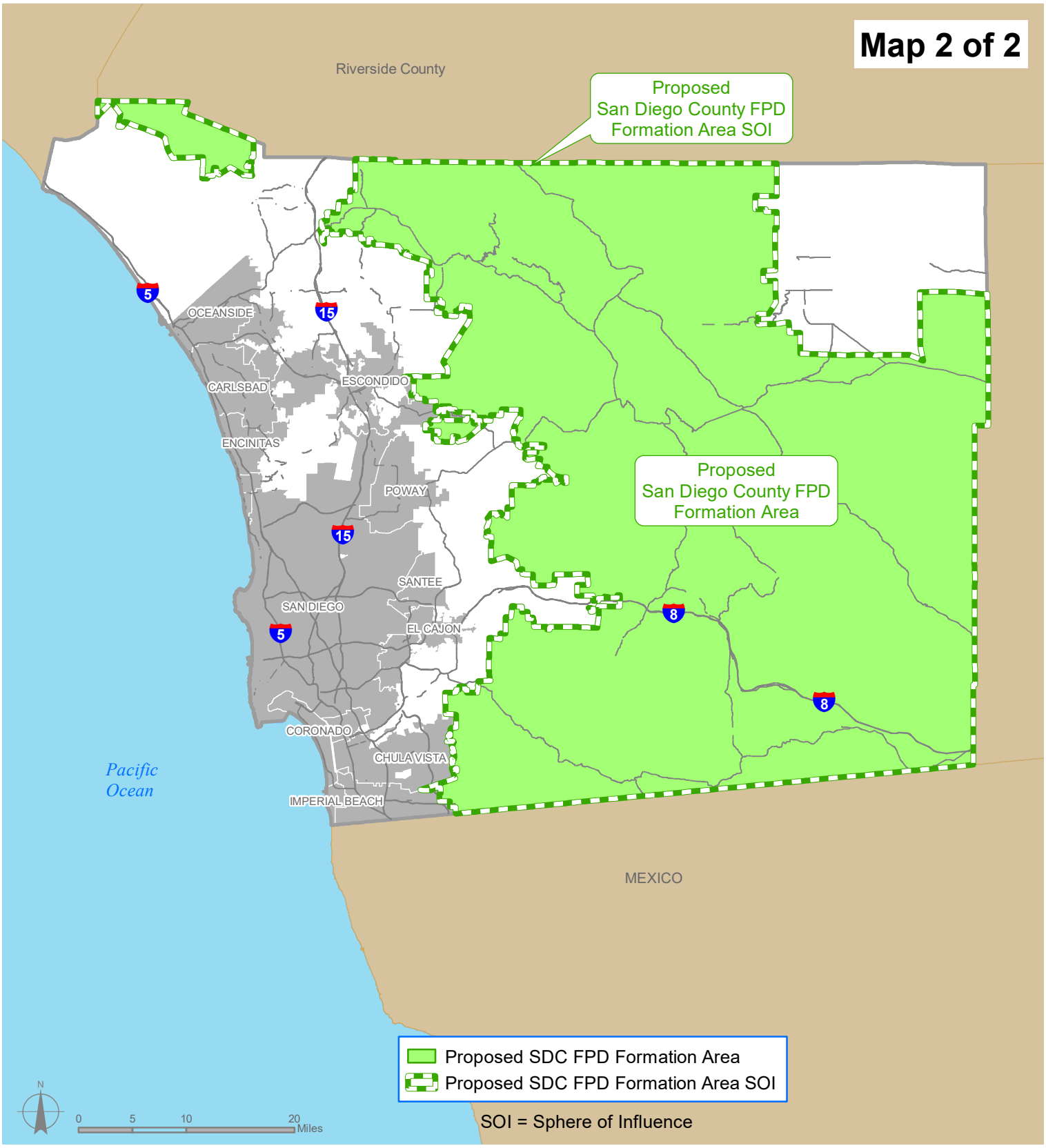
RO20-14 San Diego County Fire Protection District Reorganization" | Proposed Formation of the San Diego County Fire Protection District with Concurrent Divestiture of Fire Protection and Emergency Medical Services from County Service Area No. 135

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

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RO20-14 San Diego County Fire Protection District Reorganization" | Proposed Formation of the San Diego County Fire Protection District with Concurrent Divestiture of Fire Protection and Emergency Medical Services from County Service Area No. 135

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RESOLUTION OF THE SAN DIEGO LOCAL AGENCY FORMATION COMMISSION

APPROVING A COMBINED REORGANIZATION AND ASSOCIATED SPHERE OF INFLUENCE AMENDMENTS

TO CONCURRENTLY DIVEST COUNTY SERVICE AREA NO. 135 OF FIRE PROTECTION AND EMERGENCY MEDICAL SERVICE FUNCTIONS AND FORM THE SAN DIEGO COUNTY FIRE PROTECTION DISTRICT WITH CONFORMING SPHERE OF INFLUENCE AMENDMENTS (RO20-14 ET AL.)

WHEREAS, County Service Area No. 135 (CSA No. 135) is a dependent special district overseen by the San Diego County (County) Board of Supervisors that provides fire protection, emergency medical, and regional communication services; and

WHEREAS, on July 20, 2020, the County, acting on behalf of CSA No. 135, filed a resolution of application with the San Diego County Local Agency Formation Commission (Commission) pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH); and

WHEREAS, the County's application requests the formation of the San Diego County Fire Protection District (County FPD) and the transfer of fire protection and emergency medical services from CSA No. 135 to the County FPD; and

WHEREAS, the affected territory is contained entirely within the unincorporated portions of the County and, therefore, the reorganization involves only one subject agency; and

WHEREAS, the County's application is processed by the Commission as a reorganization proposal and is referred to as the "San Diego County Fire Protection District Reorganization"; and

WHEREAS, under CKH, the Commission is responsible for determining the amount of property tax revenue to be exchanged between CSA No. 135 and the County FPD, and the County consented to the exchange in its resolution of application; and

WHEREAS, the Commission's Executive Officer has reviewed the San Diego County Fire Protection District Reorganization proposal and prepared a report with recommendations; and

WHEREAS, the Executive Officer's report and recommendations on the San Diego County Fire Protection District Reorganization proposal and need for concurrent sphere of influence amendments 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 hearing along with reviewing the necessary concurrent sphere of influence amendments for consistency under Government Code Section 56375.5 on October 5, 2020.

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

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

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

3. The Commission serves as lead agency under the California Environmental Quality Act (CEQA) in considering two distinct "projects" associated with the San Diego County Fire Protection District Reorganization proposal and as detailed in the Executive Officer's report: (a) reorganization and (b) the conforming sphere of influence amendments. The Commission's findings follow.

   a) The reorganization qualifies as a project under CEQA, but is exempt from further review under State CEQA Section 15320. This exemption appropriately applies given it can be seen with a certainty the proposal will not have an adverse effect on the environment given the underlying action is to transfer the performance of services from one agency to another within the same affected territory.

   b) The sphere of influence amendments qualify as a project under CEQA, but are exempt from further review under State CEQA Guidelines Section 15061(b)(3). This exemption appropriately applies given it can be seen with certainty spheres of influence are planning policies and any amendments do not make any changes to the environment or authorize any new uses or services.

4. The Commission conditionally APPROVES the proposed San Diego County Fire Protection District Reorganization proposal identified as RO20-14 et al. without modification or amendment.

   a. The following conditions must be satisfied within one calendar year – or October 5, 2021 – unless prior written request for an extension is received and approved by the Commission.

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

      ii. Receipt and confirmation by the County of San Diego Assessor's Office of the completeness of maps and geographic descriptions of the affected territory showing the (a) divestment of fire protection and emergency medical service functions from CSA No. 135, (b) formation of the County FPD, and (c) activation of fire protection and emergency medical service functions within the County FPD.

   b. The following conditions apply upon and after the effective date, as defined in No. 11 below, to the San Diego County Fire Protection District Reorganization:

      i. Successor Agency. The County FPD shall be the successor to CSA No. 135 for purposes of providing fire protection and emergency medical services to the affected territory, and succeeding to all of the rights, duties, and obligations with respect to enforcement, performance, or payment of any outstanding bonds, including revenue bonds, or other contracts and obligations within the territory previously included within CSA No. 135.

ii. Tax Revenues. Upon the effective date, all property tax revenues and voter-approved special tax or special assessment revenues (if any), currently allocated to CSA No. 135 for fire protection and emergency medical services shall be transferred to the County FPD as authorized by the Commission and the County Board of Supervisors.

5. The Commission conditionally APPROVES the following sphere of influence amendment and establishment.

   a) CSA No. 135's sphere of influence is amended to divest it of the authority to provide fire protection and emergency medical services to the territory shown in Exhibit A-1.

   b) The County FPD's sphere of influence is established to provide fire protection and emergency medical services to the territory shown in Exhibit A-2.

6. The Commission conditions the approved sphere of influence amendment and establishment as described on the recordation of the associated San Diego County Fire Protection District Reorganization identified as RO20-14 et al.

7. The written statements of the Commission addressing the mandatory factors required for consideration any time spheres of influence are adopted, amended, or updated under Government Code Section 56425 are provided as Exhibit B.

8. The population in the affected territory is approximately 50,476 and, thus, the affected territory is inhabited as defined in Government Code Section 56046.

9. The Commission delegates to the Executive Officer performing all conducting authority proceeding requirements under Government Code Section 57000.

10. All subject agencies utilize the regular assessment roll of the County of San Diego.

11. The effective date of the San Diego County Fire Protection District Reorganization proposal shall be the date of recordation of the Certificate of Completion.

12. As allowed under Government Code 56107, the Commission authorizes the Executive Officer to make non-substantive corrections to this resolution to address any technical defect, error, irregularity, or omission.

PASSED AND ADOPTED by the San Diego County Local Agency Formation Commission on October 5, 2020 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINING:

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EXHIBIT A
MAP OF THE AFFECTED TERRITORY

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EXHIBIT B
GEOGRAPHIC DESCRIPTION OF THE AFFECTED TERRITORY

-Placeholder-

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

MEMORANDUM

October 5, 2020

TO: Commissioners

FROM: Ed Sprague, Staff Consultant on Fire Services

SUBJECT: **Agenda Item No. 6a |**
Additional Discussion on Proposed San Diego County FPD Reorganization

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This memorandum provides additional discussion regarding the Commission's consideration of the proposed "San Diego County FPD Reorganization" as part of a scheduled hearing set for October 5, 2020. This includes providing context to key events leading to the proposed reorganization before the Commission as well as summarizing key merits therein. This also includes discussing potential next steps in further addressing fire protection and emergency medical services within San Diego County post the formation of the San Diego County FPD.

How We Got Here

The agenda item you see before you today represents a significant milestone in the decades-long effort to improve the fire and emergency medical capability in our unincorporated areas, and by extension, the entire county. The concern has been on the mind of residents and elected officials as far back as March 1973, when a study by the then "County Fire Protection Committee" recommended that the County "increase its fire protection role". As a result, the County enhanced its contract with the then California Division of Forestry and Fire Protection to provide limited year-round protection to unincorporated areas.

The following is a brief summary of the actions over the intervening years:

- After many changes in policy during the next twenty-five years, the County established a committee in February 1999 to study fire service levels and needs come up with recommendations.

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Mark Kersey, City of San Diego
Chris Cate, Alternate, City of San Diego
Jo MacKenzie, Vista Irrigation
Barry Willis, Alpine Fire Protection
Erin Lump, Alternate, Rincon del Diablo MWD
Vice Chair Andy Vanderlaan, General Public
Harry Mathis, Alternate, General Public

- In June 1997, LAFCO staff began studying the issue and issued a report on "Funding Fire Protection Services" in February 1999. This was followed by a 2003 update of this report, a comprehensive Municipal Services Review in 2005, a "Macro Report" in 2005, a "Micro Report" in 2007 and a comprehensive Standards of Coverage report completed in 2010.

- In November 2004, San Diego County voters approved Proposition C and it's advisory vote on whether the County of San Diego should consolidate fire protection services in the unincorporated area. The measure passed with 81% of voters in favor.

- In November 2008, LAFCO approves a proposal from CSA No. 135 to activate its latent power to provide fire protection and emergency medical services. Approval is designed as the first of three phases in empowering the recently created County Fire Authority to assume service responsibilities for most of the unincorporated area following extensive studying by LAFCO and the County. This is followed by a series of consolidations of rural volunteer fire protection districts with CSA No. 135.

- In November 2018, San Diego County voters approve an amendment to the County of San Diego Charter establishing the County Fire Authority as an organizational unit.

- This was all done with a backdrop of multiple devastating fires in the county including, but not limited to, the Cedar Fire in October 2003 burning 280,000 acres, killing 15 and destroying 2800 structures. The Cedar Fire was followed by the Witch Fire in 2017 consuming 290,000 acres, killing 7 and destroying 1650 structures.

As you can see, a tremendous amount of leadership and work has gone into the proposal you see before you today.

The Proposal

Of the 58 counties in the State of California, over 40 have some form of county fire department. The majority of these fire departments are special districts and cover every major metropolitan area in the State, with the exception of San Diego County.

Supporting the proposal to form the San Diego County FPD provides many benefits to the county and its residents:

- Supports the mandate of the voters demonstrated by their overwhelming approval of Proposition C in 2004 supporting the consolidation of fire protection and again in 2018 amending the County Charter to establish the Fire Authority as an organization unit of the County.

- Allows CSA No. 135 to concentrate on its primary mission – supporting the regional 800-Megahertz communication system.

- Allows the County Fire Chief direct access to County leadership in order to advocate for the fire protection and emergency medical needs of the citizens.

- Allows for greater transparency and accountability, as the finance and administrative functions of the fire department will be completely contained within the FPD - allowing for a clearer view of the financial and operational commitment to the residents.

The Future

The agenda item in front of you today represents one more step, albeit a large step, but not the final step.

Going forward, approval of the proposal will provide the county with a FPD that will have the appropriate organizational structure that can support the future needs of the entire county. The formation of the San Diego County FPD will allow existing city and independent fire protection districts in the county an option to annex to the district if the need arises.

As an example, one of the largest and well-known districts is the Consolidated Fire Protection District of Los Angeles County – better known as Los Angeles County Fire Department. This modern, progressive, and highly regarded department not only covers all unincorporated areas within the County, but 58 incorporated cities as well.

Lastly, approval of this milestone proposal sets the stage to revisit the Macro (2005) and Micro (2007) reports and look at challenges and opportunities over the next 20 years for further fire service coordination/enhancement.

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Resolution No. 20-088
Meeting Date: 07/07/2020 (01)

RESOLUTION OF INTENTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO TO INITIATE PROCEEDINGS WITH THE SAN DIEGO LOCAL AGENCY FORMATION COMMISSION (LAFCO) TO DIVEST STRUCTURAL FIRE AND EMERGENCY MEDICAL SERVICES LATENT POWERS FROM COUNTY SERVICE AREA (CSA) NO. 135

WHEREAS, the San Diego County Board of Supervisors of County Service Area No. 135 (CSA 135) desires to initiate proceedings pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Gov. Code Sec 56000, et seq., for divestiture of fire and emergency medical services in territories within CSA No. 135's sphere of influence from CSA No. 135 to the Dependent Fire Protection District - San Diego County Fire Protection District (SDCFPD); and

WHEREAS, pursuant to Section 56654(b) of Chapter 1 of Part 3 of Division 3 of Title 5 of the Government Code, the divestiture of the power to provide particular functions or classes of services within all or part of the jurisdictional boundaries of a special district can only be initiated by the legislative body of that special district; and

WHEREAS, the proposed change of organization is consistent with the spheres of influence for the subject agencies and includes the following jurisdictional change: Divestiture of Structural Fire and Emergency Medical Services Latent Powers in CSA No. 135 and concurrently form a new dependent fire protection district (San Diego County Fire Protection District) to serve as successor agency, leaving CSA No. 135 with only public safety radio communications powers; and

WHEREAS, the reason for the proposed change of organization is to better meet current and future demands for fire protection and emergency medical services for the unincorporated area of San Diego County; and

WHEREAS, the boundaries of the affected territory are depicted in Exhibit A and are described as identical to the boundaries of the latent powers of CSA 135; and

WHEREAS, a plan for service prepared pursuant to Government Code Section 56824.12 is provided as Exhibit B; and

WHEREAS, the San Diego County Board of Supervisors has determined that pursuant to CEQA Guidelines Section 15320 the proposed actions involve a reorganization of local governmental agencies where the changes do not alter the geographical area in which existing powers are exercised; and

WHEREAS, the San Diego County Board of Supervisors has determined that pursuant to and CEQA Guidelines Sections 15378(b)(4) and (5) the proposed actions involve government fiscal activities which do not involve any commitment to any specific project that may result in a potentially significant physical impact on the environment and involve organization or administrative activities of governments that will not result in direct or indirect physical changes

in the environment; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have been met; and

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT this Resolution of Divestiture is hereby approved and adopted by the San Diego County Board of Supervisors.

IT IS FURTHER RESOLVED THAT:

1. San Diego LAFCO is hereby requested to take proceedings for the proposed change of organization that includes the territory as described in Exhibit A; and

2. The above recitals are true and correct; and

3. The Clerk of the Board of Supervisors, or designee, shall mail a certified copy of this Resolution to the Executive Officer of San Diego LAFCO within 30 days of the date of adoption; and

4. The Director, County Fire Authority, or designee, is hereby authorized and directed to prepare the necessary LAFCO Application documents, conduct investigations, and take any action necessary to process the application.

APPROVED AS TO FORM AND LEGALITY
COUNTY COUNSEL

By Suedy Alfaro
Senior Deputy County Counsel

ON MOTION of Supervisor Jacob, seconded by Supervisor Gaspar, the above Resolution was passed and adopted by the Board of Supervisors, County of San Diego, State of California, on this 07th day of July 2020, by the following vote:

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

- - -

STATE OF CALIFORNIA)
County of San Diego)SS

I hereby certify that the foregoing is a full, true and correct copy of the Original Resolution entered in the Minutes of the Board of Supervisors.

ANDREW POTTER
Clerk of the Board of Supervisors

By: _____
Grace Caro, Deputy

Resolution No. 20-088
Meeting Date: 07/07/2020 (01)

Resolution No. 20-089
Meeting Date: 07/07/2020 (01)

RESOLUTION OF APPLICATION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO TO INITIATE PROCEEDINGS WITH THE SAN DIEGO LOCAL AGENCY FORMATION COMMISSION (LAFCO) TO FORM A DEPENDENT FIRE PROTECTION DISTRICT (SAN DIEGO COUNTY FIRE PROTECTION DISTRICT) FOR STRUCTURAL FIRE AND EMERGENCY MEDICAL SERVICES IN UNINCORPORATED SAN DIEGO COUNTY

WHEREAS, the San Diego County Board of Supervisors of County Service Area No. 135 (CSA 135) desires to initiate proceedings pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Gov. Code Sec 56000, et seq., for the formation of Dependent Fire Protection District - San Diego County Fire Protection District (SDCFPD); and

WHEREAS, pursuant to Section 56654(b) of Chapter 1 of Part 3 of Division 3 of Title 5 of the Government Code, the formation of the power to provide particular functions or classes of services within all or part of the jurisdictional boundaries of a special district can only be initiated by the legislative body of that special district; and

WHEREAS, the proposed reorganization is consistent with the spheres of influence for the subject agencies and includes the following jurisdictional change: Divestiture of Structural Fire and Emergency Medical Services Latent Powers in CSA No. 135 and concurrently form a new dependent fire protection district (San Diego County Fire Protection District) to serve as successor agency, leaving CSA No. 135 with only public safety radio communications powers; and

WHEREAS, the reason for the proposed reorganization is to better meet current and future demands for fire protection and emergency medical services for the unincorporated area of San Diego; and

WHEREAS, the boundaries of the affected territory are depicted in Exhibit A and are described as identical to the boundaries of the latent powers of CSA 135 are requesting removal from structural fire and emergency medical services and concurrent formation of a dependent fire protection district, to be named the "San Diego County Fire Protection District"; and

WHEREAS, a plan for service prepared pursuant to Government Code Section 56824.12 is provided as Exhibit B; and

WHEREAS, the San Diego County Board of Supervisors has determined that pursuant to CEQA Guidelines Section 15378(b)(4), the proposed reorganization involves government fiscal activities which do not involve any commitment to any specific project that may result in a potentially significant physical impact on the environment, and that pursuant to Section 15378(b)(5), the proposed reorganization involves organization or administrative activities of governments that will not result in direct or indirect physical changes in the environment; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have been met; and

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT this Resolution of Divestiture is hereby approved and adopted by the San Diego County Board of Supervisors.

IT IS FURTHER RESOLVED THAT:

1. San Diego LAFCO is hereby requested to take proceedings for the proposed reorganization that includes the territory as described in Exhibit A; and

2. The above recitals are true and correct; and

3. The Director, County Fire Authority, or designee, is hereby authorized and directed to file a certified copy of this Resolution with the Executive Officer of the LAFCO; and

4. The Director, County Fire Authority, or designee, is hereby authorized and directed to prepare the necessary LAFCO Application documents, conduct investigations, and take any action necessary to process the application.

APPROVED AS TO FORM AND LEGALITY
COUNTY COUNSEL

By Suedy Alfaro
Senior Deputy County Counsel

ON MOTION of Supervisor Jacob, seconded by Supervisor Gaspar, the above Resolution was passed and adopted by the Board of Supervisors, County of San Diego, State of California, on this 07th day of July 2020, by the following vote:

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

- - -

STATE OF CALIFORNIA)
County of San Diego)SS

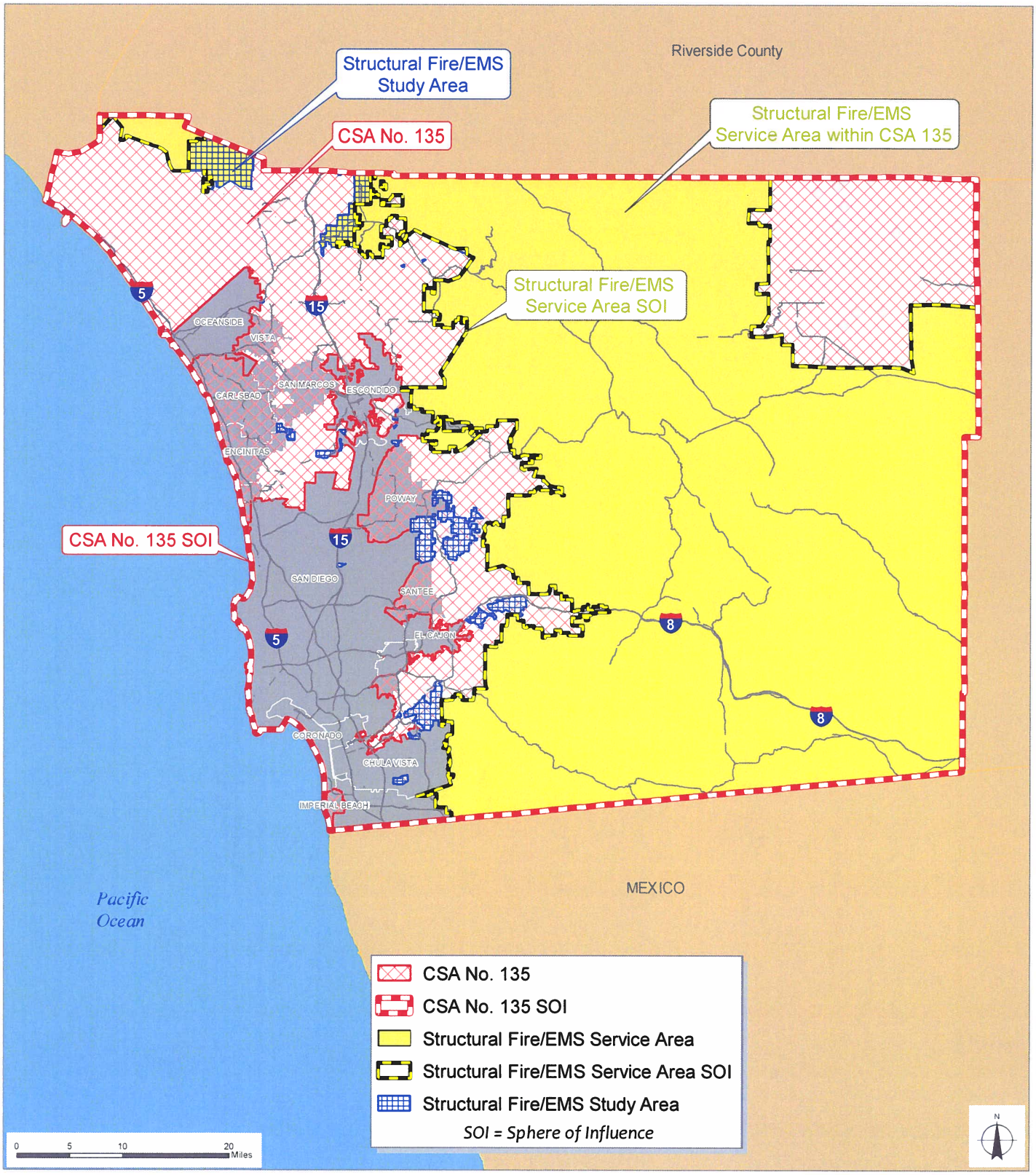
I hereby certify that the foregoing is a full, true and correct copy of the Original Resolution entered in the Minutes of the Board of Supervisors.

ANDREW POTTER
Clerk of the Board of Supervisors

By: _____
Grace Caro, Deputy

Resolution No. 20-089
Meeting Date: 07/07/2020 (01)

CSA No. 135 (Regional Communications/Fire Protection and EMS)



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

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Created by Dieu Ngu – 2/12/2020

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SOI Adopted: 10 / 3 / 1994
SOI Affirmed: 5 / 7 / 2007
SOI Reaffirmed: 8 / 6 / 2007

Structural Fire / EMS Service Area
SOI Adopted: 10 / 6 / 2008
SOI Affirmed/Amended: 12 / 5 / 2011
SOI Amended: 8 / 3 / 2015



Plan for Service

Pursuant to Government Code Sections 56653 and 56824.12, this plan describes services to be provided by the San Diego County Fire Protection District (SDCFPD) territory upon formation.

(1) An enumeration and description of the services to be provided:

Fire Protection and Emergency Medical Services: Upon formation of SDCFPD, these services will be provided by CAL FIRE employees under contract with the County of San Diego and County Reserve firefighters. SDCFPD will also provide winter funding to maintain an expanded scope basic life support fire engine at select CAL FIRE fire stations year-round. Paramedic service will be provided within the territory of the SDCFPD with full time, year-round staffed paramedic fire engines.

Fire Prevention Services: These services are currently provided by the County of San Diego and will continue after SDCFPD formation.

(2) The level and range of services to be provided:

SDCFPD will continue Advanced Life Support (ALS) service for sixteen stations. Staffing is 24-hour coverage, seven days per week, 365 days per year. SDCFPD will ensure a Battalion Chief is on duty 24 hours per day.

(3) An indication of when services can be feasibly extended to the reorganization territory:

Fire Protection and Emergency Medical Services: These services within the affected territory are provided by the latent powers activation within CSA 135. Upon formation of SDCFPD, these services will be provided by CAL FIRE employees under contract with the County of San Diego, and County Reserve firefighters. No additional services are anticipated.

Fire Prevention Services: These services are currently provided by the County of San Diego and will continue after SDCFPD formation.

(4) An indication of any improvements or upgrades of facilities that the reorganized agency will make or require:

No significant improvements will be made or required as a result of the reorganization.

(5) Information with respect to how services will be financed:

The services will be financed using CSA No. 135 Latent Powers Subarea existing funding (Property Tax Revenue, County General Purpose Revenue, and Special Taxes Revenue). This funding will be transferred to the newly formed FPD. It is anticipated that the funding will continue to be budgeted within the same categories of services after the reorganization is complete.

(6) The total estimated cost to provide the new or different function or class of services within the special district's jurisdictional boundaries:

Tables 1 below provide the five-year budget projections for San Diego County Fire Protection District.

Table 1.

Description	Department Projection				
	2020-21	2021-22	2022-23	2023-24	2024-25
Salaries & Benefits	3,336,186	3,336,186	3,336,186	3,336,186	3,336,186
Services and Supplies	48,197,100	48,197,100	48,197,100	48,197,100	48,197,100
Other Charges	450,000	450,000	450,000	450,000	450,000
Capital Assets Equipment	294,000	294,000	294,000	294,000	294,000
Expenditure Transfer and Reimbursements	(25,000)	(25,000)	(25,000)	(25,000)	(25,000)
Operating Transfers Out	338,693	338,693	338,693	338,693	338,693
Total Expense	**52,590,979**	**52,590,979**	**52,590,979**	**52,590,979**	**52,590,979**
Budget by Program	**Department Projection**				
	2020-21	**2021-22**	**2022-23**	**2023-24**	**2024-25**
San Diego County Fire Authority	47,977,874	47,977,874	47,977,874	47,977,874	47,977,874
County Service Area 135- Fire Protection/EMS	4,613,105	4,613,105	4,613,105	4,613,105	4,613,105
Total Expense	**52,590,979**	**52,590,979**	**52,590,979**	**52,590,979**	**52,590,979**
Budget by Program	**Department Projection**				
	2020-21	**2021-22**	**2022-23**	**2023-24**	**2024-25**
Taxes Current Property	1,608,490	1,608,490	1,608,490	1,608,490	1,608,490
Revenue from Use of Money & Property	-	-	-	-	-
Intergovernmental Revenues	-	-	-	-	-
Charges for Current Services	5,470,731	5,470,731	5,470,731	5,470,731	5,470,731
Miscellaneous Revenues	300,392	300,392	300,392	300,392	300,392
Other Financing Sources					

	262,455	262,455	262,455	262,455	262,455
Fund Balance Component Decreases	73,966	73,966	73,966	73,966	73,966
Use of Fund Balance	15,178,789	15,178,789	15,178,789	15,178,789	15,178,789
General Purpose Revenue Allocation	29,696,156	29,696,156	29,696,156	29,696,156	29,696,156
Total Revenue	**52,590,979**	**52,590,979**	**52,590,979**	**52,590,979**	**52,590,979**

(7) An identification of existing providers, if any, of the new or different function or class of services proposed to be provided and the potential fiscal impact to the customers of those existing providers:

Fire protection and emergency medical services are currently provided within CSA 135 by CAL FIRE employees under contract with the County of San Diego and County Reserve firefighters. There is no anticipated fiscal impact to the customers of these existing providers.

(8) A written summary of whether the new or different function or class of services will involve the activation or divestiture of the power to provide a particular service or services, service function or functions, or class of service or services:

The proposed formation of the dependent fire protection district is proposed in the following resolutions:

RESOLUTION OF INTENTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO TO INITIATE PROCEEDINGS WITH THE SAN DIEGO LOCAL AGENCY FORMATION COMMISSION (LAFCO) TO DIVEST STRUCTURAL FIRE AND EMERGENCY MEDICAL SERVICES LATENT POWERS FROM COUNTY SERVICE AREA (CSA) NO. 135

RESOLUTION OF APPLICATION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO TO INITIATE PROCEEDINGS WITH THE SAN DIEGO LOCAL AGENCY FORMATION COMMISSION (LAFCO) TO FORM A DEPENDENT FIRE PROTECTION DISTRICT (SAN DIEGO COUNTY FIRE PROTECTION DISTRICT) FOR STRUCTURAL FIRE AND EMERGENCY MEDICAL SERVICES IN UNINCORPORATED SAN DIEGO COUNTY

(9) A plan for financing the establishment of the new or different function or class of services within the special district's jurisdictional boundaries:

See items (5) and (6) above. Financing will be provided through property tax assessment revenue allocated through the County's annual budgeting process.

(10) Alternatives for the establishment of the new or different functions or class of services within the special district's' jurisdictional boundaries:

An alternative to the proposal could be for CSA 135 to retain the latent powers and continue to provide fire protection and emergency medical services.

6b

AGENDA REPORT
Public Hearing

October 5, 2020

TO: Commissioners

FROM: Keene Simonds, Executive Officer
Robert Barry, Chief Policy Analyst

SUBJECT: **Proposed "SVBF Temple Reorganization" | Concurrent Annexations to Rincon del Diablo Municipal Water District, San Diego County Water Authority, and Metropolitan Water District of Southern California with Conforming Sphere of Influence Actions (RO20-16 et al.)**

SUMMARY

The San Diego County Local Agency Formation Commission (LAFCO) will consider a reorganization proposal filed by resolution from the Rincon del Diablo Municipal Water District (MWD) requesting approval to annex approximately 19.5 unincorporated acres outside its sphere of influence. Concurrent annexations to the San Diego County Water Authority and Metropolitan Water District of Southern California (MET) are also proposed. The affected territory as submitted includes one parcel presently undeveloped and located southeast the City of Escondido in the Bear Valley area. The purpose of the proposal is to extend public water service to the subject parcel and facilitate the development of a proposed religious facility. Staff recommends approval of the reorganization with modifications to expand the affected territory to include adjacent public rights-of-ways totaling 3.8 acres along with adding it to Rincon del Diablo MWD's Improvement District E (fire protection). Standard approval terms are also recommended along with waiver of protest proceedings.

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Barry Willis, Alpine Fire Protection
Erin Lump, Alternate, Rincon del Diablo MWD
Vice Chair Andy Vanderlaan, General Public
Harry Mathis, Alternate, General Public

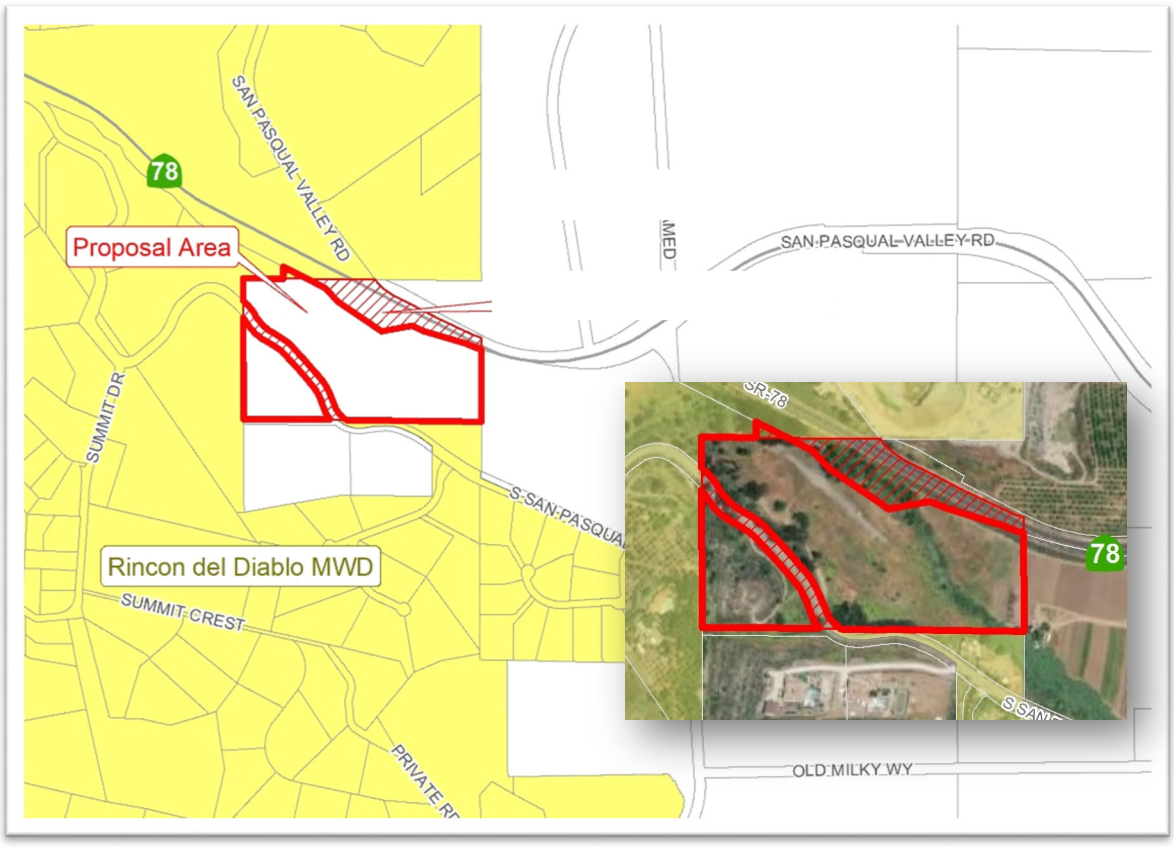
BACKGROUND

Applicant Request

Rincon del Diablo MWD has submitted a resolution of application on behalf of an interested landowner (Sringeri Vidya Bharati Foundation) requesting approval to reorganize 19.5 acres of unincorporated territory with the principal action to annex to the District. Concurrent and supporting annexations are also requested to the County Water Authority and MET as required under the respective wholesalers' administrative codes. The affected territory as submitted includes one assessor parcel that is bifurcated by an approximate 800-foot public right-of-way segment of Old San Pasqual Road. The County of San Diego Assessor's Office identifies the subject parcel as 241-080-47.

Affected Territory

The following map shows the approximate location of the affected territory in context to the Rincon del Diablo MWD and surrounding Bear Valley area. Attachment One shows the affected territory relative to the proposed concurrent annexations to Rincon del Diablo MWD, San Diego CWA, and MET.



Subject Agencies

The proposed change of organization filed with San Diego LAFCO involves three subject agencies: Rincon del Diablo MWD; County Water Authority; and MET.[1] A summary of the three subject agencies in terms of municipal service functions, resident population, and financial standing follows.

- Rincon del Diablo MWD is an independent special district formed in 1954 and governed by a five-member Board, each representing a geographic area within the MWD. The jurisdictional boundary spans close to 42 square miles and comprises most – but not all – of the City of Escondido and surrounding unincorporated lands and includes portions of Big Bear Valley.[2] Rincon del Diablo MWD's principal function is domestic water and supplemented by three other active services: recycled water; wastewater; and fire protection and emergency medical.[3] Staff estimates Rincon del Diablo MWD's resident population currently at 132,076. LAFCO most recently reviewed and affirmed Rincon del Diablo MWD's sphere in 2007 and it presently includes NUMBER of non-jurisdictional acres. The audited undesignated fund balance of June 30, 2019 totaled $29.7 million and represents 20+ months of current budgeted operating expenses.

- County Water Authority is a dependent special district formed by special legislation in 1944 to provide wholesale imported water to San Diego County. It is comprised of 24 retail member agencies, including local special districts, cities, and USMC Camp Pendleton. Governance is provided by a 36-member Board, each representing member agencies with weighted votes in relation to the amount of water purchases by the respective agency. The jurisdictional boundary spans approximately 951,000 acres or 1,486 square miles and includes the western developed portion of San Diego County with a total estimated population of 3.3 million. County Water Authority itself is a member agency of MET, which provides wholesale supplies generated from the Colorado River and Sacramento Bay-Delta. The audited undesignated fund balance of June 30, 2018 totaled $302 million and represents 6+ months of current budgeted operating expenses.

- MET is a dependent special district formed by special legislation in 1928 to provide wholesale imported water to participating members throughout Southern California. It is comprised of 26 member agencies, including cities and special districts – including the County Water Authority, which is the largest wholesale customer. Governance is provided by a 38-member Board, each representing member agencies with weighted votes in relation to the amount of water purchases by the respective agency. The jurisdictional boundary spans approximately 3.3 million acres or 5,200 square miles and includes the western developed territory of Southern California, including significant

[1] State law defines "subject agency" to mean any district or city for which a change of organization or reorganization is proposed.
[2] "Old Escondido" generally consists of the downtown and historical residential area of the City and lies outside Rincon del Diablo MWD.
[3] Rincon del Diablo MWD's fire protection and emergency medical services are limited to approximately one-third of its jurisdictional boundary with the majority of responsibility tied to its southern perimeter. Wastewater services were activated by LAFCO in 2018 and limited to the Harmony Grove Village development area west of Escondido.

portions of Los Angeles, Orange, Riverside, San Bernardino, San Diego and Ventura counties. The estimated total resident population is currently 19 million. The audited undesignated fund balance of July 30, 2019 totaled $286 million and represents 3+ months of current budgeted operating expenses.

Affected Local Agencies

The affected territory lies within the jurisdictional boundaries and/or spheres of influence of five local agencies directly subject to San Diego LAFCO. These agencies qualify as "affected agencies" relative to the proposed change of organization and listed below.[4]

- City of Escondido (sphere only)
- County Service Area No. 135 (Regional Communications and Fire Protection)
- North County Cemetery District
- Palomar Health Healthcare District
- Resource Conservation District of Greater San Diego County

DISCUSSION

This item is for San Diego LAFCO to consider approving – with or without discretionary modifications – the reorganization proposal to concurrently annex the affected territory to Rincon del Diablo MWD, County Water Authority, and MET. The Commission may also consider applying conditions 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 facilitate the development of the affected territory as part of a planned 17,500 square foot religious facility along with ancillary structures and related improvements. Specifically, the extension of public water service by Rincon del Diablo MWD as the local retailer is needed to satisfy a condition of approval for a major use permit by the County of San Diego. Concurrent annexations into the County Water Authority and MET relatedly accommodate the planned development given these agencies directly and indirectly, respectively, wholesale supplies to Rincon del Diablo MWD and further detailed in the accompanying footnote.[5]

[4] State law defines "affected local agency" as any entity that contains, or would contain, or whose sphere contains or would contain, any territory for which a change of organization is proposed or ordered. Notice of the proposal and hearing were provided to the agencies.

[5] Rincon del Diablo MWD is a retail water member agency of the wholesale San Diego CWA, which receives its wholesale imported water supply from MET. Rincon del Diablo MWD has consented to the annexation of the affected territory for retail water service and obtained conditional annexation approvals from both San Diego CWA and MET as required under their respective Administrative Codes for annexation to a special district member agency.

Development Potential

The affected territory is entirely unincorporated and designated by the County of San Diego as Semi-Rural Residential 2 (SR-2).[6] The present zoning designation is A-70, Light Agriculture with a 2-acre minimum lot size. The County has approved a major use permit to develop the subject parcel into a religious facility along with accessory structures and improvements subject to certain conditions – including connecting to a public water system. Specific improvements covered by the major use permit involve main temple building, a detached 5-unit multi-family residence for religious personnel, and an accessory barn for livestock. The project is planned to utilize underground septic disposal systems, which will preclude additional density or intensity on the site without changes to the major use permit and additional environmental review by the County.

Commission Focus

Three central and sequential policy items underlie San Diego LAFCO's consideration of the proposed reorganization. These policy items take the form of determinations and orient the Commission to consider the interrelated merits of the (a) timing of the reorganization (b) conforming sphere of influence actions, and (c) whether discretionary boundary modifications or approval terms are warranted. The Commission must also consider other relevant statutes as detailed.

ANALYSIS

San Diego LAFCO's analysis of the proposed reorganization is divided into two distinct subsections. The first subsection pertains to evaluating the central issues referenced in the preceding section and headlined by analyzing the merits of the concurrent annexations to Rincon Del Diablo MWD, County Water Authority, and MET and conforming sphere of influence actions. The second subsection considers other germane issues required for consideration by the Commission in evaluating the proposal and highlighted by environmental review under the California Environmental Quality Act (CEQA).

Central Policy Items

Item No. 1 | Reorganization Timing

The timing of the proposed reorganization – and specifically the primary action to annex the affected territory to Rincon del Diablo MWD and secondary actions to also annex to County Water Authority, and MET – appears appropriate. This conclusion draws from the analysis of the statutory factors required for consideration of proposed jurisdictional changes along with locally adopted Commission policies. Most of the prescribed factors and applicable policies

[6] This General Plan designation allows one dwelling unit per 2, 4, or 8 acres.

focus on the impacts of the proposed on the service and financial capacities of the *primary subject* agency, Rincon del Diablo MWD (emphasis added). A summary of key conclusions generated in the review of these proposal factors and applicable local policies follow with a complete analysis provided as Appendix A.

- Service Needs
  Reorganization of the affected territory is intended to extend Rincon del Diablo MWD's retail water service for a planned religious facility and accessory structures. Approval satisfies a major use permit condition by the County of San Diego for the landowner to proceed with the development project and serves as a preferred alternative to drawing on local groundwater supplies. Additional details follow.

  - Annexation to Rincon del Diablo MWD as well as to its wholesalers (County Water Authority and MET) is consistent and facilitates the adopted land use policies of the County of San Diego. The annexations also – pertinently – are consistent and facilitates the land use policies contemplated for the affected territory by the City of Escondido; the anticipated future land use authority for the affected territory as determined by the Commission and marked by the standing inclusion of the land in the City's sphere.

  - The landowner of the affected territory has initiated the proposal in response to a development application with the County of San Diego to construct a religious facility consistent with zoning. These factors help to quantify the annexation of the affected territory to Rincon del Diablo MWD and complimentary annexations to County Water Authority and MET is appropriate by syncing the timing of the boundary change with an expected and known need.

- Service Capacities and Levels
  Rincon Del Diablo MWD would directly assume retail water service responsibilities for the affected territory upon reorganization. A review of Rincon del Diablo MWD indicates the District has sufficient capacity and supply resources to readily accommodate demands within the affected territory at its planned uses without expanding any public infrastructure. Additional details follow.

  - Rincon Del Diablo MWD projects the proposed reorganization's water demands at 11.9 acre-feet per year. These water demands have been anticipated and are presently accounted for within the MWD's Urban Water Management Plan total of 417 acre-feet of excess water supply available to Rincon del Diablo MWD.[7]

  - An existing Rincon Del Diablo water main is located adjacent to the affected territory within the San Pasqual Valley Road public-right-of-way. The landowner will finance all required connection costs.

[7] One acre-foot is about 326,000 gallons, or enough water to cover one acre to a depth of one foot. An acre-foot can supply the average household needs of two four-person families for one year.

- Service Funding and Costs
  Rincon del Diablo MWD has the financial resources coupled with administrative controls to provide retail water services to the affected territory in support of its planned development without adversely impacting current ratepayers. This comment is reflected in the staff analysis of Rincon del Diablo MWD's recent audited statements which shows – among other items – the District remained profitable in each of the last three audited fiscal years with an average total margin of 8.6%.

CONCLUSION |
MERITS OF CHANGE OF REORGANIZATION TIMING

The timing of the reorganization involving annexations therein of the affected territory to Rincon del Diablo, County Water Authority, and MET is sufficiently warranted. Justification is marked by the preceding analysis and highlighted by appropriately responding to the need for retail and wholesale water services for the affected territory in support. Additional analysis supporting the conclusion is provided in Appendix A.

Item No. 2 |
Conforming Sphere of Influence Amendments

The proposed reorganization necessitates San Diego LAFCO consider three concurrent actions to add the affected to all three subject agencies' spheres of influence. Consideration of the concurrent sphere actions are premised on the Commission's statutory responsibility to designate spheres to demark the affected agencies' appropriate future service areas relative to community needs and – among other features – to conform with proposed changes of organization or reorganization when warranted. To this end, staff believes the proposed sphere of influence actions to include the affected territory are appropriate and would serve to formalize Commission policy determinations that Rincon del Diablo MWD – and by extension County Water Authority and MET – are the appropriate providers of now and going forward of public water service to the affected territory.

CONCLUSION |
MERITS OF CONFORMING SPHERE OF INFLUENCE AMENDMENTS

The concurrent amendments to the adopted sphere of influence for the subject agencies to conform with the proposed reorganization is sufficiently warranted. The concurrent sphere amendments will provide consistency with the present and planned jurisdictional boundaries and sphere for the subject agencies following the proposed reorganization of the affected territory and serves to confirm the agencies' authorized service areas under LAFCO statute.

Item No. 3 |
Modifications and Terms

Two discretionary modifications to the proposed reorganization have been identified by staff during the administrative review and merits consideration by San Diego at this time. These recommended modifications are summarized below.

- Modification to Boundary Change Area
  It is recommended the Commission modify the affected territory to include the internal Old San Pasqual Valley Road public right-of-way and the adjacent SR-78/San Pasqual Valley Road right-of-way along the northern border of the proposal area. It is relatedly recommended the Commission exclude an approximate 0.10-acre portion of the affected territory presently within the subject agencies. These recommended geographic modifications would add approximately 3.83 acres to the proposed reorganization territory.

- Expansion of Rincon del Diablo MWD ID "E"
  It is recommended the Commission modify the reorganization to include an additional jurisdictional change and expand Rincon del Diablo MWD's Improvement District E involving fire protection and emergency medical service to the affected territory. This modification would sync fire protection coverage for the affected territory consistent with surrounding lands and avoid the creation of an unserved corridor within Rincon del Diablo MWD.[8]

Standard approval terms are also recommended under Government Code Section 57302 along with waiving protest proceedings per Section 56662.

CONCLUSION |
MODIFICATIONS AND TERMS

Modifications to the proposed reorganization appear merited as described above and involve the physical adjustment of the affected territory and inclusion within Rincon del Diablo MWD's Improvement District E. These modifications achieve enhanced jurisdictional boundaries for the subject agencies while also avoiding the creation of a unserved coordination involving fire protection. Standard approval terms are also recommended.

[8] Rincon del Diablo MWD presently provides fire protection and emergency medical services to portions of its unincorporated service area by contractual agreement with the City of Escondido. This contracted fire service area is designated as Rincon del Diablo MWD through formal inclusion in its Improvement District E.

Other Statutory Considerations

Exchange of Property Tax Revenues

California Revenue and Taxation Code Section 99(b)(6) requires the County of San Diego to adopt a property tax exchange agreement for the subject proposed change of organization or reorganization prior to San Diego LAFCO issuing a Certificate of Filing and scheduling the proposal for hearing, unless an existing master property tax exchange agreement would govern the proposal's exchange. The associated statutes also empower the County of San Diego to make all related property tax exchange determinations on behalf of affected special districts. Staff has confirmed the County Board of Supervisors has adopted a master enterprise district resolution (that will govern the tax exchange for the proposed reorganization. The exchange agreement specifies no transfer of property taxes would occur following the concurrent annexations of the affected territory to Rincon Del Diablo MWD, County Water Authority, and MET.

Environmental Review

CEQA requires San Diego LAFCO to assess whether impacts would result from activities approved under the Commission's statutory authority. Accordingly, San Diego LAFCO is tasked with making two distinct determinations as responsible and lead agency under CEQA in considering the proposed reorganization. Staff's analysis and recommendations follow.

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

- County of San Diego serves as lead agency under CEQA for the reorganization proposal in conjunction with taking actions on the underlying development project associated with the affected territory. The County has determined the development and related reorganization to annex the affected territory into Rincon del Diablo MWD, County Water Authority, and MET is a project under CEQA and proceeded to prepare and certify a Mitigated Negative Declaration (MND) as part of a noticed hearing held on June 20, 2018. The MND includes a mitigation monitoring and reporting program intended to reduce any potentially significant impacts to less-than-significant levels.[9] The Commission is recommended to concur with the County's environmental review and accordingly file a Notice of Determination as a responsible agency for the proposed reorganization under CEQA.

[9] The County's initial study and MND identified potential significant environmental impacts to Biological Resources and Transportation/Traffic.

Protest Proceedings

Protest proceedings for the proposed change of organization may be waived by San Diego LAFCO should the Commission proceed with an approval under Government Code Section 56662. The recommended waiver appropriately applies under this statute given the affected territory is uninhabited as defined under LAFCO law; the subject agency has not filed an objection to the waiver; and all landowners have consented to the underlying action.[10] Approval of the recommended modifications as described in this agenda report would not affect the proposed waiver of protest proceedings.

RECOMMENDATION

Staff recommends San Diego LAFCO approve the proposed reorganization with modifications as specified along with conforming sphere actions and standard terms based on the preceding analysis. 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 and can be accomplished with a single-motion:

Alternative One (recommended):
Adopt the attached draft resolution conditionally approving the reorganization proposal with recommended modifications and conforming coterminous sphere of influence actions.

Alternative Two:
Continue consideration to a future meeting and provide direction to staff concerning additional information, as needed.

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 recommended in the consideration of this item:

1) Receive verbal presentation from staff unless waived.
2) Initial questions or clarifications from the Commission.

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

3) Open the hearing and invite comments in the following order:
   - representatives from the County of San Diego
   - other interested parties and the general public
4) Discuss item and consider the staff recommendation.

On behalf of the Executive Officer,



Robert Barry, AICP
Chief Policy Analyst

Appendices:

A) Analysis of Boundary Change Factors
B) Analysis of Sphere of Influence Factors

Attachments:

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

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APPENDIX A

Government Code Section 56668
Proposal Review Factors

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

The affected territory is unincorporated and consists of one undeveloped parcel totaling approximately 19.52 acres subject to a County of San Diego-approved Major Use Permit for development of a religious facility and accessory structures. The present County General Plan designation for the affected territory is Semi-Rural Residential 2 (SR-2), which allows one dwelling unit per 2, 4, or 8 acres. The present County zoning designation is A-70, Light Agriculture, with a 2-acre minimum lot size. The approved Major Use Permit allows the proposed religious facilities and uses on the affected territory, which consists of a main temple building, a detached 5-unit multi-family residence for religious personnel, and an accessory barn for livestock. The project is planned to utilize underground septic disposal systems, which will preclude additional density or intensity on the site without changes to the MUP and additional environmental review by the County of San Diego. The affected territory is located between the incorporated cities of Escondido and San Diego and is presently within the Escondido sphere of influence. The estimated resident population is 0. Total assessed valuation for the subject parcel is $833,472 (land only). The topography of the affected territory is described as gently to moderately sloping. The affected territory is surrounded by rural residential development and agricultural uses. No significant new development or growth is anticipated within or adjacent to the affected territory within the next 10-year period based on present County General Plan and zoning designations.

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

The County of San Diego acts as the primary purveyor of general governmental services to the affected territory. This includes community planning, roads, and public safety. The affected territory is not located within an authorized fire protection and emergency medical services provider or a public wastewater service provider. This proposal affects water service and is the focus of the succeeding analysis.

- **Public Water Service to Affected Territory**
  The affected territory is presently undeveloped and located outside of an authorized public water service provider. The proposed reorganization involves annexation of the affected territory to the Rincon del Diablo Municipal Water District (MWD) for retail water service, with concurrent annexations to the San Diego County Water Authority (CWA) and Metropolitan Water District of Southern California (MET) for provision of wholesale water services. Rincon del Diablo MWD is a retail water member agency of the wholesale San Diego CWA, which receives its wholesale imported water supply from MET. Rincon del Diablo MWD has consented to annexation of the affected territory for retail water service and obtained conditional annexation approvals from both San Diego CWA and MET as required under the respective wholesalers' Administrative Codes. The County of San Diego has adopted a Major Use Permit for religious uses and approved development plans for the proposed facilities on the affected territory. The project proposes onsite underground wastewater disposal systems for its projected wastewater demands.

  Service Needs
  Reorganization of the affected territory is intended to extend retail and wholesale imported water service to a planned religious facility and accessory structures and represents a logical and orderly expansion of the subject agencies' jurisdictional boundaries. Additional details follow.

  - The proposed reorganization would extend public water service in response to a County-approved religious facility subject to a Major Use Permit. Approval of the reorganization would synch the timing of proposed jurisdictional changes with documented needs for service in accordance with Commission policies and priorities.

  Service Capacities and Levels
  The Rincon Del Diablo MWD has indicated that sufficient capacity and supply exists to extend retail and wholesale water service to the affected territory and planned uses without expanding any public infrastructure. Additional details follow.

  - The Rincon Del Diablo MWD projects the proposed reorganization's water demands at 11.9 acre-feet per year. These water demands have been anticipated and are presently accounted for within the MWD's Urban Water Management Plan total of 417 acre-feet of water supply available to the MWD from CWA and MET wholesale sources.

  - An existing Rincon Del Diablo water main is located adjacent to the affected territory within the San Pasqual Valley Road public-right-of-way. The landowner will finance all required connection costs.

Service Funding and Costs

Rincon del Diablo MWD has the financial resources coupled with administrative controls to provide retail water services to the affected territory in support of its planned development without adversely impacting current ratepayers. This comment is reflected in the staff analysis of Rincon del Diablo MWD's recent audited statements which shows – among other items – the District remained profitable in each of the last three audited fiscal years with an average total margin of 8.6%.

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 proposed reorganization of retail and wholesale water services would strengthen existing economic and social ties between the County of San Diego and the affected territory. The concurrent annexations of the affected territory to Rincon del Diablo MWD, and the wholesale water suppliers San Diego CWA and MET Formation would expand existing municipal services that support current and future development and in doing so further empower the County and its Board of Supervisors to effectuate and support development in the unincorporated area per the County General Plan.

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 of retail and wholesale water services would affirmatively respond to the present need in the affected territory for public water service to support a County of San Diego-approved Major Use Permit and development of religious facilities. The affected territory does not qualify as "open-space" as defined under LAFCO law and no conflicts exists therein under G.C. Section 56377.

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 qualify as "prime agricultural land" under LAFCO law. Specifically, the lands are not currently used for any of the following purposes: producing an agricultural commodity for commercial purposes; left fallow under a crop rotational program; or enrolled in an agricultural subsidy program. Approval of the reorganization proposal would have no effect on maintaining the physical and economic integrity of agricultural lands.

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

LAFCO is in receipt of a draft map and geographic description of the affected territory that details metes and bounds consistent with the standard of the State Board of Equalization. The County of San Diego Assessor report for the submitted proposal notes the affected territory is bisected by an approximate 1.14 acre segment of the Old San Pasqual Valley Road public right-of-way that is not included in the submitted reorganization's map and legal description. In addition, the Assessor notes that the adjacent SR-78/San Pasqual Valley Road public right-of-way is presently within the subject agencies but not included in the reorganization area, and a 0.10 acre portion of the affected territory is presently within the Rincon del Diablo MWD service area. The Assessor is recommending inclusion of the affected Old San Pasqual Valley Road right-of-way as well as to extend the existing MWD right-of-way along the northern border of the proposal area within SR-78/San Pasqual Valley Road, totaling approximately 2.79 acres; and exclude an approximate 0.10 acre portion of the affected territory that is presently within Rincon del Diablo MWD. Staff concurs with the Assessor modifications and recommends Commission approval to include approximately 3.83 net acres within the proposed reorganization area. The modifications are recommended to avoid the creation of a corridor of unserved territory within the proposal area and to ensure consistency with existing and proposed jurisdictional and sphere boundaries following the proposed changes of organization. Approval would be conditioned on a final map and description conforming to the referenced standards and addressing any recommended modifications approved by the Commission. Approval for the reorganization of the affected territory, as modified, would not create service islands or corridors of unincorporated territory.

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

The County certified a Mitigated Negative Declaration (MND) for the proposed reorganization that identified potential significant environmental impacts to Transportation/Traffic. The County MND includes mitigation and a Mitigation Monitoring and Reporting Program (MMRP) intended to reduce potential significant impacts to less-than-significant levels. A notice of the proposed reorganization was provided to the San Diego Association of Governments (SANDAG). No comments were received from SANDAG and as such no conflicts have been identified with respect to its regional transportation plan, San Diego Forward.

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

The affected territory consists of one unincorporated parcel totaling approximately 19.52 acres and subject to a County of San Diego-approved Major Use Permit for development of a religious facility and accessory structures. The proposed reorganization of retail and wholesale water services to the proposed facilities is consistent with the County General Plan.

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

See analysis provided as part of Appendix B.

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

Staff provided notice of the change of organization proposal to all subject and affected agencies as required under LAFCO law. No written comments were received ahead of preparing this agenda report for distribution on September 25, 2020. No documented jurisdictional conflicts and/or related concerns from other local agencies, organizations, or members of the general public have been received per Commission Policy L-107.

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.

The Rincon del Diablo MWD and its wholesale water suppliers – San Diego CWA and MET have indicated that sufficient capacity and supply exist to extend retail and wholesale water services to the affected territory and the planned religious uses and facilities. Following reorganization, the subject agencies will receive standard service fees and charges sufficient for the provision of water services for anticipated needs.

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

The Rincon del Diablo MWD and its wholesale water suppliers – San Diego CWA and MET have indicated that sufficient capacity and supply exist to extend retail and wholesale water services to the affected territory and the planned religious uses and facilities. The affected agencies have adopted long-range supply planning and capital improvement programs demonstrating the timely availability of adequate water supplies for the affected territory's projected needs.

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

The proposed reorganization is intended to facilitate the extension of retail and wholesale water services to a proposed religious facility to be developed on the affected unincorporated territory subject to a County-approved Major Use Permit. The development project includes a detached 5-unit multi-family residence for religious personnel. However, all potential residential units tied to the lands within the affected territory are already assigned to the County of San Diego by the region's council of governments, SANDAG.

n) Any information or comments from the landowner or owners, voters, or residents of the affected territory.

The affected territory is undeveloped with 0 registered voters and qualifies as "uninhabited" as defined by LAFCO law (containing 11 registered voters or less). Notice of the proposal and associated public hearing scheduled on October 5th have been provided to all registered voters and landowners with no comments received by the date. No documented jurisdictional conflicts and/or related concerns with other local agencies, organizations, or members of the general public relative to addressing Commission Policy L-107.

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.

As used in this review factor, "environmental justice" means the fair treatment of people of all races, cultures, and incomes with respect to the location of public facilities and the provision of public services. The proposed change of organization does not include locating new public facilities and therefore approval is not anticipated to directly influence the promotion of environmental justice within the affected territory.

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 contains a hazard mitigation plan for potential fire, flooding and earthquakes. The affected territory is not located within a very high fire hazard zone or state responsibility area.

APPENDIX B

STATEMENT OF DETERMINATIONS
SPHERE OF INFLUENCE FACTORS

(1) The present and planned land uses, including agricultural and open-space lands.

The affected territory consists of one unincorporated parcel totaling approximately 19.52 acres and subject to a County of San Diego-approved Major Use Permit (MUP) for development of a religious facility and accessory structures. The present County General Plan designation for the affected territory is Semi-Rural Residential 2 (SR-2), which allows one dwelling unit per 2, 4, or 8 acres. The present zoning designation is A-70, Light Agriculture, with a 2-acre minimum lot size. The proposed religious facilities and uses are allowed on the affected territory by the approved Major Use Permit, which consists of a main temple building, a detached 5-unit multi-family residence for religious personnel, and an accessory barn for livestock. The project is planned to utilize underground septic disposal systems, which will preclude additional density or intensity on the site without changes to the MUP and additional environmental review by the County of San Diego. The affected territory is not cultivated for agricultural products and not subject to the Williamson Act. The affected territory is also not considered prime agriculture under LAFCO law and does not contain open-space lands. Approval of conforming sphere of influence amendments for the subject agencies to include the affected territory is consistent with present and planned land uses.

(2) The present and probable need for public facilities and services in the area.

The Rincon del Diablo MWD has submitted a resolution of application requesting approval for a proposed reorganization to extend retail and wholesale imported water service to a planned religious facility and accessory structures to be developed on the approximate 19.52-acre subject unincorporated territory. Rincon del Diablo MWD is a retail water member agency of the wholesale San Diego CWA, which receives its wholesale imported water supply from MET. Rincon del Diablo MWD has consented to annexation of the affected territory for retail water service and obtained conditional annexation approvals from both San Diego CWA and MET as required under the respective wholesalers' Administrative Codes. The County of San Diego has adopted a Major Use Permit for religious uses and approved development plans for the proposed facilities on the affected territory. The project proposes onsite underground wastewater disposal systems for its projected wastewater demands. The affected territory is not presently located within an authorized fire protection and EMS service provider and the submitted reorganization is recommended to be modified for inclusion within Rincon Del Diablo MWD's Improvement District "E." The MWD's Improvement District "E" territory receives fire protection and EMS services from the City of Escondido by service agreement with the MWD. Modification of the proposed reorganization as recommended would establish fire protection and EMS services consistent with surrounding Rincon Del Diablo MWD territory.

(3) The present capacity of public facilities and adequacy of public services the agency provides or is authorized to provide.

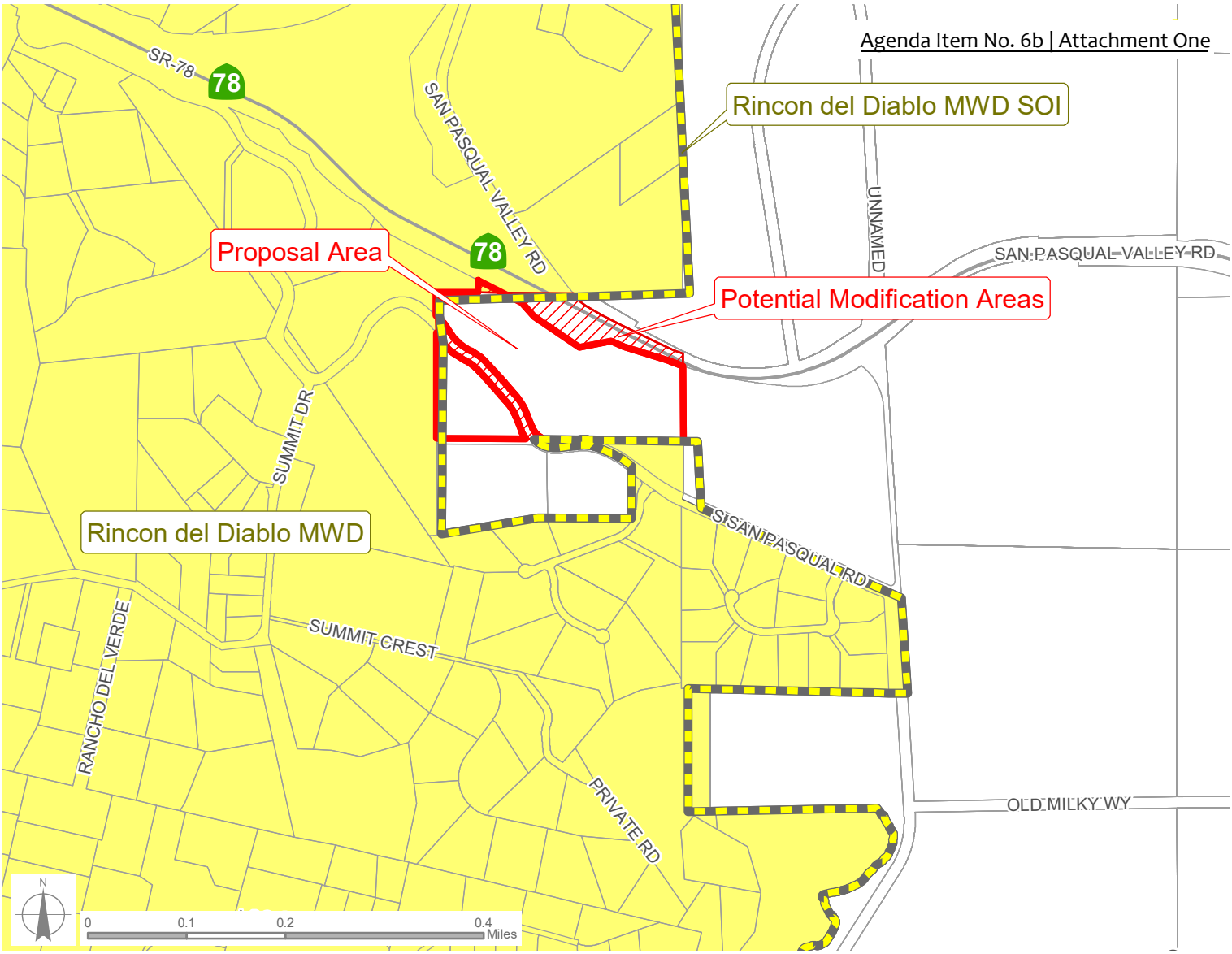
The proposed reorganization involves an extension of retail and wholesale imported water service to a planned religious facility and accessory structures to be developed on the approximate 19.52-acre subject unincorporated territory. Rincon del Diablo MWD is a retail water member agency of the wholesale San Diego CWA, which receives its wholesale imported water supply from MET. An existing Rincon Del Diablo water main is located adjacent to the affected territory within the San Pasqual Valley Road public-right-of-way. The landowner will finance all required connection costs. The Rincon Del Diablo MWD has indicated that sufficient capacity and supply exists to extend retail and wholesale water service to the affected territory and planned uses without significant expansion of public infrastructure. Rincon Del Diablo MWD projects the proposed reorganization's water demands at 11.9 acre-feet per year. These water demands have been anticipated and are presently accounted for within the MWD's Urban Water Management Plan total of 417 acre-feet of water supply available to the MWD from CWA and MET wholesale sources. Rincon del Diablo MWD has the financial resources coupled with administrative controls to provide retail water services to the affected territory in support of its planned development without adversely impacting current ratepayers. Rincon del Diablo MWD's recent audited statements reflect the District remained profitable in each of the last three audited fiscal years with an average total margin of 109%.

(4) The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency.

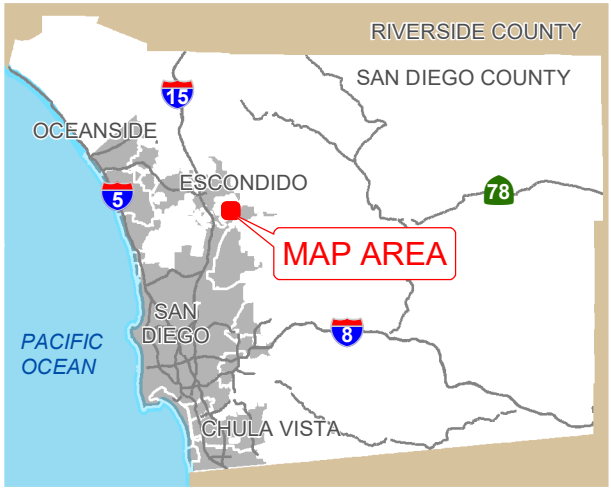
Approval of the proposed reorganization of retail and wholesale water services and conforming sphere of influence amendments would strengthen existing economic and social ties between the County of San Diego and the affected territory. The concurrent annexations of the affected territory to Rincon del Diablo MWD, and the wholesale water suppliers San Diego CWA and MET Formation would expand existing municipal services that support current and future development and in doing so further empower the County and its Board of Supervisors to effectuate and support development in the unincorporated area per the County General Plan.

(5) The present and probable need for those public facilities and services of any disadvantaged unincorporated communities within the existing sphere of influence.

The affected territory is not presently located within a census tract qualifying as a disadvantaged unincorporated community under State statute or LAFCO policy. Approval of the proposed reorganization of retail and wholesale water services and conforming sphere of influence amendments would not affect the present and probable need for those public facilities and services of any disadvantaged unincorporated communities within the existing spheres of influence of the subject agencies.







RO20-16

Proposed "SVBF Temple Reorganization" | Concurrent Annexations to Rincon del Diablo MWD, San Diego County Water Authority, and Metropolitan Water District of Southern California with Conforming Sphere of Influence Amendments

- Proposal Area
- Potential Modification Areas
- Rincon del Diablo MWD
- Rincon del Diablo MWD SOI

SOI = Sphere of Influence

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

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RESOLUTION NO._____

SAN DIEGO COUNTY LOCAL AGENCY FORMATION COMMISSION

MAKING DETERMINATIONS, APPROVING, AND ORDERING A REORGANIZATION

"SVBF TEMPLE REORGANIZATION"
CONCURRENT ANNEXATIONS TO RINCON DEL DIABLO MUNICIPAL WATER DISTRICT, SAN DIEGO COUNTY WATER AUTHORITY, AND METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA WITH CONFORMING SPHERE OF INFLUENCE AMENDMENTS
LAFCO FILE NO. CO20-16, et al.

WHEREAS, on August 5, 2020, Rincon del Diablo Municipal Water District filed a resolution to initiate proceedings and submitted a proposal 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 as submitted seeks approval of a proposed reorganization to concurrently annex approximately 19.52 acres of unincorporated territory within the County of San Diego to the Rincon del Diablo Municipal Water District, for retail water service; and the San Diego County Water Authority, and Metropolitan Water District of Southern California, for wholesale water service; and

WHEREAS, the affected territory as proposed includes one undeveloped assessor parcel identified by the County of San Diego Assessor's Office as 241-080-47 and planned for development with facilities for religious uses subject to a Major Use Permit by the County of San Diego; and

WHEREAS, an applicable master property tax transfer agreement adopted by the San Diego County Board of Supervisors dated December 14, 1982 applies to the proposed reorganization; 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 October 5, 2020; and

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

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

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

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

3. The Commission, acting as a responsible agency, considered the environmental effects of the project as shown in the attached mitigated negative declaration prepared by the County of San Diego. The mitigation is within the jurisdiction of the County and not LAFCO because the affected resources and services are within the unincorporated territory of San Diego County.

4. The Commission APPROVES the reorganization with discretionary modifications as described below and subject to conditions as provided. Approval involves all of the following:

    a) A modification to the affected territory to include the adjacent unincorporated public rights-of-way of Old San Pasqual Road and San Pasqual Valley Road, totaling 3.93 acres; and to exclude a 0.10 acre portion of the affected territory presently within the subject agencies.

    b) A modification to the proposal to include a concurrent expansion of Rincon del Diablo Municipal Water District Improvement District "E" to include the affected territory as modified.

    c) Concurrent amendments to the adopted spheres of influence for the Rincon del Diablo Municipal Water District, San Diego County Water Authority, and Metropolitan Water District of Southern California, to include the affected territory as modified and as shown in "Exhibit A-1".

    d) Concurrent annexation of the affected territory as modified to the Rincon del Diablo Municipal Water District, for retail water service; and the San Diego County Water Authority, and Metropolitan Water District of Southern California, for wholesale water service as shown in "Exhibit A-1" and described in "Exhibit A-2."

5. The Commission CONDITIONS all approvals on the following terms being satisfied by October 5, 2021 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 modified 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 $50.00 for the County of San Diego-Clerk Recorder to reimburse for filing a CEQA Notice of Determination consistent with the findings in the resolution.
- A check made payable to LAFCO in the amount of $457.32 for public hearing notice publication costs.
- A check made payable to the State Board of Equalization for processing fees in the amount of $800.00.

d) Submittal of confirmation to the Executive Officer from Rincon del Diablo Municipal Water District, San Diego County Water Authority, and Metropolitan Water District of Southern California that all respective annexation terms and conditions have been satisfied by the landowner.

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

   "SVBF Temple Reorganization"

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

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

9. The Rincon del Diablo Municipal Water District, San Diego County Water Authority, and Metropolitan Water District of Southern California are registered-voter districts.

10. The Rincon del Diablo Municipal Water District, San Diego County Water Authority, and Metropolitan Water District of Southern California each utilize the County of San Diego assessment roll.

11. The affected territory will be liable for any existing bonds, contracts, and/or obligations of the Rincon del Diablo Municipal Water District, San Diego County Water Authority, and Metropolitan Water District of Southern California as provided under Government Section 57328.

12. The affected territory will be subject to the levying or fixing and collection of any previously authorized taxes, benefit assessments, fees, or charges of the subject agencies as provided under Government Section 57330.

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

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

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

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

**

PASSED AND ADOPTED by the Commission on October 5, 2020 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

**

Attest:

_____
Keene Simonds
Executive Officer

EXHIBIT A
MAP OF THE AFFECTED TERRITORY

-Placeholder-

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EXHIBIT B
GEOGRAPHIC DESCRIPTION OF THE AFFECTED TERRITORY

-Placeholder-

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RESOLUTION NO. 20-06

A RESOLUTION OF APPLICATION BY THE BOARD OF DIRECTORS OF RINCON DEL DIABLO MUNICIPAL WATER DISTRICT REQUESTING THE LOCAL AGENCY FORMATION COMMISSION TAKE PROCEEDINGS FOR THE PROPOSED CONCURRENT ANNEXATION OF CERTAIN UNINHABITED TERRITORY TO SAID RINCON DEL DIABLO MUNICIPAL WATER DISTRICT AND TO SAID SAN DIEGO COUNTY WATER AUTHORITY AND METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA (SRINGERI VIDYA BHARATI TEMPLE ANNEXATION)

WHEREAS, the Rincon del Diablo Municipal Water District is a Municipal Water District organized and existing under the Municipal Water District Act of 1911, as amended, and its corporate area has been annexed to the San Diego County Water Authority and Municipal Water District of Southern California; and

WHEREAS, the Board of Directors of the RINCON DEL DIABLO MUNICIPAL WATER DISTRICT (RINCON), San Diego County, State of California, desires to initiate proceedings pursuant to the Cortese/Knox/Hertzberg Local Government Reorganization Act of 2000, Division 3, commending with Section 56000 of the California Government Code for the proposed Sringeri Vidya Bharati Temple Annexation; and

WHEREAS, the proposed annexation of the affected territory (APN 241-080-47) to Rincon includes concurrent annexations to the San Diego County Water Authority and Metropolitan Water District of Southern California; and

WHEREAS, the affected territory is not presently within the adopted spheres of influence of Rincon, San Diego County Water Authority, or Metropolitan Water District of Southern California, and therefore conforming amendments to the respective agency spheres would be required concurrently with annexation; and

WHEREAS, the territory subject to the proposed Annexation is uninhabited, and a description of the external boundary of the territory is set forth in Exhibit "A" and a map thereof is set forth in Exhibit "B", both attached hereto and by this reference incorporated herein; and

WHEREAS, the reasons for this proposed Change of Organization are as follows:

1. The County of San Diego has approved development plans for the affected territory proposed for annexation.
2. The landowner of the affected territory desires to utilize Rincon's services.
3. The San Diego County Water Authority and the Metropolitan Water District of Southern California have adopted conditions of approval for the proposed annexation.

WHEREAS, Sringeri Vidya Bharati Foundation shall comply with the provision of the Rincon del Diablo Municipal Water District Administrative Code 1600.

WHEREAS, the proposed Annexation is subject to the terms and conditions of both the Metropolitan Water District of Southern California and the San Diego County Water Authority. Any annexation to the Water Authority shall be in accordance with the County Water Authority Act and applicable provisions of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (California Government Code Section 5600 et. seq). Any annexation to the Water Authority shall not conflict with Division III, Annexations, of the Metropolitan Water District Administration Code.

WHEREAS, LAFCO is authorized to approve this proposed Annexation without notice or hearing and without an election. If no express effective date is indicated, the effective date of the Change of Organization shall be the date of recordation of the Certificate of Completion and Resolution ordering the change of organization by the County Recorder.

NOW THEREFORE, this Resolution of Application is hereby approved and adopted by the Board of Directors of the RINCON DEL DIABLO MUNICIPAL WATER DISTRICT. The Local Agency Formation Commission of San Diego County is hereby requested to take proceedings for the proposed Change of Organization that includes the territory as descripted in Exhibit "A" and shown in Exhibit "B" according to the terms and conditions stated above and in a manner provided by the Cortese/Knox/Hertzberg Local Government Reorganization Act of 2000.

PASSED, APPROVED, AND ADOPTED this 28th day of July 2020.

AYES: Drake, Lump, Murtland, Quist, Tower
NOES:
ABSTAIN:
ABSENT:

APPROVED:

James B. Murtland, President

ATTEST:

Wanda Cassidy, Board Secretary

I, Wanda Cassidy, Clerk of the Board of Rincon del Diablo Municipal Water District, certify that the vote above is correct and this Resolution No. 20-06 was duly adopted at the meeting of the Board of Directors on the date stated above.

Wanda Cassidy
Clerk of the Board

EXHIBIT A

RINCON DEL DIABLO MUNICIPAL WATER DISTRICT

ANNEXATION NO. 18-02.1

LEGAL DESCRIPTION

ALL THAT CERTAIN REAL PROPERTY, SITUATE IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEING A PORTION OF THE NORTH 25 ACRES THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER, AND A PORTION OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 30, TOWNSHIP 12 SOUTH, RANGE 1 WEST, SAN BERNARDINO BASE AND MERIDIAN, ACCORDING TO THE OFFICIAL PLAT THEREOF; SAID LAND ALSO DESCRIBED IN GRANT DEED RECORDED OCTOBER 22, 2015 AS DOCUMENT NO. 2015-0551921 OF OFFICIAL RECORDS; SAID LAND ALSO SHOWN ON RECORD OF SURVEY MAP NO. 19734, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON JUNE 15, 2007, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST SIXTEENTH CORNER OF SAID SECTION 30 AS SHOWN ON SAID RECORD OF SURVEY; THENCE SOUTHERLY ALONG THE WESTERLY LINE OF SAID SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 30, SOUTH 0°06'02" EAST, 811.27 FEET TO THE SOUTHWEST CORNER OF SAID NORTH 25 ACRES OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 30; THENCE ALONG THE SOUTHERLY LINE OF SAID NORTH 25 ACRES, SOUTH 89°31'41" EAST, 1,318.98 FEET TO THE SOUTHEAST CORNER OF SAID NORTH 25 ACRES; THENCE NORTHERLY ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER, NORTH 0°08'32" WEST, 375.28 FEET TO THE SOUTHWESTERLY RIGHT-OF-WAY OF SAN PASQUAL VALLEY ROAD AS SHOWN ON SAID RECORD OF SURVEY; SAID POINT ALSO THE BEGINNING OF A NON-TANGENT, 905.00-FOOT RADIUS CURVE CONCAVE NORTHEASTERLY; A RADIAL LINE FROM SAID POINT BEARS NORTH 24°43'26" EAST; THENCE WESTERLY ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 3°44'44", A DISTANCE OF 59.16 FEET; THENCE WESTERLY ALONG SAID RIGHT-OF-WAY, THE FOLLOWING COURSES: NORTH 61°43'27" WEST, 291.06 FEET; THENCE SOUTH 28°14'12" WEST 12.79 FEET; THENCE NORTH 66°46'22" WEST, 75.53 FEET; THENCE SOUTH 79°31'55" WEST, 170.91 FEET; THENCE NORTH 55°47'09" WEST, 292.03 FEET; THENCE NORTH 42°28'59" WEST, 101.26 FEET; THENCE NORTH 62°40'03" WEST, 269.01 FEET; THENCE LEAVING SAID RIGHT-OF-WAY, SOUTH 4°22'26" EAST, 69.71 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 30; THENCE WESTERLY ALONG SAID LINE, NORTH 89°27'19" WEST 223.15 FEET TO THE **POINT OF BEGINNING.**

CONTAINING AN AREA OF 19.265 ACRES (839,180 SQUARE FEET), MORE OR LESS

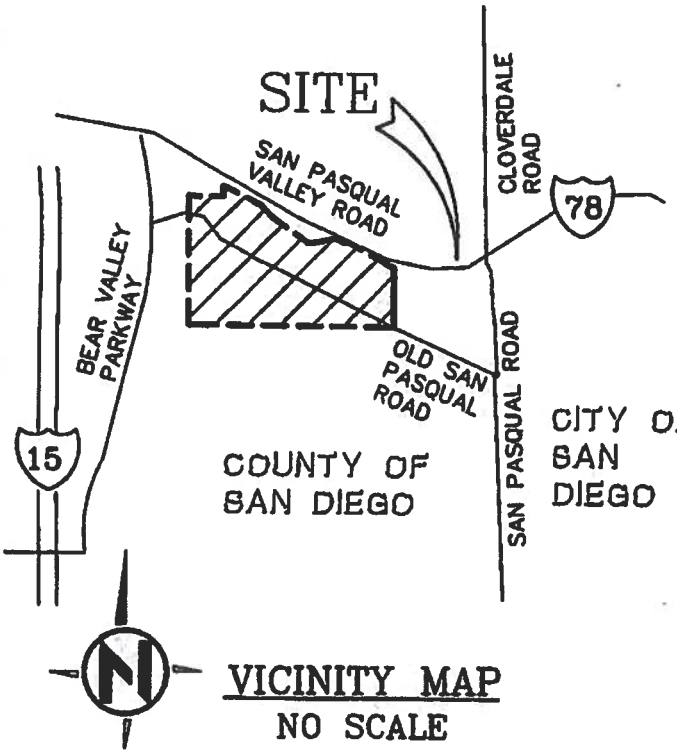
1-24-2019

ADAM E. EISENBERG, LS 9096 DATE

LICENSED LAND SURVEYOR
ADAM E. EISENBERG
No. 9096
STATE OF CALIFORNIA

EXHIBIT "B"

THIS EXHIBIT IS TO BE ATTACHED TO THE LEGAL DESCRIPTION



VICINITY MAP
NO SCALE

LEGEND

- INDICATES AREA OF ANNEXATION (TOTAL GROSS AREA = 19.265 ACRES)
- INDICATES SUB SECTION LINE
- INDICATES CENTERLINE
- (A) INDICATES ROAD EASEMENT GRANTED TO THE COUNTY OF SAN DIEGO PER DOCUMENT RECORDED NOVEMBER 1, 1911 IN BOOK NO. 505, PAGE 32 OF OFFICIAL RECORDS.

BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS PLAT IS THE SAN DIEGO COUNTY REAL TIME NETWORK USING CALIFORNIA COORDINATE SYSTEM 83, ZONE 6, NAD 83, EPOCH 2011.00, AS DETERMINED LOCALLY BY A LINE BETWEEN CONTINUOUS GLOBAL POSITIONING STATIONS (CGPS) AND/OR CONTINUOUS OPERATING REFERENCE STATIONS (CORS) RAAP AND SIO5 BEING SOUTH 54°44'54" WEST AS DERIVED FROM GEODETIC VALUES PUBLISHED BY THE CALIFORNIA SPATIAL REFERENCE CENTER (CSRC) AND/OR NATIONAL GEODETIC SURVEY (NGS), RESPECTIVELY AND MEETS ALL THE REQUIREMENTS OF THE CALIFORNIA PUBLIC RESOURCES CODE.

PREPARED BY:

BVE

9449 Balboa Avenue, Suite 270
San Diego, CA 92123 (619) 299-5550

LICENSED LAND SURVEYOR
ADAM E. EISENBERG
No. 9096
STATE OF CALIFORNIA

1-24-2019

ADAM E. EISENBERG LS 9096 DATE

Page 54 of 241

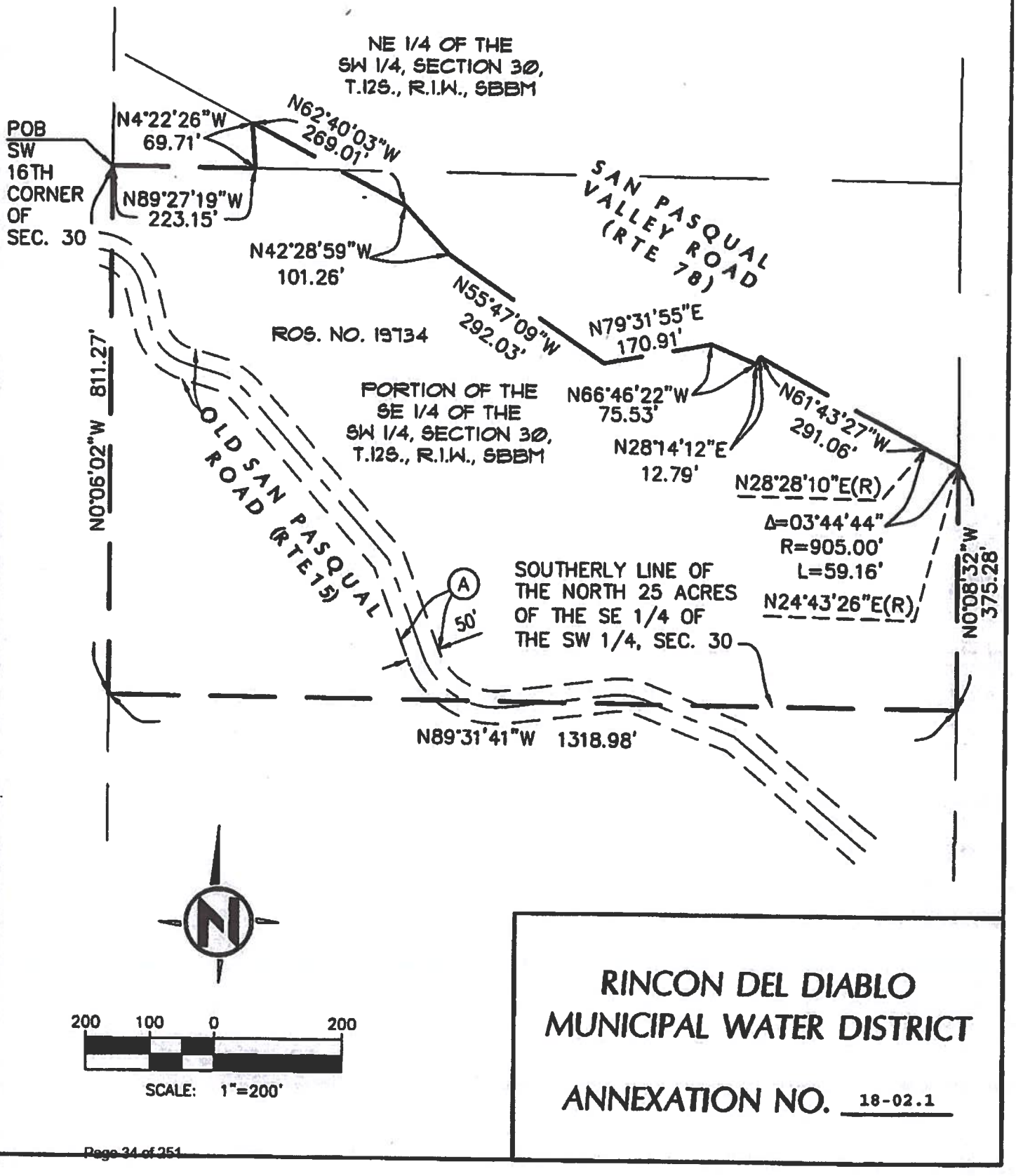
RINCON DEL DIABLO MUNICIPAL WATER DISTRICT

ANNEXATION NO. 18-02.1

EXHIBIT "B"

SHEET 2 OF 2

THIS EXHIBIT IS TO BE ATTACHED TO THE LEGAL DESCRIPTION



RINCON DEL DIABLO MUNICIPAL WATER DISTRICT

ANNEXATION NO. 18-02.1

Page 34 of 251

RESOLUTION 9263

RESOLUTION OF THE BOARD OF DIRECTORS OF
THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA
CONSENTING TO SAN DIEGO COUNTY WATER AUTHORITY'S
SRINGERI VIDYA BHARATI FOUNDATION TEMPLE ANNEXTION
AND FIXING THE TERMS AND CONDITIONS TO
THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

WHEREAS, the Board of Directors of the San Diego County Water Authority (SDCWA), a county water authority situated in the county of San Diego, state of California, pursuant to Resolution No. 2019-01, in accordance with the provisions of the Metropolitan Water District Act (MWD Act), has applied to the Board of Directors of The Metropolitan Water District of Southern California (Metropolitan) for consent to annex thereto certain uninhabited territory situated in the county of San Diego referred to as Sringeri Vidya Bharati Foundation Temple Annexation (Temple annexation), more particularly described in an application to the San Diego County Local Agency Formation Commission (LAFCO), concurrently with Temple annexation thereof to SDCWA, such annexation to Metropolitan to be upon such terms and conditions as may be fixed by the Board of Directors of Metropolitan;

WHEREAS, the owner of San Diego County Assessor Parcel Number 241-080-47-00 (Property) has applied for the Temple annexation into the SDCWA and Metropolitan service areas;

WHEREAS, completion of said Temple annexation shall be contingent upon approval by the LAFCO; conditioning its approval of the Temple annexation upon a requirement that Metropolitan's existing and established taxes, benefit assessments, or property-related fees or charges in place in the service area are levied or fixed and collected on the parcels being annexed to the agency; these taxes, benefit assessments, or property-related fees or charges are identified below;

WHEREAS, Metropolitan has levied and collected ad valorem taxes on parcels within the territory of SDCWA. Such charges for fiscal year 2019/20 are described in Resolution 9258, adopted by Metropolitan's Board on August 20, 2019;

WHEREAS, since fiscal year 1992-93, Metropolitan has levied and collected water standby charges pursuant to Section 134.5 of the MWD Act on parcels within the territory of SDCWA. Such charges for fiscal year 2019/20 are described in Resolution 9253, adopted by Metropolitan's Board on May 14, 2019;

WHEREAS, upon Temple annexation, the parcel will be within Metropolitan's service area, Metropolitan water will be available to such parcels and such parcels will receive the benefit of

the projects provided in part with proceeds of Metropolitan's water standby charges. Upon completion of the annexation, the lands within the Temple annexation will be subject to Metropolitan's ad valorem tax in the current amount of 0.0035 percent of the assessed value of each parcel and Metropolitan's water standby charge in the current amount of $11.51 per acre, or per a parcel of less than one acre. Approval of Metropolitan's standby charge levied elsewhere within SDCWA's territory is a condition to complete this annexation;

WHEREAS, pursuant to the provisions of the California Environmental Quality Act (CEQA), the County of San Diego, acting as Lead Agency, adopted the Sringeri Vidya Bharati Foundation Temple Project (Project) Mitigated Negative Declaration (MND) and Mitigation Monitoring Reporting Program (MMRP), and approved the Project on June 20, 2018 for the development of the proposed annexation parcels, and Metropolitan, as Responsible Agency under CEQA, reviewed and considered the information contained in the MND and MMRP prior to approval of the formal terms and conditions for the Sringeri Vidya Bharati Foundation Temple Area Annexation; and

WHEREAS, it appears to this Board of Directors that such application should be granted, subject to the terms and conditions hereinafter set forth.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of Metropolitan, acting as Responsible Agency, reviewed and considered the information in the MND and MMRP prior to approval of the final terms and conditions for the Sringeri Vidya Bharati Foundation Temple Area Annexation; and subject to the following terms and conditions, does hereby grant the application of the governing body of SDCWA for consent to annex Sringeri Vidya Bharati Foundation Temple Area Annexation, to Metropolitan and does hereby fix the terms and conditions of such annexation.

BE IT FURTHER RESOLVED that the Board of Directors of Metropolitan, subject to the following terms and conditions, does hereby grant the application of the governing body of SDCWA for consent to Temple annexation to Metropolitan and does hereby fix the terms and conditions of such annexation:

Section 1. Annexation of said area to SDCWA shall be made concurrently with annexation thereof to Metropolitan, and all necessary certificates, statements, maps, and other documents required to be filed by or on behalf of SDCWA to effectuate Temple annexation shall be filed on or before December 31, 2021.

Section 2. Prior to filing a request for a Certificate of Completion of Temple annexation proceedings with LAFCO, SDCWA shall submit a certified copy of LAFCO's resolution approving Temple annexation to SDCWA, and shall pay to Metropolitan $115,853.33 for its annexation fee, if annexation is completed by December 31, 2020. If the annexation is completed during the 2021 calendar year, the annexation charge will be calculated based on the then-current rate, in accordance with Metropolitan's Administrative Code Section 3300.

Section 3. a. Metropolitan shall be under no obligation to provide, construct, operate, or maintain feeder pipelines, structures, connections, and other facilities required for the delivery of water to said area from works owned and operated by Metropolitan.

b. SDCWA shall not be entitled to demand that Metropolitan deliver water to SDCWA for use, directly or indirectly, within said area, except for domestic or municipal use therein.

c. The delivery of all water by Metropolitan, regardless of the nature and time of use of such water shall be subject to the water service regulations, including rates and charges promulgated from time to time by Metropolitan.

d. The delivery of all water by Metropolitan, regardless of the nature and time of use of such water shall be subject to the water service regulations, including rates and charges promulgated from time to time by Metropolitan.

e. Except upon the terms and conditions specifically approved by the Board of Directors of Metropolitan, water sold and delivered by Metropolitan shall not be used in any manner which intentionally or avoidably results in the direct or indirect benefit of areas outside Metropolitan, including use of such water outside Metropolitan or use thereof within Metropolitan in substitution for other water outside Metropolitan.

Section 4. LAFCO has conditioned approval of Temple annexation upon a requirement that Metropolitan levy or fix and collect all previously established and collected taxes, benefit assessments, or property-related fees or charges on parcels being annexed to the agency.

Section 5. Such charges include but are not limited to:

a. Metropolitan's ad valorem tax on properties located within the territory of SDCWA in the amount of 0.0035 percent of the assessed value of each parcel. Metropolitan shall levy the ad valorem tax in the amount, at the same time and in the same manner as the ad valorem tax on other properties located within the territory of SDCWA. Such charges for fiscal year 2019/20 are described in Resolution 9258, adopted by Metropolitan's Board on August 20, 2019.

b. Metropolitan's water standby charge on properties located within the territory of SDCWA, in the amount of is $11.51 per acre of land, or per parcel of land less than an acre. Metropolitan shall levy the water standby charge in the amount, at the same time and in the same manner as water standby charges on other properties located within the territory of SDCWA. Such charges for fiscal year 2019/20 are described in Resolution 9253, adopted by Metropolitan's Board on May 14, 2019.

Section 6. That the General Manager is hereby authorized and directed to take all necessary action to secure the collection of the ad valorem taxes and water standby charges by the appropriate county officials, including payment of the reasonable cost of collection.

Section 7. That the Board of Directors of Metropolitan, acting as Responsible Agency, reviewed and considered the information in the MND and MMRP prior to approval of the final terms and conditions for the Sringeri Vidya Bharati Foundation Temple Area Annexation; and subject to the following terms and conditions, does hereby grant the application of the governing body of SCDWA for consent to annex the Sringeri Vidya Bharati Foundation Temple Area Annexation to Metropolitan and does hereby fix the terms and conditions of such annexation.

Section 8. That the General Manager and General Counsel are hereby authorized to do all things necessary and desirable to accomplish the purposes of this resolution, including, without limitation, the commencement of defense of litigation.

Section 9. That if any provision of this resolution or the application to any member agency, property or person whatsoever is held invalid, that invalidity shall not affect the other provisions or applications of this resolution which can be given effect without the invalid portion or application, and to that end the provisions of this resolution are severable.

BE IT FURTHER RESOLVED that the Board Executive Secretary is directed to transmit forthwith to the governing body of SDCWA a certified copy of this resolution.

I HEREBY CERTIFY that the foregoing is a full, true and correct copy of a resolution adopted by the Board of Directors of The Metropolitan Water District of Southern California, at its meeting held on January 14, 2020.

Judy Abdo

Secretary of the Board of Directors
of The Metropolitan Water District
of Southern California

RESOLUTION NO. 2020-04

RESOLUTION OF THE BOARD OF DIRECTORS OF THE SAN DIEGO COUNTY WATER AUTHORITY APPROVING THE CONCURRENT ANNEXATION OF TERRITORY TO SAID AGENCIES (SRINGERI VIDYA BHARATI FOUNDATION TEMPLE ANNEXATION)

WHEREAS, pursuant to Section 10(d) of the County Water Authority Act, the Board of Directors of the Rincon del Diablo Municipal Water District adopted Resolution No. 18-02, requesting formal terms and conditions from the San Diego County Water Authority and Metropolitan Water District of Southern California for the concurrent annexation of the lands described in Resolution No. 18-02, and known as the SRINGERI VIDYA BHARATI FOUNDATION TEMPLE ANNEXATION; and

WHEREAS, a copy of Rincon del Diablo Municipal Water District Resolution No. 18-02, is attached (Attachment 1); and

WHEREAS, pursuant to Section 10(d) of the County Water Authority Act, the Board of Directors of the San Diego County Water Authority may grant or deny the application and, in granting the application, may fix terms and conditions upon which the territory may be annexed to the San Diego County Water Authority; and

WHEREAS, the Board of Directors of the San Diego County Water Authority adopted Annexation Policies in February 2006 that provide criteria for the evaluation of potential annexations and conditions that may be applied; and

WHEREAS, the Board of Directors of the San Diego County Water Authority approved procedures for Implementation of the San Diego County Water Authority's Annexation Policy #2: Protection of Member Agency Supply Reliability in April 2010 that provide guidance in determining if approval of a proposed annexation will have an adverse effect on member agency supply reliability, and provide direction on the potential conditions to be imposed; and

WHEREAS, the Board of Directors of the San Diego County Water Authority, in July 2016, amended Water Authority Annexation Policy #4: Annexation Fee, and amended Policy #12: Administrative Costs, to address approved revisions to the annexation fee structure; and

WHEREAS, by Resolution No. 2019-01, adopted January 24, 2019, the Board of Directors of the San Diego County Water Authority granted preliminary informal terms and conditions for the SRINGERI VIDYA BHARATI FOUNDATION TEMPLE ANNEXATION, and requested the Metropolitan Water District of Southern California set formal terms and conditions and grant conditional approval; and

WHEREAS, by Resolution No. 9263, adopted January 14, 2020, the Board of Directors of the Metropolitan Water District of Southern California set formal terms and conditions and granted conditional approval for the SRINGERI VIDYA BHARATI FOUNDATION TEMPLE ANNEXATION; and

WHEREAS, by Resolution No. 20-02, adopted February 25, 2020, the Board of Directors of the Rincon del Diablo Municipal Water District accepted the terms and conditions of the concurrent annexation for the SRINGERI VIDYA BHARATI FOUNDATION TEMPLE ANNEXATION; and

WHEREAS, conditions from the Annexation Policies will need to be satisfied prior to approval of the SRINGERI VIDYA BHARATI FOUNDATION TEMPLE ANNEXATION; and

NOW, THEREFORE, the Board of Directors of the San Diego County Water Authority RESOLVES subject to the following terms and conditions, to grant the application of the governing body of Rincon del Diablo Municipal Water District for consent to annex the SRINGERI VIDYA BHARATI FOUNDATION TEMPLE ANNEXATION to the San Diego County Water Authority and to establish the following conditions of such annexation:

1. WHEREAS, pursuant to the provisions of the California Environmental Quality Act (CEQA), the County of San Diego, acting as a Lead Agency, adopted an Extended Initial Study and Mitigated Negative Declaration (MND) in June 2018. The Water Authority, as a Responsible Agency under CEQA, has reviewed the MND per Resolution 2020-____ and determined that no further environmental analysis is required for the action of the Water Authority; and

2. Pursuant to Section 10(d) of the County Water Authority Act, the Board of Directors of the San Diego County Water Authority requires the following:

   a. That the property owner acknowledges and agrees to participate in any required Proposition 218 action and will be subject to the imposition of any taxes, fees, charges, and assessments currently applicable to the San Diego County Water Authority service area.

3. That the terms and conditions as ordered by the Board of Directors of the Metropolitan Water District of Southern California shown in Resolution No. 9263, be a condition of the concurrent annexation to said Metropolitan Water District of Southern California and the San Diego County Water Authority of the properties described in Attachment 1.

4. That the Clerk of the Board is authorized and directed to forward certified copies of this resolution to the Metropolitan Water District of Southern California and the Rincon del Diablo Municipal Water District.

5. That the General Manager of the San Diego County Water Authority be directed to file a Notice of Determination as provided in Section 15096 of the State CEQA Guidelines.

PASSED, APPROVED, AND ADOPTED on this twenty-third day of April 2020.

Ayes: Unless noted below all Directors voted aye.*

Noes: None

Abstain: None

Absent: City of Escondido representative (P), Simpson, and Kennedy.

Jim Madaffer,
Chair

ATTEST:

Christy Guerin,
Secretary

I, Melinda Nelson, Clerk of the Board of the San Diego County Water Authority, certify that the vote above is correct and this Resolution No. 2020-04 was duly adopted at the meeting of the Board of Directors on the date stated above.

Melinda Nelson
Clerk of the Board

*The following Directors were present but vote not recorded: Barnum and Murtland

RESOLUTION 9263

RESOLUTION OF THE BOARD OF DIRECTORS OF
THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA
CONSENTING TO SAN DIEGO COUNTY WATER AUTHORITY'S
SRINGERI VIDYA BHARATI FOUNDATION TEMPLE ANNEXTION
AND FIXING THE TERMS AND CONDITIONS TO
THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

WHEREAS, the Board of Directors of the San Diego County Water Authority (SDCWA), a county water authority situated in the county of San Diego, state of California, pursuant to Resolution No. 2019-01, in accordance with the provisions of the Metropolitan Water District Act (MWD Act), has applied to the Board of Directors of The Metropolitan Water District of Southern California (Metropolitan) for consent to annex thereto certain uninhabited territory situated in the county of San Diego referred to as Sringeri Vidya Bharati Foundation Temple Annexation (Temple annexation), more particularly described in an application to the San Diego County Local Agency Formation Commission (LAFCO), concurrently with Temple annexation thereof to SDCWA, such annexation to Metropolitan to be upon such terms and conditions as may be fixed by the Board of Directors of Metropolitan;

WHEREAS, the owner of San Diego County Assessor Parcel Number 241-080-47-00 (Property) has applied for the Temple annexation into the SDCWA and Metropolitan service areas;

WHEREAS, completion of said Temple annexation shall be contingent upon approval by the LAFCO; conditioning its approval of the Temple annexation upon a requirement that Metropolitan's existing and established taxes, benefit assessments, or property-related fees or charges in place in the service area are levied or fixed and collected on the parcels being annexed to the agency; these taxes, benefit assessments, or property-related fees or charges are identified below;

WHEREAS, Metropolitan has levied and collected ad valorem taxes on parcels within the territory of SDCWA. Such charges for fiscal year 2019/20 are described in Resolution 9258, adopted by Metropolitan's Board on August 20, 2019;

WHEREAS, since fiscal year 1992-93, Metropolitan has levied and collected water standby charges pursuant to Section 134.5 of the MWD Act on parcels within the territory of SDCWA. Such charges for fiscal year 2019/20 are described in Resolution 9253, adopted by Metropolitan's Board on May 14, 2019;

WHEREAS, upon Temple annexation, the parcel will be within Metropolitan's service area, Metropolitan water will be available to such parcels and such parcels will receive the benefit of

the projects provided in part with proceeds of Metropolitan's water standby charges. Upon completion of the annexation, the lands within the Temple annexation will be subject to Metropolitan's ad valorem tax in the current amount of 0.0035 percent of the assessed value of each parcel and Metropolitan's water standby charge in the current amount of $11.51 per acre, or per a parcel of less than one acre. Approval of Metropolitan's standby charge levied elsewhere within SDCWA's territory is a condition to complete this annexation;

WHEREAS, pursuant to the provisions of the California Environmental Quality Act (CEQA), the County of San Diego, acting as Lead Agency, adopted the Sringeri Vidya Bharati Foundation Temple Project (Project) Mitigated Negative Declaration (MND) and Mitigation Monitoring Reporting Program (MMRP), and approved the Project on June 20, 2018 for the development of the proposed annexation parcels, and Metropolitan, as Responsible Agency under CEQA, reviewed and considered the information contained in the MND and MMRP prior to approval of the formal terms and conditions for the Sringeri Vidya Bharati Foundation Temple Area Annexation; and

WHEREAS, it appears to this Board of Directors that such application should be granted, subject to the terms and conditions hereinafter set forth.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of Metropolitan, acting as Responsible Agency, reviewed and considered the information in the MND and MMRP prior to approval of the final terms and conditions for the Sringeri Vidya Bharati Foundation Temple Area Annexation; and subject to the following terms and conditions, does hereby grant the application of the governing body of SDCWA for consent to annex Sringeri Vidya Bharati Foundation Temple Area Annexation, to Metropolitan and does hereby fix the terms and conditions of such annexation.

BE IT FURTHER RESOLVED that the Board of Directors of Metropolitan, subject to the following terms and conditions, does hereby grant the application of the governing body of SDCWA for consent to Temple annexation to Metropolitan and does hereby fix the terms and conditions of such annexation:

Section 1. Annexation of said area to SDCWA shall be made concurrently with annexation thereof to Metropolitan, and all necessary certificates, statements, maps, and other documents required to be filed by or on behalf of SDCWA to effectuate Temple annexation shall be filed on or before December 31, 2021.

Section 2. Prior to filing a request for a Certificate of Completion of Temple annexation proceedings with LAFCO, SDCWA shall submit a certified copy of LAFCO's resolution approving Temple annexation to SDCWA, and shall pay to Metropolitan $115,853.33 for its annexation fee, if annexation is completed by December 31, 2020. If the annexation is completed during the 2021 calendar year, the annexation charge will be calculated based on the then-current rate, in accordance with Metropolitan's Administrative Code Section 3300.

Section 3. a. Metropolitan shall be under no obligation to provide, construct, operate, or maintain feeder pipelines, structures, connections, and other facilities required for the delivery of water to said area from works owned and operated by Metropolitan.

b. SDCWA shall not be entitled to demand that Metropolitan deliver water to SDCWA for use, directly or indirectly, within said area, except for domestic or municipal use therein.

c. The delivery of all water by Metropolitan, regardless of the nature and time of use of such water shall be subject to the water service regulations, including rates and charges promulgated from time to time by Metropolitan.

d. The delivery of all water by Metropolitan, regardless of the nature and time of use of such water shall be subject to the water service regulations, including rates and charges promulgated from time to time by Metropolitan.

e. Except upon the terms and conditions specifically approved by the Board of Directors of Metropolitan, water sold and delivered by Metropolitan shall not be used in any manner which intentionally or avoidably results in the direct or indirect benefit of areas outside Metropolitan, including use of such water outside Metropolitan or use thereof within Metropolitan in substitution for other water outside Metropolitan.

Section 4. LAFCO has conditioned approval of Temple annexation upon a requirement that Metropolitan levy or fix and collect all previously established and collected taxes, benefit assessments, or property-related fees or charges on parcels being annexed to the agency.

Section 5. Such charges include but are not limited to:

a. Metropolitan's ad valorem tax on properties located within the territory of SDCWA in the amount of 0.0035 percent of the assessed value of each parcel. Metropolitan shall levy the ad valorem tax in the amount, at the same time and in the same manner as the ad valorem tax on other properties located within the territory of SDCWA. Such charges for fiscal year 2019/20 are described in Resolution 9258, adopted by Metropolitan's Board on August 20, 2019.

b. Metropolitan's water standby charge on properties located within the territory of SDCWA, in the amount of is $11.51 per acre of land, or per parcel of land less than an acre. Metropolitan shall levy the water standby charge in the amount, at the same time and in the same manner as water standby charges on other properties located within the territory of SDCWA. Such charges for fiscal year 2019/20 are described in Resolution 9253, adopted by Metropolitan's Board on May 14, 2019.

Section 6. That the General Manager is hereby authorized and directed to take all necessary action to secure the collection of the ad valorem taxes and water standby charges by the appropriate county officials, including payment of the reasonable cost of collection.

Section 7. That the Board of Directors of Metropolitan, acting as Responsible Agency, reviewed and considered the information in the MND and MMRP prior to approval of the final terms and conditions for the Sringeri Vidya Bharati Foundation Temple Area Annexation; and subject to the following terms and conditions, does hereby grant the application of the governing body of SCDWA for consent to annex the Sringeri Vidya Bharati Foundation Temple Area Annexation to Metropolitan and does hereby fix the terms and conditions of such annexation.

Section 8. That the General Manager and General Counsel are hereby authorized to do all things necessary and desirable to accomplish the purposes of this resolution, including, without limitation, the commencement of defense of litigation.

Section 9. That if any provision of this resolution or the application to any member agency, property or person whatsoever is held invalid, that invalidity shall not affect the other provisions or applications of this resolution which can be given effect without the invalid portion or application, and to that end the provisions of this resolution are severable.

BE IT FURTHER RESOLVED that the Board Executive Secretary is directed to transmit forthwith to the governing body of SDCWA a certified copy of this resolution.

I HEREBY CERTIFY that the foregoing is a full, true and correct copy of a resolution adopted by the Board of Directors of The Metropolitan Water District of Southern California, at its meeting held on January 14, 2020.

Judy Abdo

Secretary of the Board of Directors
of The Metropolitan Water District
of Southern California

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

6c

AGENDA REPORT
Public Hearing

October 5, 2020

TO: Commissioners

FROM: Keene Simonds, Executive Officer
Robert Barry, Chief Policy Analyst

SUBJECT: **Proposed Update to Agricultural and Open Space Lands Policy**

SUMMARY

The San Diego County Local Agency Formation Commission (LAFCO) will consider approving a proposed update to the "Preservation of Open-Space and Agricultural Lands Policy." The proposed update returns intact from the draft presented in August and subsequent public review and comment period. The proposed update includes several substantive revisions that collectively aim to better balance the Commission's statutory direction to preserve agricultural and open space resources while reflecting local conditions and objectives. This includes – notably – policy provisions to encourage new agricultural uses without impacting otherwise available development options. Staff recommends approval.

BACKGROUND

Agricultural and Open Space Lands Policy

San Diego LAFCO's Preservation of Open-Space and Agricultural Lands Policy was adopted in November 1978 and last amended by the Commission in May 1998. The policy restates germane provisions of statute with respect to tasking the Commission to preserve open-space and agricultural lands and associated procedures. This includes a premising statement to discourage proposals that would convert prime agricultural or open-space lands to other uses the actions would promote the planned orderly and efficient development of an area.

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Jo MacKenzie, Vista Irrigation
Vice Chair Andy Vanderlaan, General Public
Chair Dianne Jacob, County of San Diego
Bill Wells, City of El Cajon
Chris Cate, Alternate, City of San Diego
Barry Willis, Alpine Fire Protection
Harry Mathis, Alternate, General Public
Greg Cox, Alternate, County of San Diego
Paul McNamara, Alternate, City of Escondido
Erin Lump, Alternate, Rincon del Diablo MWD

Scheduled Update to the Preservation of Agricultural and Open Space Lands Policy | Presentation and Feedback on Draft Updates in February 2019 and August 2020

The Commission's current 2020-2021 workplan was adopted at a noticed hearing in May 2020 and outlines over two-dozen project goals for the fiscal year. The workplan is organized to categorize projects into one of three priority levels: high; moderate; and low. The workplan includes continuation of an earlier scheduled update to the Commission's Preservation of Open-Space and Agricultural Lands Policy as a high priority and – among other items – timed in response to the issuance of a topical CALAFCO white paper exploring best practices.[1] The project was originally scheduled as part of the 2018-2019 workplan with an initial draft update presented to the Commission in March 2019 with subsequent direction to staff to revisit and perform local stakeholder outreach. The Executive Officer subsequently requested and received approval to continue the project into 2020-2021.

A second draft update to the Preservation of Open-Space and Agricultural Lands Policy was presented to the Commission at its August 2020 meeting. This second draft was substantively reworked to incorporate earlier Commission feedback as well as input solicited from key stakeholders – including the San Diego County Farm Bureau and Wildlife Habitat Conservation Coalition. The Commission proceeded to direct staff to initiate a formal public review and return with a proposed update for future consideration. Staff was also directed to confer with the County of San Diego to assess compatibility with its Agricultural Promotion Program.

DISCUSSION

This item is for San Diego LAFCO to consider approving a proposed update to the Preservation of Open-Space and Agricultural Lands Policy. The proposed update returns entirely intact from the second draft version presented at the August 2020 meeting and in doing so continues to be headlined by seven substantive revisions as summarized below.

- Distinguish Between Agricultural and Open Space Lands
  Bifurcate the policy to explicitly distinguish between agricultural and open space lands and their distinct societal functions relative to Commission's duties.

- Address Wildlife and Local Habitat Planning in Open Space Considerations
  Expand the policy to distinguish differences in open space types and prioritize the protection of natural (unbuilt) open space lands supporting wildlife.

- Use of Open Space as Municipal Greenbelts
  Encourage the County of San Diego and cities to strategically coordinate and maintain open space lands as municipal greenbelts and create community separators. This addition – pertinently – recognizes open space as a municipal service.

[1] The CALAFCO white paper was prepared in partnership with the American Farmland Trust in February 2018 and explores statewide trends involving the conversion of "important farmland" along with reviewing the policies of several LAFCOs in ag-concentrated counties in devising a series of best practices divided between three distinct phases: (a) avoidance; (b) minimization; and (c) mitigation.

- Expand Focus to Address All Agricultural
  Expand the policy provisions from its existing focus on prime agriculture to address all agriculture (i.e. unique farmland, farmland of statewide or local importance, etc.).

- Distinguish Between In-Ground and Above-Ground Agriculture
  Revise the policy to make distinctions between above-ground agriculture activities (e.g. floral nurseries) and in-ground activities (e.g. row crops) and provide the Commission additional latitude in considering proposals involving the former category.

- No Harm Provision: Lands No Longer Viable for Agricultural Use
  Add a policy exception for lands that otherwise qualify as agriculture or prime agriculture under statute (i.e. potential to generate a commodity value of at least $400 an acre) if disused for agricultural purposes over the preceding 60-month period. This provision helps to locally quantify the economic viability of agricultural uses for lands subject to Commission proceedings and intended to also encourage (or not discourage) new agricultural ventures without triggering future LAFCO restrictions.

- Extending Municipal Services to Support Agricultural Uses
  Broaden the policy to contemplate circumstances when the extension of municipal services to agricultural lands through jurisdictional changes and/or out-of-agency contracts may be appropriate in maintaining economic vitality.

A complete track-change version of the proposed update is provided as Attachment One.

ANALYSIS

San Diego LAFCO's Preservation of Open-Space and Agricultural Lands Policy directly addresses the Commission's central and sometimes competing interests in statute to protect agricultural and open space while accommodating new growth and development. The proposed update incorporates earlier Commission feedback and this includes vetting the document with the San Diego County Farm Bureau, Wildlife Habitat Conservation Coalition, Cities Advisory Committee, and Special Districts Advisory Committee to help capture local conditions. Additionally, the County of San Diego also reviewed the proposed update and finds it consistent with the General Plan. The summation of these efforts produces a modern document to communicate the Commission's broader orientation towards agriculture and open space and highlighted by the seven revisions detailed in the preceding section.

RECOMMENDATION

It is recommended San Diego LAFCO approve the proposed update to the Preservation of Open-Space Agricultural Lands Policy as presented with any desired changes. This recommendation is consistent with Alternative Action One in the proceedings section.

ALTERNATIVES FOR ACTION

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

Alternative One (recommended):

(a) Approve the proposed update to the Preservation of Open-Space and Agricultural Lands Policy as provided as Attachment One with any desired changes.

(b) Authorize the effective date of the proposed update as October 5, 2020.

Alternative Two:
Continue consideration to a future meeting and provide direction as needed.

Alternative Three:
Take no action.

PROCEDURES

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

1) Receive verbal presentation from staff unless waived.
2) Initial questions or clarifications from the Commission.
3) Open hearing and receive any public testimony.
4) Close the hearing and consider the staff recommendation or alternatives.

Respectfully,

Keene Simonds
Executive Officer

Attachments:

1) Draft Update to Agricultural and Open Space Lands Policy (track-changes)
2) Comment from Director Hannah Gbeh with San Diego County Farm Bureau
3) Comment from Director Dan Silver with Endangered Habitats League
4) Comment from Advance Planning Chief Eric Lardy with the County of San Diego (Finding of General Plan Consistency)
5) Comment from Chair James Peugh with San Diego Audubon Society
6) Comment from Bill Tippets

Subject

PRESERVATION OF OPEN SPACE AND AGRICULTURAL LANDS

Purpose

To further the policies and priorities of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 regarding the preservation and enhancement of natural open space and ~~prime~~ agricultural lands and provide guidance therein to applicants and other interested parties.

Background

The State Legislature has instructed Local Agency Formation Commissions to establish policies that address the preservation of open space and agriculture (Govt. Codes § 56300 and 56377). This includes considering the effects of all spheres of influence and jurisdictional changes on open space and agricultural lands (Govt. Codes § 56425 and 56668). Additional instruction involves prime agricultural lands and open space supporting wildlife as defined under Fish and Game Code 89.5. ~~LAFCOs are required to consider how spheres of influence or changes of local governmental organization could affect open space and prime agricultural lands.~~ Specifically, Commissions are directed to guide development away from prime agricultural lands and open space supporting wildlife – unless that action would not promote the planned, orderly and efficient development of an area – and to encourage development of existing ~~vacant~~ lands within an agencies' boundaries~~or non-prime agricultural lands within a jurisdiction before approving any proposal that would allow development of open-space lands outside of an agency's boundary (Govt. Code § 56377)~~. ~~Proposals must be further reviewed for their effect on maintaining the physical and economic integrity of agricultural lands (Govt. Code § 56668).~~

Gov. Code § 56064 contains a definition of "Prime Agricultural Land." "Prime agricultural land" means an area of land, whether a single parcel or contiguous parcels, that has not been developed for a use other than an agricultural use and that meets any of the following qualifications:

(a) Land that qualifies, if irrigated, for rating as class I or class II in the USDA Natural Resources Conservation Service land use capability classification, whether or not land is actually irrigated, provided that irrigation is feasible.

Commented [S1]: "enhancement" reflects SD LAFCO discretion to proactively aid existing and new ag and open space uses

Commented [S2]: Unbuilt open space; excludes golf courses, parks, and other improvements, park spaces

Commented [S3]: striking of "prime" broadens policy coverage consistent with legislative direction to LAFCOs in 56300 to "establish written policies and procedures and exercise its powers pursuant to this part and in a manner consistent with those policies and procedures and that encourages and provides planned, well-ordered, efficient urban development patterns with appropriate consideration of preserving open space and agricultural lands with those patterns"

Commented [S4]: "guidance" added to reflect the disclosure aspect/role of the policy

Commented [S5]: 56300 references "agricultural lands" and 56377 references "prime agricultural lands"

Commented [S6]: attempt to highlight order of significance to LAFCOs with respect to ag lands (important) and prime ag lands (most important)

Commented [S7]: "supporting wildlife" serves to distinguish between natural open space v. vacant land…

(b) Land that qualifies for rating 80 through 100 Storie Index Rating.

(c) Land that supports livestock used for the production of food and fiber and that has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the United States Department of Agriculture in the National Range and Pasture Handbook, Revision 1, December 2003.

(d) Land planted with fruit or nut-bearing trees, vines, bushes, or crops that have a nonbearing period of less than five years and that will return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than four hundred dollars ($400) per acre.

(e) Land that has returned from the production of unprocessed agricultural plan products an annual gross value of not less than four hundred dollars ($400) per acre for three of the previous five calendar years.

Policy

It is the policy of the San Diego Local Agency Formation Commission to:

1. Make appropriate distinctions between open space and agriculture and their separate functions and benefits.

2. Protect and preserve open space lands – and of most importance lands that support wildlife – against their premature conversion.

   (a) Discourage proposals that would convert open space to other uses.

   (b) The Commission reserves discretion to consider proposals involving the conversion of open space based on local conditions and in conjunction with ensuring orderly growth and development reflecting local habitat planning.

   (c) Encourage the County of San Diego and incorporated cities to coordinate the designation and protection of open space lands and associated uses as community greenbelts and separators.

Commented [S8]: make explicit distinction between open space and ag

Commented [S9]: objective for open space is to protect and preserve and different from ag (protect and enhance)

Commented [S10]: Wildlife Coalition…

Commented [S11]: tie back into land use authorities' planning

Commented [S12]: telegraphing tool to land use authorities

3. Protect and enhance agricultural lands and their uses.

(a) Discourage proposals that would convert any agricultural lands – including and of highest priority prime agricultural ~~–or open space lands~~ to other uses~~, unless such an action would not promote the planned, orderly, efficient development of an area *or* the affected jurisdiction has identified all prime agricultural lands within its sphere of influence and adopted measures that would effectively preserve prime agricultural lands for agricultural use;~~

(b) The Commission reserves discretion to consider proposals involving the conversion of agriculture based on local conditions and in conjunction with ensuring orderly growth and development. This includes considering the economic viability of agricultural uses within the affected territory.

(c) No harm provisions.

i) Lands otherwise qualifying as agricultural under Gov Code Section 56016 and prime agriculture under Gov Code Section 56064 shall not be subject to this policy and its limitations on conversions if left fallow, unsown, or disused for agricultural purposes at the present time and for more than 60 consecutive months.

ii) Lands otherwise qualifying as agricultural under Gov Code Section 56016 and prime agriculture under Gov Code Section 56064 shall not be subject to this policy and its limitations on conversions if their qualification commenced only within the last 60 consecutive months.

(d) Encourage landowners to establish and/or expand agriculture uses if permissible under zoning. This includes – but not limited to – the Commission considering proposals to extend municipal services in support of maintaining and enhancing agricultural uses.

(d) Recognize the uniqueness of agricultural uses in San Diego County to include above-ground and mobile production, such as nurseries, that merit separate considerations when applying State statutes.

~~Require prezoning of territory (city only) to identify areas subject to agricultural/preservation and planned development;~~

Commented [S13]: objective for ag is to protect and enhance and different from open space (protect and preserve)

Commented [S14]: opportunity for landowners to show LAFCO that ag is not cost-effective

Commented [S15]: makes explicit the sunset provided in statute with the addition of unsown and disused, i.e. long-time ag uses are no longer viable

Commented [S16]: does not penalize new ag ventures

Commented [S17]: addresses broad definition for prime ag in LAFCO law to include any land that produces an annual gross value of $400 per acre (not net but gross…) under 56016(e)

L–101 LEGISLATIVE POLICY

~~3~~4. Follow San Diego LAFCO's adopted procedures when reviewing proposals that could effect agricultural and open space lands and provided herein as Appendix A. ~~to define agricultural and open space lands and to determine when a proposal may adversely affect such lands.~~

Adopted:	November 6, 1978
Amended:	June 4, 1990
Amended:	May 4, 1998
Technically Updated:	January 1, 2001
Technically Updated:	June 16, 2015

~~Cross-reference~~Appendix:

SAN DIEGO LAFCO PROCEDURES:
-Open Space and Agricultural Preservation

APPENDIX A

Open Space and Agricultural Preservation

The Cortese-Knox-Hertzberg Act requires LAFCOs to consider how adoption of spheres of influence or changes of local governmental organization could affect open space and prime agricultural lands. In determining spheres of influence, LAFCOs are directed to prepare a written statement of determinations with respect to the present and planned land uses including agricultural and open space lands (56425(e)(1)).

In reviewing and approving or disapproving proposals for changes of organization, LAFCOs must consider the effect of the proposal on maintaining the physical and economic integrity of agricultural lands (56668) and guide development away from existing prime agricultural and open space lands and towards areas containing non-prime agricultural lands — unless that action would not promote the planned, orderly, efficient development of an area (56377(a)). LAFCOs are further directed to encourage development of existing vacant or non-prime agricultural lands within a jurisdictional boundary or sphere of influence before approving a proposal that would allow development of open-space lands outside of the jurisdiction (56377(b)).

Definitions

Agricultural Lands: Agricultural land means land currently used for the purpose of producing an agricultural commodity for commercial purposes, land left fallow under a crop rotational program, or land enrolled in an agricultural subsidy or set-aside program (56016).

Prime Agricultural Land: Prime agricultural land means an area of land, whether a single parcel or contiguous parcels, that has not been developed for a use other than an agricultural use and that meets any of the following qualifications (56064):

1. Land that, if irrigated, qualifies for rating as class I or class II in the USDA Natural Resources Conservation Service land use capability classification whether or not the land is actually irrigated, provided that irrigation is feasible;

2. Land that qualifies for rating 80 through 100 Storie Index Rating;

3. Land that supports livestock used for the production of food and fiber and that has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the United States Department of Agriculture in the National Handbook on Range and Related Grazing Lands, July 1967, developed pursuant to Public Law 46, December 1935;

4. Land planted with fruit or nut-bearing trees, vines, bushes, or crops that have a non-bearing period of less than five years and that will return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than four hundred dollars ($400) per acre; or

5. Land that has returned from the production of unprocessed agricultural plant products an annual gross value of not less than four hundred dollars ($400) per acre for three of the previous five calendar years;

Open Space: Open space is any parcel or area of land or water that is substantially unimproved and devoted to an open-space use and designated on a local, regional or state open space plan as any of the conditions described in Section 65560(b)(1) through (6).

Procedure

The following criteria will be considered when reviewing a proposal that could adversely affect agricultural and open space lands:

1. The use and value of the proposal area and surrounding parcels;

2. Determination as to whether any of the proposal area is designated for agricultural preservation by adopted local plans, including Local Coastal Plans and the County Agricultural Element; and

3. Determination of:

   A. Whether public facilities would be extended through or adjacent to any other agricultural lands to provide services to the development anticipated on the proposal property;

   B. Whether the proposal area is adjacent to or surrounded by existing urban or residential development;

   C. Whether surrounding parcels may be expected to develop to urban uses within the next five years; and

   D. Whether natural or man-made barriers would serve to buffer the proposal area from existing urban uses.

Special Annexation Procedures for Williamson Act Territory (51243.5, 56738, 56752)

The Williamson Act provides that a property owner may enter into a contract with a county or city whereby the assessed property taxes are reduced in return for keeping the property in an agricultural preserve for a minimum of ten years. Except as provided in Government Code Section 51243.5, on and after the effective date of an annexation by a city of any land under contract with the county, the city shall succeed to all rights, duties, and powers of the county under the contract.

A city may refuse to succeed to a Williamson Act contract if either of the following conditions exist:

1. Prior to December 8, 1971 the land being annexed was within one mile of the city boundary when the contract was executed and the city filed a resolution protesting the contract with the board of supervisors; or

2. Prior to January 1, 1991: (a) the land being annexed was within one mile of the city boundary; (b) the city had filed a resolution protesting the contract with LAFCO; (c) LAFCO held a hearing to consider the protest; (d) LAFCO made a finding of inconsistency with future land use; and (e) LAFCO approved the city's protest.

Please refer to the applicable code sections for specific procedures regarding the annexation of Williamson Act territory.

From: Hannah Gbeh
To: Simonds,Keene
Subject: Farm Bureau Comments on Agricultural and Open Space Lands Policy
Date: Tuesday, July 28, 2020 10:01:08 AM

Dear LAFCO,

On behalf of the agricultural community within San Diego County, we would like to applaud the efforts of Executive Officer Keene Simonds in relation to updating the Agricultural and Open Space Lands Policy. Mr. Simonds has gone above and beyond to ensure the input from the agricultural community was heard and incorporated into this policy update. In addition to providing a presentation to our Board of Directors regarding LAFCO's efforts, he engaged our land use committee, including accepting and incorporating the majority of our requested policy revisions. It is imperative that policies differentiate agricultural land uses from open space land uses and the Farm Bureau supports the proposed policy, as presented.

Best,
Hannah Gbeh

SAN DIEGO COUNTY FARM BUREAU

HANNAH GBEH *Executive Director*
420 S. Broadway, Ste. 200, Escondido, CA 92025
Office: 760.745.3023 hannah@sdfarmbureau.org
Cell: 760-504-4109

The Voice of Local Farming

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From: Dan Silver
To: Luckett, Tamaron
Subject: Proposed Update to Open Space and Agricultural Lands Policy
Date: Wednesday, August 12, 2020 10:59:54 AM

August 12, 2020

Tamaron Luckett
Commission Clerk
San Diego County LAFCO
9335 Hazard Way, Suite 200
San Diego, California 92123

RE: Proposed Update to Open Space and Agricultural Lands Policy

Dear Chairperson Jacob and Members of the Commission:

Endangered Habitats League, a longterm stakeholder in San Diego regional planning efforts, appreciates the opportunity to comment on the proposed update. We support these changes as beneficial to open space, agriculture, and orderly growth. For example, extending agricultural considerations beyond "prime" agriculture better fits San Diego's farms. Also, taking note of our important regional habitat planning efforts like the County and City of San Diego MSCPs, Chula Vista MSCP, and Carlsbad HMP recognizes the value of these programs for conservation, infrastructure, and development.

Thank you for considering our views.

Yours truly,
Dan Silver

Dan Silver, Executive Director
Endangered Habitats League
8424 Santa Monica Blvd., Suite A 592
Los Angeles, CA 90069-4267

213-804-2750
dsilverla@me.com
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County of San Diego

MARK WARDLAW
DIRECTOR

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www.sdcounty.ca.gov/pds

KATHLEEN A. FLANNERY
ASSISTANT DIRECTOR

September 2, 2020

TO: Keene Simonds, Executive Officer
San Diego Local Agency Formation Commission

FROM: Eric Lardy, Chief
Advance Planning Division, Planning & Development Services

RE: REQUEST FOR GENERAL PLAN CONFORMANCE REVIEW PURUSUANT TO GOVERNMENT CODE SECTION 65402 FOR **"LAFCO Open Space and Agricultural Lands Policy Update"**

This letter is in response to your e-mail dated August 7, 2020, requesting a General Plan conformance determination for compatibility with the County's Agricultural Promotion Program and LAFCO's Proposed Update to the Open Space and Agricultural Lands., dated August 3, 2020.

This request is from the San Diego Local Agency Formation Commission (LAFCO) to update the Open Space and Agricultural Lands policy, last updated in 1998. LAFCO has provided a draft document which includes several substantive revisions that collectively aim to better balance the Commission's statutory direction to preserve agricultural and open space resources while reflecting local conditions and objectives. The Commission is now seeking a response from San Diego County for conformance with the General Plan, notably, conformance with the County's Agricultural Promotion Program.

Adopted by the Board of Supervisors in 2017, the Agricultural Promotion Program established new agricultural use definitions and revisions to the animal use regulations in the County Zoning Ordinance. The new uses included agricultural homestays, agritourism activities, agricultural stores (small and large), microbreweries/micro-distilleries (small and large), fishermen's markets, and agricultural packing and processing.

Planning & Development Services (PDS) reviewed the draft policy in conformance with the County's General Plan Annexation Policies related to Open Space and/or Agricultural Lands, as identified below:

- LU-2.5 Greenbelts to Define Communities: Identify and maintain greenbelts between communities to reinforce the identity of individual communities.
- LU-4.5 Annexations with Incompatible Land Uses. Coordinate with LAFCO to oppose annexations by neighboring cities that would result in land uses incompatible with unincorporated lands.
- COS-1.4 Collaboration with Other Jurisdictions. Collaborate with other jurisdictions and trustee agencies to achieve well-defined common resource preservation and management goals.
- S-11.5 Development Adjacent to Agricultural Operations. Require development adjacent to existing agricultural operations in Semi-Rural and Rural Lands to adequately buffer agricultural areas and ensure compliance with relevant safety codes where pesticides or other hazardous materials are used.

Pursuant to Government Code Section 65402 and proposed policy update, PDS has determined that a finding of consistency with the County's General Plan and Zoning Ordinance can be made. If you have any questions, please contact Mark Kieser at (858) 495-5357 or Mark.Kieser@sdcounty.ca.gov.

Eric Lardy
Chief, Advance Planning

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From: Blom, Erica
To: Luckett, Tamaron
Cc: Simonds,Keene
Subject: Fw: Draft Update to Agricultural and Open Space Policy on LAFCO agenda
Date: Wednesday, September 23, 2020 11:53:38 AM

From: Jim Peugh <peugh@cox.net>
Sent: Monday, August 3, 2020 8:38 AM
To: Blom, Erica <Erica.Blom@sdcounty.ca.gov>
Cc: 'Andrew Meyer' <meyer@sandiegoaudubon.org>; 'Bill Tippets' <billtippets@gmail.com>
Subject: Draft Update to Agricultural and Open Space Policy on LAFCO agenda

Hello Ms. Blom,
The San Diego Audubon Society greatly appreciates the efforts of Mr. Simonds to incorporate language into your open space policy that will protect from development areas of the county that provide habitat for many native species of wildlife. Our region is extremely rich in wildlife, including many threatened and endangered species. Appropriate land use policies can significantly help them to survive. If they are ignored in land use decisions their future is very limited. We hope that LAFCO will incorporate the changes that he suggests.
Thank you for considering our comment.
James Peugh
Conservation Chair
San Diego Audubon Society

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From: Blom, Erica
To: Luckett, Tamaron
Cc: Simonds,Keene
Subject: Fw: Draft Update to Agricultural and Open Space Policy on LAFCO agenda
Date: Wednesday, September 23, 2020 11:55:01 AM

From: Bill Tippets <billtippets@gmail.com>
Sent: Monday, August 3, 2020 8:56 AM
To: Jim Peugh <peugh@cox.net>
Cc: Blom, Erica <Erica.Blom@sdcounty.ca.gov>; Andrew Meyer <meyer@sandiegoaudubon.org>; Laura Hunter <earthlover@sbcglobal.net>; Simonds,Keene <Keene.Simonds@sdcounty.ca.gov>; Mike McCoy <Mccoy4ib@aol.com>
Subject: Re: Draft Update to Agricultural and Open Space Policy on LAFCO agenda

Hello Ms. Blom,

I am writing to support the proposed revised language that Clarke's and prioritizes the preservation of open space, especially natural habitat and important agricultural lands.

San Diego County has been one of the leading regions for implementing programs that balance the needs for managed growth with open space conservation, primarily through the many Natural Community Conservation Plans/Habitat Conservation Plans.

However, it is also important that separate processes, such as LAFCO, complement those efforts. The proposed language would achieve that objective.

Regards,

Bill Tippets
619-822-4323

"Patriotism is supporting your country all the time, and your government when it deserves it" - Mark Twain

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AGENDA REPORT
Business | Discussion

October 5, 2020

TO: Commissioners

FROM: Keene Simonds, Executive Officer
Robert Barry, Chief Policy Analyst

SUBJECT: **Ad Hoc Committee Update | Proposed Rainbow Municipal Water District and Fallbrook Public Utility District Reorganizations to Detach from the San Diego County Water Authority and Annex to Eastern Municipal Water District (RO20-04 and RO20-05)**

SUMMARY

The San Diego County Local Agency Formation Commission (LAFCO) will receive an update on the Ad Hoc Committee and its task to assist staff in the administrative reviews of the Rainbow Municipal Water District (MWD) and Fallbrook Public Utility District (PUD) reorganization proposals to detach from the San Diego County Water Authority. This includes items discussed at the Committee's most recent meeting held on August 3rd as well as associated activities. The item is for discussion with the opportunity for related direction.

BACKGROUND

Proposal Filings and Related Actions

San Diego LAFCO received separate reorganization proposals in March 2020 from Fallbrook and Rainbow to concurrently (a) detach from the San Diego County Water Authority and (b) annex to Eastern MWD. The stated purpose of the reorganizations is to achieve cost-savings for the applicants and their constituents by transitioning the purchase of wholesale supplies. The County Water Authority formally responded to the filings by requesting and receiving

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Mary Casillas Salas, City of Chula Vista
Bill Wells, City of El Cajon
Paul McNamara, Alternate, City of Escondido
Mark Kersey, City of San Diego
Chris Cate, Alternate, City of San Diego
Jo MacKenzie, Vista Irrigation
Barry Willis, Alpine Fire Protection
Erin Lump, Alternate, Rincon del Diablo MWD
Vice Chair Andy Vanderlaan, General Public
Harry Mathis, Alternate, General Public

Commission approval in May 2020 to apply alternative conducting authority proceedings if one or both reorganization proposals are subsequently approved. This substantively means any reorganization approval will bypass standard protest and directly proceed to election.

Creation of an Ad Hoc Committee

San Diego LAFCO established a 10-member Ad Hoc Committee in June 2020 to directly advise in the proposals' administrative reviews with respect to statutory factors as well as local considerations given associated complexities and controversies. Members from all four subject agencies (Rainbow MWD, Fallbrook PUD, Eastern MWD, and County Water Authority) are on the Ad Hoc Committee with other at-large agency representatives. This latter category includes Lydia Romero (Lemon Grove) and Kimberly Thorner (Olivenhain MWD) on behalf of the Cities and Special Districts Advisory Committees. The Commission also directed staff to provide regular updates on the work of the Ad Hoc Committee going forward.

DISCUSSION

This agenda item is for San Diego LAFCO to receive its scheduled update on the current work of the Ad Hoc Committee formed to assist staff in the administrative reviews for the Rainbow MWD and Fallbrook PUD reorganization proposals. The Ad Hoc Committee met most recently on August 3, 2020 and received statuses on both proposals as well as presentations on LAFCO's responsibilities and/or powers in complying with the California Environmental Quality Act and conditioning approvals. The Committee also – pertinently – proceeded to discuss topics meriting detailed consideration given the scope and scale of the proposed reorganizations. The resulting list of topics approved by the Ad Hoc Committee for detailed review follows.

1. Water Supply Reliability
   Are the wholesale supplies between the San Diego County Water Authority and Eastern MWD substantially different in terms of source, availability, and quality.

2. Ratepayer Impacts
   What are the expected rate savings to Rainbow MWD and Fallbrook PUD should LAFCO approve the reorganization proposals as well as the potential rate increases for the remaining 22 member agencies of the County Water Authority.

3. Departure Fees
   Are departure fees needed and/or merited in the form of LAFCO approval conditions to make the San Diego County Water Authority reasonably whole should Fallbrook PUD and/or Rainbow MWD be allowed to detach.

The Ad Hoc Committee also agreed all three above topics merited LAFCO retaining one or more outside consultants. It was similarly agreed all four subject agencies should be directly involved in the selection of the consultant(s) and a subsequent striking system was developed should disagreements emerge. The actual scope of work will be between LAFCO

and the consultant(s). As of date, the subject agencies are currently utilizing the striking system and staff anticipates selection of the consultant(s) in the next two weeks.

Separately, the deadline for affected agencies to provide written comments on the proposed reorganizations as part of the administrative reviews passed on September 18, 2020. Several comment letters were received from affected agencies and have been forwarded to the Ad Hoc Committee. Most of the comments received – notably – are from other members agencies of the County Water Authority and request LAFCO diligently assess potential rate impacts on these members should one or both proposals proceed. Additionally, all four subject agencies also submitted additional comments for the record. Digital copies of all comments received as part of the administrative review as well as the application materials themselves are available online at www.sdlafco.org.

ANALYSIS

The reorganization proposal filings by Rainbow MWD and Fallbrook PUD to detach from the San Diego County Water Authority and annex to Eastern MWD remain in the early stages of their administrative reviews. The topics identified in the preceding section – and highlighted by potential exit fees – are expected to generate considerable discussion with the Ad Hoc Committee and ultimately with the Commission. The next meeting of the Ad Hoc Committee is tentatively planned for November 2nd and expected to include a status from the selected consultant(s) on their current review on the requested topics.

RECOMMENDATION

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

ALTERNATIVES FOR ACTION

No action; discussion and feedback only.

PROCEDURES

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

1) Receive verbal presentation from staff unless waived.
2) Invite comments from interested audience members (voluntary).
3) Discuss item and provide any feedback as appropriate.

Respectfully,

Keene Simonds
Executive Officer

Attachments: none

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AGENDA REPORT
Business | Discussion

October 5, 2020

TO: Commissioners

FROM: Holly O. Whatley, General Counsel

SUBJECT: **Third Amendment to Employment Agreement for the Executive Officer**

SUMMARY

The San Diego County Local Agency Formation Commission (LAFCO) annually evaluates the performance of its Executive Officer, Keene Simonds, at its October meeting. As part of the evaluation, the Commission may consider an amendment to the Executive Officer's employment contract. The Executive Officer ("EO") Compensation Committee (Chair, Vice Chair, and Immediate Past Chair) recommends amending the Executive Officer's employment contract to increase the Executive Officer's annual salary to $186,277. The proposed amendment is attached as Exhibit D.

DISUSSION

Section 11 of the Employment Agreement Between San Diego LAFCO and Keene Simonds, dated September 11, 2017 ("Agreement"), attached as Exhibit A, requires the Commission to evaluate the Executive Officer's performance at least once annually. The Executive Officer's performance was reviewed on October 1, 2018, and the Commission voted unanimously to increase Mr. Simonds' annual salary by 5 percent from $160,000 to $168,000, as reflected in the First Amendment to Employment Agreement, attached as Exhibit B. The Executive Officer's performance was last reviewed on October 7, 2019, and the Commission voted unanimously to increase Mr. Simonds' annual salary by 8.7 percent from $168,000 to $182,624. The change in salary was reflected in the Second Amendment to Employment Agreement, attached as Exhibit C.

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Barry Willis, Alpine Fire Protection
Erin Lump, Alternate, Rincon del Diablo MWD
Vice Chair Andy Vanderlaan, General Public
Harry Mathis, Alternate, General Public

Under Section 6.20 of the LAFCO Personnel Rules, attached as Exhibit E, the Commission may consider an adjustment of the Executive Officer's current salary dependent on the EO Compensation Committee's performance evaluation and recommendation. The EO Compensation Committee (Jacob, Vanderlaan, and MacKenzie) met on August 11, 2020 as part of the Executive Officer's annual performance review process and recommended a salary increase of 2 percent. The proposed increase brings the Executive Officer's salary to the mid-point of the salary range for the position, consistent with the discretion allowed under the Personnel Rules.

Additional discussion follows.

Fiscal Implications

The changes to salary and benefits provided by this amendment are within existing budget appropriations.

Alternatives

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

Conclusion

The EO Compensation Committee recommends the Commission approve the amendment and authorize the Chair to execute it on its behalf. The EO Compensation Committee also recommends agenizing a discussion of the Executive Officer's salary at the beginning of the 2021 calendar year to review compensation levels and ensure they remain competitive with other large urban LAFCOs.

ANALYSIS

See above conclusion.

RECOMMENDATION

Per the EO Compensation Committee it is recommended San Diego LAFCO approve the proposed amendment as provided as Alternate Action One in the proceeding section.

ALTERNATIVES FOR ACTION

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

Alternative One (recommended):
Approve the proposed amendment to the Executive Officer's employment agreement.

Alternative Two:
Continue consideration to a future meeting and provide direction as needed.

Alternative Three:
Take no action.

PROCEDURES

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

1) Take up item immediately or defer the item to after closed session.
2) Consider recommendation.

Respectfully,

Holly O. Whatley
General Counsel

Attachments:

1) Exhibit A-Original Employment Agreement
2) Exhibit B-First Amendment to Employment Agreement
3) Exhibit C-Second Amendment to Employment Agreement
4) Exhibit D-Proposed Third Amendment to Employment Agreement
5) Exhibit E-Section 6.20 of LAFCO's Personnel Rules

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

RECITAL

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

AGREEMENT

1. Effective Date

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

2. Term of Employment

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

3. Duties; Hours of Work

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

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

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

4. **Compensation**

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

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

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

5. **Flexible Benefits Program**

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

6. **Other Benefits**

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

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

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

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

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

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

7. **Vacation Leave**

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

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

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

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

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

9. **Automobile Allowance**

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

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

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

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

11. Annual Performance Evaluation

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

12. Indemnification

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

13. Other Terms and Conditions of Employment

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

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

14. Termination Without Cause

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

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

15. **Termination With Cause**

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

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

16. **Voluntary Termination; Death**

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

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

17. **Compliance With Law**

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

18. **General Provisions**

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

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

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

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

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

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

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

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

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

19. **Amendments**

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

EXECUTIVE OFFICER

Dated: August 9, 2017

Keene Simonds

LAFCO

Dated: Aug. 15, 2017

Sam Abed, Chair

Approved as to form:

Dated: 8/14/17

Michael G. Colantuono
LAFCO Attorney

Attest:

Dated: 8/15/2017

[name] Tamaron R. Luckett
LAFCO Clerk

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FIRST AMENDMENT TO EMPLOYMENT AGREEMENT

RECITAL

On October 3, 2018 the San Diego Local Agency Formation Commission unanimously approved amending the Employment Agreement originally entered into between the San Diego Local Agency Formation Commission (hereafter "LAFCO") and Keene Simonds ("Executive Officer") on September 11, 2017. Such approved amendments followed the Executive Officer's annual performance review and are made as permitted by Paragraph 19 of the Employment Agreement. The Parties agree as follows:

AMENDMENTS

1. Paragraph 4 ("Compensation"), subparagraph "A" is hereby amended in its entirety to read as follows:

A. Effective as of the first day of the first pay period following the Executive Officer's one-year anniversary date September 11, 2017, the Executive Officer's annual salary shall be $168,000 and as otherwise provided in section 6.20 of LAFCO's Personnel Rules ("Rules").

2. Paragraph 7 ("Vacation Leave"), subparagraph "A" is hereby amended in its entirety to read as follows:

A. Executive Officer shall be afforded vacation benefits provided for Executive Management per San Diego County's Compensation Ordinance Section 4.2.1 – Vacation. At present, this affords 15 days per year for employees with one to four years' service, 20 days per year for employees with five to 14 years' service, and 25 days per year to employees with 15 years of service and over. Accruals are credited on a biweekly basis and available for use as it is accrued. The effective date of this vacation accrual formula is retroactive to the start date of the Executive Officer's employment with LAFCO on September 11, 2017 and is intended to adjust the Executive Officer's vacation benefits from the inception of his employment to be consistent with the executive management vacation benefits afforded County of San Diego executive management employees.

3. All other recitals, paragraphs, subparagraphs and clauses of the Agreement remain unchanged by this First Amendment to Employment Agreement.

EXECUTIVE OFFICER

Dated: 12-6-18

Keene Simonds

LAFCO

Dated: 12-6-18

Jo MacKenzie, Chair

Approved as to form:

Dated: 12-12-18

Holly O. Whatley
LAFCO Attorney

Attest:

Dated: 12/04/18

Tamaron Luckett
LAFCO Clerk

EXHIBIT C

SECOND AMENDMENT TO EMPLOYMENT AGREEMENT

RECITAL

On October 7, 2019 the San Diego Local Agency Formation Commission approved amending the Employment Agreement Between the San Diego Local Agency Formation Commission (hereafter "LAFCO") and Keene Simonds ("Executive Officer") dated September 11, 2017 ("Employment Agreement"), attached as Exhibit A, which was originally amended pursuant to the First Amendment to Employment Agreement, attached hereto as Exhibit B. The October 7, 2019 approved amendment followed the Executive Officer's annual performance review and is made as permitted by Paragraph 19 of the Employment Agreement. The Parties agree as follows:

AMENDMENT

1. Paragraph 4 ("Compensation"), subparagraph "A" is hereby amended in its entirety to read as follows:

A. Effective as of the first day of the first pay period following the Executive Officer's second-year anniversary date of September 11, 2017, the Executive Officer's annual salary shall be $182,624 and as otherwise provided in section 6.20 of LAFCO's Personnel Rules ("Rules").

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

EXECUTIVE OFFICER

Dated: 10-7-19

Keene Simonds

LAFCO

Dated: October 7, 2019

Jo MacKenzie, Chair

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THIRD AMENDMENT TO EMPLOYMENT AGREEMENT

RECITAL

On October 5, 2020 the San Diego Local Agency Formation Commission approved amending the Employment Agreement Between the San Diego Local Agency Formation Commission (hereafter "LAFCO") and Keene Simonds ("Executive Officer") dated September 11, 2017 ("Employment Agreement"), attached as Exhibit A, which was first amended pursuant to the First Amendment to Employment Agreement, attached hereto as Exhibit B, and last amended pursuant to the Second Amendment to Employment Agreement, attached hereto as Exhibit C. The amendment approved on October 5, 2020 followed the Executive Officer's annual performance review and is made as permitted by Paragraph 19 of the Employment Agreement. The Parties agree as follows:

AMENDMENT

1. Paragraph 4 ("Compensation"), subparagraph "A" is hereby amended in its entirety to read as follows:

   A. Effective as of the first day of the first pay period following the Executive Officer's hiring anniversary date September 11, 2020, the Executive Officer's annual salary shall be $186,277 and as otherwise provided in section 6.20 of LAFCO's Personnel Rules ("Rules").

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

EXECUTIVE OFFICER

Dated: _____ _____

Keene Simonds

LAFCO

Dated: _____ _____

Dianne Jacob, Chair

Approved as to form:

_____ Dated: _____

Holly O. Whatley
General Counsel

Attest:

_____ Dated: _____

Tamaron Luckett
LAFCO Clerk

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**

6.20 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 at least three but no more than four members of the Commission appointed by the Chairperson, representing the various membership categories of the Commission.

(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.

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