COMMISSION

POLICIES

SAN DIEGO LAFCO

2024

San Diego Local Agency Formation Commission
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PREFACE

The San Diego Local Agency Formation Commission has adopted policies to implement the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 consistent with State legislative findings and declarations regarding orderly growth and development.

The policies assist the Commission in making balanced decisions while providing government officials and the public with an enhanced understanding of the factors considered in LAFCO deliberations.

KEENE SIMONDS
Executive Officer

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Subject

REGIONAL WATER QUALITY CONTROL BOARDS

Purpose

To support the goals of the San Diego and Colorado River Basin Regional Water Quality Control Boards.

Background

San Diego County is split between the jurisdictions of two Regional Water Quality Control Boards; the San Diego Regional Water Quality Control Board (RWQCB) oversees the western portion of the County to the crest of the Laguna Mountains and the Colorado River Basin RWQCB serves eastern San Diego County. The primary duty of Regional Water Quality Control Boards is to protect the quality of domestic waters in accordance with the State Porter-Cologne Water Quality Act and the National Clean Water Act. The Regional Boards, whose members are appointed by the Governor, adopt water quality plans for specific ground or surface water basins and prescribe and enforce requirements on all domestic and industrial waste discharges. Additionally, the Boards conduct surveillance and investigation of any source of water pollution.

Policy

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

1. Cooperate with the San Diego and Colorado River Basin Regional Water Quality Control Boards in preserving the quality of the region's water resources;
2. Inform the Regional Boards of changes in San Diego LAFCO policy or programs which may affect the goals or programs of the Regional Boards; and
3. Consider the goals of Regional Boards when considering changes to jurisdictional boundaries or spheres of influence.

Adopted: May 11, 1970
Amended: April 18, 1974
Reviewed: June 4, 1990
Amended: May 4, 1998

Subject

SAN DIEGO ASSOCIATION OF GOVERNMENTS AND THE REGIONAL GROWTH MANAGEMENT STRATEGY

Purpose

To recognize San Diego Association of Government (SANDAG) programs and studies as relevant to San Diego LAFCO and to establish voluntary compliance with the SANDAG-administered Regional Growth Management Strategy.

Background

SANDAG, as a joint powers authority, is the regional planning agency and "council of governments" for the San Diego region. The Association is governed by a Board of Directors composed of elected officials from each of the region's 19 local governments, assisted by advisory members from the U.S. Department of Defense, the California Department of Transportation, the San Diego Unified Port District, the San Diego County Water Authority, and Tijuana/Baja California, Mexico.

SANDAG Directors adopt plans and policies for regional issues such as growth, transportation, air quality, and economic development. Additionally, SANDAG staff performs specialized technical studies and analysis of information involving growth projections and demographics, which are utilized by local governments and other public and private organizations.

In November 1988, San Diego County voters approved the *Regional Planning and Growth Management Review Measure,* which required the establishment of a Regional Planning and Growth Control Review Board to formulate a plan for maintaining quality of life. SANDAG was designated as the Review Board and subsequently developed the *Regional Growth Management Strategy.*

The Strategy establishes standards to measure the region's quality of life and recommends governmental objectives and actions to help achieve these standards. SANDAG member agencies, through an amendment to the joint powers agreement, agreed to certify consistency of their General Plans with the Strategy. Regional and single purpose public agencies were asked to voluntarily achieve consistency with the Strategy. Accordingly, on November 17, 1992, San Diego LAFCO entered into a Memorandum of Agreement with SANDAG (as the Regional Planning and

Growth Control Management Board) to achieve consistency between the Commission's plans and programs and the Regional Growth Management Strategy and to participate in the implementation of the Strategy.

Policy

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

1. Recognize the programs and studies of SANDAG when evaluating jurisdictional changes, spheres of influence, and other San Diego LAFCO programs and policies;
2. Utilize the most recent SANDAG growth forecast for planning purposes;
3. Implement the Regional Growth Management Strategy's recommended actions by amending relevant San Diego LAFCO plans, policies and programs as necessary;
4. Implement the relevant portions of the Regional Growth Management Strategy;
5. Participate in the Regional Growth Management Strategy Self-Certification process; and
6. Notify the Regional Growth Management Review Board of changes to San Diego LAFCO plans and programs that affect the Strategy.

Adopted: January 4, 1993
Reviewed: May 4, 1998

Subject

CITIES AD HOC ADVISORY COMMITTEE

Purpose

To enable San Diego LAFCO to receive comments and technical advice from cities on an ad hoc basis.

Background

In 1969, San Diego LAFCO established a Special Districts Advisory Committee to provide technical advice to the Commission. A Cities Advisory Committee was established in 1975 to complement the Special Districts Advisory Committee and to provide comments on complex proposals involving cities. The Cities Advisory Committee provided valuable assistance to San Diego LAFCO, especially during the analysis of multi-issue proposals. Over the years, however, participation and attendance declined due to conflicting meeting schedules and because the majority of proposals considered by the committee have primarily affected special districts. Accordingly, in December 1996, a majority of cities in the County recommended that the standing Cities Advisory Committee be replaced with an ad hoc committee, which could be convened as necessary, to review proposals involving cities. The Committee would not be considered a standing committee with a continuing subject matter jurisdiction or a fixed meeting schedule. Rather, the committee would have a temporary status and be responsible for providing advice to LAFCO on an ad hoc basis.

Policy

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

1. Authorize the LAFCO Chairperson or, alternatively, delegate responsibility to the Executive Officer, to appoint as necessary, a Cities Ad Hoc Advisory Committee composed of representatives of the subject and affected cities, plus a nonvoting representative of the County.

Adopted: April 7, 1997
Amended: May 7, 1998

Cross-reference:
SAN DIEGO LAFCO RULES:
-Section 1.9 Special Districts Advisory Committee
-Section 1.10 Cities Advisory Committee

Subject

INTERNET RESOURCES

Purpose

To support use of the Internet as a tool to provide an increased level of service to the public.

Background

The Internet is a worldwide system of telecommunication networks, which links together millions of users and computers, and is an important resource for San Diego LAFCO to provide better, cheaper and faster services to the citizens of San Diego County. San Diego LAFCO has established an Internet site in cooperation with the County of San Diego that will be creatively used to facilitate customer service. Connection to the Internet exists to facilitate the official work of the Commission. LAFCO staff must assume responsibility for the privilege of using these resources, respect the rights of other system users, and observe all relevant laws and contractual agreements.

Policy

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

1. Make timely and accurate information available to the public through the San Diego LAFCO website including posting of Commission agendas and Notices of Hearings (GC Section 56300 & 56661);
2. Establish clearance procedures for making electronic information available to the public;
3. Encourage Commission staff to take advantage of Internet resources in order to provide superior services to the residents of San Diego County by observing the following conditions:
    a. Use of the Internet is restricted to LAFCO related purposes;
    b. Users will respect the legal protections provided to software programs by copyright and license;

c. Users will protect data from unauthorized use or disclosure as required by state and federal laws;

d. Users will safeguard system accounts and passwords;

e. Users should avoid excessive consumption of electronic resources, time, and memory.

4. Reserve the right to log network and Internet use and to monitor utilization of file-server space.

Adopted: May 4, 1998
Amended: July 15, 2008

Subject

CALIFORNIA PUBLIC RECORDS ACT REQUESTS

Purpose

To establish a procedure for requests of LAFCO public records subject to disclosure per the California Public Records Act (Government Code Section 6250, et seq.).

Background

The California State Legislature, mindful of the right of individuals to privacy, finds and declares that access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state. [Government Code Section 6250]

The California Public Records Act (Government Code Section 6250, et seq.) provides statutory direction regarding the types of public records available for inspection and subject to disclosure; the timelines for compliance with records requests; and the types of public records that are exempt from disclosure by express provisions of law.

San Diego LAFCO has responsively complied with requests by members of the public for LAFCO public records on a case-by-case basis in accordance with the requirements of the California Public Records Act. Administrative Policy A-104 (California Public Records Act Requests) has been developed to provide clarity and direction for procedural compliance with public records requests per provisions in State Law.

Administrative Policy A-104 states that LAFCO records subject to disclosure are available for public inspection during regular LAFCO office hours (Monday-Friday, 8 a.m. to 5 p.m., except holidays). When copies of LAFCO records are requested, Policy A-104 provides that records not exempt from disclosure will be made promptly available upon payment of fees covering direct LAFCO costs of duplication, including the cost of programming and computer services if produced in an electronic format.

Policy

It is the policy of the San Diego Local Agency Formation Commission to comply with all requests for copies of information by members of the public in accordance with the California Public Records Act [Government Code Section 6250, et seq.].

1. San Diego LAFCO public records subject to disclosure are open to inspection at all times during the regular LAFCO office hours (Monday-Friday, 8 a.m. to 5 p.m., except holidays). Every person has a right to inspect any public record and any reasonably segregable portion of a record shall be available for inspection by any person requesting the record after deletion of the portions that are exempted by law. [Government Code Section 6253(a)]

2. Except with respect to public records exempt from disclosure by express provisions of law, San Diego LAFCO, upon a request for a copy of records that reasonably describes an identifiable record or records, shall make the records promptly available to any person upon payment of fees covering direct costs of duplication. Upon request, an exact copy shall be provided unless impracticable to do so. For producing non-exempt public records in an electronic format, refer to Policy 6 of Administrative Policy A-104 [Government Code Section 6253(b)]

3. San Diego LAFCO, upon a request for a copy of records, shall, within 10 days from receipt of the request, determine whether the request, in whole or in part, seeks copies of disclosable public records in the possession of LAFCO and shall promptly notify the person making the request of the determination and the reasons therefor. [Government Code Section 6253(c)]

4. In *unusual circumstances*, the 10 day time limit may be extended by written notice by the LAFCO Executive Officer to the person making the request, setting forth the reasons for the extension and the date on which a determination is expected to be dispatched. No notice shall specify a date that would result in an extension for more than 14 days. When LAFCO dispatches the determination, and if LAFCO determines that the request seeks disclosable public records, LAFCO shall state the estimated date and time when the records will be made available. [Government Code Section 6253(c)]

5. The Public Records Act states that *"unusual circumstances*" means the following, but only to the extent reasonably necessary to the proper processing of the particular request:

   (a) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request.

   (b) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records that are demanded in a single request.

   (c) The need for consultation, which shall be conducted with all practicable speed, with another agency having substantial interest in the determination of the request or among two or more components of the agency having substantial subject matter interest therein.

   (d) The need to compile data, to write programming language or a computer program, or to construct a computer report to extract data. [Government Code Section 6253(c)]

6. If a requested non-exempt LAFCO public record is in an electronic format, LAFCO will make that information available in an electronic format upon payment of the direct cost of producing a copy of a record in an electronic format, including the cost to construct a record, and the cost of programming and computer services necessary to produce a copy of the record when either of the following applies:

   (a) The electronic record is produced only at otherwise regularly scheduled intervals.

   (b) The request would require data compilation, extraction, or programming to produce the record. [Government Code Section 6253.9]

7. LAFCO staff will assist members of the public in making a focused and effective public records request that reasonably describes an identifiable record or records. Accordingly, LAFCO staff will:

   (a) Assist the member of the public to identify records and information that are responsive to the request or to the purpose of the request, if stated.

   (b) Describe the information technology and physical location in which the records exist.

   (c) Provide suggestions for overcoming any practical basis for denying access to non–exempt records or the information sought.. [Government Code Section 6253.1]

8. A LAFCO Public Records Request Form is available for public download from the LAFCO internet website.

Adopted: May 2, 2016

Subject

RETENTION OF ELECTRONIC DOCUMENTS

Purpose

To comply with the Public Records Act by establishing provisions for retention of and access to electronic communications, including text messages, voicemail messages, social media posts, and email messages sent or received in the conduct of LAFCO business.

Background

On March 2, 2017, the California Supreme Court published its decision in the case, *City of San Jose v. Superior Court*, concluding that the California Public Records Act applies to electronic communications that local government officials and employees send on private devices from private accounts. On May 1, 2017, The San Diego LAFCO determined that a local policy would be necessary to carry out the intent of this court decision. A number of different policy options were considered by the Commission prior to adopting a final policy, ranging from: (1) prohibiting the use of personal accounts for the conduct of LAFCO business -- as the federal government does; (2) allowing the use of personal accounts, but advising users of such accounts that copies of electronic communications should be sent to LAFCO's server -- so records requests can be honored without resort to private devices and accounts; or (3) allowing the use of personal accounts only if the electronic communications are stored for a minimum of two years and are searchable. After a thorough review and analysis of these available policy options, the San Diego LAFCO decided to combine options 2 and 3 above into one comprehensive policy on May 1, 2017. For further background on this policy, refer to the San Diego LAFCO's action on May 1, 2017 (Minute Item No. 8), and the Supreme Court decision, *City of San Jose v. Superior Court (March 2, 2017, S218066)* ___*Cal.5th*___.

The following definitions apply to the San Diego LAFCO's Policy A-105 regarding the retention of and access to electronic documents:

Email Message: An electronic communication sent and received via web mail or email client.

Social Media: Information posted to websites and applications that enable users to create and share content or to participate in social networking, including Facebook, Twitter, Instagram, Snapchat, and LinkedIn.

Text Message: An electronic, written communication sent and received via telephone or Internet connection.

Voicemail Message: An electronic, aural communication sent or received via telephone or Internet connection.

Policy

Notwithstanding LAFCO Administrative Policy A-106 (Records Management Program), it is the policy of the San Diego Local Agency Formation to follow the below provisions for the retention of text messages, voicemail messages, social media posts, and email messages sent or received in the conduct of LAFCO business:

1. Text messages, voicemail messages, and social media posts not saved to an archive or a more permanent medium are intended to be ephemeral documents, not preserved in the ordinary course of business. Accordingly, they do not constitute disclosable public records, as that term is defined by Government Code section 6252, subdivision (e). LAFCO officials and employees are not required to retain these electronic documents. Business done on behalf of LAFCO that requires the creation and preservation of records should be conducted in other media.

2. The San Diego LAFCO has an email server account with the County of San Diego for purposes of sending and receiving email messages. LAFCO email messages are accordingly subject to LAFCO's and the County of San Diego's email retention policies and procedures. The County of San Diego currently retains emails that are sent and received by LAFCO for a period of 60-days and then they are automatically deleted from the server. Therefore, email messages sent or received by the San Diego LAFCO from and after May 1, 2017 will be preserved for a period of 60-days and will be made available for public inspection on the same terms as other LAFCO records. Exceptions to this 60- day retention provision will be emails that are preserved on paper or electronic

archives. Emails that are preserved electronically or on paper will be retained and made available for a period of two years.

3. Except as provided in point 4 below, LAFCO officials and employees should use (or copy to an address on) the LAFCO email account with the County of San Diego for all email messages regarding matters of LAFCO business. Such email messages that fall within point 2 above will be preserved pursuant to point 2 and will be made available for public inspection on the same terms as other LAFCO records.

4. Commissioners (but not LAFCO staff) need not use the LAFCO's server account with the County of Diego for email messages to and from residents, business owners and property owners within the LAFCO's jurisdiction that are not addressed or copied to any other LAFCO officials and employees, and these Email Messages fall outside points 2 and 3 above. Nor need these officials use the LAFCO server account for email traffic in their personal, political and professional lives unrelated to LAFCO business. These Email Messages, too, fall outside points 2 and 3 above.

5. LAFCO will continue to comply with Government Code § 54957.5 which deems to be a public record any document communicated to a majority of officials, whether at the same time or seriatim, with respect to an item of LAFCO business regardless of the means of that communication, including via non-LAFCO email accounts. Commissioners are encouraged to forward such email messages not received via the LAFCO server account nor copied to LAFCO staff or to an email address designated for that purpose so they can be preserved in the LAFCO's email retention system, relieving individual Commissioners of any duty to preserve such email messages or make them available for public inspection.

This policy applies only to the conduct of LAFCO business. It has no application to communications to or from Commissioners in their other public and private capacities nor to communications to or from LAFCO staff that are personal, private or otherwise not LAFCO business.

Adopted: May 1, 2017

Subject

RECORDS MANAGEMENT PROGRAM

Purpose

To provide guidance to the Commission regarding the management, retention, and, if authorized, destruction of agency records.

Background

The implementation of a LAFCO document management system solution was driven by many factors, including, but not limited to:

- Limited space within the LAFCO offices to store records;
- Production and management of many permanent records, including almost 50year's-worth of LAFCO records to be scanned;
- Advancements in technology; and
- Changes in law.

Policy

Except for the retention of electronic documents per LAFCO Administrative Policy A-105, it is the policy of the San Diego Local Agency Formation to follow the below provisions for the records management, retention, authorization and destruction of agency records in the conduct of LAFCO business:

General

1. The Commission's Executive Officer shall be responsible for administering this policy to ensure the effective management, retention and, as appropriate, destruction of records consistent with this policy and the Records Retention Schedule.

2. The Commission authorizes the destruction of any duplicative active or inactive record at any time.

3. Digital copies shall be made of all active and inactive records for retention, safeguarding and public distribution within the Commission's electronic document management system.

4. Active records shall be retained in their original form for a period of no less than ten years. Original documents may be destroyed if a digital copy exists and it is consistent with the Records Retention Schedule.

5. The Commission authorizes purging digital copies for inactive records if it is consistent with the Records Retention Schedule.

6. Digital copies records shall be retained indefinitely for Items listed in definitions 4, 7, 8, 9, 10, and 13.

Specific: Day–Forward Processes

1. Day-Forward Scanning and Addendums–Refer to the San Diego LAFCO Scanning User Guide for specific instructions regarding the procedures for scanning, indexing, and saving new documents and/or addendums (scan- after-the-fact).

2. The San Diego LAFCO Document Management System and Image Repository has the capability to export any PDF image document and send that document via email to customers or other County staff (refer to the San Diego LAFCO Scanning User Guide for instructions).

3. All letters received from customers will be scanned via the Day-Forward Scanning procedures. Letters will be considered a Correspondence Document Type and indexed and imaged accordingly (refer to the San Diego LAFCO Scanning User Guide for instructions).

4. In general, the Commission should retain original source documents that are detailed in a register, journal, ledger or statement **for (10) years**. Refer to the records retention schedule for specific accounting documents.

5. Rough drafts, notes, working papers (except audit), cards, listings, nonpermanent indices, and papers used for controlling work or transitory files may be destroyed at any time.

Definitions

1. “Records” shall be kept indefinitely in original, photographic, or electronic form pursuant to G.C. Section 56382. The Commission defines “LAFCO Records” pursuant to sections 3-12 of this policy.

2. Documents not herein defined as LAFCO “Records” are not considered “Records” pursuant to G.C. Section 56382 and shall be retained and disposed of according to the Records Retention Schedule provided as to this policy.

3. “Active Records” are documents that are less than two-years old and/or currently open or regularly accessed, used or referenced.

4. “Administrative Records” include, but are not limited to, accounts payable/receivable, budgets, audits, payroll timesheets, policies, statements of economic interest, public member recruitment proceedings, consultant contracts, vendor agreements, and personnel files.

5. “Digital or Electronic Copy” refers to an original document that has been imported or exported for archival purposes in the Commission’s electronic document management system.

6. “Inactive Records” are documents that are more than ten-years old and/or closed or no longer regularly accessed, used or referenced, but still need to be retained for legal or practical purposes.

7. “LAFCO Records” are defined as records that must be retained indefinitely in compliance with G.C. Section 56382 and include the following documents.

8. Documents relating to change of organization or reorganization proposals which include, but are not limited to: application, petition or other initiating documents justification of proposal; property tax exchange agreement; assessor's statement of property valuation; indemnification agreement; certificate of filing; environmental review/CEQA documents; certificate of completion; map and boundary description; notices; order for change of organization/reorganization; staff report with recommendation; statement of boundary change; statement of tax rate area; LAFCO adopted resolutions; LAFCO approved meeting minutes; documents relating to outside service requests; approved meeting minutes; completed spheres of influence establishments and updates; completed municipal service reviews; Commission policies.

9. "Meeting Records" include, but are not limited to, agendas, minutes, staff reports, resolutions, and audio and/or video recordings.

10. "Planning Records" include, but are not limited to, municipal services reviews, sphere of influence updates, and related correspondence.

11. "Record" or "Records" are defined to include any paper, electronic media, audio file or other form documentation that records or transmits information originated and/or managed by the Commission.

12. "Records Retention Schedule" prescribes by type a plan for its management and life cycle and serves as the legal authorization for its disposition. A copy of the Records Retention Schedule is affixed to this policy.

13. "Regulatory Records" include, but are not limited to, change of organization or reorganization files, outside service requests, boundary maps and descriptions, and related correspondence.

Records Destruction

1. LAFCO staff members shall complete and sign a "Request for Destruction of Obsolete Records" form, listing the date and description of each document to be destroyed. A sample form is attached to this policy. The staff member submits the form to a designated LAFCO Records Coordinator.

2. The LAFCO Records Coordinator checks the documents listed on the submitted form to confirm that each document is: (1) not required to be permanently retained, or (2) has been retained for the legally required period of time. The LAFCO Records Coordinator also confirms that any applicable reproduction requirements (i.e., microfilming, etc.) for each document are complete. The LAFCO Records Coordinator also verifies that documents are not relevant to a lawsuit, administrative charge or investigation, or similar proceeding, which is in progress or which can reasonably be anticipated.

3. The LAFCO Records Coordinator shall submit the form to the LAFCO Executive Officer, who reviews and signs the form and then returns the signed form to the LAFCO Records Coordinator.

4. After receiving the signed form from the LAFCO Executive Officer, the LAFCO Records Coordinator shall oversee the destruction of the documents, indicate the method of destruction on the form, sign the form and return the original signed form to the LAFCO Executive Officer.

5. The LAFCO Executive Officer shall retain all original signed forms requesting destruction of records for a minimum period of ten years.

6. The LAFCO Records Coordinator shall keep a master log of all destroyed documents which includes the titles or brief descriptions of the documents that were destroyed, the method of destruction and the date of destruction.

Records Retention Schedule
The "Records Retention Schedule complies with the records retention guidelines provided by the California Secretary of State and this policy and schedule applies only to the conduct of LAFCO business.

RECORDS RETENTION SCHEDULE

Record Type	*Retention: Original Record*	*Retention: Digital Record*
Administrative Audit Budget Commission Election General File Invoice Payroll Personnel Publication Report	10 years	Indefinite
Agenda Advisory Committee Commission	10 years	Indefinite
Correspondence Correspondence Environmental Legal Counsel Opinion Response Letters Suspense	10 years	Indefinite
JPA JPA		
Proposal Proposals	10 years	Indefinite
Other CALAFCO Newsletters EIR Reports Legislation Info Litigation Info Misc. General Info Task Force Info Special District Info Website Info	10 years	Indefinite
Microfilm/Fiche Microfilm and Fiche	10 years	Indefinite
Audio and Video Audio and Video Tapes	10 years	Indefinite

Subject

SOCIAL MEDIA USE PROGRAM

Purpose

To provide clear and flexible guidelines for San Diego LAFCO to augment traditional communication methods with the use of social media networks and platforms. This includes establishing baseline objectives and standards in managing authorized social media networks to help ensure appropriate protocols are continuously maintained in communications with the public.

Background

The Cortese-Knox-Hertzberg Local Government Reorganization ("CKH") Act of 2000, pursuant to California Government Code Section 56300, directs the Commission to exercise its regulatory and planning responsibilities consistent with its written policies and procedures. The Commission is directed under subsection (f) to maintain an internet website to ensure pertinent agency information is readily available to the public; a provision consistent with a key premise underlying CKH for commissions to improve engagement with citizens in their respective jurisdictions. Several social media platforms are used by public agencies to promote government information and services to the public.

Definitions

The following words are defined as stated for purposes of this policy:

a. "Commission" means San Diego LAFCO.

b. "Commission account" means an account on a social media network which the Commission establishes and maintains, and over which it has control over all posts, except for advertisements or hyperlinks by the social media networks' owners, vendors, or partners. The Commission account will supplement, and not replace, legally required notices and standard methods of communication by or on behalf of the Commission.

c. “Social media networks” means social media sites or platforms approved by the Executive Officer to be used to convey and post content information. Format types vary and include social networking, blogs, photo-sharing, video-sharing, and podcasts.

d. “Posts” or “postings” mean content containing information, articles, pictures, videos or any other form of communication posted on Commission social media networks.

e. “Users” refers to persons and/or organizations utilizing the Commission’s social media sites.

f. “Comment” or “Comments” mean and include any information, articles, words, pictures, videos or any other form of communicative content posted by users on Commission social media sites.

Objectives

a. Social media networks are important channels in communicating Commission activities and receiving timely feedback.

b. The Commission encourages the active and responsible use of social media networks to maintain and enhance effective communication with other governmental agencies, tribes, and members of the public.

Administration

a. The Executive Officer serves as administrator for all the Commission’s social media networks and related uses. The Executive Officer may delegate responsibilities to Commission employees or consultants as appropriate.

b. The Executive Officer shall be responsible for approving all Commission accounts and securing all associated account information – including usernames and passwords.

c. The Executive Officer shall be responsible for posting, monitoring, and removing content consistent with this policy. The Executive Officer similarly shall ensure this policy is implemented in conjunction with all related rules and policies adopted by the Commission.

d. This policy and its administration shall comply with all applicable federal and state laws, regulations, and policies. This includes, but not limited to, established laws and policies regarding copyright, records retention, California Public Records Act, First Amendment, and Americans with Disabilities Act.

e. The Executive Officer shall take reasonable measures to ensure current and pertinent Commission information is disseminated through appropriate social media networks.

General Standards

a. All authorized and active Commission accounts shall be regularly monitored to ensure content standards as established in this policy are continually maintained – including user comments.

b. For each approved Commission account, usage standards approved by the Executive Officer will be developed to optimize Commission use of the site.

c. All approved Commission accounts shall be authenticated using an official Commission logo and email account.

d. The following forms of content posted by external and authorized users may be subject to removal on any Commission social media network if they contain:

1. Comments that are not typically related to the information posted.
2. Profane language or content (video, sounds, etc).
3. Content that perpetuates violence, discrimination, or harassment.
4. Solicitations of commerce or advertisements.
5. Promotion or endorsement of political issues, groups, or individuals.
6. Conduct or encouragement of illegal activity.
7. Information that may compromise the safety or security of the public.
8. Content intended to defame any person, group, or organization.
9. Personal attacks against Commissioners or employees.
10. Disclosure of confidential, sensitive, or proprietary information.
11. Sexual or obscene content or links to sexual or obscene content.
12. Images or videos of a minor without the consent of the minor’s parent.

e. The Commission's website shall continue to serve as the agency's primary and predominant internet presence. Towards this end, whenever possible, content posted on the Commission's social media networks will also be made available on the agency website.

f. Commission accounts shall be managed consistently with the Ralph M. Brown Act. Commissioners shall not respond to, "like", "share", "retweet" or otherwise participate in any published postings or use the account or any form of electronic communication to respond to, blog or engage in serial meetings with each other, or otherwise discuss, deliberate, or express opinions on any issue within the subject matter jurisdiction of the Commission.

Records Management

a. Commission accounts are subject to the California Public Records Act. The content maintained on the social media networks must be retained pursuant to the Commission's records retention policy.

b. Postings by a third party on a Commission account are not public records and are not subject to disclosure unless the posting triggers some action by the City, including a response or removal of the post.

c. All postings on Commission accounts subject to retention, as noted in paragraphs (a) and (b) above, must be captured via screenshot and saved.

d. Any content removed based on this Policy must be retained, including the time, date, and identity of the poster, when available, for six months or such other period as required by the Commission's records retention policy, provided that the Commission may remove content which violates this policy even if there is no reasonably practical means to retain that information.

Adopted: March 1, 2021

Subject
TRANSLATION PROTOCOLS AND ACCOMMODATIONS

Purpose
This policy establishes baseline protocols and accommodations for communicating the Commission's regulatory and planning activities into other languages to enhance community feedback that otherwise is underrepresented due to language barriers. The policy relatedly addresses the translation of online content and interpreter services.

Background
State law directs San Diego LAFCO to consider current and future community needs in meeting its overarching task by the Legislature to facilitate orderly growth and development. This includes considering comments from the residents and general public anytime LAFCO acts on proposed city or special district jurisdictional changes. Relatedly, LAFCO recognizes substantial numbers of persons who live, work and pay taxes in San Diego County are unable – either because they do not speak or write English at all, or because their primary language is other than English – to effectively communicate without reasonable accommodations.

Policy
It is the policy of San Diego LAFCO:

1. The Commission recognizes and values the plurality of different cultures in San Diego County and is committed to proactively address and mitigate against language barriers in providing and receiving community feedback.

2. The Commission shall ensure a reasonable level of funding is available to support translation protocols in policy as part of the annual operating budget.

3. LAFCO will translate all written public hearing notices and displays required under statute and/or local policy into one or more other languages if spoken by 20 percent or more within the affected and/or targeted households based on census information.

4. LAFCO will translate all municipal service reviews' executive summaries into one or more other languages if spoken by 20 percent or more within the affected communities based on census information.

5. The Executive Officer will determine the appropriate census measurement (i.e., blocks, groups, tracts, places, or county) in determining the percentage of non-English speaking households in administering this policy.

6. LAFCO will ensure a translation feature is readily available on the agency website. Language options should include no less than the 10 most common other languages spoken in San Diego County as of the most recent census release.

7. LAFCO will make reasonable accommodations to provide interpreter services for Commission meetings, Commission Committee meetings, and other Commission community engagement events.

8. The Commission encourages the Executive Officer to exceed baseline standards established in this policy in mitigating against language barriers in implementing LAFCO's regulatory and planning activities as appropriate and within budgetary means.

Subject

PUBLIC MEMBERS APPOINTMENTS

Purpose

Provide rules and procedures to guide the appointment of public members to the Commission in an inclusive, clear, and fair process.

Background

State law specifies the composition of the Commission shall include one member representing the general public with the option to also designate an alternate (Government Code Section 56325).

Policy

It is the policy of the Commission:

A. Goals and Priorities:

1) The Commission shall appoint both regular and alternate public members. One member shall reside in the unincorporated area and the other member shall reside in the incorporated area.

2) The Commission shall prioritize experience in local government and/or community advocacy in considering public member appointments.

3) The Commission shall consider geographic and other lived diversities in appointing public members to help advance balanced decision-making.

4) The Commission tasks the Executive Officer to exercise their best judgement in ensuring robust and inclusive outreach is performed anytime an open recruitment is conducted under this policy.

B. Appointment Eligibility:

1) As required under State law, public member appointees shall be residents of San Diego County. Appointees shall not be current officers

or employees of the County of San Diego or local cities and special districts.

2) Elected officials serving on any of the County of San Diego advisory planning groups retain appointment eligibility to concurrently serve as public members on LAFCO.

3) Appointees may concurrently hold other appointed positions with the County of San Diego or local cities and special districts (e.g., art commissions, measure oversight committees, advisory planning groups).

C. Appointment Terms:

1) All public member terms are four years and begin on the first Monday of May in the year appointed. Any mid-term vacancies shall be filled with appointees assuming the unexpired terms.

2) There are no term limits for public members.

D. Full Term Appointments

1) No less than 90 days in advance, the Executive Officer shall provide notice to the Commission on the agenda advising of any pending term expirations involving the public member positions – regular or alternate.

2) At the time of receiving notice of a pending term expiration involving a public member position, the Commission shall provide direction to LAFCO staff to proceed either with an open recruitment, an expedited reappointment, or when applicable, conduct a limited recruitment wherein the Commission draws from a pool of candidates from a prior recruitment, provided it has occurred within the past six (6) months to expedite the filling of the vacancy.

3) The following appointment procedures are specific to Commission direction to proceed with an open recruitment process.

a) LAFCO staff shall perform outreach on the open recruitment and prepare an advertisement for local publication (print and media) and posting inviting eligible applicants to submit a letter of interest.

b) The application period shall extend to no less than 30 days and may be extended as needed until two or more letters of interests are submitted by eligible applicants.
c) All submitted letters of interests received by the close of the application period shall be immediately transmitted to the full Commission.
d) The Executive Committee (Chair, Vice Chair, and Immediate Past Chair) will screen all applicants, select applicants to interview, and conduct interviews of selected applicants at a noticed special meeting.
e) The Executive Committee will nominate two or more applicants for consideration by the full Commission at a future meeting for which LAFCO staff can provide legally required notice. The list of the nominations from the Executive Committee shall be provided to all Commissioners no less than 10 days prior to the noticed meeting.
f) Any Commissioner may also nominate an applicant for consideration by the full Commission at the noticed meeting no later than five (5) days prior to the noticed meeting. Notice shall be given to the Executive Officer.
g) At a noticed meeting, with the opportunity to continue, the full Commission will consider all nominated applicants, and at the discretion of the Chair this may include inviting presentations and/or conducting interviews.
h) A successful appointment shall achieve no less than four (4) affirmative votes from voting Commissioners and include therein at least one affirmative vote from each of the following four membership categories:
   - County of San Diego
   - Cities Less San Diego
   - Special Districts
   - City of San Diego
i) In the event no candidate receives both a majority vote and an affirmative vote from each of the four membership categories, the Commission shall conduct a run-off vote of two candidates receiving the most votes. In the event that neither candidate receives a majority vote and an affirmative vote from all four membership categories, the Chair shall either continue consideration to a future meeting or provide direction to restart the recruitment process in the manner prescribed under this policy.

4) The following procedures are specific to Commission direction to proceed with an expedited reappointment of the incumbent.

   a) The Commission will take up the expedited reappointment at the next regular meeting for which LAFCO staff can provide legally required notice.

   b) A successful reappointment is subject to the same voting thresholds identified in the preceding subsection.

5) The following procedures are specific to Commission direction to proceed with a limited recruitment wherein the Commission draws from a pool of candidates from a prior recruitment, provided that the recruitment occurred within the past six (6) months.

   a) LAFCO staff shall conduct outreach to candidates who were not selected during the prior recruitment but remain eligible for reconsideration at the discretion of the Commission.

   b) The recruitment shall follow the same procedures as outlined in Section D (Full Term Appointments), subsection 3, paragraphs d through i.

E. Mid Term Vacancy Appointments

1) If the regular public member position becomes vacant prior to the term expiration, the Executive Officer shall provide notice to the Commission on the agenda at the next regular meeting. The Commission may proceed thereafter in providing direction to LAFCO staff of its intentions to either appoint the alternate, proceed with an open recruitment, or when applicable, conduct a limited recruitment wherein the Commission draws from a pool of candidates from a prior recruitment, provided it has occurred within the past six (6) months to expedite the filling of the vacancy.

   a) Any direction to proceed with appointing the alternate to fill a mid-term vacancy shall be considered for action at the next regular meeting in which LAFCO staff can provide legal notice.

b) Any direction to proceed with an open recruitment to fill a mid-term vacancy shall follow the same procedures for full term appointments.

c) Any direction to proceed with a limited recruitment to fill a mid-term vacancy shall follow the same procedures outlined for full term appointments.

Adopted: February 3, 2025

Subject

FISCAL OPERATIONS

Purpose

This policy promotes transparency and accountability within the Commission's financial transactions; ensures that records reflect, in reasonable detail, an accurate account of the Commission's fiscal activities; and upholds compliance with accounting and auditing laws and regulations.

Background

To carry out its responsibilities, the Commission is empowered by State Law to make provisions for necessary quarters, equipment, and supplies (Government Code § 56380);[1] to retain employees or professional consultants [56375(k)]; to contract for employee benefits (56385); and to issue Commissioner per diem and reimbursement of reasonable and necessary Commissioner expense (56334). LAFCO is authorized to incur the expense that accompanies such activities [56375(j)]. To generate necessary revenue, the Commission may assess fees related to the cost of LAFCO proceedings [56383(a)], [66016(a)]; and apportion the Commission's annual net operating costs among the jurisdictions seated on the Commission [56381(b)].

The Commission is required to annually adopt a proposed and final budget [56381 (a)]; however, State Law does not provide LAFCO with specific fiscal objectives, fund balance requirements, or revenue management goals to be implemented through the budget process. In the absence of fiscal guidance from the State, San Diego LAFCO policy provides the foundation for the Commission's fiduciary responsibility.

Policy

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

1. Require commissioners, officers, employees, and others acting on behalf of the Commission to comply with this policy as the sole and exclusive authority for conducting the financial duties and responsibilities of the Commission, except as otherwise provided in law;

[1] All citations refer to Government Code

2. Establish accounting controls for transactions and maintain records, which conform to normal, standard accounting procedures and that accurately and fairly represent the true nature of transactions;
3. Continuously evaluate internal accounting controls, procedures, and records for compliance with requirements of this policy and take action to remedy any deficiency;
4. Maintain a general ledger system and a chart of accounts. The impact of all transactions on assets, liabilities, revenues, and expenditure accounts will be recorded in the general ledger system. A General Journal will be maintained to record original entries not recorded in special journals. General Journal entries, which do not originate from a standard accounting cycle, shall be supported by documentation that includes a reasonable explanation of the transaction. General Journal entries in excess of $1,000 shall require written authorization by the Executive Officer prior to entry;
5. Execute fiduciary responsibilities according to prudent standards (53600.3); the objectives of trustees shall be safeguarding principal first; meeting liquidity needs second; and lastly, achieving a return on funds under Commission control (53600.5);
6. Annually approve a proposed budget prior to May 1 and a final budget prior to June 15 (56381);
7. Consider modifications to an approved final budget if the approved budget is inadequate due to events occurring subsequent to final approval;
8. Conduct a quarterly cash flow analysis to determine the short term cash needs of the Commission. Excess cash may be deposited in an interest bearing account with the County of San Diego Treasury and/or with the Local Agency Investment Fund (LAIF) (16429.1) or otherwise invested according to the Commission's fiduciary standards;

9. Maintain a Reserve Fund for emergency or priority uses. The Executive Officer is authorized to allocate monies from the Reserve Fund after consulting with the LAFCO Chair and Vice-Chair persons. All Commissioners will be notified of the allocation within 24 hours through a written statement that describes the situation. An information item, which describes the allocations, will be placed on the agenda for the next scheduled Commission meeting. Reserve Fund monies may be appropriated for operating costs, fixed assets, or costs associated with initiating or continuing priority activities. The Reserve Fund balance may not exceed 35 percent of gross appropriations in the previous fiscal year;

10. Authorize an annual independent audit of LAFCO's financial statements as an integral part of the Commission's management system. The independent auditor's opinion will be submitted for Commission review after the Executive Officer has reviewed and approved the auditor's opinion, recommendations, disallowances, and questioned costs. Responsibility for audit follow-up rests with the Executive Officer.

Adopted: November 4, 1996
Reviewed: May 4, 1998
Updated: March 6, 2000
Repealed: March 2, 2009
Adopted: March 2, 2009

Subject

SAN DIEGO LAFCO FUND BALANCE

Purpose

This policy establishes guidelines and requirements for the classification of fund balances consistent with the Governmental Accounting Standards Board (GASB) Statement Number 54, *Fund Balance Reporting and Governmental Fund Type Definitions*.

Background

The term, "fund balance" is used to describe the difference between assets and liabilities reported within a fund. In the past, fund balances have been classified into three separate components: reserved, designated, and undersigned. Limitations were associated with these classifications with respect to the purpose and usage of funds. The force of these limitations could vary significantly, depending on the funding source.

The Governmental Accounting Standards Board (GASB) issued Statement Number 54, *Fund Balance Reporting and Governmental Fund Type Definitions* for implementation in 2011. This new standard does not affect the calculation of fund balance; however, it altered various components used to report it. There are also new categories and terminology reflected in an approach that focuses on the constraints placed on the specific purposes of the funds. GASB Statement Number 54 applies to governmental funds such as LAFCO's General Fund.

With the shift of focus of GASB Statement Number 54, emphasis is now placed on the extent to which the government agency (LAFCO) is bound to honor constraints on the specific purposes for which amounts in the fund can be spent, rather than availability of fund resources. Under this new GASB, fund balances are classified as "non-spendable" and "spendable". Spendable categories are further classified as *restricted, committed, assigned,* and *unassigned*. Definitions and LAFCO policies for non-spendable and spendable categories follow:

- *Non-Spendable*: Amounts that cannot be spent or are not in spendable form (i.e. prepaid items, land held for resale, long-term receivables), or are legally or contractually required to be maintained intact.

- *Restricted*: Amounts that are externally imposed by creditors, grantors, contributors, or laws and regulations of other governments. They may also be internally imposed by enabling legislation. Examples are debt service reserves, gas tax funds and grants.
- *Committed*: Amounts committed for specific purposes by formal action of the governing body, such as enacted ordinances and resolutions, which prevent the amounts from being used for any other purpose without the governing body's formal action. These also include contractual obligations to the extent that existing resources have been specifically committed for us in satisfying those contractual requirements.
- *Assigned*: Amounts intended to be used for specific purposes without formal action by the governing body. This authority to determine the portions of a fund's balance that is to be assigned and reported as "assigned" in the agency's audited financial statements may be delegated to the Executive Officer or the Executive Officer's designee.
- *Unassigned*: Amounts in the General Fund in excess of non-spendable, restricted, committed, and assigned fund balances. For LAFCO, the General Fund Contingency Reserve and remaining spendable amounts which are not included in one of the other classifications would be classified as "unassigned" for presentation in the audited financial statements.

Policy

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

1. Classify its fund balance in accordance with the Governmental Accounting Standards Board (GASB) Statement Number 54, *Fund Balance Reporting and Governmental Fund Type Definitions*. Reporting of fund balance in LAFCO's audited financial statements will be based on the amounts and classifications made by the Commission or its delegate as provided in this policy. Classification of fund balance reflects the current plans of the Commission with respect to the use of fund balance. These plans represent current intention and are subject to change and assignment. Furthermore, the classification of funds (reflecting current plans for asset use) does not in any way limit the ability to use those funds for other purposes, as deemed necessary by the Commission.

2. Classify monies in the fund balances as *"non-spendable"* and *"spendable"* consistent with GASB Statement Number 54. Spendable categories will be further classified as *restricted, committed, assigned,* and *unassigned* as described below.

    a. Non-Spendable: The Commission shall designate fund balance monies as "non-spendable" for amounts that cannot be spent or are not in spendable form (i.e. prepaid items, land held for resale, long-term receivables), or are legally or contractually required to be maintained intact.

    b. Restricted (Spendable): The Commission shall designate fund balance monies as "restricted" for amounts that are externally imposed by creditors, grantors, contributors, or laws and regulations of other governments. The Commission may also restrict fund balance if required by internally imposed enabling legislation or regulations.

    c. Committed (Spendable): The Commission shall designate fund balance monies as "committed" for amounts intended for specific purposes by formal action within the following two categories:

        i. Stabilization: these monies are committed to absorb unexpected costs incurred during the fiscal year and include – but not limited to – operating shortfalls, litigation, and controlling future increases in agency contributions.

        ii. Opportunity: these monies are committed to pursue long-term efficiencies and/or related costs savings and include – but not limited to – Commission initiated proposals, capital purchases, prepayments, and transitional costs involving organizational restructuring.

    d. Assigned (Spendable): The Commission shall designate fund balance monies as "assigned" up to $125,000 per fiscal year. Assigned monies are delegated for use by the Executive Officer without formal action thereafter and specific to legal expenses, and costs associated with processing proposals with approved fee waivers or reductions, and high priority projects included in the annual workplan.

        i. The designation of assigned monies cannot result in unassigned monies falling below the minimum reserve level as described in this policy.

e. Unassigned (Spendable): The Commission shall designate fund balance monies as “unassigned” for amounts that are in excess of non-spendable, restricted, committed, and assigned fund balances. Additionally:

   i. The Commission shall maintain a minimum reserve level of unassigned monies equal to four months or 33.3% of budgeted operating expenses. These monies are intended to protect against cash flow shortfalls related to the timing of the collection of agency apportionments in the fiscal year.

   ii. Should unassigned monies equal less than the minimum reserve level described in this policy, the Executive Officer shall present a restoration plan to the Commission for approval. The restoration plan shall provide options with a recommendation to replenish unassigned monies to meet the minimum reserve level within three fiscal years.

   iii. The Commission shall maintain a maximum reserve level of unassigned monies equal to six months or 50% of budgeted operating expenses. Should unassigned monies exceed this maximum reserve level the Commission shall proceed to either designate the excess monies for committed uses or return to the funding agencies in the form of agency credits consistent with the provisions outlined in (e)(iv).

   iv. Commission may authorize credits to reduce new agency apportionments as part of the annual budget process. Individual credit amounts shall be equal to the affected agency’s proportional share of overall invoiced apportionments in the current fiscal year.

3. Review the fund balance no less than once per fiscal year as part of the annual budget process and take action as appropriate under this policy.

Adopted: June 3, 2013
Amended: May 6, 2019
Amended: August 7, 2023

Subject

FINANCIAL ACCOUNTING AND INTERNAL CONTROLS

Purpose

Serve as rules and procedures to ensure accurate and consistent financial accounting records as well as related roles and responsibilities.

Background

The Commission is responsible under State law to establish its own provisions for necessary quarters, equipment, supplies, and personnel as an extension of the California Legislature. The Commission may also choose to contract with any public agency or private party in carrying out its statutory and administrative duties (Government Code Section 56380).

Policy

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

1. Goals and Objectives:
    a) Apply these rules and procedures with the following objectives in mind:
        - Balance efficiencies and risks to ensure long-term financial stability.
        - Foster accountability by clearly defining roles and responsibilities.
2. Administration:
    a) The Commission shall be solely responsible for the financial management and accounting of its funds with day-to-day responsibilities delegated to the Executive Officer.
    b) Notwithstanding the above delegation, the Commission may contract with other public agencies and private parties to assist with managing financial accounting tasks identified in this policy – including but not limited to – bookkeeping.

3. Fund Type:

   a) The Commission exclusively utilizes governmental funds at this time and accordingly is only responsible for the preparation and issuance of government-wide financial statements.

   b) Fund balance classifications are separately addressed in Policy F-101.

4. Reconciliations and Reporting:

   a) The Commission Clerk or other designee shall reconcile account statements provided by the County of San Diego and any commercial banking institution on a monthly basis using a professional accounting software system.

   b) The Executive Officer shall report all payments made and received to the Commission at the next available meeting for formal ratification.

   c) The Executive Officer shall provide quarterly financial updates to the Commission identifying actual year-to-date expenses and revenues relative to adopted budgeted amounts.

   d) Unless otherwise directed by the Commission, the Executive Officer shall arrange for an annual or biennial audit of its financial statements by an independent accounting firm. The resulting audit report – including the firm's opinion – shall be presented to the Commission for formal receipt.

5. Payroll and Benefits Administration:

   a) The Commission determines pay and related benefits for all employees.

   b) All employees shall submit biweekly timesheets for approval by the Executive Officer and subsequent payroll processing.

   c) At the present time, the Commission contracts the County of San Diego and its surrogate – San Diego County Employee Retirement Association – to administer biweekly payroll and benefits.

6. Payments Received and Made:

a) The Commission shall use the County of San Diego and its Treasurer's Office to serve as a central depository for all payments received – including all local agency apportionments. The Commission shall relatedly use accounts held with the County to transact most day-to-day payments as well as manage reserves consistent with Policy F-101.

b) The Commission may also establish and use one or more local banking institutions for the primary purpose of transacting expedited payments. The combined account balances with all commercial banks shall not exceed 15% of the total balance held with the County of San Diego.

c) Biweekly payroll payment shall be distributed by electronic transfer or check using accounts maintained with the County of San Diego. All employees are responsible for providing proof of identification and any other forms as requested by the County necessary to receive paychecks.

d) All Commission vendors and contractors must provide the Commission Clerk a completed "Request for Taxpayer Identification Number and Certification (W-9)" unless their total payment over a calendar year is below $600. The Commission Clerk will provide Form 1099s to all qualifying vendors and contractors as early as possible each calendar year.

e) All vendor and contractor payments at or above $15,000 shall be paid by the Commission using accounts held with the County of San Diego – whether by check or electronic transfer.

f) Any vendor and contractor payments less than $15,000 may be paid either using accounts held with the County of San Diego or with commercial banking institutions – whether by check, electronic transfer, or credit card.

g) Any check stock associated with the Commission's commercial banking institutions shall be kept in a secure location by the Commission Clerk, within the San Diego LAFCO office, accessible only to authorized personnel. The Executive Officer and Assistant Executive Officer are authorized signatories.

h) With the prior approval of the Commission, the Executive Officer may open credit lines (e.g., credit cards). No credit payment shall exceed $15,000. The Executive Officer and Assistant Executive Officer shall be authorized users of any approved lines of credit.

7. Documentation:

   a) All payments made by the Commission – whether through the County of San Diego, commercial banking institution, or credit line – shall include original documentation. Should original documentation be unavailable, the Executive Officer shall use their discretion in approving.

8. Asset and Liability Management:

   a) Physical assets acquired through purchase or contribution with unit costs or fair market values at or above $7,500 – respectively – and with useful life expectations of three or more years shall be capitalized assets on the financial statements. All other assets shall be expensed in the year purchased.

   a) Capitalized assets, with the exception of land, are subject to a straight-line depreciation method over their estimated useful lives.

   b) Repairs of capitalized assets shall be expensed as incurred so long as the repairs do not add value and/or extend their useful life.

   c) The Commission Clerk or designee shall ensure an inventory log listing all capitalized assets is maintained and updated annually. The inventory log shall include date of acquisition, cost, repairs (if applicable), and estimated useful life.

9. Surplus Property:

   a) Staff shall periodically assess inventory and identify items considered surplus. Items may include, but are not limited to:

      - Office furniture (e.g., desks, chairs, filing cabinets), equipment and appliances (e.g., monitors, refrigerators, printers).

   b) Surplus items may be donated or sold to local public agencies, nonprofit organizations that are tax-exempt under Section 501(c)(3), and educational institutions.

      - Donation or sale at less than fair market value of LAFCO-owned surplus property items may be approved by the Executive Officer when the estimated fair market value, as determined by the Executive Officer, does not exceed $10,000.

- Donation or sale at less than fair market value of LAFCO-owned surplus property items requires LAFCO Commission approval when the estimated fair market value, as determined by the Executive Officer, exceeds $10,000.

c) LAFCO-owned surplus property that is restricted from sale by law, determined to be unsalable, or deemed unsuitable for public sale may be scrapped or donated to charitable organizations in lieu of disposal.

d) A record of all surplus property donations will be maintained and documented to include item descriptions, recipient details, estimated value (if available), and date of transfer.

10. Lease and Right to Use Capitalization:

a) The Commission should avoid entering leases and right to use asset agreements with a duration of more than one year unless such lease or agreement provides preferred pricing or another significant business advantage.

b) Leases liabilities and right to use assets that are not classified as short-term and whose aggregate payments made or received exceed $40,000 will be capitalized in compliance with GASB 87.

11. Investments:

a) The Commission shall establish policies and procedures on investments at a later date.

12. Fraud Prevention:

a) The Commission defines fraud as the intentional, false representation or concealment of a material fact(s) for the purpose of personal gain or for the purpose of inducing another to act upon it to his or her injury. This includes any of the following circumstances involving employees, contractors, vendors, and/or members:

- Forgery or alteration of any Commission document(s).
- Forgery or alteration of any reimbursement claim.
- Forgery or alternation of any employee timecard.

- Misappropriation of Commission funds, supplies, or other assets.
- Impropriety reporting of Commission funds or financial transactions.
- Unauthorized disclosure of confidential or proprietary Commission information.
- Acceptance or solicitation of material value from Commission contractors, vendors, or persons providing goods or services.
- Destruction, removal or inappropriate use of Commission records or property – including but not limited to, furniture, fixtures or equipment.
- Personal use of any Commission lines of credit.

a) Any fraud that is suspected or detected shall be reported to the Executive Officer and, alternatively, to Commission Counsel.

b) If the suspicion is deemed credible, responsibility for investigating suspected fraudulent acts shall be conducted by the Executive Officer or Commission Counsel and reported immediately to the Commission Chair.

c) The Chair shall use reasonable discretion in assessing intent when evaluating potential fraudulent actions and determining whether corrective action shall also include reporting to the full Commission.

Adopted: May 5, 2025

Subject

CITY ANNEXATION OF UNINCORPORATED TERRITORY WITHIN SPECIAL DISTRICTS

Purpose

To provide guidance to mitigate annexation disputes between cities and special districts.

Background

The State Legislature recognizes that when areas become urbanized to the extent that they need a full range of community services, priorities regarding the types and levels of services that the community needs are necessary. The Legislature has also found and declared that a single multipurpose government agency, may be the best mechanism for establishing community service priorities; however, the Legislature recognizes the critical role of limited purpose agencies and finds that responsibility should be given to the agency or agencies that can best provide government services (Govt. Code § 56001). Implementation of this legislative declaration can result in conflicts, however, because unincorporated areas proposed for city annexation are often served by special districts that have made capital investments based on providing future service to the area. Therefore, it is necessary for San Diego LAFCO to have a policy regarding the review of disputed city or special district service areas.

Policy

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

1. Consider the effects of proposed city annexations upon special districts; require the proponent of the annexation to prepare a fiscal report on the plan for services and impacts on the property owners and agencies affected by the proposed action.
2. Require cities and special districts to execute a contract/agreement or alter the boundaries of a proposed change of organization in order to alleviate boundary or service area disputes if the Commission finds that one or more of the following conditions exist:

    a. A city annexation would seriously impair the financial base of a special district;

b. The annexation would result in the double taxation of property owners for a single service;

c. Annexation would prevent a special district from providing services to the remaining area of the district on an efficient basis; or

d. Annexation would, in any other way, have a detrimental effect upon a special district's service capability.

Adopted: Unknown
Reviewed: June 4, 1990
Amended: May 4, 1998
Technically
Updated: August 25, 2008

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 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. 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 lands within an agencies' boundaries.

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.

(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.

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 – to other uses.

(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.

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.

Adopted:	November 6, 1978
Amended:	June 4, 1990
Amended:	May 4, 1998
Technically Updated:	January 1, 2001
Technically Updated:	June 16, 2015
Amended:	October 5, 2020

Appendix A:

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.

Subject

SPHERES OF INFLUENCE OF CITIES AND SPECIAL DISTRICTS

Purpose

To establish the manner in which the San Diego Local Agency Formation Commission establishes and updates spheres of influence.

Background

In 1972, the State Legislature directed LAFCOs to adopt a sphere of influence for each local governmental agency. Spheres are to be developed in cooperation with each agency to represent . . . *the probable physical boundaries and service area of a local agency as determined by the Commission*. . . (Government Code § 56076). Spheres of influence provide guidance for the expansion and organization of local agencies; however, designation of a sphere does not *entitle* future annexation or require that areas within a sphere be annexed.

Since enactment of AB 2838 (Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000), State law directs LAFCOs to periodically review and update spheres of influence in concert with conducting Municipal Service Reviews. Spheres are used as regional planning tools to discourage urban sprawl and encourage orderly growth; accordingly, spheres must be based upon a comprehensive analysis of all relevant factors and they must be up-to-date. To ensure comprehensive updates, city spheres are reviewed in conjunction with the spheres of affected special districts and a determination is made regarding whether a city or an adjacent special district should provide future services to unincorporated areas. Special districts are also subject to sphere adoption/update provisions.

Policy

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

1. Designate spheres of influence in close cooperation with affected local agencies and communities;
2. Utilize spheres of influence to:
    a. Guide deliberations on specific changes of organization;

b. Discourage potential duplication of services by two or more local governmental agencies;

c. Determine the need for specific governmental reorganization studies;

d. Preserve community identities and boundaries;

e. Encourage political and functional reorganization of local agencies which cross-cut communities;

f. Encourage annexation of territory that has been specified as available for urban development prior to annexation of other areas; and

g. Encourage the extension of urban services to existing urban areas prior to extending services to areas that are not devoted to urban uses.

3. Encourage cities, which are adjacent to unincorporated territory, to reconcile incompatible general plan land use elements with the County of San Diego;

4. Review city spheres of influence and special district spheres at approximately five-year intervals;

5. Discourage major amendments to a city or special district sphere if the sphere has been updated or affirmed within the prior five year period except for the following conditions:

a. Public health or safety needs; for example, amending a jurisdiction's sphere to permit annexation of a parcel that requires public sewer service because of a failed septic system;

b. Property under a single ownership that is split by a sphere boundary if the split property shares characteristics including access, geography, communities of interest and the manner in which services will be provided;

c. A reorganization involving two or more jurisdictions if the sphere of influence boundaries are coterminous and each jurisdiction agrees to the sphere amendments and reorganization;

d. If a city or special district can provide adequate documentation showing that conditions have significantly changed to warrant a sphere amendment.

6. Conduct sphere of influence evaluations and updates prior to the five-year interval if an affected jurisdiction or interested party submits a request based on adequate justification and the appropriate processing fee;

7. Maintain a sphere of influence for the San Diego County Water Authority, which is coterminous with the spheres of influence for SDCWA member-agencies, by amending or updating the SDCWA sphere concurrent with each amendment or update to spheres of member agencies;

8. Maintain a sphere of influence for the area of Metropolitan Water District of Southern California (MET) in San Diego County, which is coterminous with the sphere of influence for SDCWA, by amending or updating the MET sphere concurrent with each amendment or update to the SDCWA sphere; and

9. Facilitate communication with affected public agencies, communities, property owners and residents concerning the sphere of influence update process.

Adopted:	August 6, 1990
Amended:	May 4, 1998
Amended:	June 5, 2000
Technical Update:	May 2, 2005
Technical Update:	August 25, 2008

Cross-reference:

SAN DIEGO LAFCO POLICY:

-A-101 SAN DIEGO ASSOCIATION OF GOVERNMENTS AND THE REGIONAL GROWTH MANAGEMENT STRATEGY
-L-104 LAFCO-INITIATED CHANGES OF ORGANIZATION

SAN DIEGO LAFCO PROCEDURES:

-SPHERES OF INFLUENCE
-LAFCO-INITIATED PROPOSALS

Subject

RECOGNITION OF UNINCORPORATED COMMUNITIES

Purpose

To provide guidance to the San Diego Local Agency Formation Commission in recognizing and preserving unincorporated communities during incorporation and city sphere of influence update proceedings.

Background

The San Diego LAFCO acknowledges that special efforts should be made to recognize unincorporated communities and, when appropriate, preserve their cohesive identity. The policy for identifying unincorporated communities does not supersede the factors specified in Government Code § 56668, which LAFCO is required to consider in the review of proposals for jurisdictional boundary changes. Rather, the policy furthers the intent of these factors as they relate to incorporation proposals and city sphere of influence updates. In particular, the policy is consistent with: (1) LAFCO goals of consolidating service responsibility and encouraging logical and efficient delivery of public services; and (2) the relevant portions of the Regional Growth Management Strategy, as defined by the Memorandum of Agreement between San Diego LAFCO and the San Diego Association of Governments.

Policy

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

1. Determine whether it is appropriate to exclude territory from a proposed incorporation boundary or city sphere of influence update after considering the following factors:
    a. The sphere of influence of any neighboring city;
    b. Whether affected territory is surrounded or substantially surrounded by a city;
    c. The present and planned land uses in the area and if public services are adequately provided by special districts, county departments or private entities;

a. The cohesiveness of a community; whether it is separated from neighboring jurisdictions by distinct geographic, political, economic or social characteristics or community plan boundaries, service provision, or historical development patterns; and

b. An evaluation of impacts on an existing or proposed city's plans to improve or consolidate services.

Adopted: November 11, 1993
Reviewed: May 4, 1998

Subject
LAFCO-INITIATED CHANGES OF ORGANIZATION

Purpose

To establish priorities and guidelines for the San Diego Local Agency Formation Commission to initiate changes of governmental organization.

Background

In 1994, the State Legislature authorized LAFCOs to initiate certain changes in local governmental organization to encourage the logical and orderly development and coordination of local governmental agencies. Accordingly, Government Code § 56375(a) permits LAFCOs to initiate proposals for: consolidation of special districts; dissolution of special districts; merger of special districts; establishment of special districts as subsidiary districts to cities; or reorganizations including any of the above changes of governmental organization *if* the proposal is consistent with a recommendation or conclusion of a sphere of influence study or other study prepared by the Commission.

Prior to approving a LAFCO-initiated proposal, the Commission must find that public service costs are likely to be less than, or substantially similar to, the costs of alternative means of providing the service and the change of organization promotes public access and accountability for community service needs and financial resources (Govt. Code § 56881 (b)).

Policy

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

1. Determine whether to initiate a reorganization study and resolution of application for a change of organization or reorganization based upon the results of a sphere of influence study or other study in accordance with state law;
2. Regularly conduct sphere of influence update studies for special districts in accordance with San Diego LAFCO Policy L-102 (Spheres of Influence);
3. Schedule sphere of influence studies to give priority to districts whose future reorganization is indicated by special circumstances; for example, subsidiary

districts, special districts that are entirely included within another district or city; or special districts that were previously assigned a zero sphere;

4. Conduct sphere of influence studies if requested by affected public agencies, interest groups or individuals;

5. Identify sources of funds for conducting reorganization studies in cooperation with affected agencies; and

6. Encourage public agencies to initiate proposals for a change of organization or reorganization when a reorganization study concludes that public service costs are likely to be less than, or substantially similar to, the costs of alternative means of providing the service and a change of organization promotes public access and accountability for community service needs and financial resources.

Adopted: June 6, 1994
Amended: May 4, 1998
Amended: August 25, 2008

Cross-reference:

SAN DIEGO LAFCO POLICY:
-L-102 SPHERES OF INFLUENCE

San Diego LAFCO PROCEDURES:
-SPHERES OF INFLUENCE
-LAFCO-INITIATED PROPOSALS
-DISTRICT CONSOLIDATION
-DISTRICT DISSOLUTION
-DISTRICT MERGERS OF EXISTING SUBSIDIARY DISTRICTS
-DISTRICT MERGERS AND ESTABLISHMENT OF SUBSIDIARY DISTRICTS
-REORGANIZATION PROCEDURE

Subject

UNINCORPORATED ISLANDS

Purpose

To establish a policy governing the reduction in the size of existing unincorporated islands and other illogically configured areas that may promote infill development and the discouragement of urban sprawl.

Background

The Cortese-Knox Local Government Reorganization Act prohibits the annexation of territory to a city if the annexation would result in the creation of an unincorporated island. Unincorporated islands are defined as unincorporated territory completely surrounded by a city, or by territory of a city on one or more sides and the Pacific Ocean on the remaining sides. LAFCO may waive these restrictions if it finds that: (a) the application of the restrictions would be detrimental to the orderly development of the community, and (b) the area that would be enclosed is so located that it cannot reasonably be annexed to another city or incorporated as a new city.

Policy

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

Consider the creation of unincorporated islands on a case-by-case basis and to balance the negative implications of unincorporated islands with the need to promote orderly development, the efficient provision of public services, and the reduction of the size of existing islands or other illogically configured areas. The following factors shall be considered in the Commission's determinations:

1. Consistency of the annexation proposal with the spheres of influence of all affected agencies.
2. Whether the unincorporated island that would be created is already substantially surrounded by the annexing city.
3. Whether the size of existing islands and other illogically configured areas will be reduced.

4. Effect of island prohibition provisions on creating secondary impacts, such as urban sprawl, inefficient service delivery, etc.
5. Ability to facilitate infill development within the annexation area.
6. Ancillary benefits associated with annexation that may offset disadvantages associated with the creation of unincorporated islands.
7. Environmental impacts that could be addressed through annexation of territory to a subject agency.
8. Existing or potential health or safety concerns that may be resolved through the annexation of island areas or other similar areas.
9. Need for essential city services within the annexation area.
10. Ability to consolidate and simplify the provision of public services.
11. Effect on the provision of public services within existing and newly created island area(s).
12. Completion of a survey of residents within the potential island or other illogically configured area to determine their willingness to be added to the annexation proposal.

Adopted: May 1, 2000

Cross-reference:

GOVERNMENT CODE:
-SECTION 56001 LEGISLATIVE FINDINGS AND DECLARATIONS

SAN DIEGO LAFCO POLICY:
-L-100 CITY ANNEXATION OF UNINCORPORATED TERRITORY WITHIN SPECIAL DISTRICTS
-L-102 SPHERES OF INFLUENCE

SAN DIEGO LAFCO PROCEDURES:
- CITY ANNEXATIONS AND DETACHMENTS
- SPHERES OF INFLUENCE

Subject:
MUNICIPAL SERVICE REVIEWS

Purpose
Serve as a framework for conducting municipal service reviews with a commitment to community engagement.

Background
The Commission is responsible under State law to inform all regular sphere of influence updates by conducting comprehensive studies on the availability, demand, and performance of local municipal services within the county, region, or subregion (Government Code Section 56430).

Policy
It is the policy of the Commission:

1. Goals and Objectives:

    a. The Commission will use municipal service reviews as a principal resource to proactively inform future planning and regulatory actions under its purview and mission to facilitate orderly growth and development.

    b. The Commission will draw on the municipal service reviews to directly inform the appropriate scope and scale of spheres of influence updates performed for all local agencies under State law (Section 56425).

    c. The Commission will draw on the municipal service reviews to help inform proposed jurisdictional changes involving the affected agencies and/or territories over the proceeding 60-month period.

    d. The Commission will draw on recommendations in the municipal service reviews to initiate any related jurisdictional changes as allowed under State law (Section 56375).

e. The Commission will use municipal service reviews in consultation with Rule No. 4 to establish, amend, and regulate the nature, location, and extent of any functions or class of services provided by individual special districts.

f. As a general rule, the Commission will require a new municipal service review to be prepared before considering a proposal that necessitates one or more sphere of influence amendments where the subject agencies have not been evaluated in a study over the preceding 60-month period. Waivers may be considered - based on recommendations of the Executive Officer - on a case-by-case basis and/or under the following conditions:

- Public health or safety needs; for example, amending a jurisdiction's sphere to permit annexation of a parcel that requires public sewer service because of a failed septic system;

- Property under a single ownership split by a sphere if the split property shares characteristics including access, geography, communities of interest and the manner in which services will be provided;

- A reorganization involving two or more jurisdictions if the spheres are coterminous and each jurisdiction agrees to the sphere amendments and reorganization;

- If a city or special district can provide adequate documentation showing that conditions have significantly changed to warrant a sphere amendment.

2. Timing:

a. The Commission will maintain a rolling five-year study schedule for municipal service reviews to provide advance notice of timing to local agencies, the public, and other stakeholders as well as encourage project syncing whenever practical.

b. The Commission will consult the rolling five-year study schedule in initiating specific municipal service reviews through the annual workplan process.

3. Funding:

a. The Commission will be responsible for funding municipal service reviews calendared in the rolling five-year study schedule and subsequently added to adopted annual workplans.

b. The Commission will collect maintenance fees on applicant proposals to proportionally contribute to the funding of future municipal service reviews.

c. The applicants will be responsible for funding municipal service reviews undertaken outside the five-year study schedule and necessitated to accommodate proposed spheres of influence amendments.

4. Preparing:

a. The Commission delegates responsibility to the Executive Officer to prepare municipal service reviews. This includes approving scopes of work and associated timelines in consultation with the subject agencies.

b. The municipal service review shall focus on pragmatic quantitative measurements in assessing service performance. A listing of common quantitative performance measurements is provided as an appendix for illustrative purposes.

c. The Executive Officer should consult with the Cities and Special Districts' Advisory Committees in establishing appropriate performance measures within the municipal service reviews.

d. The Executive Officer shall prepare a written report on the municipal service review with recommendations and related

determinative statements that address the factors required for consideration in statute (Section 56430(a)).

e. The Executive Officer shall allow all subject agencies an opportunity to review a complete draft report on the municipal service review with recommendations as part of the preparation process and before making the draft publicly available. This review period shall extend to no more than 60 days. Any written comments received from the subject agencies shall accompany the publication of the draft report.

5. Community Engagement:

a. The Commission will prioritize budgeting resources to accommodate proactive community engagement as part of the municipal service review process and as a direct means to identify community needs.

b. The Commission tasks the Executive Officer to ensure the following baseline measures for community engagement are practiced in preparing municipal service reviews:

- Staff shall establish a dedicated page on the LAFCO website to serve as an ongoing repository for key project materials in step with initiating new municipal service reviews.

- Staff shall attend regularly scheduled public meetings for each subject agency to directly advise the council/board and their constituents of the initiation of municipal service reviews.

- Staff shall regularly utilize social media accounts to timely disseminate information on municipal service reviews, and this includes translating posts as appropriate under the Commission's translation policy.

- Staff will provide formal public review and comment periods of no less than 45 days between the draft and final report presentations of municipal service reviews to the Commission.

c. As appropriate, and as an enhancement to the above baseline measures, the Executive Officer should consider taking any of the following additional outreach efforts for initiated municipal service reviews:

- Hold public workshops – especially to engage any disadvantaged and/or historically marginalized communities.

- Conduct surveys within the affected communities to – and among other topics – help identify community needs.

- Solicit opportunities to make staff presentations to subject agencies and other organized stakeholders on the municipal service reviews to highlight and receive community input on key topics.

6. Commission Action:

a. The Commission will receive all draft reports on the municipal service reviews as part of voluntarily noticed public hearings. The Commission will review the draft reports for purposes of advising staff on any areas meriting additional analyses before or in step with proceeding with the public review periods.

b. The Commission will consider all final municipal service reviews as part of scheduled public hearings that are noticed consistent with sphere of influence actions under State law (Section 56427).

c. The Commission's consideration of final municipal service reviews will culminate with the following two completing actions:

- Receive and file the written report on the municipal service review and in doing so attest the document provides sufficient information for the Commission to make informed decisions under statute.

- Adopt a resolution making determinative statements that draw from the final municipal service review on all prescribed factors required under statute and local policy (Section 56430).

7. Post Commission Action:

   a. The Executive Officer will provide prompt written notice of completed municipal service reviews to all subject agencies with a request that the document be forwarded to the full council/board.

   b. The Executive Officer shall ensure posting of all completed municipal service reviews online as well as provide bounded copies to local libraries with a request they be added to the circulation catalog.

Appendix 106-A:
Quantitative Measurements in Municipal Service Reviews

Adopted: April 7, 2003
Updated: August 25, 2008
June 23, 2015
February 6, 2023
November 4, 2024

APPENDIX L-106A

Appendix L-106-A
Quantitative Measurements in Municipal Service Reviews (MSRs)
Municipal Service Reviews (MSRs) often involve the collection and analysis of quantitative data to assess the efficiency, effectiveness, and cost-effectiveness of municipal services. Here are some common quantitative measurements used in MSRs:

Demographics Metrics

- **Residential Population Estimates:** Recent and current data on population figures.
- **Housing Units, Types, Costs, and Vacancy Rates:** Provides insights into quality of living with respect to residential availability and affordability.
- **Age Distribution:** Examines influences of age with respect to labor, retirement, etc.
- **Income Characteristics and Socioeconomic Indicators:** Assesses income levels, poverty rates, and other relevant economic-social metrics.
- **Unhoused Needs:** Analyzes volume of estimated homeless populations and available resources.
- **Environmental Justice Considerations**: Assesses pollution burdens and at-risk populations and other pollutant metrics.

Service Delivery Metrics

- **Response Times:** Average response times for emergency services (e.g., fire, police) and other municipal services.
- **Service Levels:** Measures of the quality and availability of services, such as water pressure, wastewater treatment efficiency, and road maintenance standards.
- **Customer Satisfaction:** Surveys and feedback to gauge public satisfaction with service delivery.

Resource Utilization Metrics

- **Staffing Levels:** Number of employees per service area or population served.
- **Equipment and Infrastructure:** Age, condition, and utilization of equipment and infrastructure (e.g., vehicles, facilities, water and sewer systems).
- **Operating Costs:** Expenditures on personnel, equipment, supplies, and other operating expenses.

APPENDIX L-106A

Cost-Effectiveness Metrics

- **Cost per Unit of Service:** The cost of providing a specific service (e.g., cost per fire call, cost per gallon of water treated).
- **Cost-Benefit Analysis:** Evaluation of the benefits of a service relative to its costs.
- **Economies of Scale:** Assessment of whether larger agencies can achieve lower costs per unit of service than smaller agencies.

Efficiency Metrics

- **Productivity:** Measures of output per unit of input (e.g., miles of road paved per employee).
- **Utilization Rates:** The percentage of capacity that is used (e.g., utilization of fire engines, wastewater treatment plants).
- **Turnaround Times:** The time it takes to complete tasks or processes.

Fiscal Metrics

- **Budget and Actuals:** Compares planned versus actual revenues and expenses.
- **Funds and Balances:** Reviews financial reserves and available funds.
- **Audited Financial Statements:** Assessment and evaluation of detailed financial health indicators (e.g., liquidity, capital, and operational margins).
- **Employee Pensions and Related Obligations:** Reviews fiscal responsibilities related to employee pensions and other related obligations.

Benchmarking

- **Comparison to Other Jurisdictions:** Comparing performance metrics to similar agencies in other cities or regions.
- **Industry Standards:** Comparing performance to industry benchmarks or best practices.

By collecting and analyzing these quantitative measurements, MSRs can provide valuable insights into the efficiency, effectiveness, and cost-effectiveness of municipal services, helping to inform decision-making and improve service delivery.

Subject

JURISDICTIONAL ISSUES ASSOCIATED WITH PROPOSED OR PENDING CHANGES OF ORGANIZATION OR REORGANIZATION

Purpose

To establish a procedure for cities, special districts, the County of San Diego, and other interested parties and organizations to identify and discuss potential jurisdictional issues associated with proposed or pending LAFCO discretionary actions.

Background

Proposed changes of organization or reorganization may involve issues of concern for affected local residents, property owners, registered voters, interested parties, and organizations, as well as potential jurisdictional issues for affected cities, special districts, counties, and other public agencies.

While LAFCO is prohibited by State Law from directly regulating land use density or intensity, property development, or subdivision requirements [Government Code § 56375(a)(6)], LAFCO is required to consider a number of factors in the review of a proposal, including: the effects of a proposal on adjacent areas (Government Code § 56668(c); the proposal's consistency with city or county general and specific plans (Government Code § 56668(h); the comments of any affected local agency or other public agency (Government Code § 56668(j); any information or comments from the landowner or owners, voters, or residents of the affected territory (Government Code § 56668(n); and, any information relating to existing land use designations (Government Code § 56668(o).

When there are potential jurisdictional issues associated with proposed or pending jurisdictional changes, LAFCO staff has historically encouraged the lead agency and applicant to consult with all affected jurisdictions and interested parties to identify, discuss, and resolve the jurisdictional issues prior to LAFCO submittal. Proposal-related jurisdictional issues may involve questions about community character and/or cohesion; the ability of an agency to extend public services; potential environmental impacts; appropriate transitional areas between jurisdictions; special district detachment issues; or other local community or governmental concerns.

Therefore, the following policy has been adopted to encourage and facilitate early identification, discussion and potential resolution of any jurisdictional issues associated with proposed or pending LAFCO changes of organization of reorganization. While the identified jurisdictional issues may not be ultimately resolved to the satisfaction of all interested parties, the policy requires the proposal applicant or proponent to engage the interested parties and/or jurisdictions, to address the concerns associated with the proposal, and to determine if the identified issues have been resolved, or if additional discussions would allow for resolution.

Policy

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

1. Prior to submission of a proposal requesting LAFCO consideration of a change of organization or reorganization, the proposal applicant and representatives from affected public agencies, interested parties, and/or organizations, shall meet at the earliest possible stage for the purpose of identifying and attempting to resolve any issues associated with the proposed jurisdictional change(s). The Executive Officer may waive the consultation procedure outlined in this provision when it can be determined with certainty that there will be no possibility that the proposal in question will result in identified and unresolved jurisdictional issues.

2. The consultation process described in provision no. 1 should identify any jurisdictional issues or concerns related to:

    a. Differing development standards;

    b. Existing and/or planned land uses and zoning, including densities, community character, and appropriate jurisdictional transition areas;

    c. Existing and/or planned provision of governmental services, including any potential impacts to service levels or financial ability to sustain service levels; and,

    d. Any other local community or governmental concerns.

3. If an agreement is reached regarding provision no. 2, the subject proposal's LAFCO application shall include signed confirmation by representatives of the agencies or interested parties. LAFCO applications shall include signature confirmation forms documenting the agreement.

4. The Commission shall consider the agreement in its evaluation of the proposed jurisdictional change(s) to the extent that it is consistent with State Law and San Diego LAFCO policies and procedures.

5. If the parties have consulted in accordance with this policy and are unable to reach agreement, the parties shall, in writing, inform the Executive Officer of the areas in which they are unable to reach agreement and the desired outcome. Thereafter, the proposal shall proceed in accordance with State Law and applicable San Diego LAFCO policies and procedures.

6. Affected local agencies shall be encouraged to explore additional methods to improve future inter- and intra-departmental and jurisdictional communications for the purpose of discussing and commenting on proposed or pending jurisdictional changes at the earliest possible stage.

Adopted: May 3, 2010
Revised: April 4, 2016

Cross-reference:

SAN DIEGO LAFCO POLICY:
-L-100 CITY ANNEXATION OF UNINCORPORATED TERRITORY WITHIN SPECIAL DISTRICTS
-L-103 RECOGNITION OF UNINCORPORATED COMMUNITIES

SAN DIEGO LAFCO PROCEDURES:
-SPHERES OF INFLUENCE
-LAFCO-INITIATED PROPOSALS

Subject

WATER SUPPLY AND RELIABILITY REGULATORY GUIDELINES

Purpose

To establish a procedure for local water agencies, cities, special districts, and the County of San Diego to discuss potential adequate water supply to existing and planned development projects within the County when submitting jurisdictional proposals to LAFCO as specified in Government Code Sections 56668(b) and (l) and 65352.5.

Background

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 requires Local Agency Formation Commissions to consider the availability of a reliable and adequate long term water supply as part of determinations. LAFCO and Local agencies under State Law must consider factors per Government Code Section 56668(b) and (l) and include compliance with Government Code Section 65352.5 (adequacy of existing and planned water supplies) in submittal of proposals to LAFCO for any change of organization and annexations.

Policy

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

1. San Diego LAFCO's role is to oversee the logical service delivery through efficient local governmental organization structure for future services as defined in Cortese-Knox-Hertzberg Act of 2000. The Commission shall encourage that long range planning for availability of water supply and reliability should be integrated within the local water agencies, cities, special districts, County of San Diego, SANDAG and San Diego LAFCO.

2. Decision-making with regard to development of water supply and reliability should be focused at the regional and local level through coordinated activities and planning of local water agencies, cities, special districts and the County of San Diego. The Commission shall support these efforts where possible to meet legislative and regulatory goals and mandates.

3. The development of alternative water sources, conservation, demand management and demand impact offset programs to mitigate new projects or services by regional and/or local water agencies and proponents of proposal will be considered in reviewing proposals submitted to the Commission. LAFCO will collaborate (seek input from and provide comments to) with agencies on the establishment of water supply and availability programs and criteria as they are developed.

4. During its review and processing of jurisdictional proposals, the Commission shall place primary reliance on the input and recommendations of the local agency responsible for availability of water supply and delivery when a proposal is submitted for consideration that may impact an agency service area, sphere of influence or services being provided. It will be the intent of LAFCO to rely upon the subject agency to provide sufficient analysis of proposals impacting water supply and availability for LAFCO review. The use of resource documents such as Master Plans for Facilities and Urban Water Master Plans of the regional and local water agency will be encouraged as part of the project submittal process. This process is routinely included as part of submittal of “will serve letters” to planning agencies. In the future, any such water agency must also verify that enough water is reasonably expected to be available from that agency to provide the proposed service during a drought emergency. Where more than one service area or agency is impacted by a proposal, the Commission shall seek input from all affected agencies.

5. The Commission encourages input from the Special Districts Advisory Committee on policy and service related issues and shall consider the input by the committee on projects impacted by water supply and availability issues. The Executive Officer may refer those matters to the committee that are relevant for review and input prior to submitting them to Commission consideration.

Adopted: May 3, 2010

Subject

WATER SUPPLY AND RELIABILITY LEGISLATIVE GUIDELINES

Purpose

To establish a procedure for local water agencies, cities, special districts, and the County of San Diego to discuss potential adequate water supply to existing and planned development projects within the County when submitting jurisdictional proposals to LAFCO as specified in Government Code Sections 56668(b) and (l) and 65352.5.

Background

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 requires Local Agency Formation Commissions to consider the availability of a reliable and adequate long term water supply as part of determinations. LAFCO and Local agencies under State Law must consider factors per Government Code Section 56668(b) and (l) and include compliance with Government Code Section 65352.5 (adequacy of existing and planned water supplies) in submittal of proposals to LAFCO for any change of organization and annexations.

Policy

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

1. Decision-making with regard to water supply and reliability should be kept at the regional and local level through coordinated activities of local water agencies, cities, special districts and the County of San Diego.

2. Water supply development, reliability, conservation and sustainability are essential principles to ensure an adequate and viable economic environment for present and future residents in San Diego County. Resources should be developed to be diversified where possible yet under local agency control and management.

3. The federal, state and regional agency's role in water supply development should be to provide intraregional coordination and incentives for supply reliability and to reduce or remove regulatory hurdles and barriers to conjunctive uses.

4. Proposed actions by various agencies or entities to manage or control water supply and reliability should not restrict the ability of LAFCO to make required determinations on proposals before them subject to the Cortese-Knox- Hertzberg Act 2000.

5. Decisions by San Diego LAFCO shall encourage that long range planning for water supply and reliability be integrated within the local water agencies, cities, special districts, County of San Diego, SANDAG and San Diego LAFCO.

6. San Diego LAFCO will collaborate with, monitor and provide input to applicable federal, state, regional and local agencies and policy makers on issues impacting water supply and reliability, incorporating the Water Supply Legislative Guidelines as adopted by the Commission from time to time.

Adopted: May 3, 2010
Technically
Updated: June 22, 2016

Subject

REVIEW AND APPROVAL OF FIRE PROTECTION CONTRACTS AND AGREEMENTS

Purpose

To provide guidance to the San Diego Local Agency Formation Commission (LAFCO) in reviewing fire protection contracts or agreements for the exercise of new or extended fire protection services outside a public agency's boundaries per Government Code Section 56134.

Background

Senate Bill No. 239 (Hertzberg) was approved in 2015 and became effective on January 1, 2016. SB 239 amended Government Code Sections 56017.2 and 56133, and added Section 56134. Per SB 239, public agencies, under specified circumstances, must receive written approval from the LAFCO in an affected county before providing new or extended fire protection services outside the agencies' jurisdictional boundaries, if the contract results in either of the following conditions: (1) transfers responsibility for providing services in more than 25% of the area within the jurisdictional boundaries of any public agency affected by the contract or agreement; or (2) changes the employment status of more than 25% of the employees of any public agency affected by the contract or agreement.

The new law places added responsibilities on local and state agencies, plus LAFCO. Since there are many uncertainties with respect to implementation of SB 239, the San Diego LAFCO adopted implementation guidelines on February 1, 2016. The adopted guidelines have been incorporated by reference into Legislative Policy L-110 and together, these two documents (guidelines and policy), will assist the Commission in following a consistent approach for the review and approval of fire protection contract applications.

Policy

It is the policy of the San Diego Local Agency Formation Commission to use a multi- step process for the review of fire protection contacts and agreements. The process begins with pre-application consultation; application review; commission consideration; and commission action. This process will be guided by the following provisions:

1. *Pre-Application Review and Discussion:* Prior to submission of a proposal requesting LAFCO consideration, the Commission encourages public agencies and service recipients to participate in a pre-application discussion with LAFCO staff. As part of the pre-application discussion, the Executive Officer shall determine whether the proposed fire protection contract or agreement is subject to or exempt from LAFCO purview. A Certificate of Exemption shall be issued by the Executive Officer if the contract or agreement is exempt from LAFCO purview. The San Diego LAFCO and/or Executive Officer will consider the following contracts and agreements exempt from LAFCO purview per its adopted guidelines:

    a. Renewal of existing contracts, unless the renewal included amendments or the inclusion of new territory that triggered the 25% change in service area or employment status.

    b. Ambulance service agreements.

    c. Pre-hospital emergency medical services.

    d. Mutual or automatic aid agreements.

    e. Contracts or agreements involving dispatch services.

    d. Subordinate or subsidiary fire protection activities including, but not limited to the following: ambulance services; pre-hospital emergency medical services; mutual or automatic aid agreements; major/minor subdivision review, major Use Permit review, administrative permit review and inspections; fire alarm system plan review and inspections; defensible space inspections and enforcement; business/occupancy inspections in existing structures; vehicle maintenance and repair; sharing of management or other personnel between or among multiple agencies; sharing or loaning of equipment or property between or among multiple agencies.

2. *Application Review:* The Executive Officer shall within 30 days of receipt of a fire contract or agreement determine whether the associated contract application is complete and acceptable for filing. The Executive Officer shall notify the applicant if the application is incomplete and the manner in which the application can be rectified if determined to be incomplete.

a. Once the application is ready for Commission consideration, the Executive Officer shall give mailed notice of the hearing, at least 21 days prior to the hearing date, to each affected local agency or affected county and to any interested party who has filed a written request for notice.

b. The Executive Officer shall also publish the notice of hearing in a newspaper of general circulation that is circulated within the territory affected by the proposal and shall post the notice on LAFCO's website at least 21 days prior to the hearing date.

3. *Commission Consideration:* The Commission shall not approve a proposed fire protection contract unless it determines, based on the entire record, all of the following:

a. The public agency will have sufficient revenues to carry out the exercise of the new or extended fire protection services outside its current area. The Commission may approve an application where the Commission has determined that the public agency will not have sufficient revenue to provide the proposed new or different functions of services, if the Commission conditions its approval on the concurrent approval of sufficient revenue sources.

b. The proposed exercise of new or extended fire protection services outside a public agency's current service area is consistent with the intent of SB 239, LAFCO's state mandates and established policies and procedures.

c. The Commission has reviewed the plan for service.

d. The Commission has reviewed the comprehensive fiscal analysis.

e. The Commission has reviewed any testimony presented at the public hearing.

f. The proposed affected territory is expected to receive revenues sufficient to provide public services and facilities and a reasonable reserve during the three fiscal years following the effective date of the contract or agreement between the public agencies to provide the new or extended fire protection services.

4. *Commission Action*: The Commission may approve, approve with condition(s), or disapprove, the contract for new or extended services upon closure of the associated LAFCO hearing and/or administrative proceeding.

a. *Approval*-If the Commission determines all the requirements under Government Code Section 56134 have been met, the Commission shall adopt a resolution of approval or other associated document. For contracts that receive consensus from all affected agencies, the Commission may delegate the approval process to the Executive Officer. Any administratively-approved fire contract shall be scheduled as an informational item at the next available LAFCO hearing and may be subject to ratification, as necessary.

b. *Approval with Conditions*-If the Commission or Executive Officer approves the contract or agreement with conditions, the Commission shall adopt a resolution of approval or other document with the conditions listed. For contracts that receive consensus from all affected agencies, the Commission may delegate the approval process to the Executive Officer. Any administratively-approved fire contract shall be scheduled as an informational item at the next available LAFCO hearing and may be subject to ratification, as necessary.

c. *Disapproval*-If the Commission or Executive Officer disapproves the contract or agreement, termination proceedings mirroring the procedures outlined in Government Code Section 57090 shall be followed. Pursuant to Government Code Section 57090(a), if a proposal is terminated, no substantially similar proposal for a change or organization of the same or substantially the same territory may be filed with the commission within one year after the date of the certificate of termination. This waiting period may be waived by the Commission if public health, safety, or welfare issues are present.

d. *Reconsideration*-The Commission establishes a 30-day request for reconsideration period tolled from when a fire protection contract is considered by the Commission or Executive Officer. The request for reconsideration must be in writing and shall be subject to LAFCO's reconsideration rules and payment of associated processing fees.

Adopted: June 2, 2016
Amended: May 7, 2018

Subject

DISADVANTAGED UNINCORPORATED COMMUNITIES

Purpose

To establish a comprehensive policy and procedural program for regularly identifying and addressing disadvantaged unincorporated communities in San Diego County in step with processing boundary changes, municipal service reviews, and sphere of influence updates and/or amendments.

Background

Effective January 1, 2012, SB 244 requires the identification and description of all disadvantaged unincorporated communities (DUC) located within or contiguous to the existing spheres of influence of cities and special districts that provide structural fire protection, wastewater, and/or water services. The underlying focus us to ensure DUCs and their residents are not excluded from proposed boundary changes and proactively addressed during the processes for municipal service reviews and sphere of influence updates and/or amendments.

Policy

It is the policy of the Commission that:

1. This policy shall be referred to as the Commission's "Disadvantaged Unincorporated Communities Program."
2. The following definitions are incorporated in administering this program:
    a. *"Community"* is an inhabited area within a city or county that is comprised of no less than 10 dwellings adjacent or in close proximity to one another. (Government Code Section 65302.10)
    b. *"Contiguous"* is adjacent to or within an agency's sphere of influence or shares a boundary line with a city or special district.(Government Code Section 65302.10)
    c. *"Disadvantaged Unincorporated Community"* is an inhabited territory that constitutes all or portion of a disadvantaged community having an annual median household income that is

less than 80 percent of the statewide annual household income. (Government Code Sections 65302.10, 79505.5, and 56033.5)

d. *"Inhabited"* is a territory within which there reside 12 or more registered voters. (Government Code Sections 65302.10 and 56046)

e. *"Median Household Income"* is income that is less than 80 percent of the statewide annual household income. (Government Code Section 65302.10)

f. *"Written Evidence"* is a petition signed by the majority of registered voters within the affected territory. (Government Code Section 65302.10)

3. Beginning January 1, 2012, the Commission shall establish and update DUC maps for all cities and special districts under LAFCO authority in San Diego County.

4. The following procedures shall underlie the establishment and subsequent updating of DUC maps:

   a. DUCs shall be identified and mapped by census tract and based on the most recent five–year average.

   b. DUC maps shall be updated every five years in conjunction with commencing a new round of municipal service reviews and sphere of influence updates under Government Code Sections 56430 and 56425, respectively.

   c. Draft DUC maps shall be made available to local agencies for review and comment before being presented to the Commission at a public meeting in final form for formal acceptance.

5. The Commission shall incorporate DUC maps and information therein as part of the municipal service review and sphere of influence update and/or processes:

a. Any municipal service review update for a city or special district that provides public facilities or services related to water, wastewater, or structural fire protection the Commission shall evaluate the location and characteristics of any DUCs located within or adjacent to the sphere of influence of the affected agencies. (Government Code Section 56430)

b. Any sphere of influence update and/or amendment for a city or district that provides public facilities or services related to water, wastewater, or structural fire protection the Commission shall consider the present and probable needs for DUCs and their residents located within the affected agencies' sphere of influence. (Government Code Section 56425)

c. The Executive Officer shall perform outreach to residents within affected DUCs as part of the municipal service review and sphere of influence update and/or amendment processes. This outreach will be appropriately scaled as determined by the Executive Officer to help ensure residents are made reasonably aware of the proceedings and given the opportunity to comment before Commission action is taken.

6. Any annexation to a city of any territory greater than 10 acres that excludes a contiguous DUC will require filing an application to annex the DUC unless exempted under Government Code Section 56375(a):

   a. For purposes of this subsection a certificate of filing serves as the threshold for determining an *"application"* is on file with the Commission.

Adopted: May 7, 2018

Subject

CONDUCT OF PROTEST HEARINGS

Policy

1. Authority to Conduct Protest Hearings

   Pursuant to Title 5, Division 3, Part 4 of the California Government (commencing with section 57000), the Commission shall conduct all protest hearings and take all other actions required of it to complete proceedings for changes of organization or reorganization, unless the Commission, in its discretion, delegates to the Executive Officer consistent with the provisions of this policy.

2. Delegation at Time of Adoption of Resolution

   Each time the Commission adopts a resolution making determination approving, with or without conditions, a change of organization or reorganization, the Commission shall also determine whether to conduct the protest hearing or delegate to the Executive Officer. Such a decision of the Commission may be made upon recommendation of the Executive Officer or by motion of a Commission member.

3. Valuation of Written Protests

   Irrespective of the Commission conducting the protest hearing or delegating to the Executive Officer, the same procedures shall apply in receiving and valuing written protests. These procedures are outlined as Appendix One to this policy.

4. Delegation to Executive Officer

   If the Commission delegates to the Executive Officer the authority to conduct a protest hearing for an approved change of organization or reorganization, the Executive Officer shall conduct the protest hearing in accordance with Government Code section 57000, et seq., and the following:

a) The protest hearing shall be held in a location open to the public and suitable for the conduct of a public hearing;

b) The Executive Officer shall provide each Commission member and alternate written notice of the date, time, and location of all protest hearings and any continuances thereof;

c) The Executive Officer shall be the hearing officer for the protest hearing;

d) The Executive Officer shall conduct the protest hearing consistent with the manner in which the Commission conducts public hearings;

e) At the protest hearing, the Executive Officer shall hear and receive any oral or written protest, objection or evidence which is presented, or filed, and accept the withdrawal of any protest prior to the close of the hearing;

f) The Executive Officer shall cause a record to be made of the protest hearing, and shall preserve as part of the record all written protests, objections and evidence presented or filed at the protest hearing;

g) After the protest hearing, the Executive Officer shall cause the protests filed and not withdrawn to be reviewed in accordance with the requirements of Government Code section 57052;

h) Should the value of the protests filed and not withdrawn not require an election or termination, the Executive Officer shall proceed and prepare an ordering resolution in accordance with the requirements of Government Code section 57000, et seq. The Executive Officer shall provide notice of the ordering resolution to the Commission at the next regularly scheduled meeting.

a) Should the value of the protests filed and not withdrawn either require an election or termination, the Executive Officer shall prepare a report to the Commission and recommend the Commission the adoption of a resolution conformity with the outcome of the protest hearing per Government Code section 57000, et seq. The Executive Officer shall present the report and a draft resolution to the Commission for its consideration at the next regularly scheduled meeting.

5. Commission Action with Respect to Protest Hearings Conducted by Executive Officer

The Commission may accept or reject the Executive Officer's recommendations, or make modifications based upon review of the protest hearing record. The Commission may take any other actions prescribed by Government Code section 57000, et seq., for completion of proceedings for a change of organization of reorganization.

6. Limitation on Delegation of Authority to Executive Officer

Except as expressly provided for herein, the Commission shall retain its authority pursuant to Government Code section 57000, et seq. This policy however, in no way limits the Commission's ability to expressly delegate other tasks to the Executive Officer to the extent such delegation is authorized by Government Code.

Adopted: October 1, 2018

Appendix One: Written Valuation Procedures

Appendix One Written Valuation Procedures

1. Receipt of Written Protests

   LAFCO shall write the date and time on all written protests immediately upon receipt.

2. Counting of Written Protests

   LAFCO will count all written protests received, and not withdrawn prior to the time certain the proceedings are concluded, via any of the following means:

   - U.S. mail received at LAFCO's office by 5:00 p.m. on the business day preceding the protest hearing date; or
   - Courier delivery received at LAFCO's office by 5:00 p.m. on the business day preceding the protest hearing date; or
   - Facsimile (fax) transmission, received at LAFCO's office by 5:00 p.m. on the business day preceding the protest hearing date; or
   - Electronic mail (e-mail) transmission, received at LAFCO's office by 5:00 p.m. on the business day preceding the protest hearing date; or
   - Hand-delivered to LAFCO's office by the protesting party or his or her duly-authorized representative received at LAFCO's office by 5:00 p.m. on the business day preceding the protest hearing date; or
   - Hand-delivered to the Commission and/or staff, at the noticed protest meeting of the Commission, by the protesting party or his or her duly-authorized representative, on the protest hearing date and prior to the closing of the protest hearing by the Commission Chair or Acting Chair.

   LAFCO will not count written protests received via any of the following means:

- Bearing a date prior to the date of publication of the protest hearing notice; or

- Delivered to the Commission and/or staff after the closing of the protest hearing by the Commission Chair or Acting Chair.

3. Valuing Written Protests

For purposes of valuing written protests only, any reference in this policy and in the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 to the close of the protest hearing will be construed to mean the close of the final protest hearing, meaning that any continuance of the protest hearing pursuant to Government Code Section 57050(a) will extend during which written protests will be accepted.

a) Registered Voter Protest:

Data obtained from the County of San Diego Registrar of Voters (ROV) shall determine the total number of registered voters within the boundaries of the affected territory at the time of the noticed protest hearing. Further, for purposes of calculating registered voter protests, LAFCO shall calculate the applicable percentage thresholds based upon the data obtained from the ROV.

LAFCO will count written protests from registered voters which include all of the following required information:

- Address of the property, providing street and number or other designation sufficient to enable the place of residence to be ascertained; and

- Signature of the registered voter; and

- Date of signature must be within the period starting with the publication of the protest hearing notice and ending at the time of the closing of the protest hearing by the Commission Chair or Acting Chair.

LAFCO will not count written protests from registered voters under any of the following circumstances:

- The address of the property, or other designation sufficient to enable the place of residence to be ascertained, is not provided; or
- The signature of the registered voter is not provided; or
- The date of signature is not provided; or
- The date of signature is prior to the date of publication of the protest hearing notice; or
- The date of signature is after the date of the closing of the protest hearing by the Commission Chair or Acting Chair; or
- The written protest is from a registered voter who is not registered to vote within the boundaries of the affected territory; or
- The written protest was not received consistent with the provisions in Section 1 (“Receipt of Written Protests”), above; or
- The individual who originally filed the protest withdraws his or her protest, in writing, within the time constraints identified herein; or
- Any protest which has been disqualified by the ROV, in the event that the Executive Officer refers registered voter protests to the ROV.

LAFCO staff will count all valid written protests from registered voters to determine the valuation and outcome. The Executive Officer may, at his or her discretion, refer any registered voter written protests to ROV for verification.

b) Landowner Protest:

Data obtained from the County of San Diego Assessor Office's current tax rolls shall determine the total number of landowners within the boundaries of the affected territory. Further, for purposes of identifying all landowners and for calculating landowner protests, LAFCO shall calculate the applicable percentage thresholds based upon current tax rolls and the assessed value of land obtained from the Assessor.

LAFCO will count written protests from landowners which include all of the following required information:

- Address of the property, providing street and number or other designation sufficient to enable the location of the property within the affected territory to be ascertained; and
- Signature of the landowner; and
- The date of signature must be within the period starting with the publication of the protest hearing notice and ending at the time of the closing of the protest hearing by the Commission Chair or Acting Chair.

LAFCO will not count written protests from landowners under the following circumstances:

- The address of the property, or other designation sufficient to enable the location of the property within the affected territory to be ascertained, is not provided; or
- The signature of the landowner is not provided; or
- The date of signature is not provided; or
- The date of signature is prior to the date of publication of the protest hearing notice; or

- The date of signature is after the date of the closing of the protest hearing by the Commission Chair or Acting Chair;

- The written protest was not received consistent with the provisions in Section 1 ("Receipt of Written Protests"), above;

- The individual signing the written protest is different than the owner of record provided by the Assessor based upon the most recent assessment roll, subject to the requirements of the exception identified in Government Code Section 56710(c); or

- The individual who originally filed the protest withdraws his or her protest, in writing, within the time constraints identified herein.

For those properties which are exempt from taxation owned by a public agency, the valuation shall be determined consistent with Government Code Section 56710(a).

For those properties held in joint tenancy or tenancy in common, the valuation shall be determined consistent with Government Code Section 56710(b).

4. All Protests in Writing

   While oral testimony will be considered by the Commission, said testimony will not have any effect on the valuation of protests. Under state law, and this policy, it is only written protests, not later withdrawn in writing, if applicable, that count.

5. Outcomes

   Government Code Sections 57075 through 57077.4 describes whether the Commission considers written protests from registered voters, landowners, or both. Based on the valuation of the applicable protests, these sections dictate which of the following actions the Commission must take:

- Terminate the proceedings; or
- Order the change of organization or reorganization subject to an election; or
- Order the change of organization or reorganization without an election.

6. Results

The Commission may announce results at the conclusion of the protest hearing, or, in the alternative, may postpone the announcement to a future meeting if LAFCO staff needs time to verify and value written protests.

Subject:
OUT-OF-AGENCY SERVICES
(Exclusive of Fire Protection Services)

Purpose:
Serve as a guide to the Commission in receiving, evaluating, and acting on requests by cities and special districts to provide new or extended services other than fire protection outside their jurisdictional boundaries.

Background:
State law requires cities and special districts to request and receive Commission approval before providing new or extended outside services by contracts or agreements with limited exemptions (Government Code Section 56133).[1]

Policy:
It is the policy of the Commission:

1. Goals and Priorities:

    a) The Commission will consider out-of-agency service requests whenever otherwise merited new or extended services cannot be reasonably accommodated through annexations or other jurisdictional changes.

    b) The Commission will review out-of-agency service agreements not previously considered by the Commission in conjunction with future applications for related changes to organization and not unilaterally seek out and review out-of-agency service agreements for compliance with Government Code Section 56133.

    c) The Commission shall only approve out-of-agency service requests for cities and special districts involving territory within their spheres of influence in anticipation of future jurisdictional changes.

[1] Contracts involving fire protection services are separately addressed under Government Code Section 56134 and are not covered under this policy.

i. The Commission will exercise independent discretion in potentially prescribing the timing of future jurisdictional changes through its authority to condition out-of-agency service approvals.

d) The Commission shall only approve out-of-agency service requests for cities and special districts involving territory outside their spheres of influence in response to efficient utilization of regional government resources and existing or impending public health and safety threats.

i. The Commission will exercise its independent discretion in determining efficient utilization of government resources and when existing or impending public health and safety threats exist with consideration of State Water Resources Control Board Division of Drinking Water, Regional Water Quality Control Board, California Department of Public Health and San Diego County Department of Public Health regulatory guidance and based on available documentation and analysis provided by LAFCO staff.

2. Definitions:

a) "Agreement" and/or "contract" shall mean a formal written arrangement contemplated under Section 56133.

b) "Service" shall mean any authorized municipal service functions and/or classes provided by cities and special districts other than fire protection as well as those exempted by the Commission within Section 4 of this policy.

c) "New service" shall mean the actual provision of municipal service functions or classes to previously unserved non-jurisdictional lands.

i. New service shall also mean the re-commencement of actual services after a discontinuous period of 12 months or more.

d) "Extended service" shall mean the intensification of municipal service functions and/or classes to served (actual) non-jurisdictional lands that require a zoning change by the land use authority.

3. Applicability:

a) The Commission determines exemption eligibility of all statutory exemptions under 56133(e) as well as local exemptions provided under Section 4 of this policy.

b) The Commission shall emphasize the "point of delivery" in assessing the applicability of Section 56133.

c) Cities and special districts may request a no-cost determination from the Commission as to whether any proposed out-of-agency services are eligible for exemption under 56133 (e) and/or Section 4 of this policy.

i. The Commission delegates all inquiries for exemption eligibility under 56133(e) and/or Section 3 of this policy to the Executive Officer. The Executive Officer shall provide written notice of their determination to the city or special district to either accept, deny, or deny pending additional information all exemption inquiries within five business days.

ii. Should the Executive Officer determine an inquiry does not qualify for exemption, the city or special district may appeal directly to the full Commission. The appeal request must be made in writing and signed by the city manager or special district manager. The Executive Officer shall include the appeal request at the next available meeting.

iii. Should the Executive Officer determine an inquiry does qualify for exemption, any city or special district that contains – whether the sphere of influence or jurisdictional boundary – the affected territory shall be given immediate written notice and may appeal directly to the full Commission. The appeal request must be made in writing and signed by the city manager or special district manager. The appeal must be received within three business days of receiving the original notice from the Executive Officer. The Executive Officer shall include the appeal request at the next available meeting and provide notice to all interested parties.

4. Exemptions

a) In addition to those provided by the Legislature under Section 56133(e), which includes agreements established prior to 2001, the Commission establishes the following local exemptions in which approvals are not required:

i. Advisory or automatic aid services provided by a city and/or special district where no monetary compensation other than reimbursements are exchanged.

ii. Agreements solely involving two or more public agencies where the public service to be provided (by Agency A) is an alternative to, or substitute for, public services already being provided by an existing public service provider (by Agency B) and where the level of service to be provided by (Agency A) is consistent with the level of service contemplated by the existing service provider (Agency B).

A) For the purposes of this section, “already being provided” means the services are within the agency’s (Agency B) jurisdictional boundary and an established service area wherein services are being actively provided by the agency (Agency B).

B) For the purposes if this section, “contemplated” means:

i. The service level is anticipated in a master plan or some long-range planning document of Agency B.
ii. Sufficient infrastructure and capacity exist (by Agency A) to provide the service.

iii. Service agreements between cities and/or special districts for the use, installations, and maintenance of meter or operational technology (OT) communications infrastructure similar to wireless ethernet, cellular towers, fiber optic, etc.

iv. Agreements involving Cathodic protection of pipelines.

v. Temporary access to cities and/or special districts' potable water supplies due to an interruption – planned or otherwise.

vi. Temporary access to cities and/or special districts' wastewater collection, treatment, or discharge facilities.

vii. Temporary access to cities and/or special districts' potable, raw, or recycled water when deemed the best and most efficient use of resources.

viii. Shared services between cities and/or special districts where monetary compensation is exchanged beyond reimbursements for any of the following activities:

- Abandoned Vehicle Abatement
- Accounting, Billing, and Payroll
- Animal Care and Control
- Building and Code Enforcement
- Customer Service
- Dispatch
- Grant Writing
- Heavy Equipment Exchange and/or operation
- Human Resources
- Information Technology
- Laboratory Services
- Legal
- Pooled Equipment Purchasing and Use
- Pooled Materials Purchasing and Use
- Pooled Services Purchasing and Use
- Public Affairs/Outreach
- Training
- Water, Wastewater, Recycled Water, Stormwater and Advanced Purification Plant Operations

5. Request Procedures:

   a) All approval requests for out-of-agency services shall be made in writing by cities and special districts and filed with the Executive Officer. Requests shall be made in letter form by the city or special district manager and include all of the following information:

      i. Identification of the affected territory by parcel number or another appropriate geographic marker.

      ii. Description of the ability of the agency to provide the contract service and relationship – including impacts – on existing and/or planned infrastructure and resources.

      iii. Application fee.

      iv. Any other information required by the Executive Officer.

   b) All approval requests for out-of-agency services received under this part shall immediately be forwarded by LAFCO to any other city or special district whose sphere of influence or jurisdictional boundary contains the affected territory.

6. Consideration Procedures:

   a) The Commission shall consider all requests for out-of-agency service approvals at a public meeting unless otherwise provided in this policy.

   b) The Executive Officer shall ensure all procedures under Section 56133 are completed and responsible for placing the request on the first available meeting agenda thereafter. The Executive Officer shall include his or her written recommendation on the request to the Commission.

   c) Should requests involve purported public health or safety threats, the Commission delegates approval authority to the Executive Officer under the following circumstances.

i. The request involves water and/or wastewater services only. If approved, the Executive Officer shall provide notice to the Commission at the next public meeting for information only.

d) All other requests involving purported public health or safety threats shall be considered by the Commission at the earliest time possible – including the scheduling of a special meeting with no less than 24-hour notice.

7. Reconsideration:

a) Should an out-of-agency service request be approved with conditions or denied, the applicant may request reconsideration consistent with Rule 3.4(2)

b) Should an out-of-agency service request be approved, any other city or special district whose sphere of influence or jurisdictional boundary contains the affected territory may request reconsideration consistent with Rule 3.4(2).

8. CEQA

a) All out-of-agency service request approvals shall be subject to concurrent review under the California Environmental Quality Act (CEQA).

b) The Commission assigns all functions and related responsibilities provided under CEQA Guidelines Section 15025 to the Executive Officer – including, but limited to, making exemption findings and related fillings.

Subject:

ENVIRONMENTAL JUSTICE

Purpose:

This policy provides standards to guide the Commission in exercising its delegated growth management duties and powers relating to environmental justice. This includes establishing baseline values in orienting the Commission's decision-making and practices to ensure the fair treatment and meaningful involvement of disadvantaged communities that historically have been disproportionately affected by pollution burdens and related economic inequalities.

Background:

State law directs San Diego LAFCO to address several factors anytime the Commission considers jurisdictional changes. The current listing of factors is codified in Government Code Section 56668 and includes considering whether proposed jurisdictional changes will promote environmental justice. This factor was added to statute beginning on January 1, 2008 and defined to mean 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.

Policy:

It is the policy of San Diego LAFCO:

1. All residents in San Diego County – irrespective of race, culture, income, and citizenship – merit equal access to safe and reliable municipal services as well as protection from pollution burdens and their economic impacts.

2. The values outlined in the preceding policy statement serve as the Commission's foundation in practicing environmental justice in all regulatory and planning activities.

3. The Commission attests environmental justice inseparably ties to climate change given the latter's disproportionate effects on disadvantaged communities and their residents' physical and mental well-being.

4. The Commission recognizes environmental justice as a critical element in making effective and equitable decisions and extends beyond addressing jurisdictional changes to include all aspects of its regulatory and planning responsibilities.

5. The Commission directs the Executive Officer to ensure an appropriate level of analysis is performed in all municipal service reviews to disclose existing pollution burdens and proximity on disadvantaged communities.

    a) Sources of key pollution burdens include – but not limited to – air quality, solid waste collection centers, hazardous waste facilities and operations, impaired water bodies, pesticide use sites, and high vehicle traffic routes. Air quality shall be used as a metric in coordination with the San Diego Air Quality Control District to identify impacted communities with respect to air particles, mobile air toxics, and other air toxics that are not from mobile (vehicular) sources.

    b) Disadvantaged communities are defined for purposes of this policy to meet any of the following criteria.

        i. Any area comprising a distinct census measurement (tract or block) where the residents' median household incomes are 80% or more below the overall county average. The Executive Officer shall retain discretion in determining the appropriate census measurement under this provision.

        ii. Any area currently designated as a disadvantaged by the State of California Office of Environmental Health Hazard Assessment.

        iii. Any tribal lands.

6. RESERVED |
This placeholder is provided to cross-reference the anticipated adoption of community engagement strategies in conducting municipal service reviews.

7. As authorized under statute, the Commission shall require an additional determination to be made in municipal service reviews to address environmental justice issues in the affected region and/or among the affected agencies.

8. The Commission will draw – and expand as appropriate – on the baseline information on pollution burdens addressed in municipal service reviews when considering jurisdictional changes to determine if the proposed actions sufficiently promote environmental justice.

    a) As part of the administrative review on proposed jurisdictional changes, LAFCO shall provide a notice of the application to the County of San Diego's Office of Environmental and Climate Justice for their review and comment.

9. The Commission shall exercise its authority in statute to condition jurisdictional changes as warranted to further promote environmental justice specific to mitigating and/or avoiding pollution burdens and their associated economic impacts.

Adopted: February 7, 2022