

SAN DIEGO LOCAL AGENCY FORMATION COMMISSION
APPLICATION for EXPANSION and/or ACTIVATION of LATENT POWERS

The following information must be submitted with the application;
additional information may be requested during proposal review.

1. Completed APPLICATION for LATENT POWERS EXPANSION and/or ACTIVATION.
2. Certified resolution of application from each subject district (Government Code § 56654).
3. A metes-and-bounds legal (geographic) description for the perimeter of the subject area and a reproducible map may be required. LAFCO staff should be contacted to determine if this application requirement is necessary. Information about mapping requirements is available at www.sdlafco.org/forms/legal_description.pdf; or contact the County Assessor's Mapping Division at 619/531-6468.
4. One copy of each subject districts' adopted budget and staffing schedules for the current and previous fiscal year, most recent audits, capital improvement programs/plans, master service plans, and one copy of a five-year proposed budget and staffing schedule for the subject agency detailing expenditures, anticipated revenues, and reserves.
5. Terms and Conditions. Terms and conditions should address assumptions underlying the proposal, including but limited to: (1) transfer/addition of personnel and personnel rights; (2) restrictions on the use of discretionary revenue; (3) organization and governance; (4) proposed effective date of change of organization.
6. List of agencies, groups, and individuals that were contacted regarding the proposal.
7. Completed CAMPAIGN CONTRIBUTION DISCLOSURE FORM and EVALUATION CHECKLIST for DISCLOSURE OF POLITICAL EXPENDITURES.
8. Completed SUBJECT AGENCY SUPPLEMENTAL INFORMATION FORM from each subject agency.
9. LAFCO processing fees. Refer to <http://www.sdlafco.org/document/feeschedule.pdf>, or contact LAFCO staff.

SAN DIEGO LOCAL AGENCY FORMATION COMMISSION
2550 Fifth Avenue · Suite 725 · San Diego, CA 92103
(619) 321-3380 · www.sdlafco.org

Updated: October 21, 2015

LATENT POWERS EXPANSION AND/OR ACTIVATION APPLICATION

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

SUBJECT AGENCY(IES) (City or Special District)	PROPOSED CHANGE OF ORGANIZATION/ACTION (Latent powers activation, expansion, annexation, detachment, dissolution, sphere amendment, etc.)
1. _____	1. _____
2. _____	2. _____
3. _____	3. _____
4. _____	4. _____

As part of this application, the city of _____ or the _____ district, _____ (the applicant), and/or the _____ (real party in interest: subject landowner and/or registered voter) agree to defend, indemnify, hold harmless, and release the San Diego LAFCO, its agents, officers, attorneys, and employees from any claim, action, or proceeding brought against any or all of them, the purpose of which is to attack, set aside, void, or annul the approval or denial of this application or adoption of or refusal to adopt the environmental document which accompanies it or any other action San Diego LAFCO takes with respect to this application. This defense and indemnification obligation shall include, but not be limited to, attorneys' fees and other costs of defense, damages, costs, and expenses, including attorney fees payable to another party. The person signing this application will be considered the proponent for the proposed action(s) and will receive all related notices and other communications. San Diego LAFCO's acceptance of this application is sufficient to make this agreement a binding, bilateral contract between us.

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

Agreed:

Signature: _____ Date: _____

Print/Type Name: _____

Address: _____

Telephone: () _____

Property Address: _____

Cross Street(s): _____

Assessor Parcel Number(s): _____ Acres: _____

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

Name: _____

Address: _____

Telephone: () _____

APPLICATION FOR EXPANSION AND/OR ACTIVATION OF LATENT POWERS

*Please respond fully to the following requests for information; use additional sheets of paper as required. Respond with NA to items that do **not** apply.*

GENERAL INFORMATION

1. Why is LATENT POWERS ACTIVATION/EXPANSION proposed?
2. Identify existing service providers and discuss all changes in providers or amendments to existing services or agreements that would be required to accommodate the proposal.
3. Describe any proposed changes to service, which would be required as a result of the proposal.
4. Please identify current and proposed staffing:

Safety	FY: Current	FY: Proposed	Comments
Number of paid personnel:			

5. List specific position classifications for all additional personnel that would be hired as a result of the latent powers application.

6. List services currently provided and services that the subject agency would provide:

	Name of Agency:	Current Services	Proposed Services
a.			
b.			
c.			
d.			
e.			

7. Briefly discuss any **new** service that would be provided within the reorganized district.

8. Discuss how the proposal will affect opportunities for furthering efficiencies, such as usage of joint powers agreements, joint powers authorities/agreements, regional planning opportunities, etc. List current shared activities with other service providers, including shared facilities and staff. Discuss how the proposal will further these efforts.

Name of Agency:

9. District Population

10. Registered Voters

11. Acres / Square miles

12. Describe prevalent land uses in each district; list predominant General Plan designations.

13. Briefly discuss all development or change in land–use that the proposal would allow.

14. What sphere of influence change(s) is/are proposed for the subject agency?

15. Discuss the ability of the subject district to provide services to all territory within the district's sphere of influence. Include a discussion of the cost to extend services.
16. List special taxes approved by voters within the district. If the agency will continue to levy voter-approved taxes, explain restrictions and processes concerning collection and expenditure of special tax revenue.
17. Briefly describe if new equipment or equipment upgrades that would be required to implement proposal. Provide cost estimates and explain how capital funds will be available for purchase.

SUPPLEMENTAL FISCAL AND GENERAL INFORMATION

For the questions in this section, please submit answers on additional pages, indicate who provided the information, and attach the pages to this form.

1. Per requirements in Government Code Section 56653 and 56824.12, submit with this application a plan for providing services within the affected territory. At a minimum the plan for services must include: (1) An enumeration and description of the services to be provided; (2) The level and range of services to be provided; (3) An indication of when services can be feasibly extended to the reorganization territory; (4) An indication of any improvements or upgrades of facilities that the subject agency will make or require; and (5) Total estimated cost to provide services; (6) Estimated cost of services to customers; (7) Identification of existing service providers; (8) Whether the latent powers proposal will involve the activation, expansion, or divestiture of service powers and authorization; (9) Plan for financing the establishment of new or different service functions; and (10) Alternatives for establishing new or different functions or classes of services.
2. Provide a copy of each district's: adopted budgets and staffing schedules for the current and previous fiscal-year and the most recent audits, Capital Improvement Programs, Master Service Plans, and a copy of a five-year proposed budget and staffing schedule for the subject agency detailing expenditures, anticipated revenues, and reserves.
3. Explain how operations for each district have been financed and include a narrative summary of all sources of revenues and expenditures. Cite the fiscal year for the data and indicate how the sources of revenue and associated expenditures will change with the proposal. If new opportunities for additional revenue will result from the proposal (e.g., joint agency grant applications, etc.). Please explain.
4. Describe any voter-approved charges or taxes that each district currently levies, and indicate if the district would continue to levy them after this change of organization.
5. Discuss the opportunities for improved service delivery associated with proposed changes in government organization through merging staff, reduction/attrition, phasing out of positions, etc.
6. What will be the major source(s) of funding for the subject district?
7. Indicate if the district plans to establish improvement districts as a mechanism to continue the collection of fees and taxes in each former district's territory. If the proposed improvement district has different boundaries than the former district, provide a map and legal description. If improvement districts or tax zones are proposed to be formed, explain the rationale used to determine the boundaries and associated benefit fees, taxes, or assessments.

8. If the district proposes to levy additional fees or taxes as a result of this proposal, indicate how those costs will be levied, and what the cost will be for each resident/service user.
9. Discuss any opportunities for cost-savings or cost-avoidance. Include in the response any proposed actions to decrease or charges/fees; whether employee salaries and benefits will be increased or decreased; effects on equipment purchase, facility planning, shared facility usage, insurance costs, overall service costs, etc. Note that any associated cost-savings/increases needs to be reflected in the proposed budgets submitted with the LAFCO application.
10. List any terms and conditions that are requested for this proposal.
11. List all agencies, groups and individuals contacted regarding this proposal.
12. Are there any jurisdictional issues/conflicts associated with the proposal?
☐ YES ☐ NO (If yes, please complete the LAFCO Policy L-107 form)

CAMPAIGN CONTRIBUTION DISCLOSURE PROVISIONS

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

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

1. No LAFCO commissioner shall accept, solicit, or direct a contribution of more than \$250 from any party¹ or agent² while a change of organization proceeding is pending, and for three months subsequent to the date a final decision is rendered by LAFCO. This prohibition commences when your application has been filed, or the proceeding is otherwise initiated.

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

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

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

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

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

Names of current LAFCO commissioners are available at <http://www.sdlafco.org/document/CommRoster.pdf>. If you have questions about Government Code Section 84308, FPPC regulations, or the Campaign Disclosure Form, please contact San Diego LAFCO at 2550 Fifth Avenue, Suite 725, San Diego, CA 92103, (619) 321-3380.

CAMPAIGN CONTRIBUTION DISCLOSURE FORM

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

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

1. _____

2. _____

(c) Date and amount of contribution:

Date _____ Amount \$ _____

Date _____ Amount \$ _____

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

1. _____

2. _____

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

Printed Name _____

Signature _____

Date _____ Phone _____

To be completed by LAFCO:

Proposal:

Ref. No.

DISCLOSURE OF POLITICAL EXPENDITURES

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

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

- Any person or combination of persons who, for political purposes, directly or indirectly contributes \$1,000 or more, or expend \$1,000 or more in support of, or in opposition to a proposal for a change of organization or reorganization that will be submitted to the Commission, shall disclose and report to the Commission to the same extent and subject to the same requirements of the Political Reform Act of 1974 (Government Code Section 81000 et seq.) as provided for local initiative measures, and Section 56700.1 of the Cortese-Knox-Hertzberg Act of 2000.
- Pursuant to Government Code Section 57009, any person or combination of persons who directly or indirectly contributes \$1,000 or more, or expends \$1,000 or in support of, or in opposition to, the conducting authority proceedings for a change of organization or reorganization, must comply with the disclosure requirements of the Political Reform Act of 1974, (Government Code section 81000 et seq.). Applicable reports must be filed with the Secretary of State and the appropriate city or county clerk. Copies of the report must also be filed with the Executive Officer of San Diego LAFCO.
- A roster of current San Diego LAFCO commissioners is available from the LAFCO office: 2550 Fifth Avenue, Suite 725, San Diego, CA 92103, (619) 321-3380, or from <http://www.sdlafco.org/document/CommRoster.pdf>.

EVALUATION CHECKLIST FOR DISCLOSURE OF POLITICAL EXPENDITURES

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

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

☐ Yes

☐ No

Date of contribution _____

Amount \$ _____

Name/Ref. No. of LAFCO proposal _____

Date proposal submitted to LAFCO _____

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

☐ Yes

☐ No

Date of contribution _____

Amount \$ _____

Name/Ref. No. of LAFCO proposal _____

Date proposal submitted to LAFCO _____

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

☐ Yes

☐ No

SUBJECT AGENCY SUPPLEMENTAL INFORMATION FORM

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

Signature of agency representative

Print name

Title

Telephone

Date

A. JURISDICTIONAL INFORMATION:

Name of agency: _____

1. Is the proposal territory within the agency's sphere of influence? Yes ☐ No ☐

2. Upon LAFCO approval, will the proposal territory be included within an assessment district and be subject to assessment for new or extended services? Yes ☐ No ☐

3. Does the agency have plans to establish any new assessment district that would include the proposal territory? Yes ☐ No ☐

4. Will the proposal territory assume any existing bonded indebtedness? Yes ☐ No ☐

If yes, indicate any taxpayer cost: \$ _____

5. Will the proposal territory be subject to any special taxes, benefit charges, or fees? Yes ☐ No ☐

If yes, please provide details of all costs: _____

6. Is the agency requesting an exchange of property tax revenues as a result of this proposal? Yes ☐ No ☐

7. Is this proposed jurisdictional change subject to a master property tax agreement or master enterprise district resolution? Yes ☐ No ☐

B. SEWER SERVICE:

1. What is the agency's current wastewater treatment capacity (expressed in million gallons per day and equivalent dwelling units)? _____

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

3. (a) What is the agency's peak flow volume (expressed in million gallons per day)?

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

(c) Has the agency exceeded the flow (peak) capacity within the past two years?
(d) **If yes**, please describe the frequency and volume of incidents that exceeded the agency's peak capacity: _____
_____ ☐ YES ☐ NO
4. (a) Has the agency issued a letter of sewer availability for the proposal territory? ☐ YES ☐ NO
(b) **If yes**, please provide a copy of the letter. (This documentation should be completed by the agency no longer than 6 months prior to submittal to LAFCO.)
5. (a) How many future equivalent dwelling units have been reserved or committed for proposed projects? _____
(b) Can all projects that have received commitments of sewer availability (e.g., "will serve letters") be accommodated with planned capacity? ☐ YES ☐ NO
6. (a) Does the agency have the necessary contractual and/or operational treatment capacity to provide sewer service to the proposal territory? ☐ YES ☐ NO
(b) **If yes**, please specify the proposal territory's estimated sewer demand and the agency's available sewer capacity (expressed in million gallons per day and equivalent dwelling units):

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

7. Will the proposal territory be annexed to a sewer improvement district? ☐ YES ☐ NO
8. (a) The distance for connection of the proposal territory to the agency's existing sewer system is _____ feet.
(b) Describe the location of the connection to the agency's existing sewer system:

C. WATER SERVICE:

1. (a) Does the subject agency have adequate water supply and sufficient contractual and/or operational capacity available to serve the proposal territory? ☐ YES ☐ NO
- (b) **If yes**, describe the proposal territory's estimated water demand and the agency's available water supply and capacity (expressed in acre-feet or million gallons per day):

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

2. Specify any improvements (on and off-site) that will be necessary to connect and serve the anticipated development. Indicate the total cost of these improvements and method of financing (e.g., general property tax, assessment district, landowner or developer fees): _____

3. (a) Has the agency issued a letter of water availability for the proposal territory? ☐ YES ☐ NO
- (b) **If yes**, please provide a copy of the letter. (This documentation should be completed by the agency no longer than 6 months prior to submittal to LAFCO.)
4. (a) The distance for connection of the proposal territory to the agency's existing water system is _____ feet.
- (b) Describe the location of the connection to the agency's existing water system:

5. (a) Is the agency currently under any drought-related conditions and/or restrictions? ☐ YES ☐ NO
- (b) **If yes**, describe the conditions and specify any related restrictions:

6. (a) Will the proposal territory utilize reclaimed water? ☐ YES ☐ NO
- (b) **If yes**, describe the proposal territory's reclaimed water use and the agency's available reclaimed water supply and capacity (expressed in acre-feet or million gallons per day):

- (c) The distance for connection of the proposal territory to the agency's existing reclaimed water system is _____ feet.
- (d) Describe the location of the connection to the agency's existing reclaimed water system: _____
- (e) **If no**, has the agency considered availability of reclaimed water to the proposal territory? ☐ YES ☐ NO
- (f) What restrictions prevent use of reclaimed water? _____

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

FIRE PROTECTION

1. Identify existing dispatch providers and discuss all changes in providers or amendment to existing communications agreements that would be required to accommodate the proposal.
2. Describe any proposed changes to paramedic service, which would be required as a result of the proposal.
3. How would the proposal affect exclusive operating areas (EOA) for the subject districts?
4. Please identify current and proposed staffing:

	Name of Agency	Name of Agency
Safety		
Number of paid personnel:		
Number of paid reserves:		
Number of non-paid reserves:		
Non-Safety		
Number of Admin / Support		

5. List specific position classifications for all additional personnel that would be hired as a result of this proposal.
6. Describe all if there are any retirement liabilities that would result from the proposal and how liabilities would be addressed.
7. List existing automatic and mutual aid agreements and indicate which agreements may need to be amended to facilitate the proposal.

8. Discuss the anticipated ISO rating for the subject agency and the ISO process for reevaluating the service area.

9. Briefly explain how the districts' operations have been financed; list major revenue sources and identify the percent of operational funding which each source represents.

Name of Agency: _____

10. Briefly describe if new equipment or equipment upgrades that would be required to implement proposal. Provide cost estimates and explain how capital funds will be available for purchase.