

REGULAR MEETING AGENDA

SAN DIEGO LOCAL AGENCY FORMATION COMMISSION

MONDAY, APRIL 2, 2018, 9:00 A.M.
COUNTY ADMINISTRATION CENTER | ROOM 302
1600 PACIFIC HIGHWAY
SAN DIEGO, CALIFORNIA

9:00 A.M. – CALL TO ORDER BY CHAIR | ROLL CALL

PLEDGE OF ALLEGIANCE

AGENDA REVIEW

The Chair will consider requests to remove or rearrange items on the agenda.

PUBLIC COMMENT

Opportunity for members of the public to speak to the Commission on any subject matter within the Commission's jurisdiction, but not an item on today's agenda. Each speaker's presentation may not exceed 3 minutes. (Please note for items on today's agenda, speakers should fill out a speaker slip and address the Commission when the agenda item is discussed and their name is called.)

CONSENT ITEMS

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

1. Approval of Meeting Minutes | March 5, 2018 (action)

The Commission will consider approving summary minutes prepared by LAFCO staff for the March 5, 2018 meeting.

2. Commission Ratification | Recorded Payments for February 2018 (action)

The Commission will consider ratifying payments received and made for the month of February 2018 with the latter category totaling \$124,955.

3. Proposed Change of Organization | Sanford Street-McLean Annexation to the Leucadia Wastewater District | DA18-02 (action)

The Commission will consider a proposal filed by the Leucadia Wastewater District seeking annexation of an approximate 0.35 acre residential lot in the City of Encinitas. Staff recommends approval without modifications. Standard conditions also recommended. The affected territory is identified by the County Assessor's Office as 254-102-27.

CONSENT ITEMS CONTINUED

4. Approval of Conflict Waiver for County Counsel Services (action)

The Commission will consider a recommendation to approve a standard conflict waiver to allow Senior Deputy Counsel Rachel H. Witt to simultaneously represent LAFCO and the County on items of mutual interests.

5. Current Proposal Activity and Related Items (information)

The Commission will receive an update on active proposals as well as other related matters pending before LAFCO. Information only.

6. CALAFCO | White Paper on Agricultural Preservation (information)

The Commission will receive a white paper prepared by CALAFCO outlining opportunities and strategies to protect agricultural lands in California. Information only.

PUBLIC HEARING ITEMS

Public hearing Items require expanded public notification per provisions in State Law or directives of the Commission or Executive Officer.

7. Adoption of Final Workplan and Budget for 2018-2019 (action)

The Commission will consider recommendations from the Executive Officer in adopting a final workplan and operating budget for 2018-2019. Workplan outlines 25 project goals for the fiscal year and includes one notable addition since the presentation of an earlier draft in February to include updating the memorandum of understanding between LAFCO and the County of San Diego. Budget includes minor revisions relative to the draft presented in February and sets budget expenses at \$1.906 million; the latter of which represents an overall decrease of (\$0.080) million or (4.0%) from the current fiscal year.

BUSINESS ITEMS

Business Items involve administrative, budgetary, legislative, or personnel matters and may or may not be subject to public hearings.

8. Draft Study Schedule for FY2019 to FY2023 | Calendaring Municipal Service Reviews and Sphere of Influence Updates (discussion)

The Commission will review a draft five-year study schedule calendaring municipal service reviews and sphere of influence updates beginning in FY2019. Discussion and feedback is requested on the draft ahead of staff proceeding to initiate a formal public review before returning to the Commission with a final version for approval at a future meeting.

9. Legislative Report (action)

The Commission will receive a report on legislative items of interests to San Diego LAFCO as part of the second year of the 2017-2018 session. Commission action may include taking formal positions on the items presented.

EXECUTIVE OFFICER REPORT

COMMISSIONER ANNOUNCEMENTS | REQUESTS FOR FUTURE ITEMS

ADJOURNMENT TO NEXT REGULAR MEETING
May 7, 2018



Attest to Posting: Tamaron R. Lockett
Executive Assistant

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

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Chair

Jo MacKenzie, Director
Vista Irrigation District

Vice Chair

Ed Sprague, Director
Olivenhain Municipal Water

Members

Catherine Blakespear, Mayor
City of Encinitas

Bill Horn, Supervisor
County of San Diego

Dianne Jacob, Supervisor
County of San Diego

Andrew Vanderlaan
Public Member

Bill Wells, Mayor
City of El Cajon

Lorie Zapf, Councilmember
City of San Diego

Alternate Members

Lorie Bragg, Councilmember
City of Imperial Beach

Chris Cate, Councilmember
City of San Diego

Greg Cox, Supervisor
County of San Diego

Judy Hanson, Director
Leucadia Wastewater District

Harry Mathis
Public Member

Executive Officer

Keene Simonds

Counsel

Michael G. Colantuono

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AGENDA REPORT Consent | Action

April 2, 2018

TO: San Diego Commissioners
FROM: Tamaron Luckett, Executive Assistant
SUBJECT: Approval of Meeting Minutes | March 5, 2018

SUMMARY

The San Diego Local Agency Formation Commission (LAFCO) will receive minutes prepared for the last meeting of the Commission held on Monday, March 5, 2018. The minutes are being presented for formal approval with any desired corrections or clarifications as requested by the Commission.

BACKGROUND

The Ralph M. Brown Act was enacted by the State Legislature in 1953 and establishes standards for the public to attend and participate in meetings of local government bodies. The “Brown Act” requires – and among other items – public agencies to maintain written minutes for qualifying meetings.

DISCUSSION

This item is for San Diego LAFCO to consider approving summary minutes for the March 5, 2018 regular meeting as recorded by staff. All members were present with the exception of the following persons: Bill Horn (regular); Chris Cate (alternate); Greg Cox (alternate); and Harry Mathis (alternate).

ANALYSIS

The attached summary minutes for the March 5, 2018 meeting accurately reflect the Commission’s actions as recorded by staff.

ALTERNATIVES FOR ACTION

The following alternatives are available to the Commission:

Alternative One (Recommended)

Approve the draft action summary prepared for the March 5, 2018 regular meeting with any desired corrections or clarifications.

Alternative Two

Continue the item to the next regular meeting and provide direction as needed.

RECOMMENDATION

It is recommended the Commission proceed with the action identified in the preceding section as Alternative One.

PROCEDURES

This item has been placed on the agenda as part of the consent calendar. Accordingly, a successful motion to approve the consent calendar will include taking affirmative action on the staff recommendation as provided unless otherwise specified by the Commission.

Respectfully,

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Tamaron Lockett

Executive Assistant

Attachment:

- 1) Draft Meeting Minutes for March 5, 2018

ATTACHMENT ONE

**DRAFT
SAN DIEGO LAFCO
MINUTES OF THE REGULAR MEETING
MARCH 5, 2018**

CALL TO ORDER BY CHAIR

There being a quorum present, the meeting was convened at 9:03 a.m. by Chair MacKenzie.

ROLL CALL

The Commission Clerk performed the roll call for the March 5, 2018 LAFCO meeting. Roll was recorded as follows:

Regulars Present: Catherine Blakespear, City of Encinitas
Dianne Jacob, County of San Diego
Jo MacKenzie, Vista Irrigation District (CHAIR)
Ed Sprague, Olivenhain Municipal Water District (VICE CHAIR)
Andy Vanderlaan, Public
Bill Wells, City of El Cajon
Lorie Zapf, City of San Diego

Alternates Present: Lorie Bragg, City of Imperial Beach
Judy Hanson, Leucadia Wastewater District

Members Absent: Chris Cate, City of San Diego – Alternate
Greg Cox, County of San Diego – Alternate
Bill Horn, County of San Diego – Regular
Harry Mathis, Public – Alternate

Additionally, the following staff were present at the dais side during roll call: Executive Officer Keene Simonds; Chief Policy Analyst Robert Barry; Commission Counsel Holly Whatley; and Executive Assistant Tamaron Lockett.

Commissioner Zapf arrived at 9:07 a.m.

Commissioner Hanson departed at 10:02 a.m.

PLEDGE OF ALLEGIANCE

Commissioner Blakespear led the Commission in the Pledge of Allegiance.

AGENDA REVIEW

Chair MacKenzie asked the Executive Officer if there were requests to remove or rearrange items on the agenda. Executive Officer indicated there were no requests, and the Chair announced the meeting would follow the agenda as presented.

PUBLIC COMMENT

Chair MacKenzie asked the public seated in the audience if anyone would like to address the Commission on an item that is not related to the agenda. Without any speaker slips or seeing anyone approach the dais Chair MacKenzie ended the public comment period.

CONSENT ITEMS

All items calendared as consent are considered ministerial or non-substantive and subject to a single motion approval should the Commission waive individual reading. Chair MacKenzie stated the Commission would proceed with individual readings.

On motion of Commissioner Sprague, seconded by Commissioner Vanderlaan, and carried unanimously by the Commissioners present, the Commission approved the staff recommendations for the consent calendared items with no discussion.

Item 1

Approval of Meeting Minutes | February 5, 2018

Item presented on the consent calendar for action to approve. Item involves draft minutes prepared for the Commission's February 5, 2018 regular meeting.

Item 2

Commission Ratification | Recorded Payments for January (2018)

Item presented on the consent calendar for action to receive and file. Item involves ratification of recorded financial payments received and distributed for the month of January 2018. Includes payments made by the Executive Officer totaling \$101,039.

Item 3

Update on Special District Appointments to the San Diego County Consolidated Redevelopment Oversight Board

Item presented on the consent calendar for information only. Item provides update on the appointment process to seat special district representatives (one regular and one alternate) on the San Diego County Consolidated Redevelopment Oversight Board by June 30th.

Item 4

Current Proposal Activity and Related Items

Item presented on the consent calendar for information only. Item outlines current and pending projects on file with LAFCO as well as anticipated filings.

PUBLIC HEARING ITEMS

Public hearing items require expanded public notification per provisions in State Law or directives of the Commission or Executive Officer.

Item 5

Proposed Tri-City Healthcare District Reorganization and Associated Sphere of Influence Amendments | Ref. Nos. RO17-09; SA17-09a and SA17-09b

The public hearing was opened by Chair MacKenzie. Chief Policy Analyst Robert Barry provided a PowerPoint presentation to the Commission summarizing the proposal. Mr. Barry clarified that the reorganization involves annexations of 8,232.206-acres to Tri-City Healthcare District and 57.35-acres to Palomar Health Healthcare District along with detachments of 25,657.79-acres from Tri-City Healthcare District and 2,747.37-acres from Fallbrook Regional Health District. Mr. Barry added the reorganization also requires sphere amendments to Tri-City and Palomar Health Healthcare Districts to facilitate the proposed boundary changes. Mr. Barry also added Special Study Area designations were proposed by staff to facilitate needed discussions between Tri-City and Palomar for a potential reorganization to ultimately provide that all of Carlsbad and Vista lie in Tri-City. Mr. Barry concluded his presentation by noting the staff recommendation was to approve the proposal as presented with the referenced Special Study Area designations along with conditioning approval on Tri-City and Fallbrook agreeing to phase the implementation of the negotiated property tax exchange to lessen the short-term financial impact on Fallbrook. Mr. Barry also confirmed the Commission could waive protest proceedings so long as no written opposition from affected landowners or registered voters is received before the close of the hearing.

Chair MacKenzie noted two speaker slips were received from Counsel Blaise Jackson with Fallbrook Regional Healthcare and Counsel Adriana Ochoa with Tri-City Healthcare.

Counsel Blaise Jackson with Fallbrook Regional Health District addressed the Commission and spoke in favor of the staff recommendation that includes keeping the condition for the agencies to enter into a memorandum of understanding (MOU) to phase the implementation of the property tax exchange. Mr. Jackson noted Fallbrook will experience an approximate 10 percent reduction in operating revenues as a result of the reorganization, and phasing the full implementation of the exchange over a small period of time would help absorb this significant impact to the District.

Counsel Adriana Ochoa with Tri-City Healthcare District addressed the Commission and also focused her comments on the MOU condition. Ms. Ochoa recommended that the Commission remove the condition given the need to coordinate with two separate boards may ultimately delay the process for recordation ahead of the deadline set by the Register of Voters to have the changes reflected in the November general election. Ms. Ochoa added it was vital for Tri-City to make this deadline given the District's desire to have the boundaries updated in step with transitioning from at-large to district-based elections.

Commissioner Jacob asked Ms. Ochoa to clarify the deadline to complete the recordation process to make the November election. Ms. Ochoa responded that the deadline provided by the Register of Voters is May 10th.

Commissioner Jacob noted her concerns that if the MOU condition is not included that Fallbrook Regional Health District would lose all leverage in negotiating a phase-in with respect to the adjustment of property tax proceeds. Commissioner Jacob also suggested that it may be appropriate for LAFCO to continue this item and provide more time for the MOU to be addressed by Tri-City and Fallbrook.

Commissioner Wells asked if the item were to be continued what would be the length of time and would it adversely affect the process. Executive Officer indicated that the Commission could continue the item to the April 2nd meeting, and assuming approval the proposal could satisfy the mandatory 30-day reconsideration period and get recorded before May 10th so long as protest proceedings can be waived.

Commissioner Blakespear suggested that the condition remain per the staff recommendation and that the item not be continued and to let the two districts resolve and negotiate the matter knowing there is a May 10th deadline to record.

Commissioner Zapf suggested that the public hearing be closed and address the waiver of the protest hearing proceedings.

With no further members of the public wishing to speak in support or in opposition of the item, Chair MacKenzie closed the public hearing.

Commission Counsel Holly Whatley addressed the Commission to clarify for the record that no written protest for the reorganization had been received by the close of the hearing, and should the Commission choose to proceed with approval they could waive protest proceedings.

Commissioner Sprague asked for clarification about the stipulation of the MOU and the transfer of the \$181,000 between Tri-City and Fallbrook Regional Health and whether it is just based on timing for the issue to be resolved. The Executive Officer responded yes.

Seeing no other comments or questions, Chair MacKenzie asked for a motion.

It was moved by Commissioner Blakespear, seconded by Commissioner Jacob to approve the staff recommendation identified as Alternative Action One in the agenda report, which includes keeping the MOU condition.

Chair MacKenzie asked for a roll call of vote.

The Commission Secretary recorded the following votes:

AYES: Commissioners Blakespear, Jacob, MacKenzie, Sprague, Vanderlaan, Wells, and Zapf
NOES: None
ABSENT: Commissioner Horn
ABSTAINING: None

With agreement from the Commission Chair MacKenzie concluded the item by asking staff to bring back a status report on progress made between Tri-City and Palomar Health on the special study areas by December 2018.

BUSINESS ITEMS

Business items involve administrative, budgetary, legislative, or personnel matters and may or may not be subject to public hearings.

Item 6

Retirement Pension Benefits | Review of Available Options for New Employees

Item presented on the business calendar for discussion only. Executive Officer provided brief comments about the existing retirement pension benefits provided to employees along with reviewing alternate options for new hires. The Executive Officer concluded it would be best for the Commission to stay the course and not make any changes to pension benefits for new hires at this time, but added it would be appropriate to circle back on three specific items. This includes adopting a resolution confirming LAFCO will follow the County's transition to its Tier D pension plan for new hires starting July 1st, updating the MOU between LAFCO and the County, and scheduling a future review of long-term pension options and goals.

Commissioner Jacob commented she supported the Executive Officer recommendation.

Following additional comments by other Commissioners the Chair concluded the item and directed staff to proceed as discussed.

Item 7

Report from the CALAFCO Board Meeting

Item presented on the business calendar for discussion only. Commissioner MacKenzie provided brief comments about the CALAFCO Board meeting that she attended along with the Executive Officer. Topics included the budget and review of membership dues. It was noted there is a division emerging within CALAFCO with the Southern region members believing the current due structure is inequitable, and any further increases that may result from a current rate review would only deepen the inequity.

Commissioner Jacob suggested LAFCO not support any due increases at CALAFCO that do not address the existing inequity. Similar comments were made by other Commissioners.

Chair MacKenzie added there were a number of bills CALAFCO is watching that may prove significant to LAFCO and other local agencies. This included SB 623 and the proposed \$0.95 monthly water tax on all residential connections.

Commissioner Jacob added the Union-Tribune published a recent story on a proposed regionalization of the western states' electrical grid and suggested LAFCO and CALAFCO make note of this item and the potential impacts on local ratepayers going forward.

After additional discussion by Commissioners Chair MacKenzie concluded the item and noted she would report back in April on the next CALAFCO Legislative Committee meeting set for late March.

EXECUTIVE OFFICER REPORT

Executive Officer said that there will be a Special Districts Advisory Committee meeting on March 16, 2018. He also said that Michael Colantuono was appointed as the State Bar President and Holly Whatley will be filling in at the LAFCO meetings for the remainder of the calendar year.

COMMISSIONER ANNOUNCEMENTS | REQUESTS FOR FUTURE ITEMS

Commissioner MacKenzie announced the next meeting will be held on April 2, 2018.

ADJOURNMENT

There being no further business to come before the Commission, the meeting was adjourned by Chair MacKenzie at 10:15 a.m. until April 2, 2018 upon approval by the Commission.

**TAMARON LUCKETT
EXECUTIVE ASSISTANT**

Chair

Jo MacKenzie, Director
Vista Irrigation District

Vice Chair

Ed Sprague, Director
Olivenhain Municipal Water

Members

Catherine Blakespear, Mayor
City of Encinitas

Bill Horn, Supervisor
County of San Diego

Dianne Jacob, Supervisor
County of San Diego

Andrew Vanderlaan
Public Member

Bill Wells, Mayor
City of El Cajon

Lorie Zapf, Councilmember
City of San Diego

Alternate Members

Lorie Bragg, Councilmember
City of Imperial Beach

Chris Cate, Councilmember
City of San Diego

Greg Cox, Supervisor
County of San Diego

Judy Hanson, Director
Leucadia Wastewater District

Harry Mathis
Public Member

Executive Officer

Keene Simonds

Counsel

Michael G. Colantuono

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AGENDA REPORT
Consent | Action

April 2, 2018

TO: San Diego Commissioners
FROM: Keene Simonds, Executive Officer
SUBJECT: **Commission Ratification |
Recorded Payments for February 2018**

SUMMARY

The San Diego Local Agency Formation Commission (LAFCO) will review a report identifying all payments received and made for the month of February 2018. These payments cover all recorded transactions for the period and include \$124,955 in total distributions made by the Executive Officer. The payments are being presented for ratification and reflect a new reporting system to address best practices and interest therein by the Commission in establishing additional public documentation on bookkeeping procedures.

BACKGROUND

**Adopted Policies |
Accounting Procedures**

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

New Reporting System | Incorporating Best Practices

It is the practice of the Executive Officer to present recorded expense and revenue transactions for formal ratification by San Diego LAFCO. This discretionary reporting is consistent with best practices increasingly enlisted by other local governmental agencies and addresses interest expressed by Commissioners in establishing additional public documentation on San Diego LAFCO's bookkeeping procedures.

DISCUSSION

This item is for San Diego LAFCO to consider ratification of all made and received payments recorded by the Executive Officer between February 1st and February 28th. A detailing of these transactions are provided in Attachment One. Should the Commission have any questions or request additional documentation it would be appropriate to either continue the item or provide clarifying direction to staff going forward in recording payments.

ANALYSIS

The recorded payments made by the Executive Officer for the month of February 2018 total \$124,955 with nearly three-fourths tied to expenditures with the County of San Diego. This includes covering payroll obligations, rent, information technology, and general overhead. Consultant costs represent the majority of the remaining expenditures. Recorded revenues for the period total \$9,147 and largely tied to collecting fees for two new proposal submittals during the month of February.

ALTERNATIVES FOR ACTION

The following alternatives are available to San Diego LAFCO:

Alternative One (Recommended):

Ratify the recorded payments received and made by the Executive Officer between February 1 and February 28, 2018 as shown in Attachment One.

Alternative Two:

Continue consideration of the item to the next regular meeting and provide direction to staff as needed.

RECOMMENDATION

It is recommended San Diego LAFCO proceed with the actions outlined in the preceding section as Alternative One.

San Diego LAFCO

April 2, 2018 Regular Meeting

Agenda Item No. 2 | Payment Ratification for February 2018

PROCEDURES

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

Respectfully,



Keene Simonds
Executive Officer

Attachment:

- 1) Recorded Payments | February 1 to February 28, 2018

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SAN DIEGO LAFCO
Expenses by Vendor Detail
January 2018

Attachment One

Payable Receivable Party	Date	Account	Amount	Jan	Purpose	Type	Funding Account
E AT&T Mobility							
	02/12/2018	62074 · Telephone	161.74	#	Mobile Services: KS and RB	check	1026 · Wells Fargo Checking - 2579
E Best, Best & Krieger							
	02/21/2018	62622 · Training/Registration Fees	100.00		Harassment Avoidance Training: KS and RB	check	1026 · Wells Fargo Checking - 2579
E Best Buy							
	02/16/2018	62330 · Office Equipment/Supplies	405.66		TV for Video-Conferencing	credit card	SDCCU Checking - 3558
	02/18/2018	62330 · Office Equipment/Supplies	37.70		Digital Antenna for News	credit card	SDCCU Checking - 3558
			443.36				
E Billing Hostway							
	02/13/2018	62370.5 · Web and Document Support	21.95	#	LAFCO Website Support Monthly Payment	check	1026 · Wells Fargo Checking - 2579
E CALAFCO							
	02/22/2018	62622 · Training/Registration Fees	340.00	#	April 2018 Annual Workshop - E. Blom	check	1026 · Wells Fargo Checking - 2579
	02/22/2018	62622 · Training/Registration Fees	340.00		April 2018 Annual Workshop - D. Ngu	check	1026 · Wells Fargo Checking - 2579
	02/22/2018	62622 · Training/Registration Fees	340.00		April 2018 Annual Workshop - T. Lockett	check	1026 · Wells Fargo Checking - 2579
	02/22/2018	62622 · Training/Registration Fees	340.00		April 2018 Annual Workshop - R. Arellano	check	1026 · Wells Fargo Checking - 2579
	02/22/2018	62622 · Training/Registration Fees	290.00		April 2018 Annual Workshop - R. Barry	check	1026 · Wells Fargo Checking - 2579
			1,650.00				
E Claim Jumper							
	02/05/2018	62611 · Meetings	67.54		Meeting Debriefing: Chair; EO; Counsel	credit card	SDCCU Checking - 3558
E Colantuono, Highsmith and Whatley							
	02/02/2018	52370 · Professional Services	1,982.50	#	General Legal Counsel Services	check	1000 · County Account (44595)
	02/23/2018	52370 · Professional Services	912.00	#	General Legal Counsel Services	check	1000 · County Account (44595)
			2,894.50	#			
E County of San Diego							
	02/01/2018	52530 · Office Lease	6,494.29		Rent	electronic	1000 · County Account (44595)
	02/01/2018	52354 · Mail/Postage ISF	1,399.44		Mail/Postage Services	electronic	1000 · County Account (44595)
	02/01/2018	52178 · Vehicle Maintenance	98.12		Vehicle Maintenance Services	electronic	1000 · County Account (44595)
	02/01/2018	52758 · Vehicle Lease	165.49		Vehicle Lease	electronic	1000 · County Account (44595)
	02/01/2018	52550.B · County Overhead Costs	10,606.50		County Services (A-87 3rd Quarter)	electronic	1000 · County Account (44595)
	02/01/2018	52721 et al. · Communications (IT) Services	13,169.88		County IT Services (ITRACK)	electronic	1000 · County Account (44595)
	02/09/2018	51110 et al. · Employee Payroll	28,956.32		Pay Period 201816	electronic	1000 · County Account (44595)
	02/23/2018	51110 et al. · Employee Payroll	29,741.80		Pay Period 201817	electronic	1000 · County Account (44595)
	02/05/2018	52344 · Stores Unallocated	178.27	#	Office Supplies (Office Depot Order)	electronic	1000 · County Account (44595)
	02/05/2018	52344 · Stores Unallocated	2.93	#	County Surcharge - Office Supplies	electronic	1000 · County Account (44595)
	02/07/2018	52504 · Equipment Rental	2.85		County Surcharge - Xerox	electronic	1000 · County Account (44595)
	02/28/2018	52504 · Equipment Rental	3.65	#	County Surcharge - Xerox	electronic	1000 · County Account (44595)
			90,819.54	#			
E Culligan of San Diego							
	02/12/2018	62330 · Office Equipment/Supplies	24.50	#	Water Service	check	1026 · Wells Fargo Checking - 2579
E Davis Farr LLP							
	02/23/2018	52370 · Professional Services	6,000.00		FY16-17 Audit Services	check	1000 · County Account (44595)
E Dropbox							
	02/09/2018	62330 · Office Equipment/Supplies	45.00		Monthly Cloud Service	credit card	SDCCU Checking - 3558
E Earl John Traylor							
	02/16/2018	52370 · Professional Services	4,750.00		Consultant Services John Traylor for Jan 2018	check	1000 · County Account (44595)
	02/21/2018	62609 · Transportation/Travel/Mileage	101.92		Mileage Reimbursement	check	1026 · Wells Fargo Checking - 2579
			4,851.92				
E IGIS Consultant Services							
	02/16/2018	52370 · Professional Services	11,520.00	#	Consultant Services Dieu Ngu for Jan 2018	check	1000 · County Account (44595)
E Metroplan							
	02/02/2018	52370 · Professional Services	4,725.00		Consultant Services Rich Miller for Jan 2018	check	1000 · County Account (44595)
E Renato Rodriguez							
	02/26/2018	62611 · Meetings	40.00		Coffee for Commission Meeting at CAC	check	1026 · Wells Fargo Checking - 2579
E San Diego Union Tribune							
	02/20/2018	62490 · Publications/Legal	226.20		Public Hearing Notice	check	1026 · Wells Fargo Checking - 2579
E Southwest Airlines							
	02/04/2018	62609 · Transportation/Travel/Mileage	117.96		Flight to/from SFO for CALAFCO Workshop EB	credit card	SDCCU Checking - 3558
	02/04/2018	62609 · Transportation/Travel/Mileage	172.96		Flight to/from SFO for CALAFCO Workshop DN	credit card	SDCCU Checking - 3558
	02/04/2018	62609 · Transportation/Travel/Mileage	172.96		Flight to/from SFO for CALAFCO Workshop TL	credit card	SDCCU Checking - 3558
	02/04/2018	62609 · Transportation/Travel/Mileage	172.96		Flight to/from SFO for CALAFCO Workshop RB	credit card	SDCCU Checking - 3558
	02/07/2018	62609 · Transportation/Travel/Mileage	172.96		Flight to/from SFO for CALAFCO Workshop RA	credit card	SDCCU Checking - 3558
			809.80				
E Sunny Donuts							
	02/06/2018	62611 · Meetings	21.98		Light Breakfast for Commission Meeting at CAC	credit card	SDCCU Checking - 3558

SAN DIEGO LAFCO
Expenses by Vendor Detail
January 2018

Payable Receivable Party	Date	Account	Amount	lanc	Purpose	Type	Funding Account
E Thomson West Reuters							
	02/14/2018	62336 · Books	<u>165.94</u>		Government Law Books	check	1026 · Wells Fargo Checking - 2579
E Wells Fargo							
	02/28/2018	62860 · Interest Expense	<u>0.10</u>	#	Interest Expense	electronic	1031 · Wells Fargo Savings - 2546
E Xerox							
	02/12/2018	52504 · Equipment Rental	<u>365.69</u>	#	Xerox Rental	check	1000 · County Account (44595)
EXPENSE TOTAL							\$ 124,954.76
R Leucadia WWD							
	2/20/18	49000 · Processing Fee	<u>2,660.00</u>		Processing Fees for DA18-05	check	SDCCU Checking - 3558
R Valley Center MWD							
	02/02/2018	49000 · Processing Fee	<u>6,487.00</u>		Processing Fees for SA/OAS18-04	check	1000 · County Account (44595)
R Wells Fargo							
	02/28/2018	49200 · Interest & Dividends	<u>0.42</u>	#	Interest Payment to Savings Account	check	1031 · Wells Fargo Savings - 2546
REVENUE TOTAL							\$ 9,147.42

Chair

Jo MacKenzie, Director
Vista Irrigation District

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Vice Chair

Ed Sprague, Director
Olivenhain Municipal Water

AGENDA REPORT
Consent /Action

April 2, 2018

Members

Catherine Blakespear, Mayor
City of Encinitas

TO: San Diego Commissioners

Bill Horn, Supervisor
County of San Diego

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

Dianne Jacob, Supervisor
County of San Diego

SUBJECT: “Sanford Street-McLean Annexation” to the Leucadia
Wastewater District (DA18-02)

Andrew Vanderlaan
Public Member

SUMMARY

Bill Wells, Mayor
City of El Cajon

Lorie Zapf, Councilmember
City of San Diego

The San Diego Local Agency Formation Commission (LAFCO) will consider a change of organization proposal filed by resolution of the Leucadia Wastewater District (WWD) requesting approval to annex one incorporated parcel located within the City of Encinitas totaling approximately 0.35 acre (Assessor Parcel Number 254-102-27). The subject property is developed with one single-family residence and is located within the adopted Sphere of Influence for the Leucadia WWD. The primary purpose of the proposal is to provide wastewater service to the single-family residence and a possible future accessory structure. Annexation and connection therein to the Leucadia WWD would also position the landowner to pursue any available density and or intensity improvements to the property as allowed under the City of Encinitas’ current zoning assignment. Staff recommends approval of the proposed annexation without modifications and subject to standard conditions.

Alternate Members

Lorie Bragg, Councilmember
City of Imperial Beach

Chris Cate, Councilmember
City of San Diego

Greg Cox, Supervisor
County of San Diego

Judy Hanson, Director
Leucadia Wastewater District

Harry Mathis
Public Member

Executive Officer

Keene Simonds

BACKGROUND

Counsel

Michael G. Colantuono

**Applicant Request |
Affected Territory as Proposed**

San Diego LAFCO has received a proposal from the Leucadia WWD requesting annexation of one incorporated parcel located within the City of

Encinitas. The affected territory is approximately 0.35 acre in size and developed to date with one single-family residence with a site address of 335 Sanford Street. The County of San Diego Assessor’s Office identifies the affected parcel for tax purposes as 254-102-27.

Subject Agencies

The proposal involves one subject agency: Leucadia Wastewater District. A description of the District follows.

- The Leucadia Wastewater District provides wastewater services within an approximate 16 square-mile area that includes the northeast portion of the City of Encinitas and the southeastern portion of the City of Carlsbad. The Leucadia WWD joined the Encina Joint Powers Authority in 1971 and is co-owner of the Encina Wastewater Pollution Control Facility. LAFCO approved a sphere of influence for the Leucadia WWD in 1984 that is larger than the district boundary. The sphere was last affirmed in 2013. Leucadia WWD’s current operating budget is \$6.8M. Leucadia’s audited undesignated fund balance as of June 30, 2017 is \$32.2M.

Affected Local Agencies

The affected incorporated territory lies within the authorized service areas of the following local agencies subject to San Diego LAFCO.¹

- City of Encinitas
- San Dieguito Water District
- CSA No. 17 (San Dieguito Ambulance)
- CSA No. 135 (Regional Communications)

DISCUSSION

This item is for San Diego LAFCO to consider approving – with or without physical modifications – the applicant’s annexation proposal involving approximately 0.35 acre in the City of Encinitas. The Commission may also consider applying conditions to an approval so long as it does not directly regulate land use, property development, or subdivision requirements.

¹ State law defines “affected local agencies” means any local agency that contains, or would contain, or whose sphere of influence contains or would contain, any territory for which a change or organization is proposed or ordered, either singularly or as part of a reorganization or for which a study is to be reviewed by LAFCO.

Proposal Purpose

At present, wastewater disposal is provided to the affected territory's existing single-family residence by a private underground septic disposal system. The landowners are also considering the addition of an accessory unit that may impact the functionality of the existing septic system and leach field. The landowners are requesting LAFCO approval to connect the existing residence to a public sewer system. The proposal area is located within the adopted Sphere of Influence of the Leucadia WWD and is 100% surrounded by the WWD's jurisdictional boundary. The Leucadia WWD has an existing sewer line located approximately 50 feet from the proposed annexation area.

Development Potential

The affected territory as detailed in Appendix A is designated and zoned by the City of Encinitas as the existing and planned land use authority. The present Encinitas General Plan land use designation and zoning for the proposal area is Residential R-8 (up to 8 du/ac, mid-range 6.5 du/ac), which would potentially allow a maximum of two dwelling units on the approximate 0.35-acre property. The parcel is presently developed with one single-family residence. The City has indicated to both LAFCO and Leucadia WWD that a future second unit would be considered accessory rather than being located on a separate legal lot. An "ACCESSORY DWELLING UNIT" (ADU) is defined by the City of Encinitas as... *"An attached or a detached residential dwelling unit on the same lot as an existing dwelling unit zoned for single-family or multifamily use that provides complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated."* An ADU can also be an efficiency unit or a manufactured home as defined by the Health and Safety Code. A request for approval of an accessory unit on this property has not been submitted to the City of Encinitas at this time.

Commission Focus

Staff has identified two central and sequential policy items for the Commission in considering the merits of the principal action: the requested boundary change. These central policy items for Commission consideration are the stand-alone merits of (a) timing of the requested annexation and (b) whether applying discretionary modifications or terms are appropriate. Secondly, the Commission must also consider other relevant statutes as detailed in the succeeding sections.

ANALYSIS

The analysis of the proposal is organized into two subsections. The first subsection pertains to evaluating the central issue of the timing of the reorganization relative to the

factors mandated for review by the Legislature and local policies, and whether modifications or terms are appropriate. The second subsection considers issues required by other applicable State statutes. This includes making findings under the California Environmental Quality Act (CEQA) and the disposition of protest proceedings per Government Code Section 57002(c).

Central Policy Items

Item No. 1 | Annexation Timing

The timing of the proposed annexation appears appropriate and highlighted by the analysis of the 16 factors required for consideration under CKH. The majority of the prescribed factors under CKH focus on the impacts of the proposed annexation on the service and financial capacities of the subject agency, Leucadia WWD. No single factor is determinative and the intent is to provide a uniform baseline for LAFCOs in considering all boundary changes in context to the Commission’s own adopted policies and practices. A summary of key conclusions generated in the review of these factors for the boundary change proposal follows with a complete analysis provided in Appendix A.

Conclusion:

The timing of the annexation is warranted under CKH and Commission policy.

Item No. 2 | Modification and Terms

Staff has not identified any potential boundary modifications to the proposal that merit Commission consideration at this time. Applying standard terms appears appropriate.

Conclusion:

No modifications are merited.

Other Statutory Considerations

Exchange of Property Tax Revenues

California Revenue and Taxation Code Section 99(b)(6) requires the adoption of a property tax exchange agreement by the affected local agencies before LAFCO can consider a jurisdictional change, unless an applicable master property tax transfer agreement is adopted per Revenue and Taxation Code Section 99(d). The San Diego County Board of Supervisors has adopted a Master Enterprise District Resolution which will govern the exchange of property taxes associated with the annexation to the Leucadia WWD. The application of this master agreement will result in a “no” exchange.

Environmental Review

The California Environmental Quality Act (CEQA) requires LAFCO to determine if potentially significant environmental impacts would result from project approval under the Commission’s statutory authority. On December 26, 2017, the Leucadia WWD determined that the proposed annexation was categorically exempt from environmental review per the State CEQA Guidelines Section 15319 (a) [*Annexation of Existing Facilities and Lots for Exempt Facilities*]. The Commission, acting as a responsible agency, may fulfill their obligation for this proposal under CEQA by concurring with the determination of the Leucadia WWD that this annexation is not subject to the environmental impact evaluation process because the proposed annexation area contains existing private structures developed to the density allowed by the current zoning, and that the extension of the utility service to the existing facility would only have the capacity to serve the existing facility.

Protest Proceedings

The affected territory as proposed is considered uninhabited (containing less than 12 registered voters) as defined by CKH; 100% of the landowners have provided their written consent to the proposal; and the Leucadia WWD has not submitted written opposition to a waiver of protest proceedings. Therefore, protest proceedings for the proposal may be waived by the Commission per Government Code Section 56662(d).

ALTERNATIVES FOR ACTION

The following alternative actions are available to the Commission and can be accomplished through a single-approved motion.

Alternative One (Recommended):

- a) Accept and incorporate the analysis of the report prepared by staff.
- b) Concur in the determination by the Leucadia Wastewater District this annexation is exempt from CEQA review pursuant to Section 15319 (a) of the State CEQA Guidelines (*Annexations of Existing Facilities and Lots for Exempt Facilities*) because *the proposal area contains existing structures and is developed to the density allowed by current zoning or rezoning of either the gaining or losing governmental agency (whichever is more restrictive), and the utility extension would only have the capacity to serve existing facilities.*
- c) Determine the proposed annexation area is uninhabited, that 100% of the landowners have provided written consent to the annexation, and

that the Leucadia Wastewater District has not submitted written opposition to the waiver of protest proceedings.

- d) Adopt the form of resolution approving the “Sanford Street-McLean Annexation” to the Leucadia Wastewater District (DA18-02) for the reasons set forth in the Executive Officer’s Report, waiving the Conducting Authority proceedings according to Government Code Section 56662(d), and ordering the annexation subject to the following conditions:
 - Payment of State Board of Equalization processing fees.

Alternative Two:

- a) Continue consideration of the item to a time-specified regular meeting and provide direction to staff concerning additional information, as needed.

Alternative Three:

- a) Disapprove the proposal.

RECOMMENDATION

Staff recommends approval of the proposal with no modifications and requests the Commission proceed with **Alternative One** as summarized in the preceding section.

PROCEDURES FOR CONSIDERATION

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

On behalf of staff,



Robert Barry, AICP
Chief Policy Analyst

Attachments:

- 1) Application Materials
- 2) Vicinity Map

**APPENDIX A
ANALYSIS OF MANDATORY PROPOSAL REVIEW FACTORS
PER GOVERNMENT CODE SECTION 56668**

**“Sanford Street–McLean Annexation” to the Leucadia Wastewater District
DA18-02**

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

The affected territory as proposed includes one incorporated parcel that totals approximately 0.35 acres (Assessor Parcel 254-102-27). The parcel is developed with one existing single-family residence that is addressed at 336 Sanford Street in the City of Encinitas. The County Assessor identifies the total assessed value of the affected property and improvements at \$326,321. The landowner of the property is considering development of an accessory structure in the future. The subject territory can be characterized as in-fill as the site is surrounded by established single-family residential development.

The proposed connection to an adjacent Leucadia Wastewater District (WWD) sewer main to serve the existing residence would not be considered growth inducing as the parcel is presently developed within the limits of existing zoning. While some intensification within the neighborhood may occur in the future consistent with the City of Encinitas General Plan, significant growth is unlikely unless the City’s long-range planning document is amended.

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

The City of Encinitas acts as the primary purveyor of general governmental services to the proposed annexation area including structural fire protection and law enforcement (via a contract with the County Sheriff). Advanced life support (ALS) ambulance transport services are provided by County Service Area (CSA) No. 17 (San Dieguito Ambulance). Potable and recycled water service is offered by the San Dieguito Water District (WD), a subsidiary of the City. Approval of this proposal would make public wastewater service available to the existing single-family home from the Leucadia WWD and is the focus of the succeeding analysis.

- **Extending Public Sewer to Affected Territory**

The affected territory is currently dependent on an on-site septic system that is likely nearing the end of its useful lifespan. Although portions of the City of Encinitas receive sanitary services from the City, the north and east areas of the municipality are served by Leucadia WWD. The Commission has previously determined Leucadia WWD is the appropriate provider of public sewer service to the affected territory when the timing is deemed appropriate by including the lands within the District’s Sphere of Influence. Connection from the residence to an existing Leucadia WWD sewer main in an adjacent public right-of-way can be made via a 50 foot lateral. Leucadia WWD has total treatment capacity rights for 7.11 million gallons per day (MGD) in the Encina Wastewater Pollution Control Facility with a projected buildout flow of 6.46 MGD. Per the Fiscal Year 2016 audit of the Leucadia WWD Sewer System Management Plan, the WWD reported an average daily flow of 3.77 MGD, with an estimated 132.03 gallons per day per equivalent dwelling unit (EDU). Both Leucadia WWD and the treatment facility will be able to accommodate the minor additional flows from the existing residence and a future accessory unit, if added.

(3) The effect of the proposed action and of alternative actions, on adjacent areas, on mutual social and economic interests, and on local governmental structure.

Approving the proposal to annex the affected territory into Leucadia WWD would recognize and strengthen existing economic and social ties between the District and subject lands. These ties were initially established in 1984 when the Commission included the affected territory into Leucadia WWD’s Sphere of Influence, foreshadowing the subject territory would eventually warrant public sewer service just as other neighboring lots have connected to a public system.

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

The proposal would not affect the existing pattern of urban development in this portion of the City of Encinitas. The affected territory does not qualify as “open-space” under LAFCO law and therefore does not conflict with G.C. Section 56377. The proposal is consistent with the Commission’s adopted policies and the subject territory is already within Leucadia WWD’s Sphere of Influence. Approval of the proposed annexation would replace a private septic system in favor of a connection to a public sewer system.

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

The affected residential lot does not qualify as “prime agricultural land” under LAFCO law or San Diego LAFCO Policy L-101.

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

The San Diego County Assessor has reviewed the submitted map and legal description for the proposed annexation area and has confirmed the definiteness and certainty of the boundaries of the territory. The proposed boundaries conform to lines of assessment or ownership and the proposal will not involve the creation of islands or corridors of unincorporated territory.

(7) Consistency with the city or county general plans, specific plans, and adopted regional transportation plan.

The City of Encinitas General Plan and Zoning for the site as Residential R-8 (8 du/ac, mid-range 6.5 du/ac). A change to the City general plan, zoning or other long range planning or regulatory documents does not accompany the request to annex the existing home site to the Leucadia WWD. This zoning assignment produces a maximum building density within the affected territory of up to three residential lots. The proposal would not conflict with *San Diego Forward*, the regional transportation plan established by the San Diego Association of Governments (SANDAG).

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

The affected territory is presently located within the Leucadia WWD Sphere of Influence. The proposal would also not affect the spheres of influence of the City of Encinitas, San Dieguito Water District, CSA No. 17 (San Dieguito Ambulance) or CSA No. 135 (Regional Communications).

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

Staff provided notice of the proposal to all subject agencies and other interested public agencies as required under LAFCO law. The only correspondence received as of the preparation of this appendix was from Leucadia WWD, which has adopted a resolution of

application as well as providing documentation supporting approval of the proposal.

(10) The ability of the newly formed or receiving entity to provide the services which are the subject of the application to the area, including the sufficiency of revenues for those services following the proposed boundary change.

The landowners will pay all required district fees and service charges commensurate with other customers of Leucadia WWD. At present, the residential wastewater service charge for a single-family residence is \$346.68 per year or \$28.64 per month. Leucadia WWD's sewer rates are fixed and are not based on flow or water usage. Serving one additional home as a result of approval of the proposed annexation will not adversely impact existing ratepayers.

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

The affected territory presently receives water service from the San Dieguito Water District (WD), a subsidiary district of the City of Encinitas. Approval of the proposal would not affect the timely availability of water supplies to the existing residence or a possible future accessory unit.

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

The proposal does not involve the construction of additional dwelling units; consequently approval of the annexation to Leucadia WWD will not affect the fair share regional housing needs allocation for the City of Encinitas as established by the San Diego Association of Governments (SANDAG).

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

The subject territory is uninhabited. The owners of the property support the annexation as witnessed by their signature of a consent form and no other comments were provided prior to preparation of this appendix.

(14) Any information relating to existing land use designations.

Please refer to the discussion concerning Factor No.7.

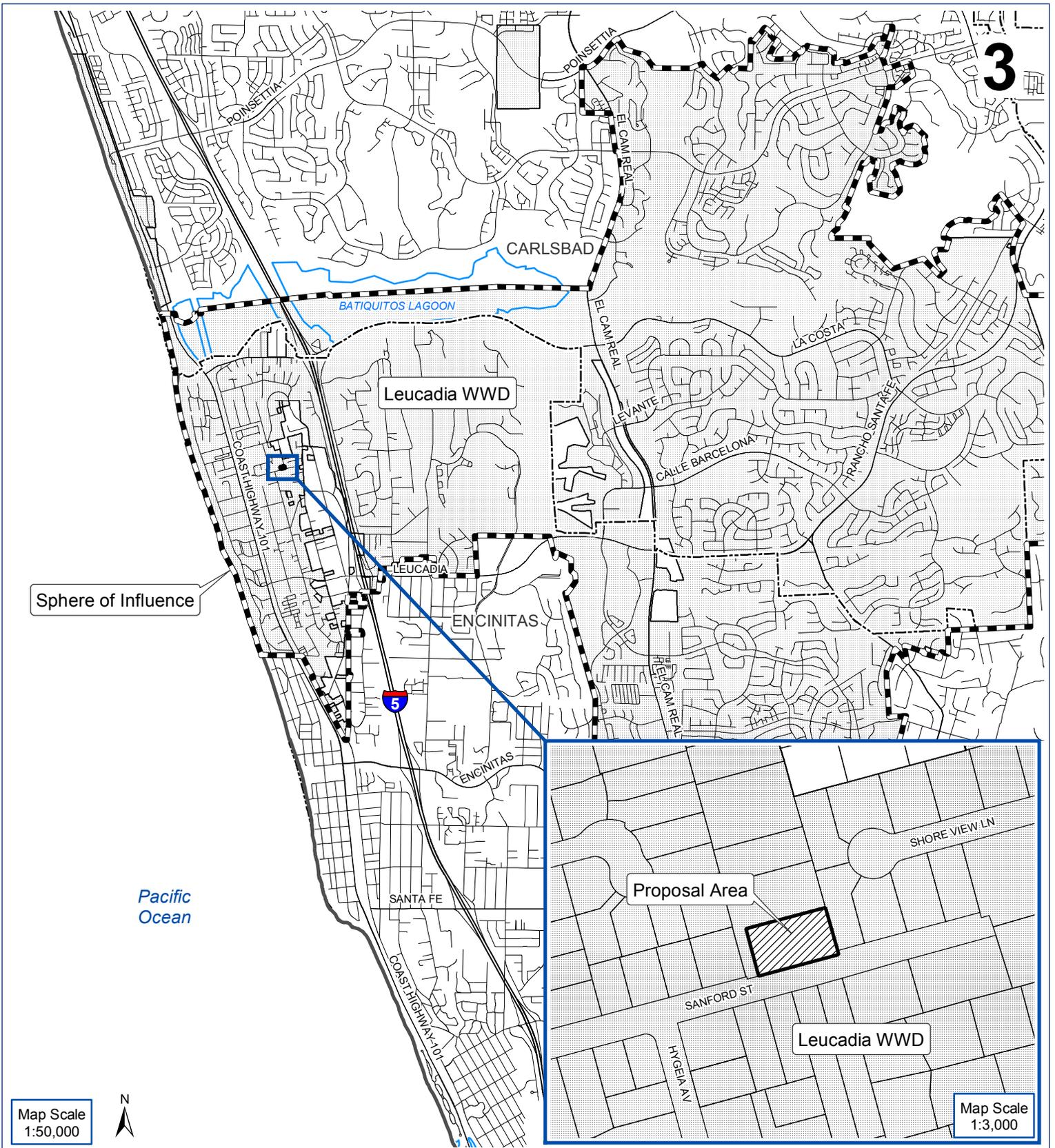
(15) The extent to which the proposal will promote environmental justice.

Leucadia WWD does not contain any qualifying census tracts that would be considered as Disadvantaged Unincorporated Communities. The limited scope of the proposal (an annexation of a single home to a district providing sewer service) would suggest that environmental justice will not be affected by approval of this change of organization.

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

As considered by the adopted sphere of Leucadia WWD, approval of this proposal would be in the best interest of the landowners and surrounding neighborhood as it would allow for the replacement of a private septic system with a connection to a safe and reliable public sanitary system.

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Map Scale
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Map Scale
1:3,000

DA18-02 PROPOSED "SANFORD STREET - MCLEAN ANNEXATION" TO THE LEUCADIA WASTEWATER DISTRICT

-  Proposal Area
-  Leucadia WWD
-  Sphere of Influence

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Vista Irrigation District

Vice Chair

Ed Sprague, Director
Olivenhain Municipal Water

Members

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City of Encinitas

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County of San Diego

Dianne Jacob, Supervisor
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Andrew Vanderlaan
Public Member

Bill Wells, Mayor
City of El Cajon

Lorie Zapf, Councilmember
City of San Diego

Alternate Members

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City of Imperial Beach

Chris Cate, Councilmember
City of San Diego

Greg Cox, Supervisor
County of San Diego

Judy Hanson, Director
Leucadia Wastewater District

Harry Mathis
Public Member

Executive Officer

Keene Simonds

Counsel

Michael G. Colantuono

4

AGENDA REPORT

Consent | Action

April 2, 2018

TO: San Diego Commissioners

FROM: Keene Simonds, Executive Officer
Michael Colantuono, Commission Counsel

SUBJECT: **Approval of Conflict Waiver for County Counsel Services | Representation from Senior Deputy Rachel H. Witt**

SUMMARY

The San Diego Local Agency Formation Commission (LAFCO) will consider approving a standard conflict waiver to allow Senior Deputy Rachel H. Witt with County Counsel to simultaneously represent LAFCO and the County of San Diego on items of mutual agency interest. This includes working with Commission Counsel in developing an updated memorandum of understanding between LAFCO and the County as well as advising on long-term employee pension options. Approval would match the waiver approved by the County Board of Supervisors and is recommended by the Executive Officer and Commission Counsel.

BACKGROUND

Legal Services

San Diego LAFCO utilizes two resources in receiving legal services. The first and primary resource involves legal services provided by Commission Counsel Michael Colantuono and his firm Colantuono Highsmith and Whatley (Grass Valley | Pasadena). These primary services involve ongoing guidance under LAFCO law as well as related areas, such as the California Environmental Quality Act. The second legal resource is provided by County Counsel and through Senior Deputy Rachel H. Witt and generally pertains to advising LAFCO on human resources and other related matters as needed.

DISCUSSION

This item is for San Diego LAFCO to consider approving a standard conflict waiver to allow Senior Deputy Rachel H. Witt with County Counsel to simultaneously represent LAFCO and the County of San Diego on items of mutual agency interest. This item follows earlier Commission discussions on future work projects and would allow Deputy Counsel Witt to work with Commission Counsel and help advise on items of mutual interest to LAFCO and the County. This includes – but not limited to – simultaneously advising LAFCO and the County on the following matters:

- Assist in the review and recommendations in updating the existing memorandum of understanding between LAFCO and the County. This document has not been substantively updated since its establishment in 1974 and no longer adequately addresses the current relationship and/or needs of the respective agencies. Based on earlier feedback from the Commission and urgency therein this project has been added to the FY2018-2019 Workplan.
- Assist in the review and recommendations in evaluating employee pension benefit options at LAFCO. This includes reviewing LAFCO's current pension benefit relationship with County and its surrogate – San Diego Employees Retirement Association – and whether alternatives are appropriately available.

ANALYSIS

Approving the waiver would enable San Diego LAFCO to benefit from the expertise and familiarity of Deputy Counsel Witt in proceeding efficiently forward on projects of mutual interests to both the Commission and County as described above. The waiver would allow Ms. Witt to participate on both sides of these discussions with the added safeguard Commission Counsel will also participate and step in should unforeseen issues arise.

ALTERNATIVES FOR ACTION

The following alternatives are available to San Diego LAFCO:

Alternative One (Recommended):

Authorize the Executive Officer to sign the conflict waiver on behalf of the Commission as prepared by County Counsel and provided in Attachment One.

Alternative Two:

Continue consideration of the item to the next regular meeting and provide direction to staff as needed.

San Diego LAFCO

April 2, 2018 Regular Meeting

Agenda Item No. 4 | Approval of Conflict Waiver for County Counsel Services

Alternative Three:

Take no action. This would prohibit County Counsel's Senior Deputy Rachel H. Witt from participating in the projects described in the preceding sections.

RECOMMENDATION

It is recommended San Diego LAFCO proceed with the actions outlined in the preceding section as Alternative One.

PROCEDURES

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

Respectfully,



Keene Simonds
Executive Officer

Attachment:

- 1) County of San Diego County Counsel: Waiver Request

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County of San Diego

THOMAS E. MONTGOMERY
COUNTY COUNSEL

OFFICE OF COUNTY COUNSEL
1600 PACIFIC HIGHWAY, ROOM 355, SAN DIEGO, CA 92101
(619) 531-4860 Fax (619) 531-6005

Rachel H. Witt
SENIOR DEPUTY
Direct Dial: (619) 531-6205
E-Mail: Rachel.Witt@sdcounty.ca.gov

March 21, 2018

Keene Simonds
Executive Director
San Diego Local Agency Formation Commission (LAFCO)
9335 Hazard Way, Suite 200
San Diego, California 92123

Re: Conflict Waiver Request

Dear Keene:

You have asked the Office of County Counsel (“Office”), and me, particularly, to advise LAFCO in updating service agreements between the County of San Diego (“County”) and LAFCO and providing advice on various issues, including, but not limited to retirement and employment issues. As you know, this Office is primary legal advisor to the County and Special Counsel to LAFCO. In order for our Office to advise both you and the County in these matters, we need to obtain the written consent of both LAFCO and the County.¹

While the Office of County Counsel is willing to represent LAFCO in these matters, LAFCO should give careful thought to the pros and cons of granting the waiver we request. The pros, of course, include continued access to our services. The cons include the risk that we might be perceived to have divided loyalties and provide less than our most vigorous representation of LAFCO. We believe we can provide vigorous and effective representation to both clients, but LAFCO must make that judgment for itself. LAFCO should consult its General Counsel before granting this request.

¹ Rule 3-310(C)(3) of the Rules of Professional Conduct governing the practice of law in California states, in relevant part:

(C) A member shall not, without the informed written consent of each client:

....

(3) Represent a client in a matter and at the same time in a separate matter accept as a client a person or entity whose interest in the first matter is adverse to the client in the first matter.

If LAFCO is willing and has authorized the waiver we request, please have this letter signed where indicated below and return it to me.

Very truly yours,

THOMAS E. MONTGOMERY, County Counsel

By 
Rachel H. Witt, Senior Deputy

RHW:rhw
18-00404

On behalf of LAFCO, I have reviewed and understand the foregoing letter. I understand that signing this letter is evidence that LAFCO has agreed to consents to the simultaneous representation of LAFCO and the County of San Diego by the Office of County Counsel, including but not limited to, Senior Deputy Rachel H. Witt.

By: _____
Name: Keene Simonds
Title: Executive Director
Date:

Chair

Jo MacKenzie, Director
Vista Irrigation District

Vice Chair

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Members

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Leucadia Wastewater District

Harry Mathis
Public Member

Executive Officer

Keene Simonds

Counsel

Michael G. Colantuono

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AGENDA REPORT Consent | Information

April 2, 2018

TO: San Diego Commissioners
FROM: Robert Barry, Chief Policy Analyst
SUBJECT: **Current Proposal Activity**

SUMMARY

The San Diego Local Agency Formation Commission (LAFCO) will receive a report identifying active proposals on file and pending future hearing before the Commission. The report also summarizes pending proposals expected to be submitted in the near term. The report is for information only and satisfies the Commission's reporting requirement to the affected agencies under Government Code Section 56857.

BACKGROUND

LAFCO Proceedings

LAFCO proceedings for consideration of proposed changes of organization or reorganizations – which include incorporations, formations, annexations, detachments, mergers, consolidations, and service power activations or divestures – may be initiated by landowner/voter petitions or resolutions by local agencies. LAFCOs may also initiate proposals specific to forming, consolidating, or dissolving special districts if consistent with the recommendations of approved municipal service reviews. Following submittal, proposals are reviewed for completeness and status letters are sent to applicants within 30 days. If proposals require additional information they are deemed incomplete and the status letters itemize needed information. Once proposals are deemed complete they are scheduled for hearing. Proposals involving outside service extension requests follow separate proceedings and may be administratively approved by the Executive Officer if addressing documented public health or safety threats.

Active Proposals

There are ten active proposals currently on file with San Diego LAFCO. All of the submitted applications for the following proposals are considered incomplete at this time, and no hearing dates have been scheduled.

- **“County Service Area No. 115 (Pepper Drive) Reorganization” (Lakeside Fire Protection & San Miguel Consolidated Fire Protection Districts) | RO14-12; RO14-13**
This reorganization proposal consists of two separate applications to annex the same approximate 450 acre service area of County Service Area (CSA) No. 115 (Pepper Drive), with one proposal application submitted by the Lakeside Fire Protection District (FPD) and the other submitted by the San Miguel Consolidated FPD. The competing proposals were subsequently combined into a single proposal and an ad-hoc stakeholder committee was assembled to provide input to staff given the proposal’s underlying complexities. Subsequent discussions through the stakeholder process has resulted in Lakeside FPD and San Miguel Consolidated FPD agreeing to “split” the CSA No. 115 service area to each of the Districts, resulting in an equal division of the CSA’s allocated property tax revenues to the annexing FPDs following dissolution. The submitted proposal application is incomplete and awaiting Board of Supervisors’ approval for a negotiated property tax exchange agreement as well as additional analysis from staff to address remaining fiscal, service, and governance issues. The proposal is anticipated to be scheduled for Commission hearing in mid-2018.
- **“County Service Area No. 17 (San Dieguito Ambulance) Annexation” | DA16-10**
This annexation proposal was submitted by resolution of the San Diego County Fire Authority as a cross-condition of the LAFCO approval for the “Rancho Santa Fe Fire Protection District (FPD) – CSA No.107 (Elfin Forest) Reorganization” (Ref. No.: SA/RO14-15), which involved the dissolution of CSA No. 107 and the annexation of its approximate 3,000 acre service area to the Rancho Santa Fe FPD. CSA No. 17 (San Dieguito Ambulance) presently provides advanced life support (ALS) ambulance transport services within Rancho Santa Fe FPD and adjacent cities. However, the former CSA No. 107 service area was not located within CSA No. 17 and the dissolution of the former was conditioned on a subsequent LAFCO submittal to annex the dissolution territory to CSA No. 17 following the reorganization with the Rancho Santa Fe FPD. The submitted proposal application is incomplete pending receipt of additional documentation from the applicant and anticipated to be scheduled for Commission hearing in mid-2018.

- **“Alpine Fire Protection District Island Annexation” | SA16-15; DA16-15**

This annexation proposal was submitted by resolution of the Alpine Fire Protection District (FPD) and involves the annexation of approximately 6,647 acres of unincorporated territory located within the FPD’s adopted sphere of influence. The annexation area is currently located within the LAFCO-activated fire protection latent power area of CSA No. 135. The submitted proposal application is incomplete and awaiting Board of Supervisors’ approval for a negotiated property tax exchange agreement. The proposal is anticipated to be scheduled for Commission hearing in early to mid-2018.

- **“County Service Area No. 135 Islands Reorganization and Latent Powers Expansion” | SA16-20; LP16-20**

This reorganization proposal was submitted by resolution of the San Diego County Fire Authority and involves the expansion of CSA No. 135’s latent powers to provide fire protection and emergency medical services to three unincorporated and unserved island areas totaling approximately 21,048 acres. A concurrent amendment to add the affected territory to CSA No. 135’s sphere of influence is also required to accommodate the proposed action. The submitted proposal application is incomplete and pending receipt of additional documentation and information from the applicant to complete staff’s analysis. The proposal will also require Board of Supervisors’ approval for a negotiated property tax exchange agreement. The proposal is anticipated to be ready for Commission hearing in early to mid-2018.

- **“San Marcos Highlands Reorganization” (City of San Marcos) | SA17-07; RO17-07**

This reorganization proposal was submitted by resolution of the City of San Marcos and involves annexation of approximately 125 acres to the City with concurrent service area reorganizations between the San Marcos FPD and the Vista FPD for fire protection services, and between the Vallecitos WD and Vista ID for the provision of sewer and water services. The City of San Marcos has approved development plans and environmental review for a 189 unit single-family residential development called “San Marcos Highlands.” The City’s approvals included a condition requiring the City and the County to execute a habitat protection agreement with State and Federal agencies for the proposal area. The submitted proposal application is incomplete pending receipt of additional documentation – including the referenced habitat document – and information from the applicant to complete staff’s analysis. The proposal is anticipated to be scheduled for Commission hearing in mid to late-2018.

- **“Rincon del Diablo Municipal Water District Reorganization and Latent Sewer Power Activation” | LP17-10; RO17-10**

This reorganization proposal was submitted by resolution of the Rincon del Diablo Municipal Water District (MWD) and involves activation of the MWD’s latent power for sewer service within the approximate 450 acre Harmony Grove Village (HGV) service area of the San Diego County Sanitation District (SD). The HGV is presently located within the MWD’s service area and sphere of influence for water service. The proposed reorganization would detach the HGV area from the San Diego County SD, establish a service-specific sphere of influence for the detachment area, and activate the MWD’s latent sewer power to assume responsibility for the provision of sewer service within the HGV. The submitted proposal application is incomplete pending additional analysis and a property tax agreement. It is anticipated the proposal will be scheduled for Commission hearing in early 2018.

- **“Trinh Reorganization” Latent Sewer Power Expansion (Olivenhain Municipal Water District) | LP(E)18-01; SA18-01; RO18-01**

This reorganization proposal was submitted by resolution of the Olivenhain Municipal Water District (MWD) and involves an amendment to the MWD’s service-specific sphere of influence and an expansion of the MWD’s activated latent sewer power area to include the approximate 20.0 acre proposal area. The proposed reorganization area is presently located in the MWD’s authorized water service area. The proposed reorganization would expand the MWD’s activated latent sewer power area to provide both sewer and water services to the proposal area. The submitted proposal application is incomplete pending additional analysis and a property tax agreement. It is anticipated the proposal will be scheduled for Commission hearing in mid-2018.

- **“Pankey Contractual Service Agreement” (Valley Center Municipal Water District) | SA18-04; OAS18-04**

Proposed by resolution of the Valley Center Municipal Water District (MWD) is an Out of Agency Service Agreement (OAS) for the provision of sewer service between the MWD and the landowner of two unincorporated parcels totaling approximately 13.1-acres. The proposal area serves as one legal residential lot that contains one single-family residence presently utilizing an underground septic system and leach field for its wastewater disposal needs. Adjacent construction grading for a pending residential development is expected to adversely impact the existing leach field for the residence. The proposal area is not located within the Valley Center MWD’s authorized service area or adopted sphere of influence. The Valley Center MWD is requesting approval of the OAS with the landowner to extend sewer service outside of its sphere and service area to avoid an impending threat to the health and safety of the residents of the affected territory. The submitted proposal remains incomplete pending additional analysis and discussion with the MWD. It is anticipated the proposal will be scheduled for Commission hearing in mid-2018.

- **“Hymettus Avenue – Zinser Annexation” (Leucadia Wastewater District) | RO18-05**
This annexation proposal was submitted by resolution of the Leucadia Wastewater District and involves annexation of one incorporated parcel approximately 0.27-acre in size located within the City of Encinitas to the Leucadia Wastewater District for the provision of sewer service to one existing single-family residence and a pending accessory unit. The proposed annexation area is located within the adopted sphere of influence for the Leucadia Wastewater District and is surrounded by the District’s service area. The submitted proposal application is incomplete pending additional analysis. It is anticipated the proposal will be scheduled for Commission hearing in mid-2018.
- **“North Avenue Estates Reorganization” (City of Escondido) | RO18-06, RO13-04, RO13-39, & RO15-15**
This reorganization proposal was submitted by resolution of the City of Escondido and involves annexation to the City of approximately 17.96-acres of unincorporated territory located within the Escondido sphere of influence, with concurrent detachments from the Deer Springs Fire Protection District (FPD) and County Service Area No. 135 (Regional Communications). The proposal area includes five parcels, three of which are presently developed with one single-family residence. The two undeveloped parcels within the proposal area total approximately 17.20-acres and are subject to a Tentative Subdivision Map (TR916R) adopted by the City that permits the development of 34 single-family residences. The three developed parcels are each subject to an existing Out of Agency Service Agreement (OAS) with the City of Escondido for sewer service due to failing or failed septic systems [“714 North Avenue-Clem Reorganization,” (OAS 13-04/RO 13-04); “632 North Avenue-Martinez Reorganization,” (OAS13-39, RO13-39); and “644 North Avenue - Lozano Reorganization,” (OAS15-15/RO15-05)]. The three OAS parcels have been included within the proposed reorganization area to resolve their OAS agreements and complete their reorganizations with the City. The submitted proposal application is incomplete pending additional analysis. It is anticipated the proposal will be scheduled for Commission hearing in mid-2018.

Pending Proposals

There are two potential new and substantive proposals staff expects to be submitted to San Diego LAFCO in the near-term from local agencies based on ongoing discussions with proponents.¹ These potential proposals are summarized below and included in this report to aid LAFCO in telegraphing upcoming workload.

¹ Staff uses discretion in listing pending proposals and limits notice to only activities to be initiated by a local governmental agency. Pending proposals to be initiated by landowners and/or registered voters are not disclosed until an actual filing is made.

- **“Safari Highlands Reorganization” | City of Escondido**

This anticipated reorganization proposal is currently undergoing development and environmental review by the City of Escondido with an expected submittal to LAFCO later in 2018. The anticipated proposal involves annexation of approximately 1,098 acres to the City for the primary purpose of developing a 550-lot residential subdivision. All of the affected territory lies outside the current City sphere of influence, and as such requires a sphere amendment to accommodate the proposed reorganization. Due to the scope of the proposal area a comprehensive update of the City’s sphere of influence is warranted along with preparing the supporting municipal service review document. These and other jurisdictional and environmental issues have been communicated to the City and currently under joint-review with other stakeholders.

- **“Rancho Lomas Verdes Reorganization” | City of Vista**

This anticipated reorganization proposal is currently undergoing development and environmental review by the City of Vista with an expected submittal to LAFCO later in 2018. The anticipated proposal involves annexation of approximately 309 acres to the City for the primary purpose of developing a 153-lot residential subdivision. Close to three-fourths of the project area lies outside the current City sphere of influence, and as such requires a sphere amendment to accommodate the proposed reorganization. Due to the scope of the proposal area a comprehensive update of the City’s sphere of influence is warranted along with preparing the supporting municipal service review document. These and other jurisdictional and environmental issues have been communicated to the City and currently under joint-review with other stakeholders.

DISCUSSION

This item is being presented for information only and identifies all active proposals currently on file with San Diego LAFCO. The report also – and for telegraphing purposes of future workload – identifies pending proposals staff anticipates being filed with LAFCO in the near term.

ANALYSIS

San Diego LAFCO presently has on file 10 active proposals. All of the submitted applications for the following proposals are considered incomplete at this time, and no hearing dates have been scheduled.

ALTERNATIVES FOR ACTION

This item is being presented for information only.

RECOMMENDATION

It is recommended San Diego LAFCO receive the item; no action necessary.

PROCEDURES

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

On behalf of staff,



Robert Barry, AICP
Chief Policy Analyst

Attachment: None

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Vista Irrigation District

Vice Chair

Ed Sprague, Director
Olivenhain Municipal Water

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County of San Diego

Judy Hanson, Director
Leucadia Wastewater District

Harry Mathis
Public Member

Executive Officer

Keene Simonds

Counsel

Michael G. Colantuono

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AGENDA REPORT Consent | Information

April 2, 2018

TO: San Diego Commissioners
FROM: Keene Simonds, Executive Officer
SUBJECT: CALAFCO | White Paper on Agricultural Preservation

SUMMARY

The San Diego Local Agency Formation Commission (LAFCO) will receive a white paper prepared by CALAFCO outlining opportunities and strategies to protect agricultural lands in California. This includes addressing agricultural protection within three distinct LAFCO policy phases: avoidance; minimization; and mitigation. The white paper is being presented for information only and may be utilized in the future when LAFCO performs an update of its own adopted agricultural preservation policy.

BACKGROUND

CALAFCO

California Association of Local Agency Formation Commissions (CALAFCO) was established in 1971 to assist members in fulfilling their prescribed regional growth management duties. Key services include facilitating information sharing among members by organizing annual conferences and workshops as well as providing technical assistance through training classes and email list serves. CALAFCO's adopted budget is currently \$0.443 million and primarily supported by annual membership dues and are divided between three broad payment categories: rural; suburban; and urban.¹

¹ San Diego LAFCO is billed as an urban member and the dues in FY2018 was \$8,674.

WHITE PAPER SERIES

CALAFCO periodically prepares white papers to examine particular topics of interest to its membership for purposes of promoting best practices. The white paper series began in 2010 and have included reports on incorporations, consolidations, and protest proceedings.

DISCUSSION

This item is for San Diego LAFCO to receive the latest white paper prepared by CALAFCO on the topic of agricultural preservation. The report was prepared in collaboration with the American Farmland Trust and is being presented for information only.

ANALYSIS

The white paper explores the current-day relationship between LAFCOs' mission to protect against the premature loss of agricultural lands and available policy tools therein. This includes detailing opportunities for LAFCOs in protecting agricultural lands under three distinct policy phases: avoidance; minimization; and mitigation. The white paper concludes by outlining seven specific best practices for LAFCOs to consider when developing an agricultural preservation policy. To this end, the white paper merits consideration in the future review of San Diego LAFCO's own policy on agricultural and open-space preservation to help ensure the provisions reflect best and current best practices.

ALTERNATIVES FOR ACTION

This item is being presented for information only.

RECOMMENDATION

It is recommended San Diego LAFCO receive the item; no action necessary.

PROCEDURES

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

Respectfully,



Keene Simonds
Executive Officer

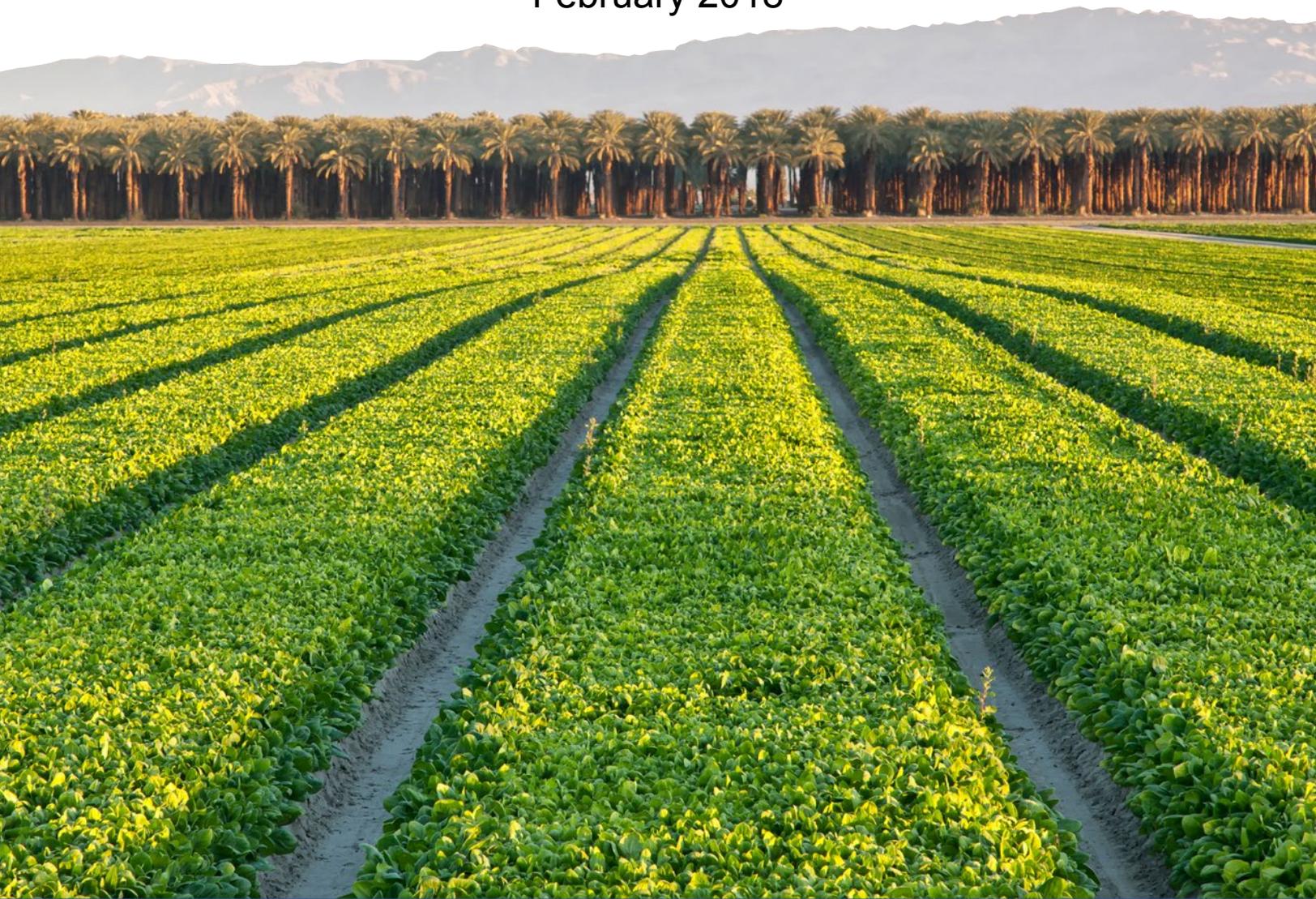
Attachments:

- 1) CALAFCO White Paper: State of the Art on Ag Preservation
- 2) San Diego LAFCO's Policy on Agricultural Land Preservation



State of the Art on Agricultural Preservation

February 2018



A collaboration of American Farmland Trust and the California Association of Local Agency Formation Commissions



A Research Report of the
HELEN K. CAHILL CENTER FOR
FARMLAND CONSERVATION POLICY INNOVATION

CALAFCO WHITE PAPER

State of the Art on Agricultural Preservation

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Acknowledgments

This white paper was produced as a collaborative effort between CALAFCO and American Farmland Trust (AFT). Thank you to the contributors and reviewers for their invaluable depth of knowledge and expertise: Christine Crawford (Yolo LAFCo), David Fey (Fresno LAFCo), Elliot Mulberg (formerly Solano LAFCo), Neelima Palacherla (Santa Clara LAFCo). We also wish to thank the many people who reviewed and commented on the draft version of this paper. AFT would like to acknowledge and thank the Helen K. Cahill Center for Farmland Conservation Policy Innovation for supporting this white paper. The Cahill Center is the research arm of American Farmland Trust in California.

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Purpose and Objectives

The purpose of this white paper is to inform and inspire Local Agency Formation Commissions (LAFCos) that are seeking to establish or enhance policies that preserve agricultural land, while simultaneously promoting orderly growth and development. The California Association of Local Agency Formation Commissions (CALAFCO) invited American Farmland Trust (AFT) to work collaboratively on this white paper to exchange and share perspectives on their respective experiences in successful policy implementation and development. This paper explores the parameters of agricultural land preservation and provides guidance in the development of agricultural land preservation policies for individual LAFCos to consider.

This white paper discusses the importance of agriculture to our local communities and why the California Legislature has equipped LAFCos with the powers to curtail urban sprawl and discourage expansion onto the state's agricultural lands. The paper examines LAFCos' statutory role in preserving agricultural lands and presents opportunities for how LAFCos can incorporate the preservation of agricultural land into their local policies. Brief case studies are provided throughout to demonstrate how individual LAFCos have interpreted this responsibility locally through their own policies.

White Paper Objectives:

- 1) Provide an understanding of the economic, environmental, and cultural importance of agriculture to local communities and the state at large.
- 2) Explain the components of an effective and comprehensive LAFCo agricultural preservation policy, including the role of policies that encourage "Avoiding," "Minimizing," and "Mitigating" the loss of farmland.
- 3) Explain the role of the California Environmental Quality Act (CEQA)¹ in both annexation proposals that impact agriculture and in requirements for adopting agricultural preservation policies.
- 4) Explain the role of LAFCo in city and county planning processes and how to encourage continuous communication and collaborative planning and studies between public agencies.
- 5) Demonstrate the circumstances in which LAFCo may wish to consider an agricultural preservation policy.

A Unique Perspective from AFT

AFT believes in the importance of protecting farmland while supporting sustainable community growth. AFT promotes LAFCoS as key players in conserving agricultural land since most productive farmland is located around cities. Having actively promoted farmland conservation in California for nearly two decades, AFT offers insight on why it is important to preserve farmland and presents best practices.

A Unique Perspective from CALAFCO

The Legislature intends LAFCoS to be responsive to local challenges as well state priorities. An individual LAFCo's policies can lay out LAFCo's statutory mandate to balance the state interest in the preservation of open space and prime agricultural lands with the need for orderly development. LAFCoS have used their planning authority to anticipate and reduce or avoid the loss of agricultural land. Across the state, LAFCo experiences reflect the variance of practices on agricultural preservation between rural, suburban and urban counties.

Introduction

The Legislature created a LAFCo in each county in 1963 with the intent that they fulfill state policy to encourage orderly growth and development. These objectives were deemed essential to the social, fiscal, and economic well-being of the state. The Legislature recognized that the logical formation and determination of local agency boundaries was an important factor in promoting orderly development and in balancing that development with sometimes competing state interests of discouraging urban sprawl, preserving open-space and prime agricultural lands, and efficiently extending government services.

It was also the intent of the Legislature that each LAFCo “establish written policies and procedures and exercise its powers pursuant to statute [Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH Act)] in a manner consistent with those policies and procedures and in a manner that encourages and provides planned, well-ordered, efficient urban development patterns with appropriate consideration of preserving open-space and agricultural lands within those patterns.” (Gov. Code §56300.) These written policies and procedures were required to be adopted by LAFCoS by January 1, 2002.

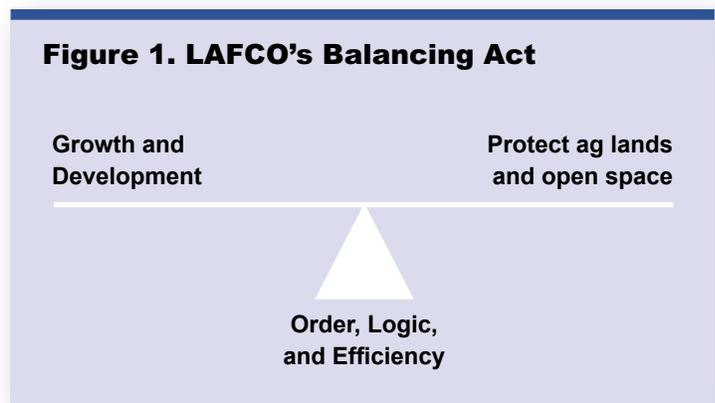
Since 1963, each LAFCo has overseen the growth of its cities and special districts through incorporations, annexations and, since 1973, the establishment of spheres of influence (which were only enforced beginning in 1985). At the time, converting lands once used for agricultural purposes to urban land uses was seen as a necessary part of accommodating the growth of California's cities. It was common for city and county leaders to see agricultural lands around cities as areas for future urbanization, with the assumption that this type of urban development would assure the economic health of the community and provide much needed housing.

Two years after the creation of LAFCoS, the state enacted California Land Conservation Act of 1965 (commonly referred to as the Williamson Act) to address the growing concern that the growth of California cities was coming at the expense of losing agricultural lands. The original purpose of

the Williamson Act was to counteract tax laws that often encouraged the conversion of agricultural land to urban uses (i.e., if you were being taxed at urban rates you might as well sell to urban developers). This act enabled local governments to enter into contracts with private landowners for the purpose of creating agricultural preserves that restrict specific parcels of land to agricultural or related open-space use in exchange for reduced property taxes. Over time, this approach has had mixed success. In an earlier regulatory era, when the subdivision of land far from a city and formation of special districts to provide municipal services was a common practice, creating agricultural preserves under Williamson Act contract was deemed necessary to limit development of those parcels. The likelihood that agricultural land could be converted to urban or rural development was high enough to justify the reduction in property tax revenue in exchange for limiting the land’s development potential.

Today, much of the land under Williamson Act contract in many counties is far from a city’s sphere of influence, where conversion of the most productive farmland most frequently occurs. Yet, the agricultural lands that are under pressure of being converted to non-agricultural uses are most often located on the urban fringe. Due to development speculation of these lands, they are less likely to be protected under a Williamson Act contract, making the role of LAFCo ever more important.

LAFCos were created to implement the state’s growth management and preservation goals. To achieve these objectives, LAFCos were given the sole authority to regulate the boundaries and service areas of cities and most special districts. Though they do not have local land use authority, LAFCos exercise their authority by denying, approving, or conditionally approving expansion proposals by cities and special districts. With this broad authority, each LAFCo uses its own discretion to act in a manner that encourages and provides planned, well-ordered, efficient urban development patterns with appropriate consideration of preserving open-space and agricultural lands within those patterns. Figure 1 depicts the balance that LAFCos are expected to achieve through their actions.



Varying Definitions of “Prime” Agricultural Lands

As discussed further below, preserving prime agricultural land is a key statutory mandate of LAFCo. To measure and understand the importance of California’s remaining prime agricultural land, this paper defines what constitutes prime agricultural land. This can be a challenge because federal, state, and local agencies, including LAFCos, all operate under different laws and requirements each setting out different definitions of prime farmland.

As defined by the United States Department of Agriculture, prime farmland is

Land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and is also available for these uses. It has the

soil quality, growing season, and moisture supply needed to produce economically sustained high yields of crops when treated and managed according to acceptable farming methods, including water management. In general, prime farmlands have an adequate and dependable water supply from precipitation or irrigation, a favorable temperature and growing season, acceptable acidity or alkalinity, acceptable salt and sodium content, and few or no rocks. They are permeable to water and air. Prime farmlands are not excessively erodible or saturated with water for a long period of time, and they either do not flood frequently or are protected from flooding.”²

AFT relies on the California Department of Conservation’s Farmland Mapping and Monitoring Program (FMMP) definition of prime farmland, which originated from the USDA definition. The FMMP was established by the State of California in 1982 to produce agricultural resource maps, based on soil quality and land use. The FMMP maps are updated every two years using aerial photographs, a computer-based mapping system, public review, and field reconnaissance. The FMMP definition of Prime Farmland is “land which has the best combination of physical and chemical characteristics for the production of crops. It has the soil quality, growing season, and moisture supply needed to produce sustained high yields of crops when treated and managed, including water management, according to current farming methods. Prime Farmland must have been used for the production of irrigated crops at some time during the two update cycles prior to the mapping date. It does not include publicly owned lands for which there is an adopted policy preventing agricultural use.”³ FMMP also maps farmland that is classified as less than prime, such as Unique Farmland, Farmland of Statewide Importance, Farmland of Local Importance (which is defined by local jurisdictions and accepted by FMMP), Urban and Built-up Land, and Other Land.

LAFcos operate according to their own definition,⁴ which identifies prime agricultural land as:

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 plant products an annual gross value of not less than four hundred dollars (\$400) per acre for three of the previous five calendar years.

Land that would not qualify as Prime under USDA or FMMP definitions of Prime, may qualify as Prime under the LAFco definition; for example, Unique Farmland, and Farmland of Statewide

Importance, and grazing land can still meet the LAFCo definition of prime agricultural land. Although LAFCos monitor the conversion of Prime Farmland within their own jurisdictions, CALAFCO does not monitor that conversion statewide. Therefore, the following section utilizes the FMMP definition of Prime Farmland to illustrate the trends affecting farmland in California, which, from AFT's perspective, demonstrate the urgency of protecting what remains.

An AFT View: Why It Is Important to Preserve What We Have Left—What's at Risk?

California boasts some of the most productive farmland on the planet, as measured in terms of the ratio of agricultural inputs to outputs. This productivity is largely possible because of California's Mediterranean climate and fertile soils, which require fewer inputs and are less subject to unfavorable climate conditions and pest pressures. This is important for many reasons, including state and national food security, California's prospects for economic growth and competitiveness on the agricultural market, and the efficient utilization of scarce resources such as water.

For nearly four decades, AFT has monitored the conversion of agricultural lands to development, and estimates that nationally, we lose approximately an acre every minute. In California, where the state has been monitoring the conversion of farmland to urban development since the early 1980s, the average rate of loss is 40,000 acres per year. At this rate, California will lose an additional two million acres by 2050, most of which will be prime farmland.

Current Trends

Of California's approximately 100 million acres of land, 31 million acres or one-third, are used for agriculture. Of this agricultural land, 19 million acres are used for grazing land and 12 million acres are used to grow crops. That figure may seem significant, but only about 9 million acres of this cropland are considered to be prime, unique or of statewide importance (as defined by the California Department of Conservation's FMMP).⁵ This resource is diminishing and is likely to continue to do so, mostly due to conversion to urban development, but also from other causes. Considering that not all remaining farmland is ideal for agriculture due to current and future water stress, climate and temperature changes, and other constraints such as strong soil salinity, protecting what is left is paramount.

In the last 30 years, California has lost more than one million acres of farming and grazing land, and about half of that loss was prime farmland. Figure 2 below provides a snapshot from the California Department of Conservation of what has happened to farmland over that period.

Economic and Cultural Benefits

California is the leading agricultural producer in the United States. Its agricultural abundance includes more than 400 commodities. Over a third of the nation's vegetables and two-thirds of the nation's fruits and nuts are grown in California.⁶ California is the sole producer of an array of commodities consumed by people all over the world. Nearly all of the domestically grown grapes, pomegranates, olives, artichokes, and almonds are grown in California, and over three-quarters

of the nation's strawberries and lettuce come from the golden state.⁷ Ensuring the protection of the state's agricultural lands is essential to protecting California's agricultural economy, and supports numerous other social and environmental benefits to our communities.

Agriculture plays a significant role in many of the state's regions, fueling local economies, providing employment, and maintaining over a century of cultural heritage. In 2014, the farm gate value of the state's 76,400 farms and ranches was a record \$54 billion, double the size of any other state's agriculture industry. Of the \$54 billion, over \$21 billion was attributed to California's agricultural exports.⁸ Not only is California the country's largest agricultural producer, it is the largest exporter of agricultural products. Agricultural products are one of California's top five exports.⁹

Agriculture creates significant ripple effects (i.e. multipliers) throughout California's economy. Each dollar earned within agriculture fuels a more vigorous economy by stimulating additional activity in the form of jobs, labor income and value-added processes. Farm production is closely linked to many other industries: the production of farm inputs, the processing of food and beverages, the textile industry, transportation and financial services. According to the University of California Agricultural Issues Center, which is located at UC Davis and studies the multiplier effects of California farm industry and closely related processing industries, the combined sectors generated 6.7 percent of the state's private sector labor force (including part-time workers), 1.3 percent of the Gross State Product (GSP) and 6.1 percent of the state labor income in 2009. The Center calculated that during that year, a \$1 billion increase of the value added from agricultural production and processing results in a total of \$2.63 billion of GSP.¹⁰

Including multiplier effects, each job in agricultural production and processing in 2009 accounted for 2.2 jobs in the California economy as a whole, and each farming job generated 2.2 total jobs. Agricultural production and processing are especially significant to the economy of California's Central Valley where, including ripple effects, they generated 22 percent of the private sector employment and 20.1 percent of the private sector labor income in 2009. Excluding ripple effects, agriculture directly accounted for 10.2 percent of jobs and 9.2 percent of labor income that year.¹¹

When California loses productive agricultural lands, it loses the income and jobs associated with those lands. Despite the economic contribution to the state, agricultural lands are under pressure from a variety of forces that have the potential to significantly affect the food production capacity that contributes to the food security of the state, nation and world. Preserving farmland means preserving not only our food security but regional economic productivity, income levels, and jobs throughout the farming and food sectors.

Figure 2. Quick Facts on California Farmland, 1984–2012

Did you know, over the course of 30 years...

- Over 1.4 million acres of agricultural land in California were removed from farming uses (a rate of nearly one square mile every four days)
- Of converted land, 49 percent was prime farmland
- For every 5 acres leaving agricultural use, 4 acres converted to urban land

Source California Department of Conservation, Farmland Mapping and Monitoring Program Farmland Mapping and Monitoring Program, *California Farmland Conversion Summary 1984–2014 and California Farmland Conversion Report, 2015*

In California, agriculture is an important cultural identity to many communities, ranging from large-scale farming operations to small-scale family farms and geographically spanning many regions throughout the state, from coastal metropolitan regions to the heart of the San Joaquin Valley. The expanse of agricultural products that California farmers offer adds to the uniquely California cultural scenery, abundance of fresh food, and greatly contributes to quality of life.

Environmental Benefits

Although agricultural practices may sometimes have environmental downsides, agricultural use of land also contributes numerous benefits to the environment and communities. Agriculture is both vulnerable to climate change, and can help mitigate the impacts of climate change. Protecting agricultural lands will help communities reduce vehicle miles traveled (VMT) and greenhouse gas emission associated with vehicle travel by avoiding sprawl. Agricultural lands also have huge potential to sequester carbon. These two benefits make the preservation of these lands important strategies in meeting the long-term climate change goals under *California's 2017 Climate Change Scoping Plan*.¹² Additionally, their preservation is vital to maintaining groundwater recharge. The areas where our highest quality farmland is located are the areas that provide for the greatest groundwater recharge. Protecting agriculture keeps land porous and helps rebuild aquifers. One of the most important actions leaders and communities can take to address future water stresses is protecting the prime farmland that is best suited to replenishing groundwater supplies.

Accounting for Natural Resources Using a Multiple Benefit Approach

The Bay Area Greenprint is a new online mapping tool that reveals the multiple benefits of natural and agricultural lands across the region. It was designed to help integrate natural resource and agricultural lands data into policies and planning decisions that will influence the future of San Francisco Bay Area's vibrant environment, economy and regional character.

Intact ecosystems can provide important benefits for the human population in the Bay Area and throughout the state. The Bay Area Greenprint is an opportunity to aid planners from cities, counties, and LAFcos in understanding and conveying that protecting agricultural land, as a part of intact ecosystems, can provide important benefits for residents in the Bay Area. By conducting multi-benefit assessments (agricultural + habitat + biodiversity + recreation + groundwater + carbon sequestration), the Greenprint provides a more complete understanding of the costs and tradeoffs of developing the region's natural and working lands. It will also assist stakeholders in understanding and communicating both climate change threats and opportunities as well as the multiple values of the Bay Area landscape.

For more information, please visit the tool at www.bayareagreenprint.org

LAFCos' Mandate to Preserve Agricultural Lands

Cortese-Knox-Hertzberg Local Government Reorganization Act 2000 (CKH Act)

Among the purposes of a commission are discouraging urban sprawl, preserving open-space and prime agricultural lands, encouraging the efficient provision of government services, and encouraging the orderly formation and development of local agencies based upon local conditions and circumstances. (Gov. Code §56301, emphasis added.)

Preserving prime agricultural lands and open space is a key statutory mandate of LAFCos and the CKH Act provides direction to LAFCos on certain policies, priorities, and information that LAFCos should, and/or must consider when analyzing boundary change proposals that could potentially impact agricultural lands. The CKH Act includes policies specific to agricultural preservation, including:

- Development or use of land for other than open-space uses shall be guided away from existing prime agricultural lands in open-space use toward areas containing non-prime agricultural lands, unless the action would not promote the planned, orderly, efficient development of an area. (Gov. Code §56377(a).)
- Development of existing vacant or nonprime agricultural lands for urban uses within the existing jurisdiction of a local agency or within the sphere of influence of a local agency should be encouraged before any proposal is approved which would allow for or lead to the development of existing open-space lands for non-open-space uses which are outside of the existing jurisdiction of the local agency or outside of the existing sphere of influence of the local agency. (Gov. Code §56377(b).)
- Factors to be considered [by the Commission] in the review of a proposal shall include the effect of the proposal on maintaining the physical and economic integrity of agricultural lands, as defined by Section 56016. (Gov. Code § 56668(e).)

Approaches to LAFCo Agricultural Preservation Policies

Though the CKH Act provides some policies specific to agricultural preservation, these are baseline parameters and guidelines from which individual LAFCos can carry out their mandate. Ultimately, a LAFCo's broad powers will guide and influence annexation decisions and how a LAFCo will respond to the need to balance urban growth and preserving agriculture and open space.

To equip individual LAFCos with the ability to respond to local conditions and circumstances, the CKH Act calls for a LAFCo to:

... establish written policies and procedures and exercise its powers pursuant to this part in a manner consistent with those policies and procedures and that encourages and provides planned, well-ordered, efficient urban development patterns with appropriate consideration of preserving open-space and agricultural lands within those patterns. (Gov. Code §56300(a).)

Over the years, LAFcos, on an individual basis, have adopted various local policies and procedures to assist them in their effort to preserve agricultural lands. These policies generally call for the avoidance, minimization, and mitigation of adverse impacts to agricultural lands.

Avoidance consists of anticipating and taking measures to avoid creating adverse impacts to agricultural lands from the outset, such as steering development away from agricultural lands to avoid their conversion to other uses. This most efficiently occurs at the time a city or county is updating its general plan and the issue can be viewed at a regional level and not based on an individual proposal.

Minimization consists of measures to reduce the duration, intensity, and significance of the conversion and/or the extent of adverse impacts to agricultural lands (including direct, indirect and cumulative impacts as appropriate) that cannot be completely avoided.

Mitigation consists of measurable preservation outcomes, resulting from actions applied to geographic areas typically not impacted by the proposed project, that compensate for a project’s significant adverse impacts to agricultural lands that cannot be avoided and/or minimized.

Figure 3. Hierarchy for Agricultural Land Preservation Strategies



LAFco’s unique mandates to preserve prime agricultural lands and discourage urban sprawl, and the fact that agricultural lands are a finite and irreplaceable resource, make it essential to avoid adversely impacting agricultural lands in the first place.

Applying These Approaches

These three approaches form an agricultural preservation hierarchy that should, if followed sequentially—avoid, minimize, and then mitigate adverse impacts. These approaches and the recommended applications below may serve as a guide for LAFCos to adopt an agricultural preservation policy, including criteria to guide LAFCo’s review of boundary change proposals, thereby possibly streamlining the evaluation of proposals. It may also serve as a guide for proactive participation and collaborative discussion during a city’s general plan update. Collaborative planning may help jurisdictions better understand and prepare for the requirements of LAFCo early in the planning process.

Avoidance is preferable because it is the best way to ensure that agricultural lands are not adversely impacted, whereas minimization and mitigation actions include, by definition, some level of residual impact to agricultural lands. Avoidance can also help LAFCos address other important mandates, such as curbing urban sprawl and encouraging the efficient delivery of services by encouraging vacant and underutilized lands within urban areas to be developed before prime agricultural and agricultural land is annexed for non-agricultural purposes. Avoidance is also consistent with the growing recognition at the state level that future development should, when and where possible, be directed into infill areas located within existing urban footprints to limit the amount of transportation related greenhouse gases generated. LAFCos can adopt specific policies and procedures that encourage cities to first utilize their existing vacant and underutilized lands within urban areas for development. What LAFCos can do to **AVOID** conversion of agricultural lands:

- Consider removal of excessive amounts of land from city spheres of influence, (i.e. where SOI is much larger than what is needed over a long-range development horizon).
- Adopt policies that encourage cities to implement more efficient development patterns, adopt stable growth boundaries that exclude agricultural lands, promote infill first, and consider alternative locations within city limits in order to remove development pressure on agricultural lands.
- Encourage continuous communication and collaborative planning and studies between public agencies to ensure that consideration of avoidance begins as early as possible in a jurisdiction’s planning process.
- Participate in city general plan update processes to discourage the premature conversion of agricultural lands and to limit development pressure on agricultural lands.

Case Study: Reducing the Spheres of Influence

In 2007, the Kings County LAFCo reduced its spheres of influence through its Comprehensive City and Community District Municipal Service Review (MSR) and SOI Update. The LAFCo utilized the MSR requirement from the Cortese-Knox Hertzberg Local Government Reorganization Act of 2000 to coordinate future urban growth considerations in a more streamlined and accountable manner. In developing the MSRs, Kings LAFCo rewarded the good planning efforts of its four cities by reaffirming well planned areas with planned services, while areas within existing spheres of influence not currently planned for urban growth would require more extensive MSR updates. This approach allowed Kings LAFCo an opportunity to successfully remove almost 11,000 acres from future growth consideration where urban services were not planned and agriculture was the established use.

- Discourage extension of urban services outside city boundaries for new development.
- Request that the Lead Agency CEQA assessment includes analysis of alternatives that do not result in conversion of agricultural lands as defined in the CKH Act.
- Require that the jurisdiction demonstrate that infill or more efficient use of land is not possible *prior* to considering SOI expansion and/or annexation into agricultural lands.

Minimizing adverse impacts to agricultural lands should be considered and applied to the maximum extent practicable if all project alternatives have been considered and avoidance is truly not feasible. Minimization, by definition, means reducing the significance of the conversion and/or reducing the adverse impacts by making changes to a project. In other words, some impacts will be incurred, however, they will be less severe than if changes had not been implemented. Minimization measures must be carefully planned, implemented and monitored to assess and to ensure their long-term effectiveness.

What LAFcos can do to **MINIMIZE** conversion of agricultural lands:

- Encourage continuous communication and collaborative planning and studies between public agencies and LAFCo.
- During a city's general plan update process, encourage jurisdictions to adopt a long-term growth management strategy that provides for more efficient development.
- Encourage jurisdictions to adopt a "Plan for Agricultural Preservation."
- Encourage more efficient use of land to limit development of surrounding farmland. Require that the jurisdiction demonstrate that infill or more efficient use of land is not feasible *prior* to considering SOI expansion and/or annexation into agricultural lands.
- Encourage proposals to show that urban development will be contiguous with existing or proposed development; that a planned, orderly, and compact urban development pattern will result; and that leapfrog, non-contiguous urban development patterns will not occur.
- During a CEQA process, request that jurisdictions demonstrate how a proposal will affect the physical and economic integrity of impacted and surrounding agricultural lands.
- As part of a city's general plan process, encourage jurisdictions to map, analyze, and describe all agricultural lands within or adjacent to land proposed for annexation, including analysis of any multiple land-based values such as

Case Study: Greenbelts and Agreements

Ventura County has established greenbelts around its urban areas. Greenbelts are created through voluntary agreements between the Board of Supervisors and one or more City Councils regarding development of agricultural and/or open space areas beyond city limits. They protect open space and agricultural lands and reassure property owners located within these areas that lands will not be prematurely converted to uses that are incompatible with agriculture.

Cities commit to not annex any property within a greenbelt while the Board agrees to restrict development to uses consistent with existing zoning.

Ventura County LAFCo will not approve a sphere update if the territory is within one of the greenbelt areas unless all parties to the greenbelt agreement are willing to accept an amendment to the agreement.

The Ventura policies generally follow Gov. Code §56377.

agricultural, biodiversity, recreation, groundwater, and carbon sequestration, to identify areas of high natural resource value where development is best avoided.

- Encourage agreements among jurisdictions that outline conditions for expanding boundaries. Agreements can be recognized by LAFCo.
- Recommend project requirements to protect agricultural lands adjoining land covered in applications to LAFCo, both to prevent their premature conversion to non-agricultural uses and to minimize potential conflicts between proposed urban development and adjacent agricultural uses, such as:
 - Agricultural buffers. A buffer is typically an on-site strip of land along the perimeter of a development proposal. These provide a way to minimize conflict by creating spatial separation and other barriers such as walls and landscaping between agricultural operations and urban residents. Buffers may be established through city-county agreements and encouraged under locally adopted LAFCo policies.
 - Encourage the adoption of right-to-farm ordinances. These ordinances are developed to offset the perception that typical farming practices are a “nuisance” by 1) providing dispute resolution mechanisms for neighbors as an alternative to filing nuisance-type lawsuits against farming operations; and 2) notifying prospective buyers about the realities of living near farms before they purchase property.
 - Development of educational and informational programs to promote the continued viability of surrounding agricultural land.
 - Encourage the development of a real estate disclosure ordinance to fully inform all directly affected prospective property owners about the importance of maintaining productive agriculture in the area.

Mitigation of impacts to agricultural lands should be considered and applied to the maximum extent practicable if all project alternatives have been considered and avoidance is truly not feasible and if minimization measures have been applied, but adverse impacts remain significant. Mitigation measures must be carefully planned, implemented and monitored to assess and to ensure their long-term effectiveness. Regardless of the type of mitigation measures pursued, this path will inevitably lead to a net loss of agricultural land if it is converted. Some key agricultural mitigation principles to consider include:

- Is the proposed mitigation a fair exchange for the loss of the agricultural resource?
- Is the proposed mitigation designed, implemented and monitored to achieve

**Case Study:
Mitigation through Memorandums of
Understanding/Agreement**

Some LAFCos, including San Luis Obispo and Monterey, have entered into MOUs or MOAs with local land use jurisdictions. Such agreements enable the local jurisdictions to express their intent to jointly pursue orderly city-centered growth and agricultural preservation. In San Luis Obispo, the agreement is with San Luis Obispo County. In Monterey, LAFCo has developed agreements with the County and four of the five cities within the agriculturally rich Salinas Valley (Salinas, Soledad, Greenfield and Gonzales) to encourage development of MOAs and MOUs. Though on one occasion, Monterey LAFCo was a third party to the MOA (with Greenfield), the regular practice has been to encourage each city and the County to enter into the MOA/MOU.

clear, stated and measurable outcomes for agricultural preservation?

- Will the proposed mitigation result in a genuine positive change on the ground, which would not have occurred anyway?
- Will the proposed mitigation result in permanent protection of agricultural land, given that the loss of agricultural land is generally irreversible?

Examples of typical measures include:

- The acquisition and transfer of *ownership* of agricultural land to an agricultural conservation entity for permanent protection of the land.
- The acquisition and transfer of *agricultural conservation* easements to an agricultural conservation entity for permanent protection of the land.
- The payment of in-lieu fees to an agricultural conservation entity that are sufficient to fully fund the cost of acquisition and administration/management of agricultural lands or agricultural conservation easements for permanent protection.

Case Study: A Mitigation Menu

Contra Costa LAFCo recently adopted a policy that allows the applicant to choose from a menu of mitigation measures. Those measures can include a 1:1 policy whereby each acre lost is mitigated by an acre preserved for agricultural use. Other options can include fees in lieu of land, conservation easements, agricultural buffers, compliance with an approved habitat conservation plan, and participation in other development programs such as transfer or purchase of development credits. Under this policy, Contra Costa LAFCo will consider any reasonable proposal. If the applicant does not suggest a measure, the Commission has the option to impose one or deny the project.

CEQA and Agricultural Preservation

Working proactively with local agencies to avoid or minimize impacts to agricultural land in the first place is preferable to mitigation. Agricultural mitigation requirements (for example, protecting other off-site lands at a certain ratio) are beneficial, but do not prevent agricultural land from being converted.

However, as a last resort, CEQA can be a tool to help LAFCos leverage agricultural preservation in furtherance of LAFCos' state-mandated purpose. Even in the absence of locally adopted agricultural preservation policies, agencies are required to consider project impacts on agricultural resources. Therefore, LAFCos can still promote agricultural preservation even when the local political climate may not allow for strong local policies. CEQA does not require LAFCos to adopt local agricultural conservation or mitigation policies, but some LAFCos may find it useful to adopt clear and transparent expectations via a local policy.

Public Resources Code, Section 21002 states (emphasis added):

*The Legislature finds and declares that it is the policy of the state that public agencies should not approve projects as proposed if there are **feasible alternatives or feasible mitigation measures available which would***

Note

LAFCo can suggest, request, or require feasible mitigation measures, even in the absence of local agricultural preservation policies.

substantially lessen the significant environmental effects of such projects, and that the procedures required by this division are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects. The Legislature further finds and declares that in the event specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof.

Pursuant to CEQA, public agencies shall not approve projects as proposed if there are feasible alternatives or feasible mitigation measures that would substantially lessen the significant environmental effects of the project.

LAFCo as a Responsible Agency

Typically, a LAFCo will review a CEQA document, such as an Environmental Impact Report (EIR) or Negative Declaration as a “responsible agency”. Under CEQA, the “lead agency” means the public agency which has the principal responsibility for carrying out or approving a project which may have a significant effect upon the environment.¹³ A responsible agency is any public agency, other than the lead agency, which has the responsibility for carrying out or approving the project.¹⁴ Normally, the lead agency is the agency with general governmental powers such as a city or a county. Agencies with limited powers such as LAFCos, or agencies providing a public service or utility service, tend to be a responsible agency. However, LAFCos may be the lead agency and typically serve in this role for certain projects such as approvals of sphere of influences or out-of-agency municipal service extensions.

In the role of responsible agency, LAFCos can apply some leverage because LAFCo approval is necessary to implement the project. As a responsible agency, LAFCo has an obligation to address environmental impacts within its jurisdiction. If a LAFCo has adopted local agricultural preservation policies such as required conservation ratios, buffering setbacks, etc., LAFCo can comfortably assert recommendations on a project while the lead agency is still processing the CEQA document because: (1) the lead agency, in desiring LAFCo approval, likely will be amendable to compliance with LAFCo requirements and policies; and (2) the project proponent presumably would prefer to make any project changes and/or revisions to the CEQA document in compliance with LAFCo policy up front rather than waiting until the matter is before the LAFCo, thereby optimizing the time spent securing approvals. However, a LAFCo does *not* have to have formally adopted local policies in order for LAFCo to recommend that the lead agency require a given mitigation measure such as a conservation easement to mitigate for conversion of agricultural lands. CEQA’s mandate requires the lead agency to implement feasible alternatives and mitigation measures whether or not a LAFCo has a locally adopted policy. Further, even if a lead agency or project proponent is not amenable to complying with LAFCo recommendations, if LAFCo believes that a project would have a significant impact to agricultural lands that the lead agency has not identified, the LAFCo, as a responsible agency, could require subsequent environmental review. In the context of that subsequent environmental review, a LAFCo could impose its own mitigation measures to protect agricultural lands if necessary to protect against a true threat to its resource.

Notice of Preparation (For EIRs only, not Negative Declarations)

If a LAFCo is a responsible agency on a project, it should respond in writing to the Notice of Preparation. The response should identify the significant environmental issues and reasonable alternatives and mitigation measures that the responsible agency will need to have explored in the draft EIR.¹⁵ This is LAFCo's opportunity to notify the lead agency of any relevant policies and potential concerns with a project that should be included in the EIR analysis. The LAFCo should be clear and forthright about project issues and LAFCo policies and requirements at the outset in the interest of providing the earliest possible notice to the interested parties. This will enhance the LAFCo's long-term credibility in the community and help keep political and other relationships in a positive state.

The intent is to avoid, minimize, and mitigate project impacts to agricultural land. Questions to consider during the NOP process include: Do options exist to minimize or avoid impacts to agricultural land? Should project alternatives be considered? What mitigation measures should be included?

Here are a few code sections to keep on hand. The following statutes can be cited to provide support when promoting LAFCo agricultural preservation goals:

- CKH Act, California Government Code, Section 56377: In reviewing and approving or disapproving proposals which could reasonably be expected to induce, facilitate, or lead to the conversion of existing open-space lands to uses other than open-space uses, the commission shall consider . . . (a) Development or use of land for other than open-space uses shall be guided away from existing prime agricultural lands in open-space use toward areas containing nonprime agricultural lands, unless that action would not promote the planned, orderly, efficient development of an area.
- CEQA Guidelines, Title 14, California Code Regulations, Section 15041: The responsible agency may require changes in a project to lessen or avoid only the effects, either direct or indirect, of that part of the project which the agency will be called on to carry out or approve.
- CEQA Guidelines, Title 14, California Code Regulations, Section 15096(g)(2): When an EIR has been prepared for a project, the Responsible Agency shall not approve the project as proposed if the agency finds any feasible alternative or feasible mitigation measures within its powers that would substantially lessen or avoid any significant effect the project would have on the environment. With respect to a project which includes housing development, the Responsible Agency shall not reduce the proposed number of housing units as a mitigation measure if it determines that there is another feasible specific mitigation measure available that will provide a comparable level of mitigation.

Draft EIR or Negative Declaration

At the draft EIR or Negative Declaration stage of the process, a LAFCo may comment on the adequacy of the draft environmental document's analysis, mitigation measures and conclusions. The

A Note About Ag Mitigation Ratios

Conservation easements are effective and commonly used mitigation strategies. However, they do not make up for the loss of agricultural land and may not necessarily reduce the impact of agricultural land loss to a less than significant level.

lead agency is required to consult with LAFCo if it is a responsible agency. Among questions to think about during either draft EIR or Negative Declaration review: Are the analysis and stated impacts to agricultural land sound, reasonable and acceptable to LAFCo? Have all feasible project alternatives and mitigation measures been considered and required?

A LAFCo should ordinarily only make substantive comments regarding those activities involved in the project that are within LAFCo's scope of authority under the CKH Act, or aspects of the project required to be approved by LAFCo, and should be supported by specific documentation when possible. In a CEQA responsible agency role, LAFCos are required to advise the lead agency on environmental effects, and shall either submit to the lead agency complete and detailed performance objectives for mitigation measures addressing those effects or refer the lead agency to appropriate, readily available guidelines or reference documents concerning mitigation measures. If the responsible agency is not aware of mitigation measures that address identified effects, the responsible agency must so state.¹⁶

Examples of potential project alternatives to reduce impacts to agricultural lands include, among others: reduced footprint, clustered density, setbacks and buffers. Examples of feasible mitigation measures include: right to farm deed restrictions, setbacks and buffers, and conservation easements on a 1:1, 2:1 or 3:1 ratio.

Evaluation of and Response to Comments/Final EIR (For EIRs only, not Negative Declarations)

After the public comment period closes, the lead agency then evaluates and provides a written response to comments received. The written response by the lead agency must describe the disposition of the issues raised, detailing why any specific comments or suggestions were not accepted. There must be a good faith, reasoned analysis in the response. Unsupported conclusory statements will not suffice. The lead agency cannot simply make generalizations stating that requiring conservation easements is not economically feasible, for example. As a responsible agency, LAFCo should review the written response provided and determine if it adequately resolves the issues raised in its Draft EIR comment letter. If not, LAFCo should reiterate its remaining concerns via letter and/or orally at the public hearing to certify the EIR.

Approval of a Negative Declaration or EIR

When approving a project, the lead agency must find that either (1) the project as approved will not have a significant effect on the environment; or (2) the agency has eliminated or substantially lessened all significant effects where feasible, and determined that any remaining significant effects are found to be unavoidable. Therefore, even if the lead agency is adopting a Statement of Overriding Considerations, it does *not* relieve the agency from the requirement to adopt all feasible mitigation measures. In other words, an EIR Statement of Overriding Considerations is not a "free pass" to avoid mitigation. As a responsible agency, LAFCos should be involved in the CEQA process to ensure, as much as possible, the lead agency has implemented all feasible mitigation measures.

Mitigation Monitoring and Reporting Program

Although mitigation monitoring is the lead agency's responsibility (and LAFCo should ensure mitigation language is written to ensure the responsibility for monitoring and tracking clearly lies with the lead agency and the timing mechanism is clear), as a responsible agency it is good practice to keep tabs on local development timing to follow up and ensure any required mitigation actually occurs.

LAFCo as a Lead Agency

At times, LAFCos may act as the lead agency on a CEQA document. Examples include adoption of SOIs or approval of service extensions. However, often times LAFCos choose to not serve as the lead agency on a project where significant impacts may occur. For example, a LAFCo may choose not to enlarge a city's SOI until a development project has been proposed (and the land use authority as lead agency has conducted CEQA review instead) so that the LAFCo can process the SOI update concurrent with annexation. However, if a LAFCo finds itself as the lead agency on a project, the discussion above regarding lead agency requirements now would apply to LAFCo.

Caution Regarding Reliance on Habitat Conservation Plans as Agricultural Mitigation

Habitat Conservation Plans (HCPs) often permit developers to pay an in-lieu fee for the purchase of comparable habitat to mitigate for a development's impact to sensitive species. Generally, the priority under HCPs is to mitigate for special status species, not necessarily agricultural land. An HCP would not necessarily address loss of agricultural land as an agricultural resource itself, but would rather address the loss of agricultural land in terms of the associated impacts to special-status species and sensitive habitats. This is a generalization as there is no "one size fits all" answer whether an HCP can or should be used as a mitigation strategy to mitigate for project impacts to agricultural land. Thus, LAFCos cannot automatically assume that HCPs will provide adequate mitigation for the loss of agricultural lands and fact-specific analysis would be required.

If use of an HCP for mitigation is proposed by the lead agency, that HCP needs to be reviewed to determine how the fees will be used and if comparable, compensatory mitigation will be provided. In other words, question how the HCP will use the fee. Does the fee get used just to place the land into a conservation easement that prohibits future development or will it be used for habitat restoration that will eliminate agricultural uses (such as mitigation for wetland or vernal pool mitigation)? The second key question is how the fee relates to the impact. Does it result in an appropriate ratio that compensates for the lands to be developed or is the proposed conservation easement "stacked" with other easements? Many conservation easements used for raptor habitat, for example, will prohibit vineyards and orchards, thereby limiting a raptor's ability to hunt, thus placing constraints on agricultural productivity. If the lead agency cannot demonstrate that the HCP fee would fully mitigate for the loss of agricultural land, other mitigation options should be explored outside of the HCP.

Working with Cities and Counties

City and county planning processes directly influence whether local agriculture is sustainable and viable. LAFCos can play an important role early on in a jurisdiction's planning processes and can encourage continuous communication and collaborative planning between agencies.

In addition to adopting their own local LAFCo policies, LAFCos can help cities and counties adopt meaningful agricultural preservation policies in their general plans. By taking the initiative to engage and build relationships with cities and counties, LAFCo can influence local agencies in their planning processes and advocate for the protection of farmland and the farming economy. The Governor's Office of Planning and Research considers early consultation and collaboration between local agencies and LAFCo on annexations to be a best practice. This includes coordinating on CEQA review, general process and procedures, and fiscal issues.

By providing feedback throughout the general plan adoption process, LAFCos are able to coordinate with and encourage local agencies to adopt strong farmland protection policies in their general plans, specific plans, plans for development in unincorporated areas, and even within city limits. By engaging in a dialogue over plan development with cities and counties long before those agencies submit formal applications, LAFCo can help ensure that applications will be successful.

LAFCos can formalize this kind of proactive participation in local planning processes by tracking city and county agendas and planning cycles, anticipating when such jurisdictions will pursue plan updates or make amendments, and including general plan participation in LAFCo annual work plans. Formalizing this participation through the LAFCo annual work plan provides structure for ongoing engagement, and over time, normalizes the interaction so that cities and counties will come to expect LAFCo to be actively engaged.

Not only can LAFCos engage in early, informal discussions about what kinds of policies would be useful and compatible with LAFCo policies and mandates, but they can also submit formal comments as part of the public planning process. The executive officer can submit these formal comments on behalf of the commission.

To help local agencies assess the impacts of their plans on agricultural resources, LAFCos can draw information from many sources. The California Department of Conservation's Farmland Mapping and Monitoring Program can provide information about valuable farmland, including statistical trend data that can be used for analyzing impacts on agricultural resources. Storie index maps can help LAFCos understand the location of the best soils, so that urban growth can be directed away from those areas. LAFCos should also track the location of agricultural conservation easements, and properties under Williamson Act contracts. The county agricultural commissioner's office can help other local agencies understand local agriculture and how planning decisions will have an effect.

LAFCos can help cities make good decisions with regard to annexations, following the avoid-minimize-mitigate protocol mentioned earlier in this white paper. LAFCos have the power to review and approve annexations with or without amendment, wholly, partially, or conditionally, or disapprove proposed annexations, reorganizations, and incorporations, consistent with written policies, procedures, and guidelines adopted by the commission. By working with a city early on in

the process, LAFCo can provide ongoing guidance in the development of an annexation proposal, encouraging attributes that will lead to its success.

LAFCo can also influence county planning processes via the formation or expansion of special districts.

Best Practices for LAFCos

When considering an agricultural preservation policy, the following actions provide background operational context:

1. *An appropriately-scaled policy framework is necessary.*

A policy framework implements a goal, which ideally describes the end-state desired by a LAFCo. Each policy implemented over time, and as applicable, incrementally fulfills a LAFCo's goal. The end-state should reflect the LAFCo's values and by extension the values of the greater community of local agencies that it serves.

A policy adopted without a corresponding over-arching goal is less effective.

2. *The agricultural preservation policy must be consistent with the authority and limitations of a LAFCo.*

LAFCos have broad statutory authority to approve, approve with conditions, or deny proposals for a change of organization or reorganization initiated by a petition or by resolution of application.¹⁷ However, LAFCos shall not impose any conditions that would directly regulate land use density or intensity, property development, or subdivision requirements.¹⁸

3. *LAFCos should have commitment from the local agencies involved in the implementation of the policy.*

LAFCo policies should be developed in consultation with the affected local agencies and stakeholders in the county. Also, policies should be developed so that they work in coordination with the local agencies' approval process. Preferably, LAFCo policies are consistent and complementary with cities' general plans and the master plans of special districts under LAFCo's jurisdiction.

4. *The policy should be simple, uncomplicated, and easy for the local agency staff to administer and the public to understand.*

Over 78 percent of LAFCos are staffed with four or fewer employees.¹⁹ This means that most LAFCos have very limited resources with which to implement and monitor complicated policies, implementation or mitigation measures.

5. *The policy should include a programmatic incentive for proposal applicants to either agree with the effect of the policy or not protest implementation.*

Once adopted, the policy should influence how local agencies implement their growth plans.

6. *Importantly, local agencies, stakeholders and the public must know about and understand the agricultural preservation policy and its potential use. In other words, a public education program is essential.*

Community involvement in the development of the goal and its supporting policy is critical. Such input should be requested, synthesized, and reflected in the goal to represent the community's interest. LAFCo interests are best served when the community's understanding is clear about how that goal is achieved, how long it should take to reach, and how one or more policies is used to reach it.

7. *There should be flexibility in the specific details of how a given proposal can implement overarching policy goals.*

Individual LAFCo policies can lay out a LAFCo's statutory mandate to balance the state interest in the preservation of open space and prime agricultural lands against the need for orderly development. A policy can state that a proposal provide for planned, well-ordered, efficient urban development patterns with appropriate consideration of preserving open-space and agricultural lands within those patterns. But the policy does not have to prescribe a specific course of action that an applicant should take in order to be considered satisfactory in addressing this overarching policy goal. The policy places the onus on the applicant to explain or justify how the proposal balances the state interest in the preservation of open space and prime agricultural lands against the need for orderly development. The policy can be explicit in asserting a LAFCo's authority to deem incomplete and/or deny proposals that do not adequately put forth a rationale for a LAFCo to weigh against the policy goals.

Endnotes

1. California Public Resources Code, Section 21000 et seq.
2. SSM, USDA Handbook No. 18, October 1993. United States Department of Agriculture. Accessed on August 9, 2017: https://www.nrcs.usda.gov/wps/portal/nrcs/detail/null/?cid=nrcs143_014052.
3. California Department of Conservation Farmland Mapping and Monitoring Protection Program. Accessed January 15, 2018: http://www.conservation.ca.gov/dlrp/fmmp/Documents/soil_criteria.pdf.
4. California Government Code Section 56064.
5. California Department of Conservation, Farmland Mapping and Monitoring program (FMMP).
6. California Department of Food and Agriculture, 2015.
7. U.S. Census of Agriculture, [National Agricultural Statistics Service](#), 2015.
8. California Department of Food and Agriculture, 2015.
9. U.S. Census Bureau, 2016.
10. *The Measure of California Agriculture*, 2012 update. University of California Agricultural Issues Center. Accessed on December 13, 2017: <http://aic.ucdavis.edu/publications/moca/MOCABrochure2013.pdf>.
11. Ibid.
12. California Air Resources Board. *California's 2017 Climate Change Scoping Plan*. Accessed on December 15, 2017: <https://www.arb.ca.gov/cc/scopingplan/scopingplan.htm>.
13. California Public Resources Code, Section 21067.
14. California Public Resources Code, Section 21069.
15. CEQA Guidelines Section 15082 (b).
16. CEQA Guidelines Section 15086 (c) and (d).
17. California Government Code Section 56375 (a)(1): The commission shall have the powers and duties to review and approve with or without amendment, wholly, partially, or conditionally, or disapprove proposals for changes of organization or reorganization, consistent with written policies, procedures, and guidelines adopted by the commission.
California Government Code Section 56021: "Change of organization" means any of the following:
 - (a) A city incorporation.
 - (b) A district formation.
 - (c) An annexation to a city.
 - (d) An annexation to a district.
 - (e) A detachment from a city.
 - (f) A detachment from a district.
 - (g) A disincorporation of a city.
 - (h) A district dissolution.
 - (i) A consolidation of cities.
 - (j) A consolidation of special districts.
 - (k) A merger of a city and a district.
 - (l) Establishment of a subsidiary district.
 - (m) The exercise of new or different functions or classes of services, or divestiture of the power to provide particular functions or classes of services, within all or part of the jurisdictional boundaries of a special district.
18. California Government Code Section 56375 (a)(6).
19. CALAFCO survey, CaLAFCO.org, 2015.

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 of open space and prime agricultural lands.

Background

The State Legislature has instructed Local Agency Formation Commissions to establish policies that address the preservation of open space (Govt. Codes § 56300 and 56377). LAFCOs are required to consider how spheres of influence or changes of local governmental organization could affect open space and prime agricultural lands. Commissions are directed to guide development away from prime agricultural lands – unless that action would not promote the planned, orderly and efficient development of an area – and to encourage development of existing vacant or non-prime agricultural lands within a jurisdiction before approving any proposal that would allow development of open-space lands outside of an agency’s boundary (Govt. Code § 56377). Proposals must be further reviewed for their effect on maintaining the physical and economic integrity of agricultural lands (Govt. Code § 56668).

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

- (a) Land that qualifies, if irrigated, for rating as class I or class II in the USDA Natural Resources Conservation Service land use capability classification, whether or not land is actually irrigated, provided that irrigation is feasible.
- (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. Discourage proposals that would convert prime agricultural or open space lands to other uses unless such an action would not promote the planned, orderly, efficient development of an area *or* the affected jurisdiction has identified all prime agricultural lands within its sphere of influence and adopted measures that would effectively preserve prime agricultural lands for agricultural use;
2. Require rezoning of territory (city only) to identify areas subject to agricultural/preservation and planned development;
3. Follow San Diego LAFCO's adopted procedures to define agricultural and open space lands and to determine when a proposal may adversely affect such lands.

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

Cross-reference:

SAN DIEGO LAFCO PROCEDURES:
-Open Space and Agricultural Preservation

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Jo MacKenzie, Director
Vista Irrigation District

Vice Chair

Ed Sprague, Director
Olivenhain Municipal Water

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City of Imperial Beach

Chris Cate, Councilmember
City of San Diego

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County of San Diego

Judy Hanson, Director
Leucadia Wastewater District

Harry Mathis
Public Member

Executive Officer

Keene Simonds

Counsel

Michael G. Colantuono

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AGENDA REPORT Public Hearing | Action

April 2, 2018

TO: San Diego Commissioners
FROM: Keene Simonds, Executive Officer
SUBJECT: Adoption of Final Workplan and Budget for 2018-2019

SUMMARY

The San Diego Local Agency Formation Commission (LAFCO) will consider recommendations from the Executive Officer in adopting a final workplan and operating budget for 2018-2019. Both items return following their adoption in draft-form in February and subsequent public review. A limited number of revisions are reflected in both items and highlighted by expanding the workplan to include updating the existing memorandum of understanding between LAFCO and the County of San Diego. Revisions to the budget are minor and accommodate modest adjustments in payroll estimates and increase projected total costs from February by an additional 0.1% and contributes to an updated budget expense of \$1.906 million; the latter of which produces an overall decrease of (\$0.080) million or (4.0%).

BACKGROUND

[Annual Budget Process | State Requirements](#)

San Diego LAFCO is responsible under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (“CKH”) to adopt a proposed budget by May 1st and a final budget by June 15th. A mandatory review by all local funding agencies is required between the two adoption periods. The legislation also specifies the proposed and final budgets shall – at a minimum – be equal to the budget adopted for the previous fiscal year unless LAFCO formally finds any reduced costs will nonetheless allow the membership to meet its regulatory and planning duties.

Prescriptive Funding Sources

State law mandates operating costs for LAFCOs shall be annually funded among their represented membership categories. San Diego LAFCO’s operating costs, accordingly, are divided among four distinct membership categories that collectively include 78 local agencies. The largest apportionment is assigned to the County of San Diego at 28.6%. The independent special districts and cities less the City of San Diego are also apportioned funding percentages of 28.6% with individual amounts therein divided among the agencies based on total revenue shares in a given fiscal year.¹ The City of San Diego – and based on special legislation providing the City a dedicated seat on the Commission – is responsible for the remaining 14.3% of San Diego LAFCO’s annual operating costs.²

Current Operating Budget

San Diego LAFCO’s adopted final budget for 2017-2018 totals \$1.986 million. This amount represents the total approved operating expenditures for the fiscal year divided between three active expense units: salaries and benefits; service and supplies; and other. A matching revenue total was also budgeted to provide a projected year-end net of \$0 and done with the aid of a planned \$0.220 million transfer from reserves. Budgeted revenues are divided between four active units: intergovernmental contributions; service charges; earnings; and miscellaneous. The Commission’s total fund balance – which includes restricted, committed, and unassigned monies – as of July 1, 2017 was \$1.469 million.

Budgeted 17-18 Expenses	Budgeted 17-18 Revenues	Budgeted 17-18 Year End Balance	Beginning 17-18 Fund Balance
\$1.986	\$1.986	\$0	\$1.469
amounts in millions			

DISCUSSION

This agenda item is for San Diego LAFCO to consider recommendations from the Executive Officer in adopting a final (a) workplan and (b) operating budget for the upcoming fiscal year. Both items return to the Commission from their initial presentation and adoption in February and subsequent 45-day public review and comment period. This included providing direct notice to all 78 local funding agencies as required under statute as well as presenting to the Special Districts Advisory Committee; a process that did not generate any formal comments.³ A summary discussion of the main components underlying both items follows – including addressing revisions made since February.

¹ The most recent report on audited local revenues issued by the State Controller’s Office for cities and special districts are used in apportioning individual agency amounts.
² San Diego LAFCO is one of five LAFCOs in California with special legislation that provides for a dedicated and additional city seat on the Commission. The other four LAFCOs are Kern (City of Bakersfield), Los Angeles (City of Los Angeles), Santa Clara (City of San Jose), and Sacramento (City of Sacramento).
³ Several members of the Special Districts Advisory Committee did express interest in San Diego LAFCO further prioritizing the establishment of social media policies and procedures in the workplan and in step with expanding outreach to the general public. No formal action, however, was taken in this regard.

Summary | Final Workplan in 2018-2019

The final workplan outlines 25 specific projects for the upcoming fiscal year divided between statutory (legislative directives) and administrative (discretionary matters) activities. The projects are also listed in sequence by assigned priority between high, moderate, and low. Revisions to workplan since the February meeting are limited and highlighted by adding a new project to update the existing memorandum of understanding between San Diego LAFCO and the County of San Diego. This addition was discussed by the Commission at its March meeting and seeks to revise the 1974 document to better reflect the existing relationships and needs of the two agencies. This and other changes are further reflected in the accompanying insert. A summary of all high priority projects follows with the entire listing provided in Attachment One (Exhibit A).

The final workplan incorporates four distinct revisions relative to the draft adopted in February:

- Adding an update of the MOU between LAFCO and the County.
- Adding two new municipal service reviews per the study schedule for the Julian region and San Diego County Sanitation.
- Removing a municipal service review per the study schedule involving the Poway region.
- Modifying a policy review to focus only on the fund balance; also now listed as a high priority.

- No. 1 | Reorganizations on File

There are four active reorganization proposals on file with LAFCO that all involve substantive boundary and/or service changes and are expected – albeit to different degrees – to rollover into FY2019. These four reorganization proposals primarily affect CSA No. 115, CSA No. 135, Alpine Fire Protection District, and the City of San Marcos.

- No. 2 | Expected Reorganizations

Staff is aware of at least two projects currently under consideration by local agencies that would involve substantial sphere and boundary changes and expected to be filed with LAFCO in FY2019. These two proposals principally involve the City of Escondido (Safari Highlands Ranch) and City of Vista (Rancho Lomas Verdes).

- No. 3 | Targeted LAFCO Presentations

Provide introductory overviews of LAFCO’s duties and responsibilities to local boards, councils, and community groups as part of a renewed outreach program. This includes providing presentations to specific communities ahead of scheduled municipal service reviews and with participation from the Chair and Vice Chair as their schedules permit.

- No. 4 | Staff Recruitment-Placement-Training

Recruitments for three new analysts has recently commenced with placement and training/development rolling over into FY2019.

- No. 5 | Job Class and Salary Schedule Review
This review is specific to non-executive positions and focuses on ensuring employees' (current and future) activities are appropriately aligned with organizational needs and wages and related benefits remain competitive. Work on this project commenced in February 2018, but is expected to rollover into FY2019.
- No. 6 through 8 | MSR-SOI for Escondido, San Marcos, and Vista Sub-Regions
These projects are calendared as part of the Commission's five-year study schedule and involve municipal service reviews covering the cities and supporting special districts in the mid-county region. Analyses will determine whether to proceed with associated sphere affirmations or if comprehensive updates are needed.
- No. 9 | Policy Review: Fund Balance
This is part of a periodical review of existing policies to consider whether changes are appropriate to address changes in law and/or practices as well as current membership preferences. A policy review on the fund balance and more specifically as it relates to the use of reserves has previously been identified by the Commission as a priority.
- No. 10 | Fee Schedule Update
A review of the fee schedule is appropriate to ensure an appropriate level of cost-recovery is achieved relative to Commissioners preferences while incorporating – as appropriate – changes in format and orientation. Establishing an hourly staff rate will also be explored.

Summary |

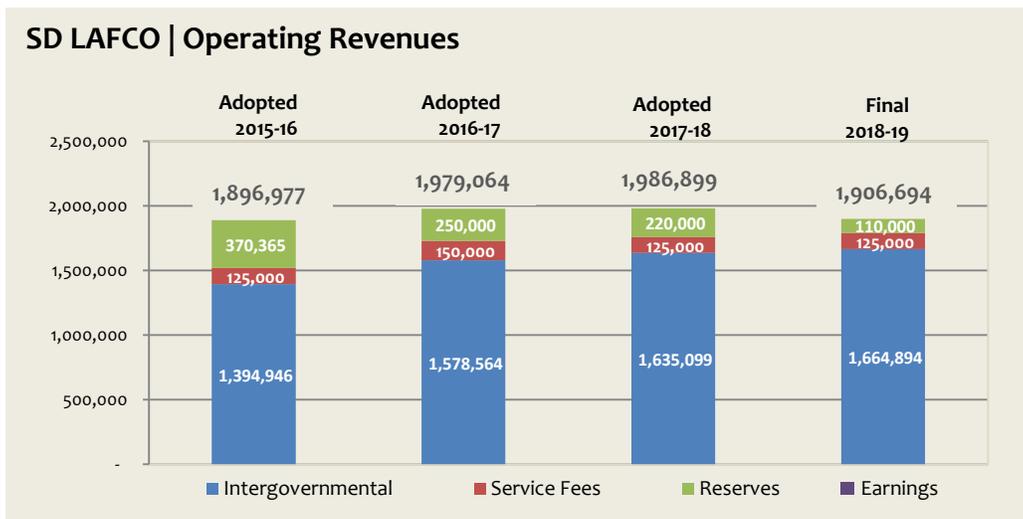
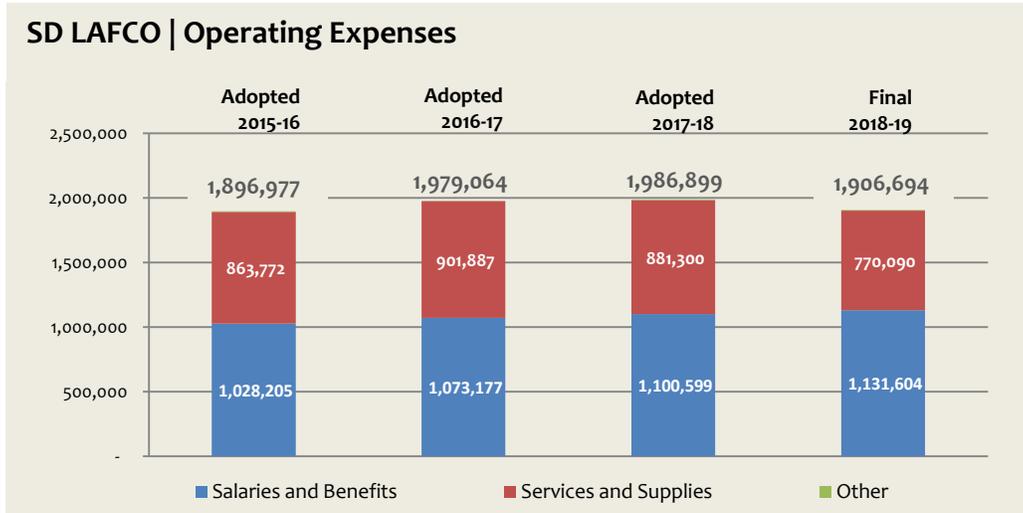
Proposed Operating Budget in 2018-19

The final operating budget developed by the Executive Officer in step with funding the referenced workplan sets expenses at \$1.907 million; a moderate net decrease of (\$0.080) million or (4.0%) over the current fiscal year. The operating expense total – which incorporates a small number of revisions since February as detailed in the accompanying insert – is divided between labor and non-labor costs at an approximate 60-to-40 percent split. Savings in non-labor costs – and most notably involving professional services – underlie the overall decrease in expenses and largely attributed to an administrative change in insourcing more projects (i.e., studies, proposals, etc.) by filling vacated staff positions that otherwise are outsourced to consultants. A matching amount of revenues is budgeted, and as such also reflects a corresponding decrease of (\$0.080) million or (4.0%) with one notable distinction. This distinction involves increasing

The final budget incorporates the following revisions relative to the draft adopted in February:

- Add approximately \$3,000 to salaries/wages. This amount covers approximately \$7,000 lump sum payments to LAFCO employees consistent with new County labor contracts while also reducing wages tied to one of the new analyst positions by close to \$4,000 based on recruitment results to date.

agency contributions by \$29,795 or 1.8% to cover the difference in reducing the use of off-setting reserves by one-half from \$0.220 million in 2017-2018 to \$0.110 million. A detailing of all budgeted revenues and expenses is provided as part of Attachment One (Exhibit B).



Additional comments on the final budget and listing therein of notable expense and revenue provisions is provided as Attachment Two.

ANALYSIS

The final workplan and budget prepared by the Executive Officer are substantially identical to the draft versions presented and adopted by San Diego LAFCO at its February meeting with exceptions involving measured revisions to better reflect needs and priorities. The final workplan informs the budget and outlines 25 project goals for the fiscal year that responsively addresses San Diego LAFCO's expanding regulatory and planning responsibilities while also investing (funds and resources) in the agency's organizational capacity. Processing boundary change proposals will continue to be a priority with several notable projects already on file with LAFCO and likely to extend into 2018-2019. At least two other prominent proposals are expected to be filed during the upcoming fiscal year involving the Cities of Escondido (Safari Highlands) and Vista (Rancho Lomas Verdes). The workplan also prioritizes the implementation of LAFCO's new study schedule and tasks therein to start a new five-year round of municipal service reviews beginning in the mid-county region with Escondido, San Marcos, and Vista. Other notable and high-priority projects include a job class and salary schedule review, fee schedule update, fund balance review, and updating the memorandum of understanding between LAFCO and the County.

The final operating budget supports the workplan while also producing an overall decrease in expenses from \$1.986 million to \$1.906 million; a difference of (\$0.080) million or (4.0%) and largely attributed to insourcing projects by filling vacated staff positions that have otherwise been outsourced to consultants. Underlying this savings is the fiscal recognition the consultant market has become a less-efficient option compared to insourcing projects – and most notably municipal service reviews and sphere updates – through LAFCO staff in terms of cost and quality. Similarly, the proposed budget includes provisions to enhance recruitment and retention of high-quality staff and marked by placeholders to fund potential salary adjustments in step with the recent commencement of a job class/salary schedule review as well as investing more in training and development. Funding is also provided to design a new website, retain an outside bookkeeper, and raise per diems from \$100 to \$150 consistent with rates of other LAFCOs in the region.

ALTERNATIVES FOR ACTION

The following alternatives are available to San Diego LAFCO in considering this item:

Alternative Action One (Recommended):

- (a) Adopt the attached resolution provided as Attachment One approving the final workplan (Exhibit A) and final budget (Exhibit B) for 2018-2019 with any desired changes.
- (b) Authorize the Executive Officer to request the Auditor-Controller's Office calculate and apportion \$1,664,894 in total agency contributions by July 1st.

Alternative Action Two:

Continue consideration of the item to its next regular meeting scheduled for May 7, 2018 and provide direction with respect to any additional information requests.

RECOMMENDATION

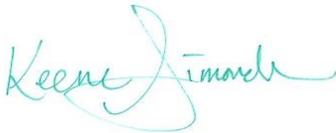
It is recommended the Commission proceed with the actions identified in the preceding section as Alternative Action One. These actions would satisfy the Commission's statutory obligation to adopt a final budget by June 1st and support addressing the project goals identified in the final workplan.

PROCEDURES FOR CONSIDERATION

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

- 1) Receive verbal report from staff;
- 2) Invite questions from the Commission;
- 3) Open the public hearing and invite audience comments (mandatory); and
- 4) Close the public hearing, discuss item, and consider recommendation.

Respectfully,



Keene Simonds
Executive Officer

Attachments:

- 1) Draft Resolution
 - Exhibit A: Proposed Workplan
 - Exhibit B: Proposed Budget
- 2) Memorandum | Summary of Key Expenses and Revenues
- 3) Staffing Schedule
- 4) Proof of Publication
- 5) Estimated Agency Contribution Totals in FY2018-2019

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RESOLUTION No ____

SAN DIEGO LOCAL AGENCY FORMATION COMMISSION

ADOPTING A FINAL WORKPLAN AND BUDGET
FISCAL YEAR 2018-2019

WHEREAS, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 requires the San Diego Local Agency Formation Commission (“Commission”) to perform certain regulatory and planning duties for purposes of facilitating efficient and accountable local government; and

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

WHEREAS, the Executive Officer’s written report and recommendations on a proposed workplan and budget for 2018-2019 was presented and adopted by the Commission on February 5, 2018 and subsequently circulated for review to all funding agencies in the manner provided by law; and

WHEREAS, the Executive Officer has prepared a written report and recommendations on a final workplan and budget for 2018-2019; and

WHEREAS, the Commission has heard and fully considered all the evidence on a final workplan and budget for 2018-2019 presented at a public hearing held on April 2, 2018;

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

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

1. The final workplan for 2018-2019 shown as Exhibit A is APPROVED.
2. The final operating budget for 2018-2019 shown as Exhibit B is APPROVED.
3. Commission finds the overall reduction in operating expenses shown in Exhibit B will nonetheless provide sufficient resources to fulfill the agency’s regulatory and planning responsibilities.

The foregoing resolution was duly and regularly adopted by the Commission at a public meeting held on April 2, 2018, by the following vote:

Yes: _____

No: _____

Abstain: _____

Attest:

Keene Simonds
Executive Officer

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2018-19 Workplan | Final

Introduction:

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

Objective:

This document represents San Diego LAFCO's ("Commission") formal 2018-19 Workplan. The Workplan draws on the recommendations of the Executive Officer as vetted and approved by the Commission. The Workplan is divided into two distinct categories – statutory and administrative – with one of three priority rankings: high, moderate, or low. The underlying intent of the Workplan is to serve as a management tool to allocate Commission resources in an accountable and transparent manner over the 12-month period. Further, while it is a stand-alone document, the Workplan should be reviewed in relationship to the adopted operating budget given the planned goals and activities are facilitated and or limited accordingly. Additionally, and as needed, the Commission reserves discretion to amend the Workplan during the fiscal year to address changes in resources and or priorities as needed.

Executive Summary:

The 2018-19 Workplan continues to guide the Commission to prioritize resources in addressing statutory duties and responsibilities. Most notably, this includes allocating sufficient resources to process several prominent reorganizations as well as initiating a new round of municipal service reviews beginning in the mid-county region. Notable new administrative projects include completing a job class/salary schedule review and fee schedule update as well as designing a new website and transitioning to e-agenda packets. A limited number of projects have also been identified as low priorities with the policy intention for the Commission to address – such as updating the application packet and establishing social media policies and protocols – as resources allow.

Priority	Level	Type	Status	Project	Key Issues
1	High	Statutory	Rollover	Reorganizations on File - CSA No. 115 (Pepper Drive) - CSA No. 135 (East Island Areas) - Alpine Fire Protection (Unserved SOI Lands) - City of San Marcos (Highlands)	These four active proposals all involve substantive boundary and/or service changes and are expected to rollover into FY2019.
2	High	Statutory	New	Expected Reorganizations - City of Escondido (Safari Highlands) - City of Vista (Rancho Lomas Verdes)	These two projects – which are currently under environmental review by the lead agencies – involve substantive sphere and jurisdictional changes and expected to be filed with LAFCO in FY2019.
3	High	Administrative	Rollover	Targeted LAFCO Presentations	Introductory overview of LAFCO’s duties and responsibilities to boards, councils, and community groups.
4	High	Administrative	Rollover	Staff Recruitment, Placement, and Training	Recruitments for three new analysts commenced in FY2018 and will rollover into FY2019 in terms of training and development.
5	High	Administrative	Rollover	Job Class and Salary Schedule Review	This review is specific to non-executive positions and focuses on ensuring employees’ (current and future) activities are appropriately aligned and/or accounted in their class and wages remain competitive. Work commenced in January 2018 but expected to rollover into FY2019.
6	High	Statutory	New	MSR SOI City of Escondido Region	Consistent with Study Schedule and includes Escondido, Deer Springs FPD, and Rincon del Diablo MWD
7	High	Statutory	New	MSR SOI City of Vista Region	Consistent with Study Schedule and includes San Marcos, San Marcos FPD, and Vallecitos WD.
8	High	Statutory	New	MSR SOI City of San Marcos Region	Consistent with Study Schedule and includes Vista, Vista ID, Vista FPD, and Buena Sanitation.
9	High	Administrative	New	Policy Reviews - Fund Balance	Periodical review of existing policies relative to practices and trends, and consider whether changes are appropriate to better reflect current membership preferences.
10	High	Administrative	New	Fee Schedule Update	Review fee schedule to ensure appropriate level of cost-recovery while incorporating – as appropriate – changes in format and orientation as well as developing a blended hourly staff rate.
11	Moderate	Administrative	New	MOU Update with County of San Diego	Update existing 1974 MOU with the County of San Diego to reflect current agency relationships/needs.
12	Moderate	Administrative	New	E-Agenda Packets	Simplify agenda packet production by transitioning to electronic tablets.
13	Moderate	Statutory	New	MSR SOI Julian Region	Consistent with Study Schedule and includes Julian-Cuyamaca FPD, Julian CSD, and several others.
14	Moderate	Administrative	New	Bookkeeping Services	Create a chart of accounts for LAFCO in QuickBooks scaled to the agency’s operations while maintaining linkage and accessibility to the County’s accounting system. Also establish protocol for outside bookkeeper to provide monthly reconciliation of account statements.
15	Moderate	Administrative	New	2017-18 Audit Report	Best practice; follow up on previous audit recommendations.
16	Moderate	Administrative	Rollover	Website Update	Design and launch website update that provides users with a more intuitive and appealing layout and expand content to include – and among other items – a public portal to search/retrieve digital records.
17	Moderate	Statutory	New	MSR SOI San Diego County Sanitation District	Consistent with Study Schedule and includes multiple community wastewater service areas.
18	Moderate	Administrative	Rollover	CALAFCO Association of Southern LAFCOs	Continue to participate and provide leadership within CALAFCO and Association of Southern LAFCOs.
19	Moderate	Administrative	Rollover	Digital Archiving	Continue project to digitize LAFCO records.
20	Low	Administrative	New	Agency Logo	Establish an agency logo for use on letterhead and other communications (website, publications, etc.). Branding activity.
21	Low	Administrative	New	Informational Report on SGMA	Examine State Groundwater Management Act (SGMA) implementation issues in San Diego County relative to LAFCO’s duties and interests.
22	Low	Statutory	New	Informational Report on JPAs	Follows recent passage of SB 1266 and requirement for municipal-serving JPAs to begin filing agreements/amendments with LAFCOs.
23	Low	Administrative	New	Update Application Packet	Streamline existing packet to more readily distinguish between proposal types and incorporate informational needs based on new statutory requirements.
24	Low	Administrative	New	Local Agency Directory	User-friendly publication identifying and summarizing local governmental agencies and their services in San Diego County.
25	Low	Administrative	New	Establish Social Media Policies and Protocols	Expand outreach to capture alternate media forums.

FINAL OPERATING BUDGET | 2018-19

OPERATING EXPENSES

Salary and Benefit Unit

Accounts	Descriptions	FY2015-16		FY2016-17		FY2017-18		FINAL (Proposed) FY18-19	Difference
		Adopted FY15-16	Actual FY15-16	Adopted FY16-17	Actual FY16-17	Adopted FY17-18	Projected FY17-18		
51110-51310	Salaries and Wages	1,028,205	493,668	1,073,177	538,165	1,100,599	620,960	689,719	
51410	Retirement - SDCERA	-	153,326	-	187,262	-	169,454	239,780	
51415	Retirement - OPEB	-	8,188	-	9,323	-	7,367	10,560	
51421	Retirement - Pension Obligation Bonds	-	30,851	-	34,496	-	28,773	41,598	
51450	Payroll Tax (Social and Medicare)	-	32,921	-	36,919	-	32,179	48,958	
51510-51550	Group Insurance (Health)	-	66,797	-	69,440	-	73,735	96,958	
51560	Unemployment Insurance	-	161	-	154	-	1,577	4,032	
		1,028,205	785,912	1,073,177	875,759	1,100,599	934,044	1,131,604	2.8% 31,005

Services and Supplies Unit

Accounts	Descriptions	FY2015-16		FY2016-17		FY2017-18		FINAL (Proposed) FY18-19	Difference
		Adopted FY15-16	Actual FY15-16	Adopted FY16-17	Actual FY16-17	Adopted FY17-18	Projected FY17-18		
52074	Telecommunications	500	-	500	-	500	2,200	2,500	400.0% 2,000
52178	Vehicle - Maintenance	2,000	1,150	2,000	1,456	2,000	1,500	2,000	0.0% -
52182	Vehicle - Fuel	500	1,274	1,500	1,096	1,500	1,300	1,500	0.0% -
52270	Memberships	9,000	7,577	10,107	8,107	15,000	12,000	13,000	-13.3% (2,000)
52304	Miscellaneous	-	-	50	-	50	6,000	50	0.0% -
52330	Office: General	1,000	-	1,000	-	1,000	8,500	8,500	750.0% 7,500
52332	Office: Postage	500	-	500	-	500	-	500	0.0% -
52334	Office: Printing	2,000	7,194	7,500	20	7,500	3,500	10,000	46.7% 3,500
52336	Office: Books and Guidelines	2,000	110	2,000	-	2,000	850	2,000	0.0% -
52338	Office: Drafting/Engineering	50	-	50	-	50	-	50	0.0% -
52344	Office: Stores Unallocated	15,000	13,974	17,500	10,806	18,000	12,320	17,500	-2.8% (500)
52354	Office: County Mail Services	8,000	9,228	9,500	8,220	9,000	7,500	9,000	0.0% -
52370	Professional Services: Consultants	427,500	378,861	402,500	408,717	382,500	374,290	259,110	-32.3% (123,390)
52490	Publications and Legal Notices	2,500	127	2,500	57	7,500	1,250	5,000	-33.3% (2,500)
52504	Leases: Equipment	1,166	5,996	-	4,779	4,000	5,224	6,500	62.5% 2,500
52530	Leases: Office Space	75,000	73,875	77,000	75,722	80,000	77,931	79,880	-0.2% (120)
52550	Special Expenses: County Overhead	126,000	190,483	100,000	196,412	155,000	140,000	155,000	0.0% -
52562	Special Expenses: New Hire Backgrounds	-	93	-	-	-	350	-	- -
52566	Special Expenses: Minor Equipment	1,000	-	1,000	-	1,000	1,000	1,000	0.0% -
52602	Computer Training	2,000	-	2,000	-	2,000	-	2,000	0.0% -
52610	Travel and Training In County	500	-	500	-	500	8,000	5,000	900.0% 4,500
52612	Employee Auto	10,000	9,084	10,000	8,802	10,000	8,000	10,000	0.0% -
52622	Travel and Training Out of County	1,000	-	1,000	-	1,000	7,000	10,000	900.0% 9,000
52704-52722	Reimbursements: Network	33,500	28,905	33,500	29,140	31,500	24,955	30,000	-4.8% (1,500)
52723	Reimbursements: Data Center	50,546	54,901	51,000	52,403	45,000	43,630	45,000	0.0% -
52725	Reimbursements: Financial Systems	6,000	22,671	6,000	20,940	20,000	15,770	20,000	0.0% -
52726-52732	Reimbursements: Desktop Computing	40,200	27,079	40,200	28,248	27,700	22,000	25,000	-9.7% (2,700)
52374	Reimbursements: Help Desk	2,500	5,058	2,500	4,531	2,500	2,630	3,000	20.0% 500
52750-52754	Reimbursements: Catalog Equipment	41,310	20,281	117,480	27,121	51,000	25,000	45,000	-11.8% (6,000)
52758	Reimbursements: Vehicle Lease	2,500	773	2,500	166	3,000	1,000	2,000	-33.3% (1,000)
		863,772	858,694	901,887	886,743	881,300	813,700	770,090	-12.6% (111,210)

Other Units

Accounts	Descriptions	FY2015-16 Adopted	FY2015-16 Actual	FY2016-17 Adopted	FY2016-17 Actual	FY2017-18 Adopted	FY2017-18 Projected	FINAL (Proposed) FY18-19	Difference
53585	Equipment Depreciation	2,500	2,019	2,500	2,019	2,500	2,500	2,500	0.0% -
54955-54961	Fixed Assets	2,500	-	1,500	-	2,500	2,500	2,500	0.0% -
		5,000	2,019	4,000	2,019	5,000	5,000	5,000	0.0% -

EXPENSE TOTALS

1,896,977	1,646,625	1,979,064	1,764,521	1,986,899	1,752,744	1,906,694	-4.0%	(80,205)
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OPERATING REVENUES

		FY2015-16		FY2016-17		FY2017-18		FY2018-19		
		Adopted FY15-16	Actual FY15-16	Adopted FY16-17	Actual FY16-17	Adopted FY17-18	Projected FY17-18	Proposed FY18-19	Difference	
Intergovernmental Unit										
Accounts	Descriptions									
45918	Agency Apportionments	1,394,946	1,394,946	1,578,564	1,577,636	1,635,099	1,635,099	1,664,894	1.8%	29,795
		1,394,946	1,394,946	1,578,564	1,577,636	1,635,099	1,635,099	1,664,894	1.8%	29,795
Service Charges Unit										
Accounts	Descriptions									
46234	Applicant Fees	125,000	76,510	150,000	186,717	125,000	118,210	125,000	0.0%	-
		125,000	76,510	150,000	186,717	125,000	118,210	125,000	0.0%	-
Earnings Unit										
Accounts	Descriptions									
44105	Interests and Dividends	5,500	-	5,500	-	6,800	5,100	6,800	0.0%	-
		5,500	-	5,500	-	6,800	5,100	6,800	0.0%	-
Miscellaneous Unit										
Accounts	Descriptions									
47540	Operating Transfer	370,365	175,000	250,000	-	220,000	-	110,000	-50.0%	(110,000)
		370,365	175,000	250,000	-	220,000	-	110,000	-50.0%	(110,000)
	REVENUE TOTALS	1,895,811	1,646,456	1,984,064	1,764,353	1,986,899	1,758,409	1,906,694	-4.0%	(80,205)

OPERATING NET	\$	(169)	\$	(168)	\$	-	\$	5,665	\$	-
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FUND BALANCE JUNE 30th					
	Committed	175,000	-	-	
	Assigned Contingency	97,075	75,000	75,000	75,000
	Unassigned	1,136,620	1,394,699	1,400,364	1,400,364
		<u>\$ 1,408,695</u>	<u>\$ 1,469,699</u>	<u>\$ 1,475,364</u>	<u>\$ 1,475,364</u>
		audited	audited	unaudited	projected



San Diego Local Agency Formation Commission

www.sdlafco.org

ChairJo MacKenzie, Director
Vista Irrigation District**MEMORANDUM****Vice Chair**Ed Sprague, Director
Olivenhain Municipal Water

April 2, 2018

MembersCatherine Blakespear, Mayor
City of EncinitasBill Horn, Supervisor
County of San DiegoDianne Jacob, Supervisor
County of San DiegoAndrew Vanderlaan
Public MemberBill Wells, Mayor
City of El CajonLorie Zapf, Councilmember
City of San Diego**Alternate Members**Lorie Bragg, Councilmember
City of Imperial BeachChris Cate, Councilmember
City of San DiegoGreg Cox, Supervisor
County of San DiegoJudy Hanson, Director
Leucadia Wastewater DistrictHarry Mathis
Public Member**Executive Officer**

Keene Simonds

Counsel

Michael G. Colantuono

TO: Commissioners

FROM: Keene Simonds, Executive Officer

**SUBJECT: Proposed Budget Summary |
Key Expenses and Revenue Items**

The following summary details key expense and revenue items incorporated into the final budget for the upcoming 2018-19 fiscal year and supplements information outlined in the accompanying agenda report.

Operating Expenses

- The final budget increases the salaries and benefits unit (i.e., payroll) by \$31,005 or 2.8% over the current fiscal year from \$1,100,599 to \$1,131,604. Notable provisions and/or adjustments follow.
 - Budgets for 8.0 fulltime positions. This amount matches existing allocations, but provides internal changes to the staffing schedule highlighted by replacing two vacant Chief Policy Analyst positions with two Analyst I/II positions. It also adds a new GIS Analyst position while removing allocations for interns. (See Notes 1 and 2)
 - Provides a 3.0% cost-of-living adjustment in regular salaries for all budgeted positions. It also provides for lump sum payments to employees totaling approximately \$7,000. These provisions are consistent with the Commission's earlier action taken in July 2017 in approving future adjustments consistent with the County of San Diego's new contract with unrepresented employees. (See Note 3)
 - Includes a \$28,000 placeholder to absorb potential salary adjustments made during the fiscal year. This includes any changes generated from the recently commenced review of job classifications and salary schedules approved by the Commission.

- Provides an increase in meeting per diems from \$100 to \$150. This change would mark the first increase in per diems since 2001 and consistent with amounts currently provided by other urban LAFCOs in California. An increase would also reflect the significant expansion in time commitments at LAFCO as a result of the new planning and regulatory duties under CKH. (See Note 4)
- The final budget decreases the services and supplies unit by (\$111,210) or (12.6%) over the current fiscal year from \$881,300 to \$770,090. Notable provisions and/or adjustments follow.
 - Continues to provide funding for outside consultants to support LAFCO's work, but at a significantly reduced scale and cost with the corresponding loss in services being insourced to staff. This reduction is reflected in decreasing the professional services account from \$382,500 to \$259,110; a difference of (\$123,390) or (32%) with the majority of savings tied to eliminating a contract with GIS Surveyors, Inc. for digital mapping services and its annual service charge of \$145,000. (The associated work would be assumed by establishing a fulltime GIS Analyst position as described in the preceding section.) Other existing and ongoing consulting services involving legislation, fire protection, and planning – which have already started to draw-down - would term completely by January 2019 and revert to an as needed basis. (See Note 5)
 - Notwithstanding the above-described reductions in the professional services account, funds are budgeted to cover all of the following outsourced services:
 - \$79,000 for continued project services in managing the implementation of the electronic document management system. (See Note 6)
 - \$75,000 for continued outside legal services consistent with recent year-end actuals. (See Note 7)
 - \$32,000 for an outside vendor to design and implement a website update to – and among other features – create a user-friendly portal for the public to access the Commission's archived records system.
 - \$10,000 for an outside vendor to develop a new and scaled chart of accounts while also providing bookkeeping services going forward to reconcile account statements in QuickBooks on a monthly basis.
 - \$8,500 for an outside vendor to prepare an audit report on LAFCO's financial statements for 2017-18.

- \$5,000 for an outside vendor to design an agency logo to provide a visual branding aid to the public in understanding and connecting to LAFCO's role and function in San Diego County.
- Increases budgeted resources for training and development by more than ten-fold from \$3,500 to \$17,000. This increase compliments the budgeted addition of three new analysts as well as help to ensure all staff are provided resources to continually improve their contributions to LAFCO.
- Provides up to \$15,000 to purchase electronic tablets and associated software to begin the transition to e-agenda packets for interested members.
- The final budget maintains the others unit and continues to set expenses at \$5,000 to fund capital depreciation.

Operating Revenues

- The final budget increases the intergovernmental unit (i.e., contributions) by \$29,795 or 1.8% over the current fiscal year from \$1,635,099 to \$1,664,894. Based on the formula established under State law this contribution among would be divided among LAFCO's funding agencies as follows:
 - \$475,684 from the County of San Diego
 - \$475,684 divided among 17 cities (less City of San Diego)
 - \$475,684 divided among 59 independent special districts
 - \$237,842 from the City of San Diego

Actual invoice amounts for the cities and special districts would be determined by the County Auditor's Office consistent with the allocation formula outlined under Government Code Section 56383 and based on local revenue tallies.

- The final budget retains budgeted revenues in the service charges unit as is at \$125,000 and is consistent with recent actuals.
- The final budget retains budgeted revenues in the earnings unit as is at \$6,800.
- The final budget decreases the miscellaneous unit (i.e., reserve transfers) by (\$110,000) or (50%) over the current fiscal year from \$220,000 to \$110,000. This decrease is consistent with recent fiscal year practices of the Commission to incrementally reduce use of reserves as offsetting revenues and as a means to better reflect the true-costs of agency operations.

Notes:

1. The final budget assumes the appointment of one Analyst I and one Analyst II at the mid-point of their respective salary ranges. It also assumes the appointment of the GIS Analyst at the mid-point of the Analyst II position.
2. The GIS Analyst position requires the Commission to adopt a new job description and salary schedule ahead of commencing recruitment/placement. In the interim, the Analyst II position's pay scale is used for budgeting purposes.
3. All non-executive positions are scheduled to automatically receive a 3.0% cost-of-living adjustment beginning July 1st. Any changes to the Executive Officer's compensation – including the referenced cost-of-living adjustment – are discretionary on the part of the Commission.
4. Per diems are expensed out of the salaries/wages line item.
5. The referenced contract charge from GIS Surveyors, Inc. reflects the average annual charge to LAFCO over the last three fiscal years.
6. Project management for LAFCO's electronic document management system is provided by independent contractor Casey McGhee and performed onsite.
7. Legal services for the Commission are provided by Colantuono Highsmith & Whatley (Grass Valley | Pasadena). County Counsel augments these services as needed.

SAN DIEGO LOCAL AGENCY FORMATION COMMISSION
Regional Service Planning | State of California

Attachment Three

PROPOSED STAFFING SCHEDULE

Approved Job Classifications	2016-2017		2017-2018		2018-2019					
	Allocated Positions	Fulltime Equivalency	Allocated Positions	Fulltime Equivalency	Allocated Positions	Fulltime Equivalency	Budgeted Salary	Budgeted Pension	Budgeted Other Benefits	Budget Total
Executive Officer	1.0	1.0	1.0	1.0	1.0	1.0	164,793.41	79,265.63	31,103.89	275,162.93
Assistant Executive Officer	0.0	0.0	0.0	0.0	0.0	0.0	-	-	-	-
Chief Analyst - Policy	1.0	1.0	2.0	2.0	1.0	1.0	94,694.08	45,547.85	24,301.27	164,543.20
Chief Analyst - Governance	1.0	0.5	1.0	0.5	0.0	0.0	-	-	-	-
Local Governmental Analyst III	1.0	1.0	0.0	0.0	0.0	0.0	-	-	-	-
Local Governmental Analyst II	1.0	0.0	0.0	0.0	2.0	2.0	139,048.00	57,941.30	26,805.85	223,795.16
Local Governmental Analyst I	0.0	0.0	1.0	1.0	1.0	1.0	61,817.60	25,759.39	12,764.84	100,341.83
Administrative Analyst I	1.0	0.0	0.0	0.0	0.0	0.0	-	-	-	-
Executive Assistant	2.0	2.0	2.0	2.0	2.0	2.0	133,385.82	64,158.58	43,497.03	241,041.43
Administrative Assistant	1.0	1.0	1.0	1.0	1.0	1.0	50,324.98	20,970.42	11,813.25	83,108.64
Student Worker/Intern	1.5	0.0	1.5	0.5	1.5	0.0	-	-	-	-
	10.5	6.5	9.5	8.0	9.5	8.0	\$ 644,063.89	\$ 293,643.18	\$ 150,286.13	\$ 1,087,993.19

Notes:

Budgeted salaries in FY18-19 include a 3% cost-of-living adjustment for all employees; already approved for non-management. It also similarly includes \$7,000 in lump sum payments.

A separate \$28,000 placeholder has been added to the Salaries/Benefits Unit to accommodate any mid-year adjustments associated with a pending job class review.

As provided in the above schedule it is expected one Analyst II and two Analyst I positions will be filled before or during FY18-19. The Executive Officer retains discretion to down-fill the Analyst II position to an Analyst I position based on recruitment results.

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The San Diego Union-Tribune

Bill To:

LOCAL AGENCY FORMATION COMMISSION (LAFCO) - CU00476103
9335 Hazard Way
Ste 200
San Diego, CA 92123-1222

Sold To:

LOCAL AGENCY FORMATION COMMISSION (LAFCO) - CU00476103
9335 Hazard Way
Ste 200
San Diego, CA 92123-1222

**SAN DIEGO LOCAL
AGENCY
FORMATION
COMMISSION
NOTICE OF PUBLIC
HEARING**

NOTICE IS HEREBY GIVEN THE SAN DIEGO LOCAL AGENCY FORMATION COMMISSION (LAFCO) will hold a regular meeting on Monday, April 2, 2018 at 9:00 A.M. at the County of San Diego Administration Building located at 1600 Pacific Highway in San Diego to consider – and among other items – the following action:

Adoption of Final Workplan and Budget for Fiscal Year 2018-2019

In accordance with Government Code Section 56381, San Diego LAFCO will consider adopting a final workplan and budget to direct and fund, respectively, the agency's regulatory and planning responsibilities for Fiscal Year 2018-2019. Public comments are welcomed through the end of the scheduled hearing. An associated agenda report will be available for download at www.sdlafco.org approximately one week prior to the hearing date. You may also request a written copy of the associated agenda report by contacting LAFCO at (858) 614-7755.

PUBLISHED:
March 12, 2018

Keene Simonds,
Executive Officer
San Diego
Local Agency
Formation
Commission
County of San Diego

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Agencies	2017-2018 Payments	2018-2019 Payments - ESTIMATED	Difference
Special Districts			
Alpine Fire Protection District	2,206.48	2,246.69	40.21
Bonita-Sunnyside Fire Protection	1,693.17	1,724.02	30.85
Borrego Springs Fire Protection	1,454.82	1,481.33	26.51
Borrego Water District	2,398.48	2,442.19	43.71
Canebrake County Water District	29.81	30.35	0.54
Cuyamaca Water District	55.76	56.78	1.02
Deer Springs Fire Protection	2,948.38	3,002.11	53.73
Descanso Community Services District	267.36	272.23	4.87
Fairbanks Ranch Community Services District	386.45	393.49	7.04
Fallbrook Healthcare District	1,006.41	1,024.75	18.34
Fallbrook Public Utility District	20,594.59	20,969.87	375.28
Grossmont Healthcare District	4,069.82	4,143.98	74.16
Helix Water District	49,157.13	50,052.88	895.75
Jacumba Community Services District	80.43	81.90	1.47
Julian Community Services District	175.23	178.42	3.19
Julian-Cuyamaca Fire Protection	597.01	607.89	10.88
Lake Cuyamaca Recreation & Park	813.27	828.09	14.82
Lakeside Fire Protection District	7,717.48	7,858.11	140.63
Lakeside Water District	4,760.40	4,847.14	86.74
Leucadia Wastewater District	6,863.30	6,988.36	125.06
Lower Sweetwater Fire Protection	158.31	161.19	2.88
Majestic Pines Community Services District	362.68	369.29	6.61
Mission Resource Conservation	412.51	420.03	7.52
Mootamai Municipal Water District	10.53	10.72	0.19
Morro Hills Community Services District	43.28	44.07	0.79
North County Cemetery District	1,105.00	1,125.14	20.14
North County Fire Protection	9,176.02	9,343.23	167.21
Olivenhain Municipal Water District	34,924.85	35,561.26	636.41
Otay Water District	57,731.98	58,783.98	1,052.00
Padre Dam Municipal Water District	48,627.45	49,513.55	886.10
PPHS - Palomar Medical Center	-	-	-
PPHS - Pomerado Hospital	6,675.45	6,797.09	121.64
Pauma Municipal Water District	10.18	10.37	0.19
Pauma Valley Community Services District	863.94	879.68	15.74
Pine Valley Fire Protection District	144.08	146.71	2.63
Pomerado Cemetery District	564.51	574.80	10.29
Questhaven Municipal Water District	4.85	4.94	0.09
Rainbow Municipal Water District	24,111.23	24,550.59	439.36
Ramona Cemetery District	166.72	169.76	3.04
Ramona Municipal Water District	19,937.76	20,301.07	363.31
Rancho Santa Fe Community Services District	2,206.38	2,246.58	40.20
Rancho Santa Fe Fire Protection	7,657.88	7,797.42	139.54
Resource Conservation District of Greater SD Count	174.73	177.91	3.18
Rincon Del Diablo Muni Water District	10,733.52	10,929.11	195.59
Rincon Ranch Community Services District	26.34	26.82	0.48
San Luis Rey Municipal Water District	41.61	42.37	0.76
San Miguel Consolidated Fire Protection District	11,778.89	11,993.53	214.64
Santa Fe Irrigation District	14,930.62	15,202.69	272.07
South Bay Irrigation District	1.45	1.48	0.03
Tri City Hospital District	-	-	-
Upper San Luis Rey Resource Conservation District	19.60	19.96	0.36
Vallecitos Water District	36,373.23	37,036.03	662.80
Valley Center Cemetery District	82.55	84.05	1.50
Valley Center Parks & Recreation	223.16	227.23	4.07
Valley Center Fire Protection	1,401.59	1,427.13	25.54
Valley Center Municipal Water District	30,125.70	30,674.65	548.95
Vista Fire Protection District	1,821.41	1,854.60	33.19
Vista Irrigation District	29,274.54	29,807.98	533.44
Whispering Palms Community Services District	562.60	572.85	10.25
Wynola Water District	39.15	39.86	0.71
Yuima Municipal Water District	7,389.08	7,523.72	134.64
Special Districts Total	\$ 467,171.14	\$ 475,684.00	\$ 8,512.86

DRAFT

Cities			
City of Carlsbad	73,749.69	75,093.57	1,343.88
City of Chula Vista	53,356.89	54,329.17	972.28
City of Coronado	23,048.79	23,468.79	420.00
City of Del Mar	6,324.03	6,439.27	115.24
City of El Cajon	32,876.65	33,475.73	599.08
City of Encinitas	29,922.02	30,467.26	545.24
City of Escondido	37,107.72	37,783.90	676.18
City of Imperial Beach	6,056.20	6,166.56	110.36
City of La Mesa	19,018.22	19,364.77	346.55
City of Lemon Grove	5,666.52	5,769.78	103.26
City of National City	24,288.00	24,730.58	442.58
City of Oceanside	55,974.41	56,994.38	1,019.97
City of Poway	19,160.62	19,509.77	349.15
City of San Marcos	26,627.98	27,113.20	485.22
City of Santee	15,684.93	15,970.74	285.81
City of Solana Beach	7,157.77	7,288.20	130.43
City of Vista	31,150.71	31,718.34	567.63
Cities Total	467,171.15	475,684.00	\$ 8,512.85
City of San Diego	\$ 233,585.57	\$ 237,842.00	\$ 4,256.43
County of San Diego	\$ 467,171.14	\$ 475,684.00	\$ 8,512.86
TOTAL	\$ 1,635,099.00	\$ 1,664,894.00	\$ 29,795.00

Agenda Item No. 7 | Supplement

San Diego Local Agency Formation Commission				
Agency Contributions				
		FY17-18 FINAL	FY18-19 DRAFT	DIFFERENCE
1	County of San Diego	467,171.14	475,684.00	8,512.86
2	City of San Diego	233,585.57	237,842.00	4,256.43
3	City of Carlsbad	73,749.69	75,093.57	1,343.88
4	Otay Water District	57,731.98	58,783.98	1,052.00
5	City of Oceanside	55,974.41	56,994.38	1,019.97
6	City of Chula Vista	53,356.89	54,329.17	972.28
7	Helix Water District	49,157.13	50,052.88	895.75
8	Padre Dam Municipal Water District	48,627.45	49,513.55	886.10
9	City of Escondido	37,107.72	37,783.90	676.18
10	Vallecitos Water District	36,373.23	37,036.03	662.80
11	Olivenhain Municipal Water District	34,924.85	35,561.26	636.41
12	City of El Cajon	32,876.65	33,475.73	599.08
13	City of Vista	31,150.71	31,718.34	567.63
14	Valley Center Municipal Water District	30,125.70	30,674.65	548.95
15	City of Encinitas	29,922.02	30,467.26	545.24
16	Vista Irrigation District	29,274.54	29,807.98	533.44
17	City of San Marcos	26,627.98	27,113.20	485.22
18	City of National City	24,288.00	24,730.58	442.58
19	Rainbow Municipal Water District	24,111.23	24,550.59	439.36
20	City of Coronado	23,048.79	23,468.79	420.00
21	Fallbrook Public Utility District	20,594.59	20,969.87	375.28
22	Ramona Municipal Water District	19,937.76	20,301.07	363.31
23	City of Poway	19,160.62	19,509.77	349.15
24	City of La Mesa	19,018.22	19,364.77	346.55
25	City of Santee	15,684.93	15,970.74	285.81
26	Santa Fe Irrigation District	14,930.62	15,202.69	272.07
27	San Miguel Consolidated Fire Protection District	11,778.89	11,993.53	214.64
28	Rincon Del Diablo Muni Water District	10,733.52	10,929.11	195.59
29	North County Fire Protection	9,176.02	9,343.23	167.21
30	Lakeside Fire Protection District	7,717.48	7,858.11	140.63
31	Rancho Santa Fe Fire Protection	7,657.88	7,797.42	139.54
32	Yuima Municipal Water District	7,389.08	7,523.72	134.64
33	City of Solana Beach	7,157.77	7,288.20	130.43
34	Leucadia Wastewater District	6,863.30	6,988.36	125.06
35	Palomar Healthcare District	6,675.45	6,797.09	121.64
36	City of Del Mar	6,324.03	6,439.27	115.24
37	City of Imperial Beach	6,056.20	6,166.56	110.36
38	City of Lemon Grove	5,666.52	5,769.78	103.26
39	Lakeside Water District	4,760.40	4,847.14	86.74
40	Grossmont Healthcare District	4,069.82	4,143.98	74.16
41	Deer Springs Fire Protection	2,948.38	3,002.11	53.73
42	Borrego Water District	2,398.48	2,442.19	43.71
43	Alpine Fire Protection District	2,206.48	2,246.69	40.21
44	Rancho Santa Fe Community Services District	2,206.38	2,246.58	40.20
45	Vista Fire Protection District	1,821.41	1,854.60	33.19
46	Bonita-Sunnyside Fire Protection	1,693.17	1,724.02	30.85
47	Borrego Springs Fire Protection	1,454.82	1,481.33	26.51
48	Valley Center Fire Protection	1,401.59	1,427.13	25.54
49	North County Cemetery District	1,105.00	1,125.14	20.14
50	Fallbrook Healthcare District	1,006.41	1,024.75	18.34
51	Pauma Valley Community Services District	863.94	879.68	15.74
52	Lake Cuyamaca Recreation & Park	813.27	828.09	14.82
53	Julian-Cuyamaca Fire Protection	597.01	607.89	10.88
54	Pomerado Cemetery District	564.51	574.80	10.29
55	Whispering Palms Community Services District	562.60	572.85	10.25
56	Mission Resource Conservation	412.51	420.03	7.52
57	Fairbanks Ranch Community Services District	386.45	393.49	7.04
58	Majestic Pines Community Services District	362.68	369.29	6.61
59	Descanso Community Services District	267.36	272.23	4.87
60	Valley Center Parks & Recreation	223.16	227.23	4.07
61	Julian Community Services District	175.23	178.42	3.19
62	Resource Conservation District of Greater SD Count	174.73	177.91	3.18
63	Ramona Cemetery District	166.72	169.76	3.04
64	Lower Sweetwater Fire Protection	158.31	161.19	2.88
65	Valley Center Cemetery District	82.55	84.05	1.50
66	Jacumba Community Services District	80.43	81.90	1.47
67	Cuyamaca Water District	55.76	56.78	1.02
68	Morro Hills Community Services District	43.28	44.07	0.79
69	San Luis Rey Municipal Water District	41.61	42.37	0.76
70	Wynola Water District	39.15	39.86	0.71
71	Canebroke County Water District	29.81	30.35	0.54
72	Rincon Ranch Community Services District	26.34	26.82	0.48
73	Upper San Luis Rey Resource Conservation District	19.60	19.96	0.36
74	Mootamai Municipal Water District	10.53	10.72	0.19
75	Pauma Municipal Water District	10.18	10.37	0.19
76	Questhaven Municipal Water District	4.85	4.94	0.09
77	South Bay Irrigation District	1.45	1.48	0.03
78	Tri City Hospital District	-	-	-
TOTAL		\$ 1,635,099.00	\$ 1,664,894.00	\$ 29,795.00

Chair

Jo MacKenzie, Director
Vista Irrigation District

Vice Chair

Ed Sprague, Director
Olivenhain Municipal Water

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County of San Diego

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City of El Cajon

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City of San Diego

Alternate Members

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City of Imperial Beach

Chris Cate, Councilmember
City of San Diego

Greg Cox, Supervisor
County of San Diego

Judy Hanson, Director
Leucadia Wastewater District

Harry Mathis
Public Member

Executive Officer

Keene Simonds

Counsel

Michael G. Colantuono

8

AGENDA REPORT Business | Discussion

April 2, 2018

TO: San Diego Commissioners
FROM: Keene Simonds, Executive Officer
SUBJECT: **Draft Study Schedule for FY2019 to FY2023 |
Municipal Service Reviews and Sphere of Influence Updates**

SUMMARY

The San Diego Local Agency Formation Commission (LAFCO) will review a draft five-year study schedule calendaring municipal service reviews and sphere of influence updates beginning in FY2019. The study schedule represents a new and deliberate approach to manage and telegraph LAFCO's planning requirement to regularly perform the underlying analyses and focuses on regional municipal service reviews to inform whether sphere changes should be explored. The draft sequentially calendars five to seven municipal service reviews each year and covers all 101 local affected agencies directly subject to the statutes. The draft is being presented for feedback and ahead of approving a final version in June.

BACKGROUND

[Earlier Discussion | Preparing for New Planning Cycle](#)

As part of the December 4, 2017 meeting, the Commission received an introductory report on the approaching start of a new five-year planning cycle to prepare municipal service reviews and sphere of influence updates. The underlying purpose of these cyclical planning documents is for LAFCO to independently assess the availability and adequacy of local government services relative to community needs, and take additional actions as appropriate. This includes drawing from the municipal service reviews to inform sphere updates and – if merited – initiate formations, consolidations, mergers, or dissolutions.

Initial Feedback | Creating a Formal Study Schedule

In receiving the introductory report on December 4th the Commission provided initial feedback on the approach, structure, and outcomes associated with the three earlier planning cycles since the directing legislation was enacted in January 2001.¹ Commissioners also discussed opportunities to organize the municipal service reviews and sphere updates to enhance value going into the next cycle. This included support to develop a formal five-year study schedule to calendar analyses over the succeeding 60-month period as well as to focus on regions and sub-regions. Support was also provided for the study cycle to address related policy interests/directives involving island annexations and disadvantaged unincorporated communities. The item concluded with staff committing to outreach with the local agencies and returning with a draft study schedule at a future meeting.

DISCUSSION

This item is for the Commission to review a draft five-year study schedule calendaring municipal service reviews and sphere of influence updates beginning in FY2019. The item reflects Commissioners' initial discussion and feedback on preparing for the next planning cycle and establishes a formal study schedule as a means to more deliberately manage and telegraph the underlying analyses over the 60-month period. The draft has been prepared with input from the Special Districts Advisory Committee as well as direct outreach with local agencies through questionnaires. The draft is being presented for additional discussion and feedback and ahead of initiating formal public review before returning for final approval at the June 4, 2018 meeting.

A summary of the draft study schedule with respect to emphasis, scope, sequence, and implementation follows.

- Emphasis
The draft study schedule emphasizes the preparation of municipal service reviews in determining whether to perform any sphere updates. This approach would be facilitated by adding a discretionary determination to the list of factors already required under the municipal service review statute to consider whether potential sphere changes merit additional analysis. Should it be determined no potential changes appear merited the Commission would proceed to affirm all associated spheres in step with accepting the municipal service review. Should it be determined changes may be merited the Commission would proceed with sphere updates either as part of an amended workplan or as part of a future workplan.

¹ The inaugural planning cycle extended seven years to January 2008. Subsequent planning cycles extend five years and ended January 2013 and January 2018, respectively.

- Scope

The draft study schedule includes a total of 30 municipal service reviews calendared over the 60-month period with coverage of all 101 local agencies directly subject to LAFCO's planning cycle. Nearly all of the calendared municipal service reviews are region-specific and include three to seven local agencies that are grouped together based on a shared subarea as determined by the Commission. Limited exceptions involve a small number of service-specific reviews (cemetery, resource conservation, healthcare, and port) and an even smaller number of agency-specific reviews (San Diego County Flood Control District).

- Sequencing

The draft study schedule sequences the municipal service reviews to focus each year within a particular region and divided therein among subareas. The first year focuses on the mid-county region and the cities and districts serving in and around the Escondido, San Marcos, and Vista subareas. The second year focuses on the north-county region and marked by the Fallbrook and Pauma Valley subareas. The third year focuses on the costal-county region between Oceanside and Rancho Santa Fe. The fourth year focuses on the south-county between Coronado and San Diego. The fifth and final year focuses on the east-county region.

- Implementation

Staff intends to follow a standardized format to guide the preparation of all of the municipal service reviews to help ensure one document is similar in content and orientation to another. This includes focusing the municipal service reviews and the agency profiles therein on addressing three central topics: growth and development issues; service demands and capacities; and financial standing. Additional public vetting is also anticipated with each municipal service review being first presented in draft form at a public meeting before returning in final form as part of a noticed hearing. Staff also anticipates addressing the following items of interests in the municipal service reviews as applicable.

- Perform boundary checks to identify any discrepancies between hard paper maps/descriptions with digital GIS records. This activity is particularly pertinent for spheres given many were hand-drawn by LAFCO in the early 1980s and at closer scale deviate – and in many cases significantly – with property lines and/or other geographic separators.
- Assess implementation and related governance issues associated with the Sustainable Groundwater Management Act (SGMA). This topic appears most germane within the San Luis Rey basin.
- Document relevant services provided by joint-power authorities and mutual water companies consistent with the recent enactment of Senate Bill 1266 (McGuire) and Assembly Bill 54 (Solorio), respectively.

- Address opportunities to eliminate unincorporated islands (cities) and disadvantaged unincorporated communities (cities and certain districts).

A copy of the draft study schedule is shown in Attachment One. The standard format staff anticipates following in preparing municipal service reviews is shown in Attachment Two.

ANALYSIS

The development of a formal five-year study schedule represents a new approach for San Diego LAFCO in addressing its directive under State law to cyclically prepare municipal service reviews and sphere of influence. This approach differs with past planning cycles in which LAFCO staff administratively prepared studies on an annual basis with significant undertakings referenced in the annual workplan. Transitioning to a formal five-year study schedule provides explicit and transparent direction in managing LAFCO's core planning responsibilities as well as offer advance notice to local agencies and the general public in telegraphing these activities and soliciting their involvement; the latter of which helps address LAFCO's direction to consider local conditions in performing the underlying duties. Emphasizing municipal service reviews as the bellwether in determining whether sphere changes should be explored also appropriately advances the role and significance of these documents at LAFCO relative to past cycles and more closely syncs with legislative intent. Also the study schedule is a policy tool, and as such is subject to amendments going forward should it be necessary to address changes in resources and/or priorities.

ALTERNATIVES FOR ACTION

The draft study schedule is being presented for discussion and feedback.

RECOMMENDATION

It is recommended the Commission provide feedback on the draft study schedule ahead of staff circulating the item for public review and returning for final action in June.

PROCEDURES

This item has been placed on the agenda for discussion as part of the business calendar. The following procedures, accordingly, are recommended in the consideration of this item:

- 1) Receive verbal report from staff;
- 2) Invite comments from interested audience members (voluntarily); and
- 3) Discuss item and provide feedback as requested.

Respectfully,



Keene Simonds
Executive Officer

Attachments:

- 1) Draft Study Schedule for FY2019-FY2023
- 2) Standard Format for Municipal Service Reviews (Illustration Only)

Proposed Study Schedule | FY2019 to FY2023 Cycle

2018-2019	2019-2020	2020-2021	2021-2022	2022-2023
<p>Mid County Focus</p> <p><u>Escondido Region</u> ... City of Escondido ... Rincon del Diablo MWD ... Deer Springs FPD</p> <p><u>San Marcos Region</u> ... City of San Marcos ... San Marcos FPD ... Vallecitos WD</p> <p><u>Vista Region</u> ... City of Vista ... Vista Irrigation District ... Vista FPD ... Buena Sanitation</p> <p><u>San Diego County Sanitation</u> ... Harmony Grove System ... Alpine System ... Campo System ... Julian System ... Winter Gardens System ... Spring Valley System</p> <p><u>Julian Region</u> ... Julian-Cuyamaca FPD ... Julian CSD ... Wynola WD ... Majestic Pines CSD ... Cuyamaca WD ... Lake Cuyamaca PR</p>	<p>North County Focus</p> <p><u>Poway Region</u> ... City of Poway</p> <p><u>Ramona Region</u> ... Ramona MWD</p> <p><u>Fallbrook/Rainbow Region</u> ... Fallbrook PUD ... North County FPD ... Rainbow MWD ... San Luis Rey MWD</p> <p><u>Pauma Valley Region</u> ... Pauma MWD ... Pauma CSD ... Yuima MWD ... Mootamai MWD ... Rincon Ranch CSD</p> <p><u>Valley Center Region</u> ... Valley Center MWD ... Valley Center CSD ... Valley Center FPD</p> <p><u>Resource Conservation Services</u> ... RCD of Greater San Diego ... Mission RCD ... Upper San Luis Rey RCD</p> <p><u>County Fire Services</u> ... CSA No. 135 ... CSA No. 115</p>	<p>Coastal Focus</p> <p><u>Oceanside/Carlsbad Region</u> ... City of Oceanside ... City of Carlsbad ... Carlsbad MWD ... Morro Hills CSD</p> <p><u>Encinitas Region</u> ... City of Encinitas ... Leucadia WD ... Olivenhain MWD ... San Dieguito WD</p> <p><u>Del Mar/Solana Beach Region</u> ... City of Solana Beach ... City of Del Mar ... Santa Fe ID</p> <p><u>Rancho Santa Fe Region</u> ... Rancho Santa Fe FPD ... Rancho Santa Fe CSD ... Questhaven MWD ... Fairbanks Ranch CSD ... Whispering Palms CSD</p> <p><u>Healthcare Services</u> ... Fallbrook HD ... Palomar Health HD ... Tri-City HD ... Grossmont HD</p>	<p>South Focus</p> <p><u>National City/Chula Vista Region</u> ... City of Chula Vista ... City of National City ... South Bay ID ... Otay WD ... Lower Sweetwater FPD ... Bonita-Sunnyside FPD</p> <p><u>Silver Strand Region</u> ... City of Coronado ... City of Imperial Beach</p> <p><u>San Diego Region</u> ... City of San Diego</p> <p><u>San Diego Flood Control</u> ... San Diego Flood Control</p> <p><u>Port Services</u> ... San Diego Unified PD ... Oceanside Small Harbor PD</p> <p><u>Cemetery Services</u> ... North County CD ... Pomerado CD ... Ramona CD ... Valley Center CD</p> <p><u>CSAs Non Fire</u> ... Multiple</p>	<p>East Focus</p> <p><u>El Cajon/Santee Region</u> ... City of El Cajon ... City of Santee ... Padre Dam MWD</p> <p><u>Lemon Grove/La Mesa Region</u> ... City of La Mesa ... City of Lemon Grove ... Helix WD ... Lemon Grove Sanitation</p> <p><u>Heartland Region</u> ... Lakeside FPD ... San Miguel FPD ... Lakeside WD ... CSA No. 69 (Heartland) ... CSA No. 115 (Pepper Drive)</p> <p><u>Alpine Region</u> ... Alpine FPD</p> <p><u>Southeast Region</u> ... Canebrake Co. WD ... Descanso CSD ... Jacumba CSD</p> <p><u>Borrego Region</u> ... Borrego WD ... Borrego Springs FPD ... Coachella Valley WD</p>

Total: 17 agencies

Total: 19 agencies

Total: 20 agencies

Total: 27 agencies

Total: 18 agencies

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Municipal Service Reviews | Standard Format

I. Introduction	II. Executive Summary	III. Agency Profile(s)
<p>1.0 <u>Local Agency Formation Commissions</u> ... 1.1 Authority and Objectives ... 1.2 Regulatory Responsibilities ... 1.3 Planning Duties ... 1.4 LAFCO Composition</p> <p>2.0 <u>San Diego LAFCO</u> ... 2.1 Adopted Policies</p>	<p>1.0 <u>Overview</u> ... 1.1 Key Assumptions and Benchmarks</p> <p>2.0 <u>Study Organization</u> ... 2.1 Affected Agencies ... 2.2 Geographic Area</p> <p>3.0 <u>Summary</u> ... 3.1 General Conclusions ... 3.2 Recommendations Actions</p> <p>4.0 <u>Written Determinations</u> ... 4.1 Growth and Population Projections ... 4.2 Location and Characteristics of DUCs ... 4.3 Infrastructure Capacities and Needs ... 4.4 Financial Ability to Provide Services ... 4.5 Status and Opportunities for Shared Facilities ... 4.6 Local Accountability and Restructuring Options ... 4.7 Adopted Sphere of Influence SSA Designations</p>	<p>Agency Y</p> <p>1.0 <u>Overview</u></p> <p>2.0 <u>Background</u> ... 2.1 Community Development ... 2.2 Formation-Incorporation Proceedings ... 2.3 Notable Post-Formation Activities</p> <p>3.0 <u>Boundaries</u> ... 3.1 Jurisdictional Boundary ... 3.2 Sphere of Influence ... 3.3 Agency Map</p> <p>4.0 <u>Demographics</u> ... 4.1 Population and Housing ... 4.2 Key Social and Economic Indicators</p> <p>5.0 <u>Organizational Structure</u> ... 5.1 Governance ... 5.2 Administration</p> <p>6.0 <u>Municipal Services</u> ... 6.1 Service A Demands Capacities Demand-to-Capacity Relationship User Charges and Fees (if applicable)</p> <p>7.0 <u>Agency Finances</u> ... 7.1 Financial Statements ... 7.2 Liquidity, Capital, Margin Measurements ... 7.3 Pension Obligations ... 7.4 Revenue to Expense Trends</p>

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Chair

Jo MacKenzie, Director
Vista Irrigation District

Vice Chair

Ed Sprague, Director
Olivenhain Municipal Water

Members

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City of Encinitas

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Leucadia Wastewater District

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Counsel

Michael G. Colantuono

9

AGENDA REPORT Business | Discussion

April 2, 2018

TO: Commissioners
FROM: Robert Barry, Chief Policy Analyst
SUBJECT: Legislative Report

SUMMARY

The San Diego Local Agency Formation Commission (LAFCO) will receive a report from staff reviewing current legislation proposals of interest. This includes most notably Assembly Bill 2050 (Caballero) and its provisions to create the Small System Water Authority Act of 2018; a bill CALAFCO and CSDA are both actively working with the author to address multitude of concerns. Other bills of interest include AB 2238 (Aguiar-Curry) and AB 2258 (Caballero), which propose adding hazard mitigation as a new factor to consider in reviewing boundary changes and creating grant funding opportunities for LAFCOS, respectively. Commission feedback on this and other bills will be incorporated into a report to the Commission with position recommendations at the May 7th meeting.

BACKGROUND

San Diego LAFCO draws on its active participation with CALAFCO in considering legislative matters affecting the agency's ability to effectively administer its regulatory and planning responsibilities. The CALAFCO Legislative Committee comprises nearly two dozen members across the state – including San Diego LAFCO's Chair and Chief Policy Analyst – and is tasked with drafting and/or reviewing proposed legislation and related items. San Diego LAFCO relies on the information and analysis generated from the CALAFCO Legislative Committee in making its own position recommendations.

Legislative Bills

The Legislature began its Spring Recess on March 22nd and will reconvene April 2nd. During April – May, policy and fiscal committees will hear and report to the Floor on fiscal/non-fiscal bills introduced in their house, with a deadline of May 18th for policy committees and May 25th for fiscal committees. The last day for each house to pass bills introduced in that house is June 1st. The last day for each house to pass bills for the current session is August 31st.

DISCUSSION

This item is for the Commission to receive a summary of current bills and related matters of interest on legislation tracked by CALAFCO. Commission discussion and feedback is welcome and will be incorporated into a report with position recommendations for presentation at the May 7th meeting.

CALAFCO Legislative Committee

The CALAFCO Legislative Committee met on March 16, 2018 to discuss tracked legislation, gather Committee feedback for potential amendments, finalize the 2018 Omnibus Bill, and to consider potential CALAFCO positions. The Committee generally agreed to adopt preliminary Watch positions for the tracked legislation with the intent to consider formal positions on the subject bills at the May 4th Legislative Committee meeting. The Committee discussed and approved a number of suggested amendments for the various tracked legislation, approved preliminary Watch positions, and will continue to monitor the bills and work with the associated bill authors and sponsors to address the Committee's concerns. The following summary includes the preliminary CALAFCO position and current status of the tracked legislation as of date.

AB 2050 (Caballero) | Small System Water Authority Act of 2018

AB 2050 would create the Small System Water Authority Act of 2018 and state legislative findings and declarations relating to authorizing the formation of small system water authorities that will have powers to absorb, improve, and competently operate noncompliant public water systems. This bill is co-sponsored by Eastern Municipal Water District (EMWD) and the CA Municipal Utilities Association (CMUA). The bill, no later than March 1, 2019, would require the State board to provide written notice to cure to all public agencies, private water companies, or mutual water companies that operate a public water system that has either less than 3,000 service connections or that serves less than 10,000 people, and are not in compliance with applicable drinking water standards as of December 31, 2018. The bill mandates LAFCO approval of the formation of a small system water authority and involves LAFCO in the dissolution of public agencies; determining the merged successor agency boundary (public agencies and private/mutual water companies); reviewing and approving the interim plan for service; and, appointing the Board of Directors.

CALAFCO position: Watch. Status: Assembly Environmental Safety and Toxic Materials Committee.

AB 2238 (Aguiar-Curry) | Proposal Review Factors: Hazard Mitigation Plan: Safety Element

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 specifies the factors that LAFCO is required to consider in the review of a proposal for a change of organization or reorganization, including, among other things, the proposal's consistency with city or county general and specific plans. This bill would require LAFCOs to also consider any relevant hazard mitigation plan or safety element of a general plan, and the extent to which the proposal will affect any land identified as a very high fire hazard severity zone or land determined to be in a state responsibility area, as provided. The bill is author-sponsored.

CALAFCO position: Watch. Status: Assembly Local Government Committee.

AB 2258 (Caballero) | Strategic Growth Council Grant Program

This is a CALAFCO sponsored bill following up on the recommendation of the Little Hoover Commission report of 2017 for the Legislature to provide LAFCOs one-time grant funding for in-depth studies of potential reorganization of local service providers. Current law establishes the Strategic Growth Council in State government and assigns to the council certain duties, including providing, funding, and distributing data and information to local governments and regional agencies that will assist in the development and planning of sustainable communities. This bill would require the Strategic Growth Council, until January 1, 2024, to establish and administer a LAFCO grant program for the payment of costs associated with initiating and completing the dissolution of inactive districts, study of the services provided within a county by a public agency, and for other specified purposes. CALAFCO is working with the Strategic Growth Council in preparing a process and actual language will be coming soon.

CALAFCO position: Sponsor. Status: Assembly Local Government Committee.

AB 2600 (Flora) | Regional Park and Open Space Districts

This bill would authorize initiating the formation of a regional park and open space district by the adoption of a resolution of application by the legislative body of any county or city that contains the territory proposed to be included in the district. The bill would require the resolution to contain certain information, including the methods by which the district would be financed. The bill would require a public hearing before the adoption of the resolution, as provided. This bill would expand the process of initiating the formation of a regional park and open space district by adding that a local governing body may adopt a resolution proposing to form a new district in lieu of having a 5,000 signature petition. The LAFCO process remains intact. The intent of this bill is to create an easier way to propose the formation of these types of districts, thereby removing the need and recent practice to enact special legislation. The bill is author-sponsored.

CALAFCO position: Support. Status: Assembly Local Government Committee.

AB 3254 (ALGC) | Omnibus Bill

This is the annual Assembly Local Government Committee (ALGC) bill that addresses non-controversial or clarification issues – including changes to the Cortese-Knox-Hertzberg Act. Notable items in the bill include redefining the terms “affected territory” and “inhabited territory.” This bill would revise those definitions to include territory that is to receive extended services from a local agency, and additionally define the term “uninhabited territory” for purposes of the Act. **CALAFCO position: Sponsor. Status: Assembly Local Government Committee.**

SB 1215 (Hertzberg) | Sewer Systems: Consolidation & Extension of Service

This bill would authorize the State Water Resources Control Board (SWRCB) to mandate extension of service or consolidation of wastewater systems - both public and private, under certain circumstances. The process mirrors the process set forth in SB 88 (Hertzberg, 2015) giving the SWRCB authority to mandate the same for small drinking water systems. This bill would also authorize the State board to set timeline and performance measures to facilitate completion of extension of service of drinking water. The mandated consolidation or extension of service would require coordination with LAFCO to facilitate the change of organization or reorganization; however, the bill states that CKH shall not apply to the State board’s action. The bill is author-sponsored. **CALAFCO position: Watch with concerns. Status: Pending first hearing.**

Other Legislation of Local Concern

SB 623 (Monning) | Safe and Affordable Drinking Water Fund

This two-year bill would establish the Safe and Affordable Drinking Water Fund in the State Treasury and would provide that moneys in the fund are continuously appropriated to the State Water Resources Control Board. The measure is intended to fill gaps in funding for disadvantaged communities and low-income residents without access to safe drinking water. The funding mechanisms would include: 1) agricultural fees in the context of nitrate contamination in groundwater; and 2) a State fee collected by local water agencies on drinking water provided to residential, business, industrial and governmental customers. For a residential customer (with a water meter that is less than or equal to one inch in size), the fee is ninety-five cents (\$0.95) per month. The bill would require the board to administer the fund to secure access to safe drinking water for all Californians, while also ensuring the long-term sustainability of drinking water service and infrastructure. The bill would authorize the state board to provide for the deposit into the fund of federal contributions, voluntary contributions, gifts, grants, bequests, and settlements from parties responsible for contamination of drinking water supplies. The bill is author-sponsored. **CALAFCO position: Watch. Status: Assembly Rules Committee.**

AB 1944 (Garcia) | San Luis Rey Valley Groundwater Basin

Existing law, the Sustainable Groundwater Management Act, requires all groundwater basins designated as high- or medium-priority basins by the Department of Water Resources that are designated as basins subject to critical conditions of overdraft to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans by January 31, 2020, and requires all other groundwater basins designated as high- or medium-priority basins to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans by January 31, 2022, except as specified. This bill would expand and divide the San Luis Rey Valley Groundwater Basin into an upper and lower subbasin, as prescribed, and would designate the subbasins as medium priority until the department reassesses basin prioritization. The bill would require water beneath the surface of the ground within the Upper San Luis Rey Valley Groundwater Subbasin to be included within the definition of groundwater for the purposes of the act by any groundwater sustainability agency developing or implementing a groundwater sustainability plan and would except from this requirement certain water beneath the surface of the ground extracted and used as authorized under an existing appropriative water right. The bill is supported by the local agencies as a means to involve all stakeholders and help facilitate a governance system going forward. The bill is author-sponsored. **CALAFCO position: None. Status: Assembly Water, Parks, & Wildlife Committee.**

ANALYSIS

The second year of the 2017-2018 legislative session began on January 3, 2018 and added over 1,000 new bills through the February 16th introduction deadline for non-committee proposals. A review of all active bills identifies 26 proposals that directly or indirectly impact LAFCOs and are briefly identified in the CALAFCO report provided as Attachment One. Most notably, CALAFCO's interest is focused on Assembly Bill 2050 (Caballero) and its provisions to create a process for the State Water Resources Control Board to order consolidation of both public and private small drinking water systems that have been consistently unable to remedy violations of drinking water standards into a new public agency that would be formed by LAFCO. The bill requires a minimum threshold of five local public/private small water systems in order to create sufficient economies of scale to remedy the violations of drinking water standards. The affected public/private small water systems would be dissolved and consolidated to form a new type of public agency: a Small System Water Authority (SSWA). The bill requires LAFCO to approve the SSWA formation with or without conditions following submittal of a formation application and plan for services. While the bill involves LAFCO in facilitating the changes of organization or reorganization, LAFCO discretion regarding consolidation and formation is removed. CALAFCO has established a working group to coordinate with the sponsor/author and has provided proposed revisions to the most recent version of the bill.

CONCLUSION

Staff will continue to monitor and track the selected legislation impacting LAFCO or other related governance agencies in coordination with CALAFCO, and provide periodic updates to the Commission as the tracked legislation is amended. Staff provided the Special District Advisory Committee with a verbal update at their March 16th meeting on the tracked legislation. The Advisory Committee will also continue to be updated by staff regarding CALAFCO and LAFCO tracked legislation and any recommended bill positions in 2018. The legislative summary as provided in Attachment A, the CALAFCO Daily Legislative Report, is current as of March 23, 2018.

ALTERNATIVES FOR ACTION

This item is being presented for Commission discussion and feedback to San Diego LAFCO staff.

RECOMMENDATION

This item is for discussion and feedback only.

PROCEDURES FOR CONSIDERATION

This item has been placed on the agenda for Commission discussion as part of the business calendar. The following procedures, accordingly, are recommended in the consideration of this item:

- 1) Receive verbal report from staff;
- 2) Invite comments from interested audience members (voluntarily); and
- 3) Discuss item and provide feedback as requested.

On behalf of staff,



Robert Barry, AICP
Chief Policy Analyst

- Attachment:
1. CALAFCO Daily Legislative Report, March 23, 2018

CALAFCO Daily Legislative Report as of Friday, March 23, 2018

1

[AB 2050](#) ([Caballero D](#)) **Small System Water Authority Act of 2018.**

Current Text: Amended: 3/19/2018 [html](#) [pdf](#)

Introduced: 2/6/2018

Last Amended: 3/19/2018

Status: 3/20/2018-Re-referred to Com. on E.S. & T.M.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Calendar:

4/10/2018 1:30 p.m. - State Capitol, Room 444 ASSEMBLY ENVIRONMENTAL SAFETY AND TOXIC MATERIALS, QUIRK, Chair

Summary:

Would create the Small System Water Authority Act of 2018 and state legislative findings and declarations relating to authorizing the creation of small system water authorities that will have powers to absorb, improve, and competently operate noncompliant public water systems. The bill, no later than March 1, 2019, would require the state board to provide written notice to cure to all public agencies, private water companies, or mutual water companies that operate a public water system that has either less than 3,000 service connections or that serves less than 10,000 people, and are not in compliance with applicable drinking water standards as of December 31, 2018.

Position: Watch

Subject: LAFCo Administration, Municipal Services, Water

CALAFCO Comments: This bill is sponsored by Eastern Municipal Water District and the CA Municipal Utilities Assoc. The intent is to give the State Water Resources Control Board (SWRCB) authority to mandate the dissolution of existing drinking water systems (public, mutual and private) and authorize the formation of a new public water system. The focus is on non contiguous systems. The SWRCB already has the authority to mandate consolidation of these systems, this will add the authority to mandate dissolution and formation of new public agencies.

CALAFCO met with the sponsors several times and they indicate a desire to work with LAFCos on creating a process that works. However, it is our understanding that LAFCo will lack any discretion in the dissolution of any public water agency mandated by the SWRCB and the formation of a new entity as mandated by the SWRCB. CALAFCO will continue to work with the sponsors and author.

[AB 2238](#) ([Aguiar-Curry D](#)) **Change of organization or reorganization: local agency formation commission review: hazard mitigation plan: safety element.**

Current Text: Introduced: 2/13/2018 [html](#) [pdf](#)

Introduced: 2/13/2018

Status: 3/1/2018-Referred to Com. on L. GOV.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 specifies the factors that a local agency formation commission is required to consider in the review of a proposal for a change of organization or reorganization, including, among other things, the proposal's consistency with city or county general and specific plans. This bill would additionally require the commission to consider any relevant hazard mitigation plan or safety element of a general plan, and the extent to which the proposal will affect any land identified as a very high fire hazard severity zone or land determined to be in a state responsibility area, as provided.

Position: Watch

Subject: Climate Change, Growth Management

CALAFCO Comments: This bill seeks to add another factor for LAFCo consideration in the review of a proposal. That factor is any relevant hazard mitigation plan or safety element of a general plan, and the extent to which the proposal will affect any land identified as a very high fire hazard severity zone (pursuant to Gov. Code Sc. 51178) or land determined to be in a state responsibility area (pursuant to

PRC Sec. 4102).

This bill is in response to the rash of wildfires throughout the state over the past several years and the ongoing threat of same as a result of climate change.

AB 2258 (Caballero D) Local agency formation commissions: grant program.

Current Text: Amended: 3/15/2018 [html](#) [pdf](#)

Introduced: 2/13/2018

Last Amended: 3/15/2018

Status: 3/19/2018-Re-referred to Com. on L. GOV.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

Current law establishes the Strategic Growth Council in state government and assigns to the council certain duties, including providing, funding, and distributing data and information to local governments and regional agencies that will assist in the development and planning of sustainable communities. This bill would require the Strategic Growth Council, until January 1, 2024, to establish and administer a local agency formation commissions grant program for the payment of costs associated with initiating and completing the dissolution of inactive districts, the payment of costs associated with a study of the services provided within a county by a public agency, and for other specified purposes, including the initiation of an action, based on determinations found in the study, as approved by the commission.

Position: Sponsor

Subject: Other

CALAFCO Comments: As introduced this is a spot bill. This is a CALAFCO sponsored bill following up on the recommendation of the Little Hoover Commission report of 2017 for the Legislature to provide LAFCo's one-time grant funding for in-depth studies of potential reorganization of local service providers. CALAFCO is working with the Strategic Growth Council in preparing a process and actual language will be coming soon.

AB 2600 (Flora R) Regional park and open space districts.

Current Text: Introduced: 2/15/2018 [html](#) [pdf](#)

Introduced: 2/15/2018

Status: 3/8/2018-Referred to Com. on L. GOV.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Calendar:

4/11/2018 1:30 p.m. - State Capitol, Room 447 ASSEMBLY LOCAL GOVERNMENT, AGUIAR-CURRY, Chair

Summary:

Would authorize the formation of a district by the adoption of a resolution of application by the legislative body of any county or city that contains the territory proposed to be included in the district. The bill would require the resolution to contain certain information, including the methods by which the district would be financed. The bill would require a public hearing before the adoption of the resolution, as provided.

Attachments:

[CALAFCO Support March 2018](#)

Position: Support

CALAFCO Comments: This bill would expand the process of initiating the formation of a regional park and open space district by adding that a local governing body may adopt a resolution proposing to form a new district. This would be in lieu of having a 5,000 signature petition. The LAFCo process remains intact.

The intent of this bill is to create an easier way to proposed the formation of these types of districts, thereby removing the need for special legislation to do so. The bill is author-sponsored.

AB 3254 (Committee on Local Government) Local government organization: omnibus.

Current Text: Introduced: 3/14/2018 [html](#) [pdf](#)

Introduced: 3/14/2018

Status: 3/22/2018-Referred to Com. on L. GOV.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (the Act) provides the authority and procedure for the initiation, conduct, and completion of changes of organization, reorganization, and sphere of influence changes for cities and districts, as specified. Current law defines

various terms for purposes of that Act, including the terms “affected territory” and “inhabited territory.” This bill would revise those definitions to include territory that is to receive extended services from a local agency, and additionally define the term “uninhabited territory” for purposes of the Act.

Position: Sponsor

CALAFCO Comments: This is the annual Assembly Local Government Committee Omnibus bill, sponsored by CALAFCO.

SB 1215 (Hertzberg D) Drinking water systems and sewer systems: consolidation and extension of service.

Current Text: Introduced: 2/15/2018 [html](#) [pdf](#)

Introduced: 2/15/2018

Status: 3/20/2018-Set for hearing April 4. April 4 set for first hearing canceled at the request of author.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chapted
1st House				2nd House							

Summary:

Current law declares it to be the established policy of the state that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. This bill would also authorize the state board to set timeline and performance measures to facilitate completion of extension of service of drinking water. This bill contains other related provisions and other current laws.

Position: Watch With Concerns

Subject: Disadvantaged Communities, Water

CALAFCO Comments: This bill would authorize the State Water Resources Control Board (SWRCB) to mandate extension of service or consolidation of wastewater systems - both public and private, under certain circumstances. The process mirrors the process set forth in SB 88 giving the SWRCB authority to mandate the same for drinking water systems.

SB 1496 (Committee on Governance and Finance) Validations.

Current Text: Introduced: 3/1/2018 [html](#) [pdf](#)

Introduced: 3/1/2018

Status: 3/22/2018-Set for hearing April 4.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chapted
1st House				2nd House							

Calendar:

4/4/2018 9:30 a.m. - Room 112 SENATE GOVERNANCE AND FINANCE, MCGUIRE, Chair

Summary:

Would enact the Second Validating Act of 2018, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities. This bill would declare that it is to take effect immediately as an urgency statute.

Attachments:

[CALAFCO Support March 2018](#)

Position: Support

SB 1497 (Committee on Governance and Finance) Validations.

Current Text: Introduced: 3/1/2018 [html](#) [pdf](#)

Introduced: 3/1/2018

Status: 3/22/2018-Set for hearing April 4.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chapted
1st House				2nd House							

Calendar:

4/4/2018 9:30 a.m. - Room 112 SENATE GOVERNANCE AND FINANCE, MCGUIRE, Chair

Summary:

Would enact the First Validating Act of 2018, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities. This bill would declare that it is to take effect immediately as an urgency statute.

Attachments:

[CALAFCO Support March 2018](#)

Position: Support

Subject: LAFCo Administration

[SB 1499](#) (Committee on Governance and Finance) Validations.

Current Text: Introduced: 3/1/2018 [html](#) [pdf](#)

Introduced: 3/1/2018

Status: 3/15/2018-Referred to Com. on GOV. & F.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Calendar:

4/4/2018 9:30 a.m. - Room 112 SENATE GOVERNANCE AND FINANCE, MCGUIRE, Chair

Summary:

Would enact the Third Validating Act of 2018, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

Attachments:

[CALAFCO Support March 2018](#)

Position: Support

Subject: LAFCo Administration

2

[AB 2268](#) (Reyes D) Local government finance: property tax revenue allocations: vehicle license fee adjustments.

Current Text: Introduced: 2/13/2018 [html](#) [pdf](#)

Introduced: 2/13/2018

Status: 3/1/2018-Referred to Com. on L. GOV.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

Would, for the 2018–19 fiscal year, instead require the vehicle license fee adjustment amount to be the sum of the vehicle license fee adjustment amount in the 2004–05 fiscal year, if a specified provision did not apply, and the product of the amount as so described and the percentage change in gross taxable assessed valuation within the jurisdiction of that entity between the 2004–05 fiscal year to the 2018–19 fiscal year. This bill, for the 2019–20 fiscal year, and for each fiscal year thereafter, would require the vehicle license fee adjustment amount to be the sum of the vehicle license fee adjustment amount for the prior fiscal year and the product of the amount as so described and the percentage change from the prior fiscal year in gross taxable assessed valuation within the jurisdiction of the entity.

Position: Support if Amended

Subject: Tax Allocation

CALAFCO Comments: Sponsored by the League, this bill will reinstate ERAF funding for inhabited annexations.

[AB 2491](#) (Cooley D) Local government finance: vehicle license fee adjustment amounts.

Current Text: Introduced: 2/14/2018 [html](#) [pdf](#)

Introduced: 2/14/2018

Status: 3/5/2018-Referred to Com. on L. GOV.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

Would establish a separate vehicle license fee adjustment amount for a city incorporating after January 1, 2012, and for a qualified city, as defined, incorporating after January 1, 2012, would establish an additional separate vehicle license fee adjustment amount. This bill contains other related provisions and other existing laws.

Attachments:

[CALAFCO Support March 2018](#)

Position: Support

Subject: Tax Allocation

CALAFCO Comments: Sponsored by the League, this bill will reinstate ERAF funding for cities incorporating after 2017.

[AB 2501](#) (Chu D) Drinking water: consolidation and extension of service.

Current Text: Introduced: 2/14/2018 [html](#) [pdf](#)

Introduced: 2/14/2018

Status: 3/8/2018-Referred to Com. on E.S. & T.M.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Calendar:

4/10/2018 1:30 p.m. - State Capitol, Room 444 ASSEMBLY ENVIRONMENTAL SAFETY AND TOXIC MATERIALS, QUIRK, Chair

Summary:

The California Safe Drinking Water Act authorizes the State Water Resources Control Board to order extension of service to an area within a disadvantaged community that does not have access to an adequate supply of safe drinking water so long as the extension of service is an interim extension of service in preparation of consolidation. The act defines "disadvantaged community" for these purposes to mean a disadvantaged community that is in an unincorporated area, is in a mobilehome park, or is served by a mutual water company or small public water system. This bill would redefine "small public water system" for these purposes as a system with 200 connections of less.

Position: Watch

Subject: Disadvantaged Communities, Water

[AB 3023](#) ([Medina D](#)) California Environmental Quality Act.

Current Text: Amended: 3/19/2018 [html](#) [pdf](#)

Introduced: 2/16/2018

Last Amended: 3/19/2018

Status: 3/20/2018-Re-referred to Com. on NAT. RES.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

Would require lead agencies to post the notices required by CEQA and any environmental review document for a project on their Internet Web sites, if any, or to submit those notices and environmental review documents to the State Clearinghouse for inclusion in the database as specified. Because this bill would impose additional duties on lead agencies, this bill would impose a state-mandated local program.

Position: Watch

Subject: CEQA

3

[AB 1889](#) ([Caballero D](#)) Santa Clara Valley Water District.

Current Text: Introduced: 1/18/2018 [html](#) [pdf](#)

Introduced: 1/18/2018

Status: 2/5/2018-Referred to Com. on L. GOV.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

The Santa Clara Valley Water District Act authorizes the district to impose special taxes at minimum rates according to land use category and size. The district act authorizes the district to provide an exemption from these taxes for residential parcels owned and occupied by one or more taxpayers who are at least 65 years of age, or who qualify as totally disabled, if the household income is less than an amount approved by the voters of the district. This bill would authorize the district to require a taxpayer seeking an exemption from these special taxes to verify his or her age, disability status, or household income, as prescribed. The bill would authorize the board of directors of the district to provide the exemption.

Position: Watch

[AB 2019](#) ([Aguiar-Curry D](#)) Health care districts.

Current Text: Amended: 3/22/2018 [html](#) [pdf](#)

Introduced: 2/5/2018

Last Amended: 3/22/2018

Status: 3/22/2018-Referred to Com. on L. GOV. From committee chair, with author's amendments:

Amend, and re-refer to Com. on L. GOV. Read second time and amended.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

The Local Health Care District Law provides for local health care districts that govern certain health care facilities. The bill would require a district that is authorized and elects to use the design-build process, as specified, for the construction of housing to require that at least 20% of the residential units constructed be subject to a recorded affordability restriction for at least 55 years and be affordable to lower income households, very low income households, extremely low income households, and persons and families of low or moderate income, as defined, unless the city, county, or city and county in which the district is predominantly located has adopted a local ordinance that requires a greater percentage of the units be affordable to those groups. This bill contains other related laws and provisions.

Position: Watch

CALAFCO Comments: This is a spot bill.

[AB 2179](#) (Gipson D) Municipal corporations: public utility service: water and sewer service.

Current Text: Introduced: 2/12/2018 [html](#) [pdf](#)

Introduced: 2/12/2018

Status: 3/1/2018-Referred to Com. on L. GOV.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

Would authorize a municipal corporation to utilize the alternative procedures to lease, sell, or transfer that portion of a municipal utility used for furnishing sewer service outside the boundaries of the municipal corporation.

Position: Watch

Subject: Municipal Services

[AB 2262](#) (Wood D) Coast Life Support District Act: urgent medical care services.

Current Text: Introduced: 2/13/2018 [html](#) [pdf](#)

Introduced: 2/13/2018

Status: 3/21/2018-From committee: Do pass and re-refer to Com. on L. GOV. (Ayes 14. Noes 0.) (March 20). Re-referred to Com. on L. GOV.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

Current law establishes the Coast Life Support District and specifies the powers of the district. The district is authorized, among other things, to supply the inhabitants of the district emergency medical services, as specified. This bill would additionally authorize the district to provide urgent medical care services. This bill contains other related provisions.

Position: Watch

Subject: LAFCo Administration, Special District Powers

CALAFCO Comments: This is a single district bill in which the district is seeking to activate latent powers (actually to codify powers they have been performing for a number of years) and bypassing LAFCo. CALAFCO and the local LAFCo are working with the author's office to keep this matter local. Will watch the bill.

[AB 2339](#) (Gipson D) Water utility service: sale of water utility property by a city.

Current Text: Introduced: 2/13/2018 [html](#) [pdf](#)

Introduced: 2/13/2018

Status: 3/20/2018-From committee: Do pass and re-refer to Com. on L. GOV. (Ayes 12. Noes 1.) (March 20). Re-referred to Com. on L. GOV.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

Would permit a city that owns and operates a public utility for furnishing water service to sell the public utility for the purpose of consolidating its public water system with another public water system pursuant to the procedures that are generally applicable to the sale of real property by a city, only if the potentially subsumed water system is wholly within the boundaries of the city, if the city determines that it is uneconomical and not in the public interest to own and operate the public utility and if certain requirements are met. The bill would prohibit the city from selling the public utility for one year if 50% of interested persons, as defined, protest the sale.

Position: Watch
Subject: Water

[SB 522](#) ([Glazer D](#)) West Contra Costa Healthcare District.

Current Text: Amended: 1/3/2018 [html](#) [pdf](#)

Introduced: 2/16/2017

Last Amended: 1/3/2018

Status: 1/30/2018-In Assembly. Read first time. Held at Desk.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

Current law provides for the formation of local health care districts and specifies district powers. Under existing law, the elective officers of a local health care district consist of a board of hospital directors consisting of 5 members, each of whom is required to be a registered voter residing in the district and whose term shall be 4 years, except as specified. This bill would dissolve the existing elected board of directors of the West Contra Costa Healthcare District, effective January 1, 2019, and would require the Board of Supervisors of the County of Contra Costa, at its election, to either serve as the district board or appoint a district board, as specified.

Position: Watch
Subject: Special Districts Governance

[SB 561](#) ([Gaines R](#)) Fallen Leaf Lake Community Services District: elections.

Current Text: Amended: 1/23/2018 [html](#) [pdf](#)

Introduced: 2/17/2017

Last Amended: 1/23/2018

Status: 1/30/2018-Read third time. Passed. (Ayes 36. Noes 0.) Ordered to the Assembly. In Assembly. Read first time. Held at Desk.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

Under current law, the Fallen Leaf Lake Community Services District is a resident voting district. This bill, notwithstanding existing law, would provide that voters who are residents of the district, and voters who are not residents but either own a real property interest in the district or have been designated by the owner of a real property interest to cast the vote for that property, may vote in a district election in the Fallen Leaf Lake Community Services District.

Position: Watch
Subject: Special Districts Governance

[SB 623](#) ([Monning D](#)) Water quality: Safe and Affordable Drinking Water Fund.

Current Text: Amended: 8/21/2017 [html](#) [pdf](#)

Introduced: 2/17/2017

Last Amended: 8/21/2017

Status: 9/1/2017-From committee: Without recommendation. (Ayes 11. Noes 0.) (September 1) Re-referred to Com. on RLS.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

Would establish the Safe and Affordable Drinking Water Fund in the State Treasury and would provide that moneys in the fund are continuously appropriated to the State Water Resources Control Board. The bill would require the board to administer the fund to secure access to safe drinking water for all Californians, while also ensuring the long-term sustainability of drinking water service and infrastructure. The bill would authorize the state board to provide for the deposit into the fund of federal contributions, voluntary contributions, gifts, grants, bequests, and settlements from parties responsible for contamination of drinking water supplies.

Position: Watch
Subject: Water

[SB 778](#) ([Hertzberg D](#)) Water systems: consolidations: administrative and managerial services.

Current Text: Amended: 7/13/2017 [html](#) [pdf](#)

Introduced: 2/17/2017

Last Amended: 7/13/2017

Status: 9/1/2017-Failed Deadline pursuant to Rule 61(a)(12). (Last location was APPR. on 8/23/2017)(May be acted upon Jan 2018)

Desk	Policy	Fiscal	Floor	Desk	Policy	2 year	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

Would require, on or before March 1, 2018, and regularly thereafter, as specified, the State Water Resources Control Board to track and publish on its Internet Web site an analysis of all voluntary and ordered consolidations of water systems that have occurred on or after July 1, 2014. The bill would require the published information to include the resulting outcomes of the consolidations and whether the consolidations have succeeded or failed in providing an adequate supply of safe drinking water to the communities served by the consolidated water systems.

Position: Watch

Subject: Municipal Services

[SB 929](#) ([McGuire D](#)) Special districts: Internet Web sites.

Current Text: Amended: 3/6/2018 [html](#) [pdf](#)

Introduced: 1/25/2018

Last Amended: 3/6/2018

Status: 3/21/2018-Set for hearing April 4.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Calendar:

4/4/2018 9:30 a.m. - Room 112 SENATE GOVERNANCE AND FINANCE, MCGUIRE, Chair

Summary:

The California Public Records Act requires a local agency to make public records available for inspection and allows a local agency to comply by posting the record on its Internet Web site and directing a member of the public to the Web site, as specified. This bill would, beginning on January 1, 2020, require every independent special district to maintain an Internet Web site that clearly lists contact information for the special district, except as provided. Because this bill would require local agencies to provide a new service, the bill would impose a state-mandated local program.

Position: Watch

[SB 1084](#) ([Berryhill R](#)) Mono County Tri-Valley Groundwater Management District.

Current Text: Amended: 3/22/2018 [html](#) [pdf](#)

Introduced: 2/12/2018

Last Amended: 3/22/2018

Status: 3/22/2018-From committee with author's amendments. Read second time and amended. Re-referred to Com. on RLS.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

The Mono County Tri-Valley Groundwater Management District Act creates the Mono County Tri-Valley Groundwater Management District consisting of specified areas of eastern Mono County. The act requires the board of directors of the district to consist of 7 members, one member being a county supervisor and 6 members being residents of the district who are owners of real property within the district elected at large from the district, 3 of whom have on their property extraction facilities capable of pumping at least 100 gallons per minute exclusive of domestic use. This bill would provide that the county supervisor member is an ex officio, nonvoting member of the board.

Position: Watch

CALAFCO Comments: This is a spot bill.

[SB 1459](#) ([Cannella R](#)) Local government organization: disincorporated cities.

Current Text: Introduced: 2/16/2018 [html](#) [pdf](#)

Introduced: 2/16/2018

Status: 3/8/2018-Referred to Com. on RLS.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 provides the authority and

procedures for the initiation, conduct, and completion of changes of organization and reorganization of cities and districts by local agency formation commissions. Under that act, upon disincorporation of a city, on and after the effective date of that disincorporation, the territory of the disincorporated city, all inhabitants within the territory, and all persons formerly entitled to vote by reason of residing within that territory, are no longer subject to the jurisdiction of the disincorporated city. This bill would make a nonsubstantive change to this provision.

Position: Watch

Subject: Disincorporation/dissolution

CALAFCO Comments: This is a spot bill.

[SB 1498](#) (Committee on Governance and Finance) Local Government Omnibus Act of 2018.

Current Text: Introduced: 3/1/2018 [html](#) [pdf](#)

Introduced: 3/1/2018

Status: 3/22/2018-Set for hearing April 4.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

Current law sets forth various provisions governing cities that reference various officers and employees. This bill would make these references gender neutral.

Position: Watch

CALAFCO Comments: This is the annual Senate Governance & Finance Committee Omnibus bill.

Total Measures: 26

Total Tracking Forms: 26

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