



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

**SPECIAL MEETING AGENDA**

**SAN DIEGO COUNTY  
 LOCAL AGENCY FORMATION COMMISSION**

**MONDAY, MARCH 6, 2023, 8:45 A.M.**

COUNTY ADMINISTRATION CENTER  
 1600 PACIFIC HIGHWAY, ROOM 302  
 SAN DIEGO, CALIFORNIA

Chair Jim Desmond  
 Vice Chair Stephen Whitburn

Executive Officer Keene Simonds  
 Commission Counsel Holly O. Whatley

**- PLEASE NOTE SPECIAL START TIME -**

County of San Diego	Cities	City of San Diego	Special Districts	General Public
Jim Desmond Joel Anderson Nora Vargas, Alt.	Kristi Becker Dane White John McCann, Alt.	Stephen Whitburn Marni von Wilpert, Alt.	Jo MacKenzie Barry Willis David A. Drake, Alt.	Andy Vanderlaan Harry Mathis, Alt.

San Diego LAFCO will hold the March 6, 2023 meeting in person at the County of San Diego Administration Center (1600 Pacific Highway, Room 302 in San Diego). Three-hour visitor parking is available using the Ash Street entrance.

In person attendance by the public is welcomed. The public may also watch, listen, and otherwise participate in the meeting remotely by any of the following options.

1. The public may watch and listen to the meeting live on YouTube using the link provided on our website homepage ([www.sdlafco.org](http://www.sdlafco.org)).
2. The public may watch, listen, and participate in the meeting by Zoom (<https://zoom.us>) or by telephone at (669) 900-9128 using Meeting/Webinar ID: 895 6767 7168 and Passcode 508649. Please use the “raise your hand” function in Zoom or push \*9 by telephone if/when you wish to speak. Then wait until your name is called before speaking.
  - a) The public may provide eComments on any item by emailing to [michaela.peters@sdcounty.ca.gov](mailto:michaela.peters@sdcounty.ca.gov)
    - eComments received before 8:00A.M. on Monday, March 6, 2023, will be forwarded to the Commission and posted online before the meeting. They will also be referenced during the meeting.
    - eComments received during the meeting and before the subject item is concluded will be read into the record by staff subject to the three-minute limit.

**1. 8:45 A.M. – CALL TO ORDER BY CHAIR | ROLL CALL**

**a) Introduction of New Commissioners:**

- Mayor Dane White with City of Escondido
- Mayor John McCann (alt) with City of Chula Vista

**2. PLEDGE OF ALLEGIANCE**

**3. AGENDA REVIEW**

The Executive Officer will summarize the agenda as well as to advise of any requested changes. The Chair will also consider requests from Commissioners.

**4. PUBLIC COMMENT AND RELATED REQUESTS**

**a) Public Comment**

Opportunity for members of the public to communicate to the Commission on any subject matter within the Commission's growth management duties/interests but not an item listed on the agenda. Each speaker's comments may not exceed three minutes.

**b) Public Requests to Discuss Consent Items**

Opportunity for members of the public to request the Commission pull one or more items from the consent calendar for discussion.

**5. CONSENT ITEMS**

All items calendared as consent are considered ministerial and subject to a single motion approval. The Chair will entertain requests by Commissioners to pull any items for discussion.

**a) Approval of Meeting Minutes for February 6, 2023 (action)**

The Commission will consider action minutes prepared by the Executive Assistant for the February 6, 2023 regular meeting. Recommendation to approve as presented. (Pages 5-16)

**b) Commission Ratification | Recorded Payments for January 2023 (action)**

The Commission will review a report identifying all payments made and received in January 2023. Recommendation to ratify payments as presented. (Pages 17-22)

**c) Progress Report on Adopted Workplan (action)**

The Commission will receive a progress report on accomplishing the 30 projects included in the adopted workplan for 2022-2023. Recommendation to receive and file. (Pages 23-26)

**d) Notice of Administrative Approval of "City of Escondido and Bryant-Felicita Road Out-of-Agency Services: Wastewater" (OAS23-03) (information)**

The Commission will receive notice of an administrative approval by the Executive Officer for the City of Escondido to provide out-of-agency services to an unincorporated property located within the City sphere of influence. The authorization is specific to wastewater service to an existing single-family residence at 2334 Felicita Road and premised on abating a public health and safety threat given documentation of a failing septic system. The County Assessor's Office identifies the subject parcel as 238-320-12. Information only. (Pages 27-36)

**e) Report on Active Proposals and Related Activities (information)**

The Commission will receive a status report on the 22 active proposals currently on file with LAFCO. Information only. (Pages 37-50)



**CONSENT ITEMS CONTINUED...**

**f) Notice of State Planning Grant Award | Greening Agriculture: Market Analysis to Inform and Support Economically Sustainable Small Farming in San Diego County (information)**

The Commission will receive notice of a new \$500,000 planning grant award from the State Department of Conservation and its Sustainable Agricultural Lands Conservation Program. The award allows LAFCO and co-applicant County of San Diego Planning and Development Services to expand on current grant activities in assessing local agricultural trends and proceed with performing market analysis to help inform small farming operations. Work on the new grant is anticipated to commence in June 2023. Information only. (Pages 51-98)

**g) Authorized Leave for Commissioner Vanderlaan (information)**

The Commission will receive notice of Chair Desmond's approval of a written request by Commissioner Vanderlaan for a three-month leave of office effective February 14, 2023. There is no written report associated with this item.

**6. PUBLIC HEARING ITEMS |**

**COMMISSIONER DISCLOSURE OF EX PARTE COMMUNICATIONS**

Public hearing items require expanded public notification per provisions in State law or have been voluntarily scheduled by the Executive Officer to ensure opportunity for public input. All public hearing items require verbal disclosures by Commissions regarding any material communications.

**a) Proposed "Borrego Springs Fire Protection District Reorganization" |**

**Dissolution of the Borrego Springs Fire Protection District and Concurrent Annexation to the San Diego County Fire Protection District (RO22-19) (action)**

The Commission will consider a reorganization proposal filed by Borrego Springs Fire Protection District (FPD) to transfer fire protection, emergency medical, and ambulance transport responsibilities in Borrego Springs. The proposed transfer necessitates two jurisdictional changes involving the dissolution of the Borrego Springs FPD and concurrent annexation of the approximate 198,400-acre affected territory with an estimated 3,105 residents to the San Diego County FPD. The purpose of the negotiated proposal is to economize the subject services going forward. Staff recommends conditional approval of the proposal as submitted along with conforming sphere of influence amendments. It is also recommended the Commission delegate protest to the Executive Officer and make exemption findings under the California Environmental Quality Act. (Pages 99-210)

**b) Notice of Amended Administrative Approval of "Palomar Healthcare District Out-of-Agency Services: Laborist and OB/GYN" and Possible Related Actions**

The Commission will receive notice of an amended administrative approval for Palomar Healthcare District to provide out-of-agency services. The notice is provided consistent with adopted policy and ties to the Executive Officer's August 2022 authorization for Palomar to provide laborist and OB/GYN services to patients contractually sourced to Vista Community and TrueCare Clinics and their locations in Vista, Oceanside, and Encinitas. The amendment establishes a term of March 1, 2025. The balance of the administrative approval – including the justifying public health and safety finding tied to the contracting clinics' financial distress without partnering with Palomar – remains. The item is presented for information as required under policy. Alternative actions are also provided at the request of the Chair to amend or overturn the administrative approval. (Pages 211-278)

**PUBLIC HEARING ITEMS CONTINUED...**

**c) Proposed Workplan and Budget for 2023-2024 (action)**

The Commission will consider recommendations in adopting a proposed workplan and budget for 2023-2024. The proposed workplan outlines 30 activities in priority order and includes continued and new projects. The proposed budget totals \$2.750 million in matching expenses and revenues. More than four-fifths of total expenses – \$2.261 million – covers operating costs and represents an increase of 12.6% over the current fiscal year and primarily tied to funding an additional staff position. Adoption of the proposed workplan and budget will precede a formal public review and conclude with final actions in May. (Pages 279-294)

**7. BUSINESS CALENDAR**

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

**a) Alternate Public Member Appointment: Options and Possible Action (action)**

The Commission will consider options and preferences therein in making a new four-year appointment of an alternate regular public member ahead of the current term expiring on May 1, 2023. The item has been noticed to allow the Commission to proceed with a reappointment of Commissioner Mathis should it be the membership’s collective preference. (Pages 295-298)

**b) Options to Hold Regular Meetings and Possible Actions**

The Commission will consider amending its adopted policies with respect to setting the day and time of regular Commission meetings. Current policy provides the Commission will hold regular meetings on the first Monday of each month starting at 10:00 A.M unless otherwise calendared. The City of San Diego – which has dedicated seats on LAFCO in statute – recently changed their regular meetings to the same day and time. Alternative days and/or times are identified by staff and with the premise of continuing to physically meet in the County of San Diego Administration Center and avoiding any known regular meetings times and days for current County, city, and special district members’ home agencies. (Pages 299-302)

**8. EXECUTIVE OFFICER REPORT**

**9. COMMISSIONER ANNOUNCEMENTS | REQUESTS FOR FUTURE ITEMS**

**10. CLOSED SESSION**

None

**11. ADJOURNMENT TO NEXT MEETING**

To be determined under Item No. 7a

Attest to Posting:



Tamaron Lockett  
Commission Clerk



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

**5a**

**AGENDA REPORT**  
 Consent | Action

March 6, 2023

**TO:** Commissioners  
**FROM:** Erica Sellen, Executive Assistant  
**SUBJECT:** **Approval of Meeting Minutes |  
 Regular Meeting of February 6, 2023**

**SUMMARY**

The San Diego County Local Agency Formation Commission (LAFCO) will consider draft minutes prepared for the regular meeting held on February 6, 2023. The minutes are in action-form and being presented for formal Commission approval.

**BACKGROUND**

The Ralph M. Brown Act was enacted by the State Legislature in 1953 and – among other items – requires public agencies to maintain written minutes for qualifying meetings.

**DISCUSSION**

This item is for San Diego LAFCO to consider approving action minutes for the February 6, 2023, regular meeting. The attendance record for the meeting follows.

- All regular Commissioners were present except Andy Vanderlaan (Public).
- All alternate Commissioners were present except David Drake (Rincon del Diablo), Nora Vargas (County of San Diego) and Marni von Wilpert (City of San Diego).

**DISCUSSION**

<b>Administration</b> Keene Simonds, Executive Officer 2550 Fifth Avenue, Suite 725 San Diego, California 92103 T 619.321.3380 www.sdlafco.org lafco@sdcounty.ca.gov	<b>Chair Jim Desmond</b> County of San Diego <b>Joel Anderson</b> County of San Diego <b>Nora Vargas, Alt.</b> County of San Diego	<b>Kristi Becker</b> City of Solana Beach <b>Dane White</b> City of Escondido <b>John McCann Alt.</b> City of Chula Vista	<b>Stephen Whitburn, Vice Chair</b> City of San Diego <b>Marni von Wilpert, Alt.</b> City of San Diego	<b>Jo MacKenzie</b> Vista Irrigation <b>Barry Willis</b> Alpine Fire Protection <b>David Drake, Alt.</b> Rincon del Diablo	<b>Andy Vanderlaan</b> General Public <b>Harry Mathis, Alt.</b> General Public
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## ANALYSIS

The attached draft minutes for the February 6, 2023, regular meeting accurately reflect San Diego LAFCO's deliberations as recorded by the Commission Secretary. A video recording of the meeting has also been posted on the Commission's website ([www.sdlafco.org](http://www.sdlafco.org)).

## RECOMMENDATION

It is recommended San Diego LAFCO approve the draft minutes prepared for the February 6, 2023, regular meeting as presented. This recommendation is consistent with Alternative One outlined in the proceeding section.

## ALTERNATIVES FOR ACTION

The following alternatives are available to San Diego LAFCO:

Alternative One (recommended):

Approve the attached draft minutes prepared for the February 6, 2023 with any desired corrections or clarifications.

Alternative Two:

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

## PROCEDURES

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

Respectfully,

Erica Sellen  
Executive Assistant

Attachment:

- 1) Draft Meeting Minutes for February 6, 2023

**DRAFT MINUTES  
SAN DIEGO LAFCO  
February 6, 2023 REGULAR MEETING**

**1. CALL TO ORDER BY CHAIR | ROLL CALL**

The regular meeting was called to order at 10:02 a.m. by Chair Desmond. The Commission Secretary performed the roll call with the following attendance recorded.

Regulars Present: Joel Anderson, County of San Diego  
Jim Desmond, County of San Diego (CHAIR)  
Jo MacKenzie, Vista Irrigation District  
Barry Willis, Alpine Fire Protection District  
Stephen Whitburn, City of San Diego

Alternates Present: Kristi Becker, City of Solana Beach (Voting)  
Harry Mathis, Public (Voting)

Members Absent: David Drake, Rincon del Diablo Municipal Water District (alternate)  
Andy Vanderlaan, Public (regular)  
Nora Vargas, County of San Diego (alternate)  
Marni von Wilpert, City of San Diego (alternate)

The Commission Secretary confirmed a quorum was present with seven voting members present with Alternate Commissioner Becker voting in place of one of the vacant city seats, and Alternate Commissioner Mathis voting in absence of Commissioner Vanderlaan. Also present at the time of roll call were the following LAFCO staff members: Executive Officer Keene Simonds; Commission Counsel Holly Whatley; Local Government Analyst II Priscilla Mumpower; Local Government Analyst I Carolanne Ieromnimon; GIS/IT Analyst Dieu Ngu; Administrative Assistant Michaela Peters; and Executive Assistant Erica Sellen serving as the Commission Secretary.

Commissioner Anderson arrived at 10:13 a.m.

**Item 1a**

**Introduction of New Commissioner: Stephen Whitburn with City of San Diego**

Chair Desmond invited Commissioners and LAFCO staff to introduce themselves and welcomed new Commissioner Stephen Whitburn with City of San Diego.

**2. PLEDGE OF ALLEGIANCE**

Commissioner Mathis led the Pledge of Allegiance.

### 3. AGENDA REVIEW

Chair Desmond asked the Executive Officer if there were requests to remove or rearrange items on the agenda. Executive Officer Keene Simonds stated no changes were needed to the agenda and gave an outline of the day's meeting. The Executive Officer also noted the meeting was being live streamed and provided instructions for members of the public on how to participate.

### 4. PUBLIC COMMENT AND RELATED REQUESTS

#### Item 4a

##### Public Comment

Chair Desmond invited anyone from the public to address the Commission on a matter not directly related to an agenda item. The Commission Secretary confirmed there were no registered speakers and confirmed there were no live e-mail comments received.

#### Item 4b

##### Public Requests to Discuss Consent Items

Chair Desmond invited the public to request discussion on any agenda item from the consent calendar. The Commission Secretary confirmed there were no registered speakers and confirmed there were no live e-mail comments received.

### 5. CONSENT ITEMS

#### Item 5a

##### Approval of Meeting Minutes for December 5, 2022

Item presented to approve draft action minutes prepared for the Commission's December 5, 2022 regular meeting. Recommendation to approve.

#### Item 5b

##### Commission Ratification | Recorded Payments for November and December 2022

Item presented to ratify recorded payments made and received by the Executive Officer for the months of November and December 2022. Recommendation to ratify.

#### Item 5c

##### Proposed "Briggs-Cooper Crest Road Change of Organization" | Annexation to the Leucadia Wastewater District (CO22-14)

Item presented to consider a change of organization proposal filed by the Leucadia Wastewater District to annex 2.9 acres of incorporated territory within its sphere of influence. The affected territory involves one legal parcel in the City of Encinitas presently developed with a single-family residence. Staff recommends conditional approval of the proposal as submitted. It is also recommended the Commission waive protest and make an exemption finding as responsible agency under the California Environmental Quality Act.

## CONSENT ITEMS CONTINUED...

### Item 5d

#### **Proposed “Stits-Eolus Avenue Change of Organization” | Annexation to the Leucadia Wastewater District (CO22-13)**

Item presented to consider a change of organization proposal filed by the Leucadia Wastewater District (WWD) to annex 0.84 acres of incorporated territory within its sphere of influence. The affected territory as submitted comprises one legal parcel in the City of Encinitas presently developed with a single-family residence along with a portion of the adjacent public right-of-way. Staff recommends conditional approval of the proposal as submitted. It is also recommended the Commission waive protest and make an exemption finding as responsible agency under the California Environmental Quality Act.

### Item 5e

#### **Budget Update for 2022-2023 | 2nd Quarter Actuals with Year-End Projections**

Item present to review a report comparing budgeted and actual transactions through the second quarter of 2022-2023 and related analysis. The report projects the Commission will finish with a net surplus of \$0.045 million or 2.0%. Recommendation to receive and file.

### Item 5f

#### **Report on Active Proposals and Related Activities**

Item presented to receive a status report on the active proposals on file with LAFCO. Information only.

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Commissioner Willis motioned with a second from Commissioner Becker to approve the consent calendar items with staff recommendations (Alternative One) as presented.

Roll call requested:

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

The Commission Clerk confirms the motion was approved 6-0.

Commissioner Anderson was absent at the time of consent calendar voting.



## 6. PUBLIC HEARING ITEM | COMMISSIONER DISCLOSURE OF EX PARTE COMMUNICATIONS

### Item 6a

#### **Proposed “Weston Boundary Change Cleanup Reorganization” | Boundary Adjustments Involving City of San Diego, City of Santee, Padre Dam Municipal Water District and County Service Area No. 135 with Sphere Amendments” (RO22-05)**

Item presented to consider a reorganization proposal filed by the City of Santee with the primary action involving multiple boundary adjustments – annexations and detachments – between Santee and City of San Diego. Secondary boundary adjustments are also proposed involving two overlapping special districts, County Service Area No. 135 and Padre Dam Municipal Water District. The affected territory as proposed is 5.3 acres in size, comprises 26 non-contiguous areas, and includes all or portions of 30 assessor parcels as well as public right-of-way segments associated with the “Weston” residential subdivision in Santee. Staff recommends conditional approval of the proposal as submitted along with conforming sphere of influence amendments. It is also recommended the Commission waive protest proceedings along with making exemption findings as both lead (spheres) and responsible (boundaries) agencies under the California Environmental Quality Act.

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

Chair Desmond asked for the staff presentation. Local Government Analyst I Carolanne Ieromnimon proceeded with the staff presentation and detailed the recommendations.

Chair Desmond proceeded to open the public hearing and invited comments by speakers to address the Commission. The Commission Secretary confirmed there were no registered speakers and confirmed there were no live e-mail comments received.

Chair Desmond invited Commissioner comments.

Commission discussion followed.

Chair Desmond proceeded to close the public hearing.

\*\*

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

Roll call requested:

AYES: Anderson, Becker (voting), Desmond, MacKenzie, Mathis (voting), Willis, and Whitburn

NOES: None

ABSENT: Drake, Vanderlaan, Vargas, and von Wilpert

ABSTAINING: None

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

## 7. BUSINESS ITEMS

### Item 7a

#### **CONTINUED: Proposed “Pastrana-Artesian Road Change of Organization” | Annexation to Rancho Santa Fe Community Services District and Related Negative Declaration under California Environmental Quality Act (CO22-02)**

Item presented to consider a change of organization initiated by a landowner to annex approximately 10.0 acres of unincorporated territory to the Rancho Santa Fe Community Service District. The annexation is specific to extending public wastewater services; other District services – security, underground utilities, and landscape maintenance – are not part of the proposal. The affected territory as submitted comprises one entire parcel currently undeveloped in the unincorporated community of Rancho Santa Fe. Staff recommends conditional approval of the proposal as submitted along with waiving protest proceedings. It is also recommended the Commission adopt a negative declaration as lead agency consistent with the findings of an initial study prepared by LAFCO staff.

Chair Desmond asked for the staff presentation. The Executive Officer gave a review of the continuance of this item noting accommodating a request received prior to the previous meeting from the Rincon Tribe. Local Government Analyst I Carolanne Ieromnimon proceeded with the full staff presentation and detailed the recommendations.

Chair Desmond invited anyone from the public to address the Commission. The Commission Secretary confirmed there were no registered speakers and confirmed there were no live e-mail comments received.

Commission discussion followed.

\*\*

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

Roll call requested:

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

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

## BUSINESS ITEMS CONTINUED...

### Item 7b

#### Proposed Policy Update on Municipal Service Reviews

Item presented to consider approving a policy update guiding municipal service review activities. The proposed update returns to the Commission substantively intact following its draft presentation in October 2022 and subsequent public review and comment period. The update is part of the adopted workplan and represents a comprehensive revision to reflect current and best practices. This includes making explicit the sequential role of the municipal service review in determining the appropriateness of proceeding with subsequent sphere of influence changes. Establishing community engagement measures are also reflected and done so at the earlier direction of the Commission.

Chair Desmond asked for the staff presentation. Local Government Analyst II Priscilla Mumpower proceeded with the staff presentation and summarized the report and key developments.

Chair Desmond invited anyone from the public to address the Commission. The Commission Secretary confirmed there were no registered speakers and confirmed there were no live e-mail comments received.

Commission discussion followed. Executive Officer Keene Simonds suggested to bring this item back to the Commission at its next meeting in March given interest by members for additional analysis and options with respect to the proposed waiver provisions.

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Commissioner Willis motioned with a second from Commissioner MacKenzie to continue the item to the next meeting.

Roll call requested:

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

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

(Items continued...)

## BUSINESS ITEMS CONTINUED...

### Item 7c

#### Quarterly Report on Adopted Workplan & Proposed Amendments

Item presented to receive a quarterly report on the adopted workplan for 2022-2023. Work through the second quarter shows exactly two-thirds of the 30 targeted projects for the fiscal year have been initiated in some substantive manner with one already complete and six others nearing their completion. The quarterly report is being presented to the Commission to discuss and provide feedback in step with formal filing. The Commission will also consider two related amendments that are headlined by the proposed addition of an informational report to evaluate governance options to expand the public's recreational use of local reservoirs in unincorporated areas. This addition is consistent with an earlier request from Commissioners Anderson and Desmond and has the support of the City of San Diego Mayor's Office.

Chair Desmond asked for the staff presentation. Executive Officer Keene Simonds proceeded with the staff presentation and summarized the report with additional details on the proposed amendments.

Chair Desmond invited anyone from the public to address the Commission. The Commission Secretary confirmed there were no registered speakers and confirmed there were no live e-mail comments received.

Commission discussion followed.

\*\*

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

Roll call requested:

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

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

### Item 7d

#### Chair and Vice Chair Appointments

Item presented to consider making officer appointments and select a chair and vice chair consistent with adopted policy.

Chair Desmond invited anyone from the public to address the Commission. The Commission Secretary confirmed there were no registered speakers and confirmed there were no live e-mail comments received.

## **BUSINESS ITEMS CONTINUED...**

### **Item 7d**

Commission discussion followed.

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

Roll call requested:

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

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

## **8. COMMENDATIONS**

None

## **9. EXECUTIVE OFFICER REPORT**

- Welcomed new LAFCO Consultant, Chris Cate.
- Discussed the future meeting start times to accommodate everyone. Possibly having a special Commission meeting in March at 8:45 a.m. to decide the meeting start time going forward.

## **10. COMMISSIONER ANNOUNCEMENTS | REQUESTS FOR FUTURE ITEMS**

- Chair Desmond disclosed why the Palomar item previously calendared for February was pulled from the initial agenda and forwarded to next meeting in March.
- Chair Desmond requested a future item, local rules for outside service areas, to be brought to the Commission.

## **11. CLOSED SESSION**

None

## 12. ADJOURNMENT TO NEXT MEETING

With no further business the Acting Chair adjourned the meeting at 10:59 a.m.

I hereby attest the minutes above accurately reflect the deliberations of the Commission at its February 6, 2023 meeting.

ATTEST,

Erica Sellen  
Executive Assistant

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

**5b**

**AGENDA REPORT**  
 Consent | Action

March 6, 2023

**TO:** Commissioners

**FROM:** Erica Sellen, Executive Assistant  
 Michaela Peters, Administrative Assistant

**SUBJECT: Commission Ratification |  
 Recorded Payments for January 2023**

**SUMMARY**

The San Diego County Local Agency Formation Commission (LAFCO) will receive a report identifying payments made and received in January 2023. The payments cover all recorded transactions for the one-month period and include \$0.162 million in total distributions made by the Executive Officer. Close to two-thirds of these payments are tied to the County of San Diego for payroll reimbursements as well as charges for general overhead and information technology services. The payments received total \$0.043 million with the majority tied to grant reimbursement payments received from the State.

**BACKGROUND**

**Accounting Policies and Procedures**

San Diego LAFCO’s policies provide direction to the Executive Officer to maintain appropriate accounting controls for all financial transactions on behalf of the Commission. Spending allowances are specified and include bid procedures for financial transactions at or above \$10,000 (unless waived due to unique circumstances) and separate Commission approval for any transactions at or above \$125,000.

<b>Administration</b> Keene Simonds, Executive Officer 2550 Fifth Avenue, Suite 725 San Diego, California 92103 T 619.321.3380 www.sdlafco.org lafco@sdcounty.ca.gov	<b>Chair Jim Desmond</b> County of San Diego  <b>Joel Anderson</b> County of San Diego  <b>Nora Vargas, Alt.</b> County of San Diego	<b>Kristi Becker</b> City of Solana Beach  <b>Dane White</b> City of Escondido  <b>John McCann Alt.</b> City of Chula Vista	<b>Stephen Whitburn, Vice Chair</b> City of San Diego  <b>Marni von Wilpert, Alt.</b> City of San Diego	<b>Jo MacKenzie</b> Vista Irrigation  <b>Barry Willis</b> Alpine Fire Protection  <b>David Drake, Alt.</b> Rincon del Diablo	<b>Andy Vanderlaan</b> General Public  <b>Harry Mathis, Alt.</b> General Public
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## DISCUSSION

This item is for San Diego LAFCO to consider ratification of all payments made and received by the Executive Officer during January 2023. A detailing of these transactions is provided in Attachment One. The item separately provides the Commission the opportunity to provide feedback and inform potential changes in accounting procedures going forward.

## ANALYSIS

San Diego LAFCO's recorded payments made by the Executive Officer in January 2023 total \$161,995 with 63% – or \$101,899 – tied to transactions with the County of San Diego. This includes payroll reimbursements covering two pay periods as well as expenses for general overhead and information technology services. All expenses are consistent with the adopted budget with the qualification additional consultant costs are being expended in lieu of filling an open analyst position. Revenues collected total \$42,619 and largely involve grant payments received from the State.

## RECOMMENDATION

It is recommended San Diego LAFCO ratify the payments made and received by the Executive Officer for January 2023 as presented. This recommendation is consistent with Alternative One in the proceeding section.

## ALTERNATIVES FOR ACTION

The following alternatives are available to San Diego LAFCO:

Alternative One (recommended):

Ratify the recorded payments received and made by the Executive Officer in January 2023 as shown in Attachment One.

Alternative Two:

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

Alternative Three

Take no action.<sup>1</sup>

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<sup>1</sup> Payment ratifications are not required under LAFCO policy but are presented to the Commission per practice.

**PROCEDURES**

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

On behalf of the Executive Officer:

Erica Sellen  
Executive Assistant

Attachment:

- 1) Recorded Transactions in January 2023

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**SAN DIEGO LAFCO**  
**Expenses by Vendor Detail**  
 January 2023

Payable   Receivable Party	Date	Account	Amount	Purpose	Type	Funding Account
<b>E   Ace Parking</b>						
	1/15/2023	52610 · Non-Travel/In-County	10.00	Parking for EO; Visiting SD City Council	debit card	3558 · SDCCU Checking
<b>E   ADW Consulting LLC</b>						
	1/18/2023	52370.F · Professional Services	11,025.00	Consultant Services   Planning	electronic	1000 · County Account (44595)
<b>E   After Effects (Adobe)</b>						
	1/11/2023	52270 · Memberships	20.99	Monthly Video Editing Software Subscription	credit card	3558-60 · SDCCU Visa Credit Card
	1/15/2023	52270 · Memberships	14.99	Monthly Adobe DC Pro Upgrade	debit card	3558 · SDCCU Checking
			35.98			
<b>E   AirBnb</b>						
	1/27/2023	52622 · Training/Registration Out-County	1,008.94	CALAFCO Staff Workshop   Accomodations (CI, PM, MP)	credit card	3558-60 · SDCCU Visa Credit Card
<b>E   Alaska Airlines</b>						
	1/25/2023	52622 · Training/Registration Out-County	563.37	CALAFCO Staff Workshop   Airfare (CI, PM, MP)	credit card	3558-60 · SDCCU Visa Credit Card
<b>E   Amazon</b>						
	1/3/2023	52344 · Stores Unallocated	771.68	Home Office Supplies (MP)	credit card	3558-60 · SDCCU Visa Credit Card
	1/5/2023	52344 · Stores Unallocated	1,002.14	Office Suplies	credit card	3558-60 · SDCCU Visa Credit Card
	1/6/2023	52330 · Office Expense	-99.40	Refund from December Office Supplies	credit card	3558-60 · SDCCU Visa Credit Card
	1/18/2023	52344 · Stores Unallocated	316.27	Office Suplies	credit card	3558-60 · SDCCU Visa Credit Card
	1/31/2023	52344 · Stores Unallocated	16.15	Office Suplies	credit card	3558-60 · SDCCU Visa Credit Card
			2,006.84			
<b>E   Ambius</b>						
	1/18/2023	52370.J · Professional Services	109.94	Monthly Service for Office Plants	check	3558 · SDCCU Checking
<b>E   Assn. of Environmental Prof.</b>						
	1/15/2023	52336 · Books	42.23	CEQA Government Books	debit card	3558 · SDCCU Checking
<b>E   AT&amp;T Mobility</b>						
	1/18/2023	52074 · Telecommunications	461.07	Monthly Cell Phone   LAFCO Staff	check	3558 · SDCCU Checking
<b>E   BJ's Restaurant</b>						
	1/29/2023	52610 · Non-Travel/In-County	55.60	EO & HM Debrief	debit card	3558 · SDCCU Checking
<b>E   Borrego Sun</b>						
	1/24/2023	52490 · Publications	166.40	PHN   Borrego Springs FPD (RO22-19)	check	3558 · SDCCU Checking
<b>E   Chase Design Inc</b>						
	1/18/2023	52334 · Printing	225.00	Analyst Recruitment Flier	electronic	1000 · County Account (44595)
	1/27/2023	52334 · Printing	225.00	SD LAFCO Brochure Update	electronic	1000 · County Account (44595)
			450.00			
<b>E   Colantuono, Highsmith &amp; Whatley</b>						
	1/20/2023	52370.B · Professional Services	9,313.83	Legal Services	electronic	1000 · County Account (44595)
<b>E   Corodata</b>						
	1/18/2023	52330 · Office Expense	56.16	Document Storage	check	3558 · SDCCU Checking
<b>E   County of San Diego</b>						
	1/1/2023	52354 · Mail/Postage ISF	488.20	Mail/Postage Services	electronic	1000 · County Account (44595)
	1/1/2023	52178 · Vehicle Maintenance	118.90	Vehicle Maintenance Services	electronic	1000 · County Account (44595)
	1/1/2023	52182 · Vehicle Fuel	0.00	Vehicle Fuel	electronic	1000 · County Account (44595)
	1/1/2023	52758 · Vehicle Lease	165.49	Vehicle Lease	electronic	1000 · County Account (44595)
	1/1/2023	52721 et al. · Communications (IT) Services	7,748.26	County IT Services (ITRACK)	electronic	1000 · County Account (44595)
	1/6/2023	51110 et al. · Employee Payroll	44,595.83	Payroll   Pay Period 2023-14	electronic	1000 · County Account (44595)
	1/20/2023	51110 et al. · Employee Payroll	43,379.60	Payroll   Pay Period 2023-15	electronic	1000 · County Account (44595)
	1/25/2023	52504 · Equipment Rental	2.40	County Surcharge   Xerox	electronic	1000 · County Account (44595)
	1/31/2023	52270 · Memberships	5,400.00	SANGIS FY22-23	electronic	1000 · County Account (44595)
			101,898.68			
<b>E   Erica Sellen (Blom)</b>						
	1/18/2023	52620 · Tuition Reimbursement	405.00	Tuition Reimbursement (PSY116)	electronic	1000 · County Account (44595)
<b>E   Fax Plus</b>						
	1/8/2023	52330 · Office Expense	6.11	Monthly Fax Machine Payment	debit card	3558 · SDCCU Checking

**SAN DIEGO LAFCO**  
**Expenses by Vendor Detail**  
 January 2023

Payable   Receivable Party	Date	Account	Amount	Purpose	Type	Funding Account
<b>E   Government Jobs</b>						
	1/9/2023	52562 · Investigative/Recruitment	199.00	Analyst I Recruitment	credit card	3558-60 · SDCCU Visa Credit Card
<b>E   Hertz</b>						
	1/28/2023	52622 · Training/Registration Out-County	590.29	CALAFCO Staff Workshop   Transportation (CI, PM, MP)	credit card	3558-60 · SDCCU Visa Credit Card
<b>E   Hob Nob Hill</b>						
	1/27/2023	52610 · Non-Travel/In-County	87.61	EO Debriefing with SDCWA & MET	debit card	3558 · SDCCU Checking
<b>E   Lazy Dog</b>						
	1/5/2023	52330 · Office Expense	-219.07	Holiday Party (refunded)	debit card	3558 · SDCCU Checking
<b>E   LZH Consulting LLC</b>						
	1/25/2023	52370.F · Professional Services	2,187.50	Consultant Services   MSRs	electronic	1000 · County Account (44595)
<b>E   Manchester Financial 5th Avenue LP</b>						
	1/27/2023	52530 · Office Lease	10,580.79	Office & Storage Rent	electronic	1000 · County Account (44595)
<b>E   Price Self Storage</b>						
	1/10/2023	52504 · Equipment Rental	122.00	Storage Unit Monthly Payment	credit card	3558-60 · SDCCU Visa Credit Card
<b>E   RCD of Greater SDC</b>						
	1/13/2023	52304 · Miscellaneous Expense	20,321.55	SALC Grant	electronic	1000 · County Account (44595)
<b>E   Ready Refresh Water</b>						
	1/25/2023	52330 · Office Expense	50.90	Monthly Water Service	credit card	3558-60 · SDCCU Visa Credit Card
<b>E   SDCCU</b>						
	1/31/2023	52304 · Miscellaneous Expense	8.00	Account Maintenance Fee	electronic	3558 · SDCCU Checking
<b>E   The Westbean Coffee</b>						
	1/20/2023	52610 · Non-Travel/In-County	13.79	EO and CI Meeting	debit card	3558 · SDCCU Checking
<b>E   Xerox</b>						
	1/9/2023	52504 · Equipment Rental	407.48	Xerox Rental	electronic	1000 · County Account (44595)
<b>E   Zoom</b>						
	1/4/2023	52270 · Memberships	14.99	Staff Monthly Video Conferencing Subscription	debit card	3558 · SDCCU Checking
	1/13/2023	52270 · Memberships	14.99	EO Monthly Video Conferencing Subscription	debit card	3558 · SDCCU Checking
			29.98			
			<u>161,994.97</u>			
<b>EXPENSE TOTAL</b>						
<b>R   City of Vista</b>						
	1/23/2023	52490 · Publications	1,438.00	PHN & Recording Fees (RO22-04)	check	3558 · SDCCU Checking
<b>R   County of San Diego</b>						
	1/23/2023	52490 · Publications	2,288.00	PHN Fees (RO22-01)	check	3558 · SDCCU Checking
<b>R   Keene Simonds</b>						
	1/23/2023	52330 · Office Expense	20.00	Reimbursement for Amazon charge in October 2022	cash	3558 · SDCCU Checking
<b>R   State of California</b>						
	1/10/2023	45281 · State Aid Agriculture	38,873.28	SALC Grant	check	1000 · County Account (44595)
			<u>42,619.28</u>			
<b>REVENUE TOTAL</b>						



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

**5C**

**AGENDA REPORT**  
 Consent | Action

March 6, 2023

**TO:** Commissioners  
**FROM:** Keene Simonds, Executive Officer  
**SUBJECT:** Progress Report on Adopted Workplan

**SUMMARY**

The San Diego County Local Agency Formation Commission (LAFCO) will receive a progress report on accomplishing the 30 specific projects included in the adopted workplan for 2022-2023. Work through the balance of February shows four-fifths of all workplan projects have been initiated in some substantive manner with two complete and another seven nearing their completion. The report is being presented to the Commission to receive and file with the opportunity to discuss the status of any specific projects as needed.

**BACKGROUND**

**2022-2023 Workplan  
 Adoption and Amendments**

San Diego LAFCO’s current workplan was adopted at a noticed public hearing held in June 2022. The workplan is multi-year planning tool that is updated annually. The current workplan includes 30 projects and is divided into two distinct categories – statutory and administrative – along with priority assignments set by the Commission. Amendments were approved as part of the second quarter report and marked by adding a white paper evaluating governance options to expand public recreational opportunities involving reservoirs owned by the City of San Diego. A concurrent removal of an otherwise paused municipal service review on the Vista region rounded out the approved amendments.

<b>Administration</b> Keene Simonds, Executive Officer 2550 Fifth Avenue, Suite 725 San Diego, California 92103 T 619.321.3380 www.sdlafco.org lafco@sdcounty.ca.gov	<b>Chair Jim Desmond</b> County of San Diego  <b>Joel Anderson</b> County of San Diego  <b>Nora Vargas, Alt.</b> County of San Diego	<b>Kristi Becker</b> City of Solana Beach  <b>Dane White</b> City of Escondido  <b>John McCann, Alt.</b> City of Chula Vista	<b>Stephen Whitburn, Vice Chair</b> City of San Diego  <b>Marni von Wilpert, Alt.</b> City of San Diego	<b>Jo MacKenzie</b> Vista Irrigation  <b>Barry Willis</b> Alpine Fire Protection  <b>David Drake, Alt.</b> Rincon del Diablo	<b>Andy Vanderlaan</b> General Public  <b>Harry Mathis, Alt.</b> General Public
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## DISCUSSION

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

## ANALYSIS

San Diego LAFCO is generally proceeding as planned in the workplan through the balance of February with exactly four-fifths of all projects having been initiated in some substantive manner. This includes nine projects either complete or nearing their completion. Other projects that are expected to materially advance through the end of the third quarter are headlined by municipal service reviews on the Oceanside and Carlsbad regions, which are expected to be presented in draft form over the next two-three meetings.

## RECOMMENDATION

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

## ALTERNATIVES FOR ACTION

The following alternatives are available to San Diego LAFCO:

Alternative One (recommended):

Receive and file the item.

Alternative Two:

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

## PROCEDURES

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

Respectfully,



Keene Simonds  
Executive Officer

Attachments:

- 1) 2022-2023 Workplan with Status Notations

# STATUS ON WORKPLAN FOR FY2022-2023

No.	Level	Type	Project	Description and Key Issues	Status
...		Statutory	<b>Applicant Proposals and Requests</b>	Prioritize resources to address applicant proposals and related requests	
...		Administrative	<b>Targeted LAFCO Presentations</b>	Provide proactive outreach; emphasis on informing stakeholders ahead of MSR work	
...		Statutory	<b>Workplan and Budget</b>	Perform regular updates on the status of both the workplan and budget	
1	High	Administrative	<b>Recruit, Hire + Support New Staff</b>	Fill two vacated budgeted positions involving the Administrative Assistant and Analyst I/II/III	U
2	High	Statutory	<b>Policy   MSRs</b>	Consider revisions to existing policies on MSRs to enhance community engagement procedures	NC
3	High	Statutory	<b>Policy   Outside Services</b>	Consider revisions to existing policies on overseeing outside services – including exemptions	NC
4	High	Administrative	<b>Report   Public Recreation</b>	Assess governance models involving City of San Diego reservoirs in unincorporated areas	P
5	High	Statutory	<b>MSR   San Marcos Region</b>	Complete the scheduled reviews of the City of San Marcos, Vallecitos WD, + San Marcos FPD	U
6	High	Statutory	<b>MSR   Oceanside Region</b>	Complete scheduled reviews of the City of Oceanside, Oceanside Harbor, + Morro Hills CSD	U
7	High	Statutory	<b>MSR   Carlsbad Region</b>	Complete scheduled reviews of the City of Carlsbad, Carlsbad MWD + Leucadia WWD	U
8	High	Administrative	<b>RCD Ad Hoc Committee</b>	Coordinate work in implementing recommendations in MSR on RCDs in San Diego County	U
9	High	Statutory	<b>Policy   Commission Rule No. 4</b>	Complete update to Rule No. 4 and provisions to address special districts’ service functions and classes	U
10	High	Administrative	<b>Website Refresh</b>	Complete outside refresh of the LAFCO website to include more user-friendly tools	C
11	Moderate	Administrative	<b>SALC Grant   Ag Trends</b>	Continue second year of grant award to identify and track local agricultural trends	NC
12	Moderate	Statutory	<b>MSR   CWA-MET</b>	Initiate scheduled review of wholesale suppliers – CWA (comprehensive) and MET (abbreviated)	P
13	Moderate	Administrative	<b>Special Districts Advisory Committee</b>	Provide administrative support and hold no less than three formal meetings in F	NC
14	Moderate	Administrative	<b>Cities Advisory Committee</b>	Provide administrative support and hold no less than two formal meetings in FY	NC
15	Moderate	Statutory	<b>Special District Elections</b>	Conduct special district elections for two seats (regular and alternate) on the Commission	U
16	Moderate	Administrative	<b>2021-2022 Audit</b>	Complete outside audit for 2021-2022 for and ensure consistency with accounting standards	U
17	Moderate	Administrative	<b>Legislative Proposal   G.C. 56133</b>	Sponsor and/or otherwise facilitate amendment to clarify LAFCOs’ determine exemptions	U
18	Moderate	Statutory	<b>Policy   Island Annexations</b>	Consider options to define “substantially surrounded” and provide related mapping	U
19	Moderate	Statutory	<b>MSR   Escondido Region Part II</b>	Complete the scheduled review of the City of Escondido	C
20	Moderate	Statutory	<b>Governance Study   Escondido</b>	Identify and analyze potential consolidation options between Escondido and Rincon del Diablo	P
21	Low	Administrative	<b>Annual Local Agency Directory</b>	Update and publish an annual local agency directory subject to LAFCO oversight	P
22	Low	Administrative	<b>SOI/MSR Annual Report</b>	Update and publish an annual report documenting all recorded changes	P
23	Low	Administrative	<b>Commissioner Onboarding Packets</b>	Create onboarding packets to help orient to key roles, duties, and organizational practices	P
24	Low	Administrative	<b>Report   LAFCO at 60</b>	Prepare a report on San Diego LAFCO’s history and key decisions	NC
25	Low	Administrative	<b>Report   Property Tax Exchange</b>	Prepare a report primer on current property tax exchange processes in statute and applicable agreements	U
26	Low	Administrative	<b>Report   JPAs</b>	Prepare a report summarizing JPAs in San Diego County subject to LAFCO reporting under SB 1261	U
27	Low	Administrative	<b>Public Access Television</b>	Work with local cable companies and associated non-profits to begin broadcasting LAFCO meetings	U
28	Low	Administrative	<b>Application Procedures</b>	Streamline existing application packet to be more user-friendly	U
29	Low	Administrative	<b>SANDAG</b>	Participate in SANDAG’s Technical Working Group (TWG) and provide updates	U
30	Low	Administrative	<b>Southern LAFCOs</b>	Participate in quarterly meetings and expand connectivity among local LAFCOs	NC

Status Key | C = Complete NC = Near Complete U = Underway P = Pending

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

**5d**

**AGENDA REPORT**  
 Consent | Information

March 6, 2023

**TO:** Commissioners

**FROM:** Keene Simonds, Executive Officer  
 Priscilla Mumpower, Analyst II

**SUBJECT:** Notice of Administrative Approval of “City of Escondido and Bryant-Felicita Road Out-of-Agency Services: Wastewater” (OAS23-03)

**SUMMARY**

The San Diego County Local Agency Formation Commission (LAFCO) will receive notice of an administrative approval by the Executive Officer for the City of Escondido to provide out-of-agency services to an unincorporated property located within the City sphere of influence. The authorization is specific to wastewater service to an existing single-family residence at 2334 Felicita Road and premised on abating a public health and safety threat given documentation of a failing septic system. The Executive Officer’s approval is limited to existing residential uses and termed on the landowner submitting a complete annexation proposal; it also expires in one calendar year unless a time extension is authorized. This notice is being provided for information consistent with adopted policy.

**BACKGROUND**

**Overseeing Out-of-Agency Services**

Government Code Section 56133 delegates LAFCOs the responsibility to authorize cities and special districts to provide new or extended services beyond their jurisdictional boundaries. The statute specifies cities and special districts must request and receive formal written approval from LAFCOs to provide “out-of-agency” services by contract or agreement less certain and limited exemptions. The statute further specifies cities and special districts may

**Administration:**  
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 2550 Fifth Avenue, Suite 725  
 San Diego, California 92103  
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**Chair Jim Desmond**  
 County of San Diego  
**Joel Anderson**  
 County of San Diego  
**Nora Vargas, Alt.**  
 County of San Diego

**Kristi Becker**  
 City of Solana Beach  
**Dane White**  
 City of Escondido  
**John McCann, Alt.**  
 City of Chula Vista

**Vice Chair Stephen Whitburn**  
 City of San Diego  
**Marni von Wilpert, Alt.**  
 City of San Diego

**Jo MacKenzie**  
 Vista Irrigation  
**Barry Willis**  
 Alpine Fire Protection  
**David A. Drake, Alt.**  
 Rincon del Diablo

**Andy Vanderlaan**  
 General Public  
**Harry Mathis, Alt.**  
 General Public

only be authorized to provide out-of-agency services within their spheres of influence in anticipation of later annexations. If the affected territory lies beyond the subject agencies’ spheres, out-of-agency services may only be authorized in response to documented threats to public health and/or safety as determined by LAFCO.

### Delegation to the Executive Officer

San Diego LAFCO’s adopted policies utilize a statutory provision authorizing the Executive Officer to administratively approve out-of-agency services in response to health, safety, or welfare threats. These policies are codified in the Executive Officer job description and relatedly delegate discretion to the Executive Officer in determining whether public health, safety, or welfare threats exists on a case-by-case basis. The Executive Officer is required to inform the Commission of all administrative approvals at the next available meeting.

### Applicant Request and Administrative Approval

San Diego LAFCO received a request from an interested landowner (Donald A. Bryant) in February 2023 for approval to receiving out-of-agency wastewater service from the City of Escondido involving an approximate 0.4-acre unincorporated parcel. The subject parcel is developed with a 2,240 square-foot single-family residence, which was built in 1961 with a situs of 2334 Felicita Road (238-320-12). The subject parcel lies immediately adjacent to the existing Escondido boundary and entirely within the City’s sphere of influence. The request ties to the residence’s existing septic system – which is reportedly pumped routinely to prevent backup – no longer functioning without continual attention and costs by the landowner.

Upon receipt of the landowner’s request and related application materials, LAFCO staff coordinated with the City of Escondido to assess the need and availability of public wastewater service for the affected territory. Staff also confirmed with the County of San Diego’s Environmental Health attesting their recommendation the out-of-agency service proceed to protect against the potential of a public health and safety threat given the area’s high groundwater conditions. The Executive Officer proceeded to issue a conditional administrative approval on February 22, 2023 and is attached for Commission review.

### DISCUSSION

This item is for San Diego LAFCO to receive notice of the Executive Officer’s administrative approval authorizing the City of Escondido to provide wastewater service outside its jurisdictional boundary as described above. The Executive Officer’s approval is final under policy, but the Commission is encouraged to discuss the item and provide feedback to staff on any related matters as it collectively deems appropriate.

## ANALYSIS

San Diego LAFCO's administrative approval allowing the City of Escondido to provide out-of-agency wastewater services to the subject parcel at 2334 Felicita Road conforms to statute and Commission policies. This includes the Executive Officer taking action to proceed with an immediate solution to abate a reasonably documented threat to public health and safety while concurrently providing a clear path towards annexation as the desired long-term solution. The administrative approval has been conditioned on limiting wastewater service to only the existing residence; no additional development can be accommodated.

## RECOMMENDATION

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

## ALTERNATIVES FOR ACTION

None.

## PROCEDURES

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

On behalf of the Executive Officer,



Priscilla Mumpower  
Analyst II

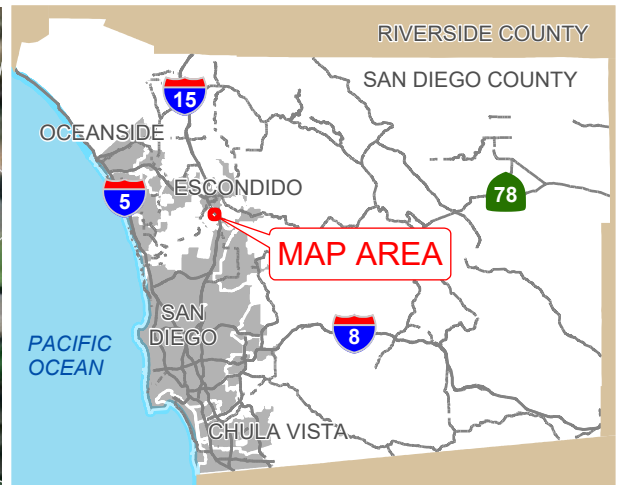
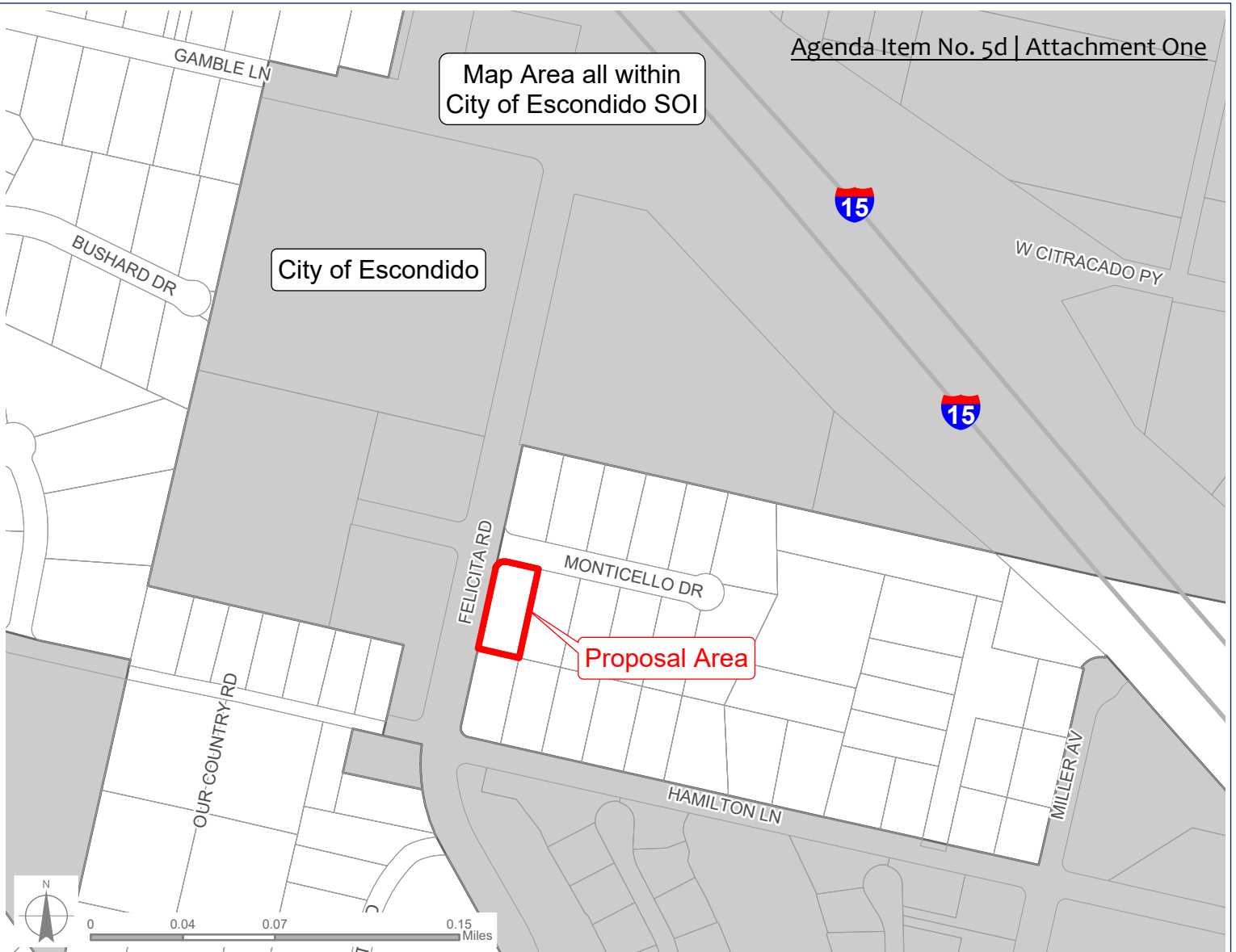
### Attachments:

- 1) Map of the Affected Territory
- 2) Certificate of Administrative Approval
- 3) Related Request Documents

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Map Area all within City of Escondido SOI



OAS23-03

### "BRYANT - FELICITA ROAD OUTSIDE-OF-AGENCY AGREEMENT" | CITY OF ESCONDIDO

- Proposal Area
- City of Escondido

SOI = Sphere of Influence



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**San Diego County**  
**Local Agency Formation Commission**  
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**CERTIFICATE OF ADMINISTRATIVE APPROVAL OF A  
 CONTRACTUAL WASTEWATER SERVICE AGREEMENT**

**City of Escondido / Donald A. Bryant  
 (LAFCO File No. OAS23-03)**

**February 22, 2023**

In accordance with California Government Code Section 56133, the San Diego County Local Agency Formation Commission (LAFCO) authorizes the City of Escondido to immediately provide extraterritorial wastewater service by contract to 2334 Felicita Road. The subject property is owned by Donald A. Bryant and comprises one unincorporated parcel identified by the County of San Diego Assessor’s Office as 238-320-12. The authorized service is limited to supporting the approximate 2,240 square foot single-family residence currently developed on the subject property.

The contracted wastewater service agreement authorization terms in one year – February 22, 2024 – from the date of its administrative approval by the LAFCO Executive Officer unless an extension is approved. In the interim, the landowner of the subject property shall proceed with filing an annexation with LAFCO as the permanent means for the City of Escondido to provide wastewater service.

A map of the subject property is attached.

Confirmation:

**KEENE SIMONDS**  
 Executive Officer

**February 22, 2023**

<b>Administration:</b> Keene Simonds, Executive Officer 2550 Fifth Avenue, Suite 725 San Diego, California 92103 T 619.321.3380 E lafco@sdcounty.ca.gov www.sdlafco.org	<b>Chair Jim Desmond</b> County of San Diego  <b>Joel Anderson</b> County of San Diego  <b>Nora Vargas, Alt.</b> County of San Diego	<b>Vacant</b> Cities Selection Committee  <b>Vacant</b> Cities Selection Committee  <b>Kristi Becker, Alt.</b> City of Solana Beach	<b>Vice Chair Stephen Whitburn</b> City of San Diego  <b>Marni von Wilpert, Alt.</b> City of San Diego	<b>Jo MacKenzie</b> Vista Irrigation  <b>Barry Willis</b> Alpine Fire Protection  <b>David A. Drake, Alt.</b> Rincon del Diablo	<b>Andy Vanderlaan</b> General Public  <b>Harry Mathis, Alt.</b> General Public
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# County of San Diego

**AMY HARBERT**  
DIRECTOR

DEPARTMENT OF ENVIRONMENTAL HEALTH AND QUALITY  
LAND AND WATER QUALITY DIVISION  
P.O. BOX 129261, SAN DIEGO, CA 92112-9261  
Phone: (858) 565-5173 or (800) 253-9933 Fax: (858) 514-6583  
www.sdcdehq.org

**HEATHER BUONOMO, REHS**  
DIRECTOR OF ENVIRONMENTAL HEALTH

February 13, 2023

Ivan Flores, Associate Planner  
City of Escondido, Planning Division  
iflores@escondido.org

**RE: Public Sewer Connection Urgency**

Site Address: 2334 Felicita Rd. Escondido; APN: 238-320-12

Dear Mr. Flores,

The Department of Environmental Health and Quality (DEHQ) received a request for a site consultation from the owners of the above-referenced property, due to the fact that the onsite wastewater treatment system (OWTS) serving their residence has failed and is in urgent need of replacement. The owners are routinely pumping the septic tank to prevent backup into the house.

This area has a history of high groundwater conditions that have caused OWTS failures, especially during the rainy season. Due to groundwater periodically rising to a suspected depth of 2 feet from ground surface, this property is not suitable for a replacement OWTS repair with supplemental treatment. The parcel borders the City of Escondido sewer district, and if public sewer connection is available, DEHQ requests that connection to the public sewer be completed as soon as possible to remove the potential risk to public health due to a failing system.

Should you have any questions in this matter, please feel free to contact me at (619) 607-8354, or feel free to email me at [desiree.hogervorst@sdcounty.ca.gov](mailto:desiree.hogervorst@sdcounty.ca.gov).

Sincerely,  


DESIREE HOGERVORST, Environmental Health Specialist II  
Land and Water Quality Division

C: Craig Caes, Supervising Environmental Health Specialist  
Cc: Donald Bryant, property owner

## CONTRACTUAL SERVICE AGREEMENT APPLICATION FORM

*In addition to the materials required for any change(s) of organization, submit the following items:*

1. One copy of either an approved Resolution of the City Council/District Board of Directors or a letter from the City Manager/District General Manager requesting approval for a contractual service agreement.
2. One copy of the contract or agreement stipulating the terms and conditions of extending service to the property signed by the property owner(s) and the agency that is to provide the service.
3. LAFCO processing fee. Contact the LAFCO office or refer to fee schedule.

Print/Type Name: \_\_\_\_\_

Property Address: \_\_\_\_\_

Phone #: \_\_\_\_\_ Date: \_\_\_\_\_

This application is used by LAFCO staff to provide supplemental information for contractual service agreement requests.

1. What type or types of public service(s) will be provided? \_\_\_\_\_
2. Why is the service needed? If the service agreement is in response to an emergency health and safety situation, such as a failed septic system, provide information documenting the circumstances (e.g., letter from the County Department of Environmental Health).
3. If a jurisdictional change, such as annexation, is not possible at this time, explain the circumstances that prevent annexation and when the jurisdictional change is anticipated. \_\_\_\_\_
4. Are there any jurisdictional issues associated with the  YES  NO proposed contractual service agreement?  
(If yes, please complete the LAFCO [Policy L-107 form](#))

**San Diego Local Agency Formation Commission**  
**2550 Fifth Ave., Suite 725**  
**San Diego, CA 92103**  
**(619) 321-3380**

Revised November 2022



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

**5e**

**AGENDA REPORT**  
 Consent | Information

March 6, 2023

**TO:** Commissioners

**FROM:** Carolanne Ieromnimon, Analyst I

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

**SUMMARY**

The San Diego County Local Agency Formation Commission (LAFCO) will receive a status report on the 22 active proposals currently on file as well as anticipated filings based on ongoing discussions with proponents. The item is for information and concurrently satisfies LAFCO’s reporting requirement involving petition-initiated proposals.

**BACKGROUND**

**Processing Procedures and Timelines**

LAFCO proceedings for jurisdictional changes are generally initiated by outside applicants through petitions (landowners or voters), and to a lesser degree by resolutions (local agencies). LAFCOs may also initiate jurisdictional changes to form, consolidate, or dissolve special districts if consistent with the recommendations of approved municipal service reviews. Most jurisdictional change filings take three to five months before they are scheduled for hearing. Applications for outside-of-agency service approvals – which are subject to separate procedures – generally take two months to process.

<p><b>Administration:</b>          Keene Simonds, Executive Officer          2550 Fifth Avenue, Suite 725          San Diego, California 92103          T 619.321.3380          E lafco@sdcountry.ca.gov          www.sdlafco.org</p>	<p><b>Chair Jim Desmond</b>          County of San Diego</p> <p><b>Joel Anderson</b>          County of San Diego</p> <p><b>Nora Vargas, Alt.</b>          County of San Diego</p>	<p><b>Krista Becker</b>          City of Solana Beach</p> <p><b>Dane White</b>          City of Escondido</p> <p><b>John McCann, Alt.</b>          City of Chula Vista</p>	<p><b>Vice Chair Stephen Whitburn</b>          City of San Diego</p> <p><b>Marni von Wilpert, Alt.</b>          City of San Diego</p>	<p><b>Jo MacKenzie</b>          Vista Irrigation</p> <p><b>Barry Willis</b>          Alpine Fire Protection</p> <p><b>David A. Drake, Alt.</b>          Rincon del Diablo</p>	<p><b>Andy Vanderlaan</b>          General Public</p> <p><b>Harry Mathis, Alt.</b>          General Public</p>
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## DISCUSSION

This item provides San Diego LAFCO with its regular update on active proposals on file. The item also – and for telegraphing purposes of future workload – identifies pending proposals staff anticipates being filed with LAFCO in the near term based on discussions with local agencies. It also serves to concurrently satisfy the Commission’s reporting requirement to provide notice on agendas involving jurisdictional changes initiated by petitions.<sup>1</sup>

All active and pending proposals are outlined in Attachment One.

## ANALYSIS

None.

## RECOMMENDATION

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

## ALTERNATIVES FOR ACTION

None.

## PROCEDURES

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

On behalf of staff,



Carolanne Ieromnimon  
Analyst I

### Attachment:

- 1) Active and Pending Proposals as of February 27, 2023

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<sup>1</sup> Government Code Section 56857 directs LAFCOs to provide notice on agendas of any proposal involving special districts that have been initiated by landowners or registered voters. The agenda notification starts a 60-day period in which the affected special districts may request termination of the proceedings due to financial or service-related concerns.



File Number	Proposal Name   Affected Agencies	Project Manager	Proposal Summary
<b>ACTIVE PROPOSAL APPLICATIONS   PENDING COMMISSION ACTION</b>			
1	RO06-17 “Tobacco Road Reorganization” - City of Escondido: Annexation	Staff	Application submitted in March 2006 by landowner petition to annex six parcels to the City of Escondido. The affected territory comprises six parcels located along Tobacco Road. The application filing fulfilled an earlier Executive Officer approval in 2006 to authorize the City of Escondido to extend outside wastewater service to two of the six subject parcels due to failing septic systems. (The other four subject parcels are included in the proposal to provide connectivity to the existing City boundary.) The current number of residents within the affected territory is unknown. The application remains incomplete pending submittal of additional documentation and related information to complete the administrative review. <u>The proposal is subject to formal abandonment pending the anticipated action by the Commission to approve authorizing policies.</u>
2	RO08-09 “South Mollison Ave-Snyder Reorganization” - City of El Cajon: Annexation	Staff	Application submitted in May 2008 by landowner petition for a proposed annexation to the City of El Cajon. The affected territory includes approximately 1.25 acres and is subject to a proposed multi-family residential project. It is unknown whether there are any current residents within the affected territory. The application remains incomplete pending submittal of additional documentation and related information necessary to complete the administrative review. <u>The proposal is subject to formal abandonment pending the anticipated action by the Commission to approve authorizing policies.</u>
3	DA08-10 “Avocado Way-Potter Annexation” - Vallecitos WD: Annexation	Staff	Application submitted in March 2008 by landowner petition requesting annexation of to the Vallecitos Water District (WD) for purposes of receiving public wastewater services. The affected territory comprises two parcels developed with single-family residences located along Avocado Way in Valle de Oro. The number of current residents within the affected territory is unknown. The application remains incomplete pending submittal of additional documentation and related information necessary to complete the administrative review. <u>The proposal is subject to formal abandonment pending the anticipated action by the Commission to approve authorizing policies.</u>

File Number	Proposal Name   Affected Agencies	Project Manager	Proposal Summary
4 RO08-15 SA08-15	“Crestlake Estates Reorganization” - San Diego County SD: Annexation - Lakeside FPD: Annexation	Staff	Application submitted in May 2008 by landowner petition requesting a reorganization to accommodate wastewater, fire protection, and ambulance services for an approved Tentative Map allowing the development of 60 single-family residences. It is unknown if there are any current residents. The affected territory lies within all three subject agencies’ spheres of influence: San Diego County Sanitation District (SD); Lakeside Fire Protection District (FPD); and County Service Area (CSA) No. 69. The application remains incomplete pending submittal of additional documentation and related information necessary to complete the administrative review. <u>The proposal is subject to formal abandonment pending the anticipated action by the Commission to approve authorizing policies.</u>
5 DA12-02	“Lorch Annexation” - Borrego WD: Annexation	Staff	Application submitted in March 2012 by landowner petition to annex approximately 9.4 acres to the Borrego Water District (WD) to provide water service to one parcel within the District’s sphere. It is unknown how many residents are currently within the affected territory. Application deemed incomplete in an April 2012 status letter. A new status letter was sent in January 2018 stating the proposal will be considered abandoned unless notified otherwise. Borrego WD responded to the letter and has reinitiated discussions with the landowner regarding possible service terms. Discussions continue.
6 DA16-10	“CSA 17 Harmony Grove Annexation” - CSA 17: Annexation	Carolanne Ieromnimon	Application submitted in May 2016 by resolution from the County of San Diego to annex approximately 3,600 acres to County Service Area (CSA) No. 17 for ambulance service and done so as a cross-condition of the Commission dissolving CSA No. 107 in 2015. The affected territory is entirely unincorporated and comprises portions of the Elfin Forest and Harmony Grove communities with an estimated resident population of 29,995. The proposal remains incomplete due to a variety of reasons and marked by opposition from the CSA No. 17 Advisory Committee. Staff continues to engage the County, Advisory Committee, and other stakeholders.
7 RO16-11	“Rancho Hills Reorganization” - Rancho Santa Fe CSD: Annexation - Olivenhain MWD: Expansion of Latent Power Area - Olivenhain MWD: Latent Sphere Amendment	Priscilla Mumpower	Application submitted in October 2016 to annex a portion of a 37-lot residential subdivision titled “Rancho Hills” to Rancho Santa Fe CSD for wastewater service. A concurrent latent power expansion for Olivenhain MWD is needed to accommodate sewer to the remaining project site. The proposal was deemed incomplete in November 2016 status letter. Applicant has requested the proposal processing be placed on hold. The application is administratively paused due to incomplete and pending receipt of additional documentation and information from the applicant to complete staff’s analysis.

File Number	Proposal Name   Affected Agencies	Project Manager	Proposal Summary
8	Ro19-04 “Ortega – Old Highway 80 Change of Organization” - San Diego County SD: Annexation	Carolanne Ieromnimon	Application submitted in February 2019 by landowner petition to annex approximately 5.07 acres to the San Diego County Sanitation District (SD) for wastewater service. The affected territory comprises two parcels presently developed with single-family residences with an unknown number of residents. The purpose of the proposal is to connect sewer services for a proposed office/warehouse building development. The submitted proposal application is incomplete pending receipt of additional documentation and related information to complete the administrative review.
9	SA19-26 RO19-26 OAS19-26 “Valiano - Eden Valley Reorganization” - City of Escondido: Extraterritorial Sewer - City of Escondido: Sphere Amendment - San Marcos FPD: Annexation - Rancho Fe FPD: Detachment - Rancho Fe FPD: Sphere Amendment	Priscilla Mumpower	Application submitted in November 2019 jointly by landowner petition and the City of Escondido and involves a reorganization and outside-of-agency service agreement as part of the “Valiano” planned development in Harmony Grove. The reorganization involves the concurrent annexation of approximately 10.8 unincorporated acres to San Marcos FPD and detachment from Rancho Santa Fe FPD and related sphere amendments. The outside-of-agency service agreement approval request involves the extension of wastewater from the City of Escondido for approximately 82.9 unincorporated acres with related sphere amendments to add to Escondido and remove from San Marcos. The application is administratively paused due to incomplete and pending receipt of additional documentation and information from the applicant to complete staff’s analysis.
10	RO20-04 “Rainbow MWD – Eastern MWD Reorganization” - San Diego CWA: Detachment - Eastern MWD: Annexation - Eastern MWD: Sphere Action	Priscilla Mumpower	Application submitted April 2020 by resolution from the Rainbow Municipal Water District (MWD) to concurrently detach from the San Diego County Water Authority (CWA) and annex to the Eastern Municipal Water District (MWD). The affected territory spans approximately 50,857 acres covering the Rainbow and Bonsall communities with an estimated resident population of 22,130. The purpose of the proposal is to transfer the wholesale water supply provider for cost-savings. The submitted proposal application is incomplete pending receipt of additional documentation and related information to complete the administrative review. A 10-member advisory committee has also been established by the Commission to assist staff in evaluating the proposal and its technical merits.

File Number	Proposal Name   Affected Agencies	Project Manager	Proposal Summary
11	RO20-05 “Fallbrook PUD – Eastern MWD Reorganization” - San Diego CWA: Detachment - Eastern MWD: Annexation - Eastern MWD: Sphere Action	Priscilla Mumpower	Application submitted April 2020 by resolution from Fallbrook Public Utility District (PUD) to concurrently detach from the San Diego County Water Authority (CWA) and annex to the Eastern Municipal Water District (MWD). The affected territory spans approximately 28,193 acres covering the Fallbrook and De Luz communities with an estimated resident population of 33,986. The purpose of the proposal is to transfer the wholesale water supply provider for cost-savings. The submitted proposal application is incomplete pending receipt of additional documentation and related information to complete the administrative review. A 10-member advisory committee has also been established by the Commission to assist staff in evaluating the proposal and its technical merits.
12	CO21-09 “Otay Lakes Road Change of Organization” - City of Chula Vista: Annexation	Priscilla Mumpower	Application submitted in October 2022 by landowner petition to annex approximately 1,870 acres of unincorporated territory to the City of Chula Vista. (The petitioners originally filed an application in October 2021 seeking approval to annex into the San Diego County Sanitation District. This previous application has since been withdrawn.) The affected territory comprises 6 parcels within the Baldwin and Moller communities and are presently undeveloped with no residents. The proposal is intended to facilitate a conditional development approval to construct 1,938 residential units with various ancillary uses as part of the “Otay Ranch Resort Village 13” project. The submitted proposal application is incomplete and pending receipt of additional documentation and information from the applicant to complete staff’s analysis.
13	CO22-04 “AJX Homes - Carmichael Change of Organization” - City of La Mesa: Annexation - City of La Mesa: Sphere Amendment	Carolanne Ieromnimon	Application submitted in February 2022 by landowner petition and involves annexation of approximately 0.3 acres to City of La Mesa for wastewater service. The affected territory is developed with a single-family residence and the landowner intends to update the existing site from a septic system to public wastewater system. The submitted proposal application is incomplete and pending receipt of additional documentation and information from the applicant to complete staff’s analysis.
14	RO22-11 “Tummala-Rincon MWD Reorganization” - Rincon del Diablo Municipal Water District: Annexation - Metropolitan Water District: Annexation - San Diego County Water Authority: Annexation	Priscilla Mumpower	Application submitted in October 2022 by landowner petition and involves annexation of approximately 20 acres of unincorporated territory to make available public water services. The affected territory is currently vacant and undeveloped. The proposal purpose is to position the landowner to proceed in the future with a development plan with the County of San Diego. The submitted proposal application is incomplete pending receipt of additional documentation and related information to complete the administrative review.

File Number	Proposal Name   Affected Agencies	Project Manager	Proposal Summary
15	RO22-16 “Cummings Ranch Reorganization” - Ramona Municipal Water District: Annexation - County Service Area 135: Detachment	Carolanne Ieromnimon	Application submitted in October 2022 by landowner petition seeking approval for latent power expansion of Ramona MWD’s activated wastewater service area by approximately 389 acres. The affected territory is currently vacant and undeveloped. The proposal purpose is to establish wastewater services for the future development of 125 single family residences as part of the “Cummings Ranch Subdivision” project. The proposal is scheduled for consideration by the Commission as part of the April 3 <sup>rd</sup> , 2023 meeting.
16	CO22-17 “Yung-La Presa Avenue Change of Organization” - San Diego County Sanitation District: Annexation	Carolanne Ieromnimon	Application submitted in October 2022 by landowner petition and involves annexation of approximately 0.16 acres of unincorporated territory to the San Diego County Sanitation District to make available public wastewater services. The affected territory is currently developed with 3 residents. The proposal purpose is to position the landowner to proceed in the future with a development plan to add an additional single-family residence. The submitted proposal application is incomplete pending receipt of additional documentation and related information to complete the administrative review.
17	CO22-18 “For Giving LLC- Hymettus Avenue Change of Organization” - Leucadia Wastewater District: Annexation	Carolanne Ieromnimon	Application submitted in October 2022 by resolution of the Leucadia Wastewater District and involves annexation of approximately 1.20 acres of unincorporated territory to make available public wastewater services. The affected territory comprises one single family residence in Encinitas and presently vacant with no residents. The proposal purpose is to position the landowner to proceed in the future with a development plan to create two single-family residences. The submitted proposal application is incomplete pending receipt of additional documentation and related information to complete the administrative review.
18	RO22-19 “Borrego Springs Fire Protection District Reorganization” - Borrego Springs FPD: Dissolution - Borrego Springs FPD: Sphere Dissolution - San Diego County FPD: Annexation - San Diego County FPD: Sphere Amendment	Carolanne Ieromnimon	Application submitted November 2022 by resolution of the Borrego Springs FPD to dissolve and designate its structural fire protection and, emergency medical and rescue service functions to the San Diego County Fire Protection District as the successor agency through a concurrent annexation. The affected territory spans approximately 198,400 acres with an estimated resident population over 3,653. The County Board of Supervisors has separately adopted a resolution in support of the reorganization. The proposal is scheduled for consideration by the Commission as part of the March 6 <sup>th</sup> , 2023 meeting.

File Number	Proposal Name   Affected Agencies	Project Manager	Proposal Summary
19	CO22-20 “Camino De La Fuente- Wick Change of Organization” -San Diego County Sanitation District: Annexation	Carolanne Ieromnimon	Application submitted in November 2022 by landowner petition and involves annexation of approximately 35.3 acres of unincorporated territory to the San Diego County Sanitation District to make available public water and wastewater services. The affected territory is currently vacant and undeveloped. The proposal purpose is to position the landowner to proceed in the future with a development plan to grade the land for future industrial and outdoor storage uses. The proposal is scheduled for consideration by the Commission as part of the April 3 <sup>rd</sup> , 2023 meeting.
20	RO23-01 “Tucker-Valley Road Reorganization” - National City: Annexation - South Bay ID: Detachment - Bonita FPD: Detachment - Bonita FPD: Sphere Amendment - CSA No. 135: Detachment	Carolanne Ieromnimon	Application submitted in November 2022 by landowner petition and involves annexation of approximately 35.3 acres of unincorporated territory to the San Diego County Sanitation District to make available public water and wastewater services. The affected territory is currently vacant and undeveloped. The proposal purpose is to position the landowner to proceed in the future with a development plan to grade the land for future industrial and outdoor storage uses. The submitted proposal application is incomplete pending receipt of additional documentation and related information to complete the administrative review.
21	RO23-02 “Sanders-Yerba Valley Road Reorganization” - Lakeside WD: Annexation - SDCWA: Annexation - MET: Annexation - Conforming sphere of Influence Amendments	Priscilla Mumpower	Application submitted in February 2023 by resolution from Lakeside Water District to concurrently annex approximately 80.4 acres of unincorporated territory to the Lakeside Water District, San Diego County Water Authority, and Metropolitan Water District of Southern California. The affected territory presently comprises 17 existing single-family residences with no additional planned development. The proposal purpose is to make available public water services given uncertain well water flows within the affected territory. The submitted proposal application is incomplete pending receipt of additional documentation and related information to complete the administrative review.
22	OAS23-03 “Bryant-Felicita Road Outside-of-Agency Service Agreement” - City of Escondido: OAS	Priscilla Mumpower	Application submitted in February 2023 by landowner petition and involves an outside-of-agency service agreement for wastewater services to a single-family residence totaling 0.4 acres as a remedy to a failing septic system. The Executive Officer administratively approved the service request on February 22, 2023. The proposal is scheduled for consideration by the Commission as part of the March 6th, 2023 meeting.

File Number	Proposal Name   Affected Agencies	Project Manager	Proposal Summary
<b>ACTIVE PROPOSALS   POST COMMISSION ACTION</b>			
23	SA16-20 LP16-20 “CSA 135 Islands Reorganization” - CSA 135 – LP Fire Area: Latent Powers Expansion - Bonita-Sunnyside FPD: Annexation - Lakeside FPD: Annexation - San Miguel FPD: Annexation - Ramona MWD: Annexation	Staff	Proposal submitted November 2016 by resolution of the San Diego County Fire Authority. Involved annexation of remaining unserved Islands 2, 3, and 4 via reorganization of local fire service territory among five local agencies: CSA 135; Bonita-Sunnyside FPD; Lakeside FPD; Ramona MWD; and San Miguel FPD. Reorganization involved annexation to the subject agencies and expansion of CSA No. 135’s latent powers to provide fire protection and emergency medical services to three unincorporated and unserved island areas totaling approximately 21,048 acres. Conforming amendments to add the affected territory to the subject agencies’ spheres of influence were also required. The reorganization proposal was approved February 4, 2018 and is now pending recordation once all terms are satisfied. A noticed protest hearing was held on March 13, 2019 at the LAFCO office. No protest was received by affected registered voters or landowners. Other terms remain pending.
24	LP(E)19-27 “Fallbrook PUD Latent Powers Expansion” - Activation: Park and Recreation - Activation: Street Lighting - Activation: Roads	Priscilla Mumpower	Application submitted in November 2019 by resolution from the Fallbrook Public Utility District (PUD) seeking approval to activate specified latent powers throughout its jurisdictional boundary and its 28,193 unincorporated acres. The estimated resident population within the affected territory is 33,986. Requested power activations involve park and recreation, street lighting, and roads with the former intended to supplement existing park and recreation services provided in the region by the County of San Diego via County Service Area No. 81. The proposal was approved by the Commission on April 4, 2022, and now pending recordation once all terms are satisfied. A noticed protest hearing was held on May 31, 2022 and continued to June 14, 2022 11, 2022 at the Fallbrook Public Utilities District. Not enough protest was received by affected registered voters or landowners. Other terms remain pending.
25	RO21-08 “Felicita Road-Elliott Reorganization” - City of Escondido: Annexation - Detachment CSA No. 135 - Detachment from Rincon del Diablo ID-E	Carolanne Ieromnimon	Application submitted in September 2021 by landowner petition and involves an outside-of-agency service agreement for wastewater services to a single-family residence totaling 0.3 acres as a remedy to a failing septic system. The Executive Officer administratively approved the service request on September 30, 2021 and the proposal was ratified by the Commission on November 1, 2021. The applicant has submitted a reorganization application – to meet the condition of approval of an outside-of-agency service agreement with the City of Escondido – and is requesting annexation to the City of Escondido with concurrent detachment from CSA 135 and Rincon del Diablo ID-E. The proposal was approved by the Commission on November 7, 2022, and now pending completion of terms and conditions as set forth by the Commission.

File Number	Proposal Name   Affected Agencies	Project Manager	Proposal Summary
26	RO21-04 “Mar Vista Reorganization” - City of Vista: Annexation - Vista FPD: Detachment - Buena SD: Detachment	Priscilla Mumpower	Application submitted in July 2021 by resolution of the City of Vista to reorganize approximately 143 unincorporated acres in the Mara Vista area. The primary action involves annexing all of the affected territory with its estimated resident population of approximately 611 to the City of Vista. Conforming detachments to Vista Fire Protection District (FPD) and Buena Sanitation District (SD) are also prosed to eliminate duplicative service areas. Notably, the City of Vista proposes the reorganization under the island annexation proceedings in LAFCO statute, which if confirmed by the Commission eliminate conducting authority proceedings. The proposal was approved by the Commission on November 7, 2022, and now pending completion of terms and conditions as set forth by the Commission.
27	CO22-15 “Toidi-Jonel Way Change of Organization” - San Diego County Sanitation District: Annexation	Carolanne Ieromnimon	Application submitted in October 2022 by landowner petition and involves annexation of approximately 2.5 acres to the San Diego County Sanitation District for wastewater service. The affected territory is developed with a single-family residence and the landowner intends to update the existing site from a septic system to public wastewater system to accommodate a future development of an additional assessor dwelling unit. The proposal was approved by the Commission on November 7, 2022, and now pending completion of terms and conditions as set forth by the Commission.
28	CO22-14 “Briggs Change of Organization” - Leucadia Wastewater District: Annexation	Carolanne Ieromnimon	Application submitted in October 2022 by resolution of the Leucadia Wastewater District and involves annexation of approximately 2.92 acres of unincorporated territory to make available public wastewater services. The affected territory comprises one single family residence in Encinitas and presently occupied with 4 residents. The proposal purpose is to update the existing site from septic system to public wastewater system and position the landowner to proceed in the future with a development of an additional ADU. The proposal was approved by the Commission on February 6 <sup>th</sup> , 2023 meeting and now pending completion of terms and conditions as set forth by the Commission.



File Number	Proposal Name   Affected Agencies	Project Manager	Proposal Summary
29	CO22-13 “Stits Change of Organization” - Leucadia Wastewater District: Annexation	Carolanne Ieromnimon	Application submitted in October 2022 by resolution of the Leucadia Wastewater District and involves annexation of approximately 0.84 acres of unincorporated territory to make available public wastewater services. The affected territory comprises one single family residence and adjacent public right-of-way in Encinitas and presently vacant with no residents. The proposal purpose is to position the landowner to proceed in the future with a development plan to spit the lot to create a new parcel The proposal was approved by the Commission on February 6 <sup>th</sup> , 2023 meeting and now pending completion of terms and conditions as set forth by the Commission.
30	RO22-05 “Weston Boundary Cleanup Reorganization”   - Boundary Adjustments: City of San Diego, City of Santee, Padre Dam MWD & CSA No. 69 and No. 135 - Conforming Sphere of Influence Amendments	Carolanne Ieromnimon	Application submitted in February 2022 by resolution of the City of Santee requesting proceedings for a reorganization involving a boundary “clean-up” to the “Castlerock Reorganization” (RO13-99). The primary proposed action involves boundary adjustments between the City of Santee and City of San Diego affecting approximately 5.3 acres. Secondary boundary adjustments are also proposed involving three overlapping special districts – County Service Area (CSA) 135, and Padre Dam Municipal Water District (MWD) – and involve the same 5.3 acres. Conforming sphere of influence amendments are also required to accommodate the proposed boundary changes. The proposal was approved by the Commission on February 6 <sup>th</sup> , 2023 meeting and now pending completion of terms and conditions as set forth by the Commission.
31	CO-22-02 “Pastrana-Artesian Road Change of Organization” - Rancho Santa Fe CSD: Annexation	Carolanne Ieromnimon	Application submitted in January 2022 by landowner petition and involves annexation of approximately 10.0 acres of unincorporated territory to make available public wastewater services. The affected territory comprises one entire parcel in Rancho Santa Fe and presently vacant with no residents. The proposal purpose is to position the landowner to proceed in the future with a development plan with the County of San Diego. The proposal was presented at the Commission’s December 5, 2022 meeting and continued to allow for additional consultation under CEQA at the request of the Rincon Tribe of Luiseno Indians. The proposal was approved by the Commission on February 6 <sup>th</sup> , 2023 meeting and now pending completion of terms and conditions as set forth by the Commission.

File Number	Proposal Name   Affected Agencies	Project Manager	Proposal Summary
<p><b>PENDING PROPOSAL APPLICATION SUBMITTALS</b>                      (No project manager; inquiries should be directed to Keene Simonds)</p>			
32	Pending “Harvest Hills Reorganization” - City of Escondido		This anticipated reorganization proposal is currently undergoing development and environmental review by the City of Escondido. Submittal to LAFCO anticipated for late 2020-2021 if approved by Escondido. The anticipated proposal involves annexation of approximately 1,098 acres to the City for the primary purpose of developing a 550-lot residential subdivision. All of the affected territory presently lies outside the adopted Escondido sphere. Due to the scope of the proposal area a comprehensive update of the City’s sphere is warranted along with preparing the supporting municipal service review document. These and other service-related issues have been communicated to the City and are currently under joint review with other local stakeholders. Project was originally titled as “Safari Highlands.”
33	Pending “Rancho Lomas Verde Reorganization” - City of Vista		This anticipated reorganization proposal is undergoing development and environmental review by the City of Vista. The proposal involves annexation of approximately 300 acres to the City of Vista and concurrent detachments from CSA 135 and the Vista FPD to facilitate a 153-lot residential development. Close to three-fourths of the project area lies outside the adopted Vista sphere. Due to the scope of the proposal area a comprehensive update of the City’s sphere is warranted along with preparing the supporting municipal service review document. These and other service-related issues have been communicated to the City and are currently under joint review with other local stakeholders.
34	Pending “Sager Ranch Reorganization” - City of Escondido		This anticipated reorganization involves annexation of approximate 1,800 unincorporated acres to the City of Escondido and concurrent detachments from CSA 135 and the Valley Center FPD. The reorganization would facilitate the proposed development of approximately 200 acres to include 203 residential units and a 225-room resort. Portions of the project area lies outside the current City sphere. Due to the scope of the proposal area a comprehensive update of the City’s sphere is warranted along with preparing the supporting municipal service review document. These and other service-related issues have been communicated to the City and are currently under joint review with other local stakeholders.

File Number	Status	Proposal Name   Affected Agencies	Project Manager	Proposal Summary
35	Pending	Harmony Grove Village South (TM-626)		This anticipated reorganization involves the unincorporated Harmony Grove Village South project and specific to accommodating sewer services (among a variety of options) for the planned development of approximately 111 acres to include 453 residential units. On January 27, 2020 the San Diego Superior Court overturned the County's development approvals for the project. Appeals are pending with no update as of this report.

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

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**AGENDA REPORT**  
 Consent | Information

March 6, 2023

**TO:** Commissioners

**FROM:** Priscilla Mumpower, Analyst II

**SUBJECT:** Notice of State Planning Grant Award |  
 Greening Agriculture: Market Analysis to Inform and Support Economically Sustainable Small Farming in San Diego County

**SUMMARY**

The San Diego County Local Agency Formation Commission (LAFCO) will receive notice of a new planning grant award from the State Department of Conservation and its Sustainable Agricultural Lands Conservation Program. The award follows the Commission’s authorization in August 2022 to proceed with submitting an application to expand on current grant activities by LAFCO in assessing local agricultural trends and proceed with performing market analysis to help inform small farming operations. The State has provided notice to LAFCO and co-applicant County of San Diego’s Planning and Development Services to award a two-year grant in the full amount of \$500,000. Work on the new grant is anticipated to commence in June 2023. This item is being presented for information only.

**BACKGROUND**

**Sustainable Agricultural Lands Conservation Program**

The Sustainable Agricultural Lands Conservation Program (SALC) was created in 2014 and presently completing its seventh round of grant funding. It is a component of the California Strategic Growth Council’s Affordable Housing and Sustainable Communities Program and administered by the Department of Conservation. SALC is primarily funded through

<b>Administration:</b> Keene Simonds, Executive Officer 2550 Fifth Avenue, Suite 725 San Diego, California 92103 T 619.321.3380 E lafco@sdcounty.ca.gov www.sdlafco.org	<b>Chair Jim Desmond</b> County of San Diego	<b>Kristi Becker</b> City of Solana Beach	<b>Vice Chair Stephen Whitburn</b> City of San Diego	<b>Jo MacKenzie</b> Vista Irrigation	<b>Andy Vanderlaan</b> General Public
	<b>Joel Anderson</b> County of San Diego	<b>Dane White</b> City of Escondido	<b>Marni von Wilpert, Alt.</b> City of San Diego	<b>Barry Willis</b> Alpine Fire Protection	<b>Harry Mathis, Alt.</b> General Public
	<b>Nora Vargas, Alt.</b> County of San Diego	<b>John McCann, Alt.</b> City of Chula Vista		<b>David A. Drake, Alt.</b> Rincon del Diablo	

California Climate Investments, which is a statewide program that provides cap-and-trade monies through agricultural conservation and related planning grants to eligible applicants for the underlying purpose of reducing – directly or indirectly – greenhouse gas emissions.

The principal goals of SALC are stated as:

- Protect agricultural lands to support infill and compact development.
- Further the purposes of Assembly Bill 32 by avoiding increases in greenhouse gas emissions associated with the conversion of agricultural land to non-agricultural uses.

### Existing SALC Grant Award

In August 2020, San Diego LAFCO and the Resource Conservation District of Greater San Diego County collaborated in submitting a planning grant application under SALC to identify and track agricultural trends in San Diego County. The Commission – notably – authorized the grant proposal as lead applicant. LAFCO was subsequently awarded a two-year grant in the full amount of \$250,000 with work commencing in June 2021. Work on “SALC 1.0” is now nearing its completion with a report currently under preparation on key findings and recommendations. Staff anticipates presenting the final report as early as May 2023.

### DISCUSSION

This item is for San Diego LAFCO to receive notice of a new planning grant award from the State to expand on its current SALC 1.0 activities in the full requested amount of \$500,000. The award provides funding for LAFCO and co-applicant County Planning and Development Services to expand on SALC 1.0 and perform market analysis for existing and emerging crops – with focus on small-farms – while also identifying government opportunities to help bridge economic gaps. A copy of the award letter and submitted grant proposal are provided as Attachments One and Two, respectively.

Proceeding immediately forward, staff separately anticipates drafting a Memorandum of Understanding (MOU) with Planning and Development Services to guide implementation of “SALC 2.0”. This includes assigning key roles and related deliverables while also addressing each agency’s 10% matching contribution requirement through dedicated staff time. Staff anticipates bringing forward a draft MOU for Commission approval as early as April 2023.

### ANALYSIS

None.

### RECOMMENDATION

This item is presented for information only.

## ALTERNATIVES FOR ACTION

The item is presented for information only.

## 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 recommendation unless otherwise specified by the Commission.

On behalf of the Executive Officer,



Priscilla Mumpower  
Analyst II

Attachments:

- 1) Planning Grant Award Letter
- 2) Planning Grant Proposal

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December 16, 2022

Priscilla Mumpower  
San Diego LAFCO & County of San Diego

Via Email to: Priscilla.mumpower@sdcounty.ca.gov

Re: Planning Grant Application for Sustainable Agricultural Lands Conservation Program Funding

Dear Priscilla,

Thank you for your planning grant application to Round 8 of the Sustainable Agricultural Lands Program solicitation. The Department of Conservation received over \$1.4 million in planning grant applications. We are pleased to have received quality proposals demonstrating a strong commitment to local and regional planning efforts that protect and restore agricultural lands at risk of conversion to other uses.

It is my pleasure to inform you that your proposal "Greening Agriculture: Market Analysis to Inform + Support Sustainable Small Farming in San Diego County" has been awarded \$450,000 in project funding.

Department of Conservation staff will work with you to complete the draft grant agreement. Staff will also work with you to update the budget, work plan, or other elements of your grant proposal as appropriate. The grant agreement must be fully executed before expenses can be incurred.

We look forward to working with you and wish you success in implementing your work plan. Should you have any questions, please contact Cassidy McSurdy, grant manager, at Cassidy.McSurdy@conservation.ca.gov.

Thank you for your interest in our program!

Sincerely,

A handwritten signature in black ink, appearing to read "Keali'i Bright".

Keali'i Bright  
Director, Division of Land Resource Protection

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SUSTAINABLE AGRICULTURAL LANDS CONSERVATION PROGRAM

Greening Agriculture:  
Market Analysis to Inform +  
Support Economically  
Sustainable Small Farming in  
San Diego County

Agricultural Lands Conservation Planning Grant Application

**San Diego County Local Agency Formation Commission &  
County of San Diego, Planning and Development Services**  
September 2022

<b>CHECKLIST</b>	
✓	Completed Cover Sheet
✓	Executive Summary
✓	Application Questions
✓	Work Plan
✓	Budget
✓	Map(s) of the Project's Geographic Area
✓	Signed Authorizing Resolution from Governing Bodies
✓	Priority Population Benefits Checklist (Optional)
✓	Stakeholder Collaboration Letters (Optional)

**PLANNING GRANT COVER SHEET**

Project Title	Greening Agriculture: Market Analysis to Inform + Support Economically Sustainable Small Farming in San Diego County
Applicant Name	San Diego LAFCO & County of San Diego (PDS)
Department/Office	n/a
Federal Employer ID Number	95-6000934 (LAFCO)
Mailing Address	2550 Fifth Avenue, Suite 725, San Diego CA 92023
Location (County and/or City)	San Diego County
Requesting Priority Population Benefits Status (circle one)	<input checked="" type="radio"/> Y <input type="radio"/> N If yes, you will need to submit a Priority Population Benefits Checklist with your application
Grant Request Amount	\$450,000.00
Matching Funds Pending	\$0.00
Matching Funds Committed	\$50,000.00 (staff time)
Total Estimated Project Cost	\$500,000.00
Contact Person	Priscilla Mumpower
Title	Analyst II
Phone Number	619-321-3380
Email Address	Priscilla.mumpower@sdcounty.ca.gov

## Sustainable Agricultural Lands Conservation Program Planning Grant Proposal

### Executive Summary

The San Diego County Local Agency Formation Commission (LAFCO) plans to collaborate with the County of San Diego's (County) Planning and Development Services to implement the proposed project under the SALC program. The proposed project seeks to generate comprehensive and timely market information and best practice data to support and sustain agriculture in San Diego County, with a focus on aiding small-scale farming operations that otherwise have limited resources and support.

According to the USDA Agriculture Census, San Diego County is home to more than 5,000 farms on approximately 222,100 acres.<sup>1</sup> On a national scale, the San Diego region is the 19th largest farm economy in the United States, is the second-leading producer of avocado and nursery crops, accommodates more small farms (less than 10 acres in size), and employs the most part-time farmers.<sup>2</sup> Current grant work is illuminating current pressures affecting farmers such as water availability/costs, workforce challenges, and competing priorities between housing needs and preservation of agricultural lands that are increasingly threatening the viability of farms across the region.

The proposed planning project serves as a major extension of current grant work and aims to support existing and emerging farmers and, in doing so, curb the premature conversion of agricultural lands. The project will also serve to inform local agencies' decision-making to further aid, preserve, and maximize the vital contributions – economic, environmental, and public health benefits – that small-scale farms offer the county. This will involve the following primary deliverables:

- **A market analysis** highlighting market information and best practice data specific to the San Diego County region, including measurements such as average return on investment (ROI) for key crops, average ROI needed to sustain a small farm, and identification of key cost centers for the average small farm in the region
- **A gap analysis** that identifies the “gap” in costs and ROI between marginal farms and economically sustainable farms
- **A strategic plan** on prospective mechanisms such as incentives, technical support, programs, and regulatory streamlining to help bridge the economic gap and increase the economic sustainability of small farms while maximizing their contribution to environmental, economic, and public health benefits
- **An outreach and education plan** that aims to inform and educate the agricultural community – including disadvantaged, low-income, and underrepresented groups – on the project, gather input to assist in the overall implementation of the project, and in doing so, advance equity and opportunity in the region

San Diego County LAFCO and the County, as co-applicants and project managers, will collaborate with multiple relevant agencies involved with land use and agricultural and environmental planning. This project will also leverage the knowledge and expertise of an agricultural economist in generating the market and best practice information.

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<sup>1</sup> USDA, National Agricultural Statistics Service. (2017). Census of Agriculture – County Data. [st06\\_2\\_0001\\_0001.pdf \(usda.gov\)](#)

<sup>2</sup> San Diego County Farm Bureau. [San Diego Agriculture – The San Diego County Farm Bureau \(sdfarmbureau.org\)](#)

## Application Questions

1. **Are you a county, city, local area formation commission, council of government, municipal planning organization, regional transportation planning agency, groundwater sustainability agency, or special district with land use or transportation planning authority, or a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the Native American Heritage Commission?**

Yes. The proposed planning project involves a joint partnership between two eligible applicants: The San Diego County Local Agency Formation Commission (LAFCO) and the County of San Diego via its Planning & Development Services Department. San Diego County LAFCO will serve as the lead applicant.

2. **Are you a Resource Conservation District, special districts with a mission related to agricultural preservation, academic institutions, land trusts and other agricultural non-profit organizations? Have you partnered with one or more of the organizations listed above? Will you be able to provide evidence by the time of the application that one or more of the organizations listed above will enter into a memorandum of understanding for the project demonstrating support for the project and SALC's purposes, detailing the partners roles in the project and that the partners will consider adopting the plan resulting from the project.**

No, N/A.

3. **Describe the proposed planning project. Include details such as the anticipated outcome and deliverables are expected; agricultural land base, economy, and regional food systems and infrastructure within the project area; amount and quality of agricultural land that can be expected to receive protection through the proposed project. Include maps of important farmland, jurisdictional boundaries, and other pertinent data that would portray the project scope (as attachments to the application).**

### ***Agricultural Land Base***

Declining agricultural trends in San Diego County, if not carefully addressed, will continue to negatively impact our local farming communities, our rural economies, and the larger San Diego region. The proposed planning project area includes both unincorporated and incorporated areas within the San Diego region, totaling approximately 4,206 square miles and including 3.22 million residents.<sup>3</sup> According to the County's 2020 Crop Statistics and Annual Report, the overall acreage devoted to commercial agriculture decreased from 234,477 acres in 2019 to 224,549 acres in 2020 by about 10,000 acres or 4.2% overall.<sup>4</sup> According to the California Farmland Conversion Report 2014-2016, San Diego County had the 5<sup>th</sup> highest net loss of irrigated farmland among all counties in California during the study period.<sup>5</sup> Approximately 91% of farms in the county are

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<sup>3</sup> SANDAG. (2016). Demographics in the San Diego Region. [publicationid\\_2001\\_20213.pdf \(sandag.org\)](#)

<sup>4</sup> County of San Diego Department of Agriculture Weights and Measures. (2020). 2020 Crop Statistics and Annual Report.

<https://www.sandiegocounty.gov/content/dam/sdc/awm/docs/2020CropReportSanDiego.pdf>

<sup>5</sup> California Department of Conservation. (2016). California Farmland Conversion Report.

[https://www.conservation.ca.gov/dlrp/fmmp/Pages/2014-2016\\_Farmland\\_Conversion\\_Report.aspx](https://www.conservation.ca.gov/dlrp/fmmp/Pages/2014-2016_Farmland_Conversion_Report.aspx)

under 50 acres, and about 70% of the total farms are less than 10 acres, well below state averages, highlighting the prevalence of small farms in San Diego County.<sup>6</sup>

### **Economy**

The agricultural economy in the greater San Diego region remains within the top 20 counties in the United States but has lost significant ground in growing citrus and avocados due to natural and urbanization pressures. In 2020, the direct economic output from agricultural production totaled \$1,810,326,411. This equates to an increase of about \$15 million, or 0.8% from 2019's total value of \$1,795,528,573. While ornamental and nursery crops continue to yield the greatest percentage of the region's agricultural production, the value of the Field Crops group decreased 34% and the value of the Field, Other (such as alfalfa, clover, sugarcane) commodities decreased 63% from 2019 to 2020.<sup>4</sup> Despite facing disrupted supply chains, challenges due to labor shortages, the need to protect workers against COVID-19, and inevitably the need to retool business models, San Diego's agriculture industry has prevailed through the continued innovation and resilience of local farmers.

### **Regional Food Systems**

Although 95% of agricultural land in the County is dedicated to food production, only 30% of the total economic value of agriculture derives from food production, with the remaining 70% deriving from nursery and cut flower products.<sup>4</sup> Food produced in San Diego County is distributed through three pathways: 1) directly to the consumer through farmers' and fishermen's markets and shares in community supported agriculture (CSA), 2) directly to organizations and businesses, and 3) through traditional distributors to organizations and businesses. There is high demand for locally sourced food; however, distributors lack a coordinated system or platform for viewing the crop supply by farm in order to meet demand of locally sourced food. On the other hand, small producers do not benefit from economies of scale, and it is difficult for them to meet the volume demanded from larger organizations and businesses. The challenges of distributors and producers are passed to the consumer in the form of higher prices. A concerted effort needs to occur to build up community awareness around the value of local food in order for businesses, organizations, and communities to place a higher value on local food.

### **Infrastructure**

Conducting business and profitability, along with water, soil, and pest management were identified as key challenges for commercial agriculture.<sup>6</sup> Furthermore, climate change may have an increased impact on production challenges, such as increased heat and a diminishing water supply. Urban agriculture is emerging in densely populated areas of San Diego County to provide food access and promote community development. Some challenges with urban agriculture in San Diego County are the high cost of real estate, high cost of water at residential rates, and the diversity of policies and regulations related to urban agriculture throughout San Diego County's 19 jurisdictions.

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<sup>6</sup> County of San Diego. (2019). The State of the Food System in the San Diego Region. <https://www.sandiegocounty.gov/content/dam/sdc/lueg/docs/State-of-the-Food-System-for-the-San-Diego-Region-November-2019.pdf>



### **Anticipated Outcome**

In order to deliver meaningful and impactful solutions for our struggling farming communities, particularly small farms, it is critical to identify the true underlying causes specific to the San Diego region. Sustainable agriculture promotes the economic viability of agriculture while preserving natural resources and the environment, relying on detailed planning based on timely information to effectively account for present and emerging market conditions. The proposed planning project intends to generate comprehensive and timely market information and best practice data to support and preserve agriculture in San Diego County, with focus on aiding small-scale farming operations that otherwise have limited resources to perform this type of analysis and/or lack access to resources. The project will directly draw on current Round 6 SALC Planning Grant work, which is exploring local agricultural trends and challenges (#3020-907) while further transitioning from qualitative to quantitative data through the market data collection, aggregation, and gap analysis.

The proposed planning project aims to support existing and emerging farmers and in doing so curb the premature conversion of agricultural lands in the region. Through the current grant work, a needs assessment was distributed to agricultural producers across the San Diego region to identify their concerns regarding long-term viability of farming operations. This has informed ongoing policy sessions and collaboration to address land access, workforce development, and water availability related to agriculture. Representatives from local jurisdictions, supporting organizations, and local producers are developing recommendations to achieve strategic initiatives to resolve these key issues.

A Technical Team has also been working to identify and prioritize agricultural lands based on current conditions, land use, natural resource criteria, environmental concerns, and development threat. A map displaying important farmland, jurisdictional boundaries, and approximate locations of agricultural lands has been compiled (see Map of the Project Geographic Area) using data from the County's Department of Agricultural Weights & Measures, San Diego Association of Governments, US Forest Service, SanGIS, and the Farmland Mapping and Monitoring Program.

### **Deliverables**

The project will also serve to inform local agencies' decision-making to further aid, preserve, and maximize the vital contributions – economic, environmental, and public health benefits – that small-scale farms offer the County. This will involve the following primary deliverables:

- **A market analysis** highlighting market information and best practice data specific to the San Diego County region and involving market data collection and aggregation to identify:
  - Average return on investments (ROIs) for key crops
  - Average ROI needed to sustain small farms over time (potentially beyond the region)
  - Key cost centers for the average small farm in the region (i.e., costs of water, labor, equipment, and entry into farming)

Some of the market information generated from the proposed planning project is not readily available at this time and will close a “gap” in available market information. The closest known comparable information involves the Ag Commission and their annual tracking/reporting of crop values on a per-acre basis. The Ag Commission – however – does not account for associated costs, whereas the proposed planning project will and in doing so will address net values.

- **A gap analysis** that identifies the “gap” in ROI between marginal farms and economically sustainable farms and identify the key cost centers contributing to the “gap”.
- **A strategic plan** on prospective mechanisms such as incentives, technical support, programs, and regulatory streamlining to help bridge the economic gap and increase the economic sustainability of small farms while maximizing environmental, economic, and public health benefits.

Mechanisms to be considered will be driven by best practice research and stakeholder input. These will include – but are not limited to – carbon farming programs, technical or other support in identifying viable crop types for the future, and incentives or other opportunities to increase the environmental sustainability of agriculture with a net financial benefit. This proposed project intends to explore potential opportunities to maximize environmental, economic, and public health benefits:

- **A carbon farming implementation program** to reduce GHG emissions through a sequestration program or other incentivizes for sustainable farming practices
- **A crop-swap/conversion program** to encourage and incentivize water conservation efforts while providing water cost reduction benefits to producers
- **Identify potential improvements to:**
  - The County’s Purchase of Agricultural Conservation Easement (PACE) Program to continue efforts focused on promoting the long-term preservation of agricultural lands<sup>7</sup>
  - The County’s Agricultural Irrigation Efficiency Program to incentivize upgrades to irrigation systems for both water and cost savings<sup>8</sup>
- Identify a potential program or criteria for **facilitating farm-worker housing and/or streamlining regulations**
- **An outreach and education plan** that aims to inform and educate the agricultural community – including disadvantaged, low-income, and under-represented groups – on the project as well as gather input to assist in the overall implementation of the project, and in doing so advance equity and opportunity in the region.

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<sup>7</sup> County of San Diego. (2021). County of San Diego Purchase of Agricultural Conservation Easement (PACE) Program.<https://www.sandiegocounty.gov/content/dam/sdc/pds/advance/PACE/PACE-Guidelines-2021.pdf>

<sup>8</sup> County of San Diego Waterscape Rebate Program.  
<https://www.sandiegocounty.gov/content/sdc/dpw/watersheds/RebatesIncentives/AIEP.html>

The stakeholder outreach plan will involve circulating the market information, gathering input regarding key cost centers [identified in part in current grant effort (#3020-907)], and identifying best practices for government and other partners to assist in bridging the economic gap and, in doing so, increase the economic sustainability of farming in the region. Data collections with the local farming community has proven difficult in the past, however the strong relationships being created through the administration of the Round 6 SALC Planning Grant will continue to be utilized. The outreach plan will include publication efforts to educate current and prospective farmers on available and related resources. The outreach plan will also involve concerted focus on connecting with disadvantaged and under-represented groups in San Diego county's agricultural community to better reflect overall demographics. To date, outreach efforts have resulted in six letters of support, as included within this application packet.

**4. Why and to what extent agricultural land is being converted to other uses within project area? To what extent those conversion risks are expected to continue? How will the proposed project address those conversion risks?**

The County's Department of Agriculture Weights and Measures prepared the 2020 Crop Statistics and Annual Report, which estimates that the overall acreage devoted to commercial agriculture in San Diego County decreased from 234,477 acres in 2019 to 224,549 acres in 2020 reflecting an approximate decline of 10,000 acres or 4.2%.<sup>9</sup> Relatedly, and to the merits of focusing the planning project's benefits to smaller operations, the County separately developed the State of the Food System Report in collaboration with San Diego Food System Alliance in 2019; this report estimates 70% of all remaining farms in San Diego County are small and operate on less than 10 acres.<sup>10</sup>

The risk of continued conversions due to challenges in meeting rising water, land, and infrastructure costs are expected to continue and would directly impact a farmer's ability to sustain their operation. Housing needs are an increasingly competitive priority at the State and local level and contribute to the pressure experienced by farmers to conclude their operations are structurally unbalanced – with costs exceeding revenues – and monetary relief is otherwise limited to selling their lands to developers or for other non-agricultural uses.

The proposed planning project aims to address these existing conversion risks by providing timely market information to assist existing farmers in planning appropriate course corrections in remaining or becoming sustainable as well as assisting prospective farmers in proceeding with informed and sustainable start-up operations. Moreover, data generated through this project will aid local governments in revisiting tools, programs, and resources to support farmers in the shared interest of preserving agriculture in perpetuity.

LAFCO can draw on the market information to make wise decisions to implement its planning and regulatory powers with respect to balancing smart growth and

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<sup>9</sup> County of San Diego. (2020). Crop Statistics and Annual Report. <https://ucanr.edu/sites/sdsmallfarms/files/357833.pdf>

<sup>10</sup> County of San Diego. (2019). The State of the Food System in the San Diego Region. <https://www.sandiegocounty.gov/content/dam/sdc/lueg/docs/State-of-the-Food-System-for-the-San-Diego-Region-November-2019.pdf>

agriculture preservation. Currently, LAFCO's decision-making on jurisdictional changes – and specifically whether an area is suitable for future agricultural production – is limited to otherwise sterile maps to show “agricultural” lands paired with judging the word of proponent/opponents. Having a market tool to independently assess the viability of agriculture production and its thresholds would be a useful and welcomed addition to LAFCO's toolbox. LAFCO may also partner on prospective tools, incentives, and best practices to support agriculture based on information obtained.

The County can similarly draw on the market information and best practices data to identify opportunities to create or employ incentives or other tools, programs, or resources to help increase the economic, and potentially environmental, sustainability of farming in the region, particularly for small farms and historically underserved farmers.

## **5. How will the project avoid or reduce greenhouse gas emissions?**

Reducing GHG emissions is increasingly part of the regulatory scheme underlying agriculture in California, often headlined by stricter equipment and vehicle emissions standards that affect farming production and related delivery systems. The proposed planning project aims to produce comprehensive and timely market information by identifying baseline thresholds for current and prospective farmers to achieve economic sustainability. In addition, as part of the exploration of governmental mechanisms and incentives to increase the financial viability of farming, programs such as carbon farming programs, facilitation of farm-worker housing, and improvements to current programs will be explored. Additional details follow.

- A carbon farming program to incentivize sustainable farming practices; which in turn reduces GHG emissions and has positive public health benefits due to reduced pollution burdens. This will complement direction received on August 31, 2022 (6) from the County's Board of Supervisors to develop a Pilot Carbon Farming Program with options for program implementation, including a list of identified pilot projects.
- Avoidance of premature conversion of agricultural lands can be achieved by empowering farmers and local governments to maintain working lands through preservation of land that can otherwise be developed. GHG emissions reductions are realized from a reduction in transportation, energy use, waste, and water consumptions via reduced development potential.
- Streamlining regulations and/or exploring potential policies and/or programs to facilitate farm-worker housing may directly impact and reduce Vehicle Miles Traveled (VMT). Reducing VMTs by providing on-site housing for farmworkers would lead to an overall avoidance of GHG emissions. This compliments SANDAG's and local jurisdictions' current efforts in meeting State directives to reduce GHG emissions and achieve “carbon neutrality” by 2045.

Supporting new farmers and their agricultural activities through timely market information, coupled with opportunities for local government to enact supportive policies, further aids in the overall goal of reducing GHG emissions via the protection against increasing VMT demands associated with fringe urban development and unsustainable farming practices. This work is consistent with the

goals of the California Climate Investment program and will specifically utilize a diverse mix of landscape-scale management actions that follow industry standards and will make an ecologically meaningful difference by providing enduring and sustainable co-benefits and accelerating carbon sequestration towards GHG reductions.

**6. How will the proposed project implement an adopted or draft Sustainable Communities Strategy or, if a Sustainable Communities Strategy is not required for a region by law, a regional plan that includes policies and programs to reduce greenhouse gas emissions? Provide references to the specific goals, objectives, or policies that the project supports.**

The proposed planning project aligns directly with the current Sustainable Communities Strategy (SCS) included within the 2050 Regional Transportation Plan adopted by the San Diego Association of Governments (SANDAG) in October 2011. Furthermore, SANDAG most recently adopted the 2021 Regional Plan in December 2021, which further details an updated SCS.<sup>11</sup> The SCS seeks to guide the region toward a more sustainable future by integrating land use, housing, and transportation planning to create communities that are more sustainable, walkable, transit-oriented, and compact. The proposed planning project and its focus on informing and supporting smart and sustainable agriculture is integral to the SCS vision and ties to maintaining commercially viable greenbelts. These greenbelts help to curb sprawl and redirect growth towards infill, provide local food supplies, and give urban dwellers important visual connectivity to agriculture and its role in their region's smart(er) growth. The proposed planning project compliments SANDAG's efforts in meeting goals outlined within the SCS by informing the financial feasibility of farmers to upgrade equipment and in doing so reduce GHG emissions on the ground. Exploring topics such as carbon farming programs, streamlining farm-worker housing, and protecting agricultural lands from premature conversion may have an overall reduction in GHG emissions. The proposed grant work would also aid and inform SANDAG of relevant market information and best practice data in their consideration and planning of financial incentives for farmlands throughout the region.

The proposed planning project similarly supports the SCS by providing a channel for SANDAG to further inform its separate – but related – implementation of Affordable Housing and Sustainable Communities (AHSC) Program grant monies. This could and/or ideally includes SANDAG using the market information generated by the proposed planning project in strategically investing AHSC monies into farm-worker housing.

The proposed planning project also aligns directly with the County's 2018 Climate Action Plan (CAP), which is currently being revised in partnership with residents, business, and environmental groups. The Board directed staff to take bold climate action that mitigates beyond state targets to net zero and below by 2035-2045. Proposed strategies within the Agriculture & Conservation sector of the updated CAP include measures to increase carbon sequestration, further preserve agricultural lands, and support climate friendly farming practices. The proposed

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<sup>11</sup> SANDAG. (2021). SANDAG's San Diego Forward: The 2021 Regional Plan: Appendix D: Sustainable Communities Strategy Documentation and Related Information. [appendix-d---scs-documentation-and-related-information---updated.pdf \(sdfoward.com\)](https://www.sandag.org/files/2021/12/Appendix-D---Sustainable-Communities-Strategy-Documentation-and-Related-Information---Updated.pdf)

planning project will provide insight into the economic feasibility of implementing programs or activities that will support the goals of the County's CAP.

**7. How is the proposed plan consistent with [California's Planning Priorities](#)?**

The proposed planning project readily aligns with and mirrors California's Planning Priorities, specifically to protect environmental and agricultural resources by making them more resilient to economic and environmental stressors. California consistently faces multiple severe and frequent climatic events and safeguarding agricultural lands in San Diego County directly aligns with California's Planning Priorities to combat these issues by developing a more resilient and sustainable agricultural industry in coming decades. Generating good and timely market information and identifying best practices serves to enhance and protect the greenbelts that zoning currently provides around our urban centers. In doing so, development is directed towards existing urban area footprints with appropriate access to transportation and other essential utilities and services. This information will also serve as a self-fulfilling exercise in protecting, expanding, and enhancing agricultural resources.

**8. What economic, environmental, public health, cultural or other co-benefits that would arise from the project? How will those co-benefits be measured?**

The proposed planning project represents a complementary extension of the current Round 6 SALC Planning Grant work being performed in partnership by LAFCO and RCD of Greater San Diego. Markedly, the current two-year grant focuses on agricultural trends paired with qualitative analysis. The proposed planning project takes the next linear step with respect to quantifying the challenges experienced by farmers in our region relative to market conditions in establishing viable ROI levels. Furthermore, it creates a scalable tool that sizes up core costs for dominant and emerging crops in San Diego County and leads to pragmatic thresholds on what it means to be "sustainable." The information on best practices will serve as a platform for developing potential incentive, streamlining, or other programs to support sustainable agriculture in the region.

The proposed planning project's associated outreach activities will aid current and prospective farmers in making decisions based on economic viability going forward. This includes planning needed course corrections to remain and/or become economically sustainable. This will further benefit sustainability and agricultural preservation goals in the County and under current market conditions.

The proposed project will also explore opportunities for increased public health benefits by reducing pollution burdens. Programs and/or projects that reduce GHG emissions, encourage and incentivize water conservation efforts, promote long-term preservation of agricultural lands, and contribute to housing needs will be instrumental. Planning and implementing a carbon farming or crop-swap/conversion program, employing improvements to the County's Agricultural Irrigation Efficiency Program or the PACE Program, facilitating farm-worker housing and/or streamlining regulations will be considered as prospective mechanisms to support these goals. These benefits will continue to be measured through ongoing engagement with the farming community and the general public associated with this and other related projects.



**9. How will the project benefit priority populations; beginning or Veteran farmers and ranchers; residents of disadvantaged or low-income communities; or federally recognized California Native American tribe or a nonfederally recognized California Native American tribe that is on the contact list maintained by the Native American Heritage Commission and/or a priority population?**

Comprising 70% of all farms within San Diego County, small farms may lack necessary resources to aid in the assessment of their current farming practices. The cost-benefit analysis would provide an accessible resource that is otherwise unavailable, highlighting best practices as a means to educate farmers as they seek to sustain their farms. The proposed planning project will circulate the market information and publicize related resources to assist current and prospective farmers, with the latter focusing on under-represented groups. The County currently coordinates with local tribal liaisons on many planning projects and will engage with multiple local Tribes to ensure their needs and concerns are considered to inform the anticipated work products.

**10. How will the proposal complement other efforts in the region, including comprehensive planning efforts (e.g., Greenprints, general or special plan objectives or goals), and agricultural land use policies (e.g., Williamson Act)? How would the project leverage other permanently protected lands to promote location and resource-efficient development?**

The development of market data and best practices information will complement current efforts in San Diego County through the Round 6 SALC Planning Grant work and provide a better understanding of agricultural trends in the region. This includes providing new tools for LAFCO, County, and potentially SANDAG in discharging our separate regulatory duties tied to orderly growth and clear and healthy urban-ag interfaces. The proposed project's goal of generating market information and best practice data as well as completing the associated tasks of: (a) conducting a gap analysis, (b) developing a strategic plan, and (c) developing an outreach and engagement plan, will promote – directly or indirectly – the County's General Plan and associated goals and policies, as detailed in Attachment A.<sup>12</sup>

There is a potential to utilize agricultural lands protected under the PACE Program to perform pilot studies on “how-to” remain and/or achieve economic sustainability. The proposed project will involve several factors that may be monitored and measured such as average ROIs for key crops, average ROI needed to sustain small farms over time (potentially beyond the region), identification and averages of key costs centers, average water use per acre, and potential acres of crops to be converted to lower water use, and the potential reduction in pollution burdens.

**11. What is the applicant's agency's experience in developing and implementing similar projects? Are there the internal resources and capacity to complete the proposed work or will consultants or contractors be required? Are there the professional staff qualified to develop and successfully implement the proposal? If not, please describe how you will the applicant acquire this expertise.**

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<sup>12</sup> County of San Diego. (2011). County of San Diego General Plan. <https://www.sandiegocounty.gov/pds/generalplan.html>

As an extension of the current Round 6 Planning Grant efforts, LAFCO and the County have the staff, experience, and/or consultant resources to expertly carry out the grant. An agricultural economist with the required expertise will be contracted through a consultant to carry out activities of the grant including the various economic analyses.

As a project partner, the County's Planning and Development Services includes staff of 200+ individuals and is comprised of program and project managers, professional planners, technicians, code compliance officers, and administrative staff with the expertise and experience of working collaboratively with the agricultural community. This includes administration of the County's PACE Program which preserves agricultural lands, Code Compliance staffing which seeks to promote and maintain a safe and desirable living and working environment, and Long-Range and Sustainability Planning staff which is actively working on the Climate Action Plan Update, Sustainable Land Use Framework, and other policy-related long-range land use planning projects that aim to enhance agriculture in the region.

The County's Planning and Development Services has extensive experience in grant administration for implementation of a variety of projects and initiatives including, but not limited to, Cooperative Endangered Species Conservation Fund (Section 6) grants to create an interconnected preserve for the protection and recovery of endangered and threatened species, grant funding from California Climate Investments' Clean Mobility Options Voucher Pilot Program to conduct the Clean Mobility Options Voucher Pilot Program, and Local Early Action Planning Grants and SB2 Planning Grants to complete updates to the General Plan Housing and Safety Elements, and the development of an Environmental Justice Element.

**12. Which stakeholders will participate in the proposed project? How will these stakeholders participate?**

San Diego County LAFCO and the County of San Diego, as co-applicants and project managers, will collaborate with multiple relevant agencies involved with land use, agricultural, and environmental planning. The County and LAFCO are partners on this grant and have been working collaboratively to identify the needs of farmers and develop a strategic plan to address key concerns related to agriculture in the region as part of the Round 6 Planning Grant efforts. If awarded the grant, there will be an extensive stakeholder outreach component expanding on the current efforts in order to receive input from various stakeholder groups and producers. This will include outreach specific to priority populations, including tribal nations. The County coordinates with local tribal liaisons on many planning projects and will engage each tribe during this effort to ensure their needs and concerns are considered to inform each of the anticipated work products. The proposed project will also leverage the knowledge and expertise of an ag economist in generating market and best practice information.



## Attachment A: General Plan Goals

The proposed project's goal of generating market information and best practice data as well as completing the associated proposed tasks of: (a) conducting a gap analysis, (b) developing a strategic plan, and (c) developing an outreach and engagement plan will promote – directly or indirectly – the County of San Diego's General Plan and associated goals and policies, as cited below.<sup>13</sup>

The Environmental Justice Element includes the following goals that complement the proposed planning project:

- **EJ-1: EJ Community Programs and Services.** Support and expand programs and services in the Implementation Plan to prioritize those that identify EJ Communities, address EJ issues, and foster partnerships with countywide partnerships and programs.
- **EJ-3: Equitable and Healthy Air Quality.** Improve air quality conditions for communities so that all residents can live, work, and play in their community without disproportionate risk of air pollution and related negative health impacts.
- **EJ-5: Distribution and Quality of Public Facilities, Infrastructure, and Services.** Ensure public facilities are equitably located and services are distributed throughout EJ Communities at an operational level comparable to the rest of the unincorporated County.
- **EJ-8: Countywide Food System Improvements.** Improve the food system throughout the county, from supply and production to processing, distribution, access, and waste management through comprehensive and holistic approaches to advance an equitable and healthy food system for all residents.
- **EJ-9: Access to Healthy, Nutritional, and Affordable Food.** Expand access to fresh, healthy, and affordable food from grocery stores, convenience stores, farmers' markets, and community gardens to reduce food insecurity in EJ Communities.
- **EJ-14: Accessible and Culturally Appropriate Civic Engagement.** Provide equitable and inclusive opportunities for all County residents, regardless of racial/ethnic background, national origin, age, education, income, or disability to meaningfully engage in the decision-making process, specifically focused on promoting positive health outcomes and wellbeing of residents within EJ Communities, including education and workforce opportunities.
- **EJ-15: Capacity Building and Leadership Development.** Support equitable and inclusive opportunities to build capacity and leadership skills for residents and organizations in EJ Communities through continued civic engagement.
- **EJ-16: Transparent Governance.** Maintain transparent, fair, consistent, and sustained civic engagement to continue identifying and addressing needs and priorities by building trust, establishing relationships, and ensuring community outreach standards.

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<sup>13</sup> County of San Diego. (2011). County of San Diego General Plan. <https://www.sandiegocounty.gov/pds/generalplan.html>

The Land Use Element sets the following goals that complement the proposed planning project:

- **LU-2: Maintenance of the County's Rural Character.** Conservation and enhancement of the unincorporated County's varied communities, rural setting, and character.
- **LU-4: Inter-jurisdictional Coordination.** Coordination with the plans and activities of other agencies and tribal governments that relate to issues such as land use, community character, transportation, energy, other infrastructure, public safety, and resource conservation and management in the unincorporated County and the region.
- **LU-5: Climate Change and Land Use.** A land use plan and associated development techniques and patterns that reduce emissions of local greenhouse gases in accordance with state initiatives, while promoting public health.
- **LU-6: Development—Environmental Balance.** A built environment in balance with the natural environment, scarce resources, natural hazards, and the unique local character of individual communities.
- **LU-7: Agricultural Conservation.** A land use plan that retains and protects farming and agriculture as beneficial resources that contribute to the County's rural character.
- **LU-10: Function of Semi-Rural and Rural Lands.** Semi-Rural and Rural Lands that buffer communities, protect natural resources, foster agriculture, and accommodate unique rural communities.
- **LU-12: Infrastructure and Services Supporting Development.** Adequate and sustainable infrastructure, public facilities, and essential services that meet community needs and are provided concurrent with growth and development.
- **LU-13: Adequate Water Quality, Supply, and Protection.** A balanced and regionally integrated water management approach to ensure the long-term viability of San Diego County's water quality and supply.

The Housing Element sets the following goal that complement the proposed planning project:

**H-3: Housing Affordability for All Economic Segments.** Affordable and suitable housing for all economic segments, with emphasis on the housing needs of lower-income households and households with special needs.

The Conservation and Open Space Element sets the following goal that complement the proposed planning project:

- **COS-4: Water Management.** A balanced and regionally integrated water management approach to achieve the long-term viability of the County's water quality and supply.
- **COS-5: Protection and Maintenance of Water Resources.** Protection and maintenance of local reservoirs, watersheds, aquifer-recharge areas, and natural drainage systems to maintain high-quality water resources.
- **COS-6: Sustainable Agricultural Industry.** A viable and long-term agricultural industry and sustainable agricultural land uses in the County of San Diego that serve as a beneficial resource and contributor to the County's rural character and open space network.
- **COS-7: Protection and Preservation of Archaeological Resources.** Protection and preservation of the County's important archeological

resources for their cultural importance to local communities, as well as their research and educational potential.

- **COS-14: Sustainable Land Development.** Land use development techniques and patterns that reduce emissions of criteria pollutants and GHGs through minimized transportation and energy demands, while protecting public health and contributing to a more sustainable environment.
- **COS-17: Sustainable Solid Waste Management.** Perform solid waste management in a manner that protects natural resources from pollutants while providing sufficient, long-term capacity through vigorous reduction, reuse, recycling, and composting programs.
- **COS-18: Sustainable Energy.** Energy systems that reduce consumption of non-renewable resources and reduce GHG and other air pollutant emissions while minimizing impacts to natural resources and communities.
- **COS-19: Sustainable Water Supply.** Conservation of limited water supply supporting all uses including urban, rural, commercial, industrial, and agricultural uses.
- **COS-20: Governance and Administration.** Reduction of local GHG emissions contributing to climate change that meet or exceed requirements of the Global Warming Solutions Act of 2006.

## Work Plan

Work Plan			
Task Number	Performance Measure (Deliverables)	Timeline	Total Requested Grant Funds
<b>Task 1</b>  <b>Grant Management</b>	<b>Main Deliverables:</b>  Subcontractor grant agreements, progress reports, submission of deliverables, and final report to DOC	06/2023-06/2025	<b>\$50,000.00</b>
<b>Task 2</b>  <b>Market Analysis</b>  Subtask 2A: Identify and Retain an Ag-Economist Consultant  Subtask 2B: Market Data Collection and Aggregation  Subtask 2C: Preparation of Report	<b>Main Deliverables:</b>  Prepare Market Analysis Report with Market Information and Best Practice Data	07/2023-12/2023	<b>\$80,000.00</b>
<b>Task 3</b>  <b>Perform GAP Analysis</b>  Subtask 3A: Identify and Retain an Ag-Economist Consultant  Subtask 3B: Conduct Gap Analysis	<b>Main Deliverables:</b>  Gap Analysis on Marginal vs. Sustainable Farm Operations using data generated in Task 2. Defining "sustainable" farming practices.  Prepare Report on the Gap Analysis of Market Information and Best Practice Data	01/2024-04/2024	<b>\$80,000.00</b>

<p>Subtask 3C: Prepare Gap Analysis Report</p>			
<p><b>Task 4</b></p> <p><b>Outreach &amp; Education Plan</b></p> <p>Subtask 4A: Identify and Retain Planning Consultant &amp; Create Outreach Team</p> <p>Subtask 4B: Hold Series of Producer and Stakeholder Meetings</p> <p>Subtask 4C: Compile Community Input</p>	<p><b>Main Deliverables:</b></p> <p>Meetings with Stakeholders</p> <ul style="list-style-type: none"> <li>• Inform/Educate</li> <li>• Discuss</li> <li>• Receive input</li> </ul> <p>Agricultural Community Feedback Report</p>	<p>07/2023-06/2025</p>	<p><b>\$75,000.00</b></p>
<p><b>Task 5</b></p> <p><b>Strategic Plan</b></p> <p>Subtask 5A: Identify and Retain Planning Consultant to research and identify key policies, programs, and/or projects</p> <p>Subtask 5C: Strategize implementation</p> <p>Subtask 5D: Prepare Report</p>	<p><b>Main Deliverables:</b></p> <p>Develop Strategic Plan Report outlining key policies, program, and/or projects to aid farmers in closing the economic “gap”</p>	<p>05/2024-12/2024</p>	<p><b>\$90,000.00</b></p>

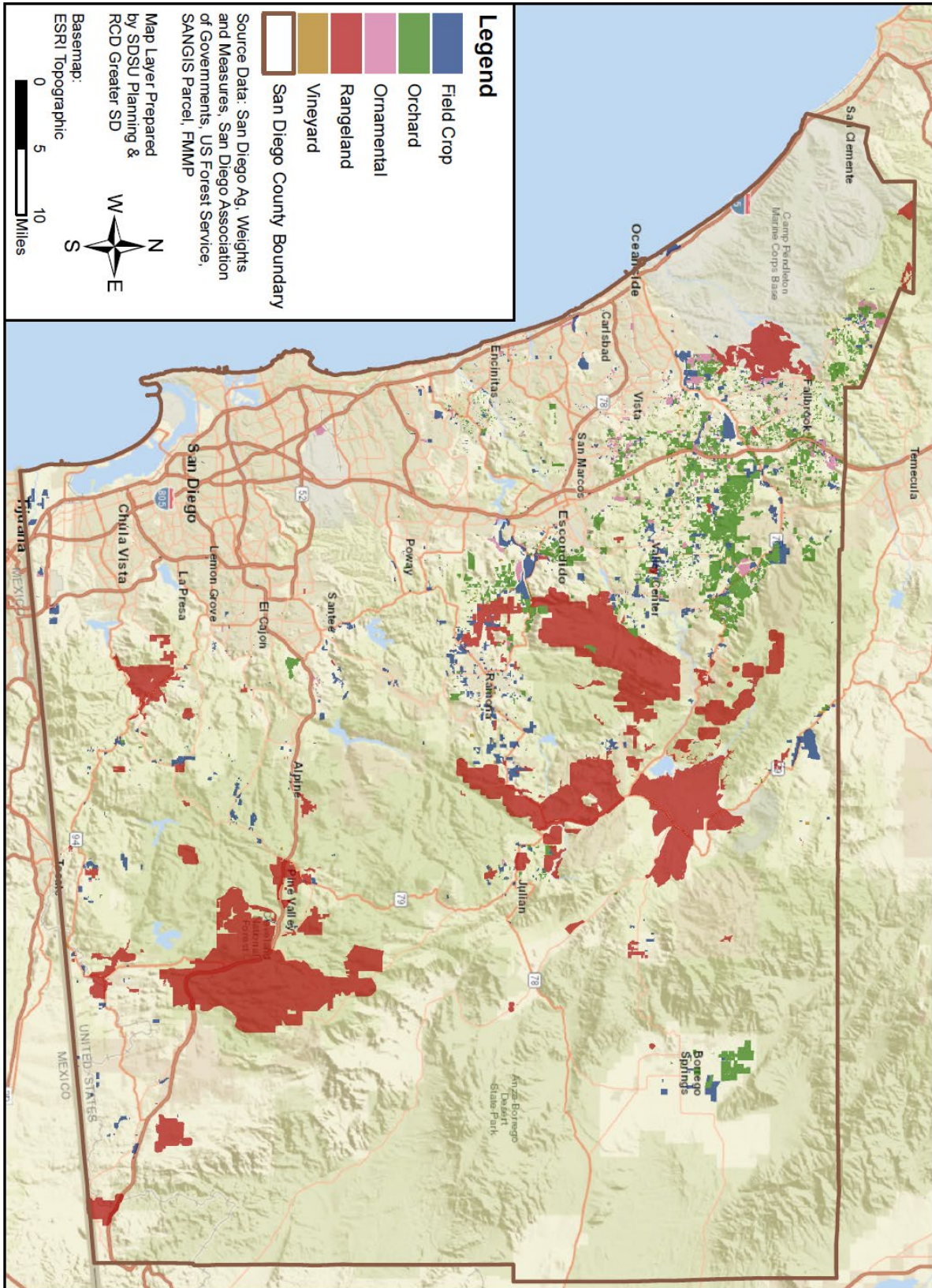
<p><b>Task 6</b></p> <p><b>Greening Agriculture   Final Report</b></p> <p>Subtask 5A: Draft Strategic Plan</p> <p>Subtask 5B: Circulate Draft for Review and Comment</p> <p>Subtask 5C: Finalize Strategic Plan</p> <p>Subtask 5D: Present Draft and Final Report to Board of Supervisors for adoption</p>	<p><b>Main Deliverables:</b></p> <p>Final Greening Agriculture in the San Diego Region Report</p> <p>Presentations to LAFCO Commission and County of San Diego Board of Supervisors with program, policy and/or regulation streamlining recommendations</p>	<p>01/2025-06/2025</p>	<p><b>\$75,000.00</b></p>
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## Budget

Sustainable Agricultural Lands Conservation (SALC) Program					
Planning Grant Budget					
Greening Agriculture: Market Analysis to Inform + Support Economically Sustainable Small Farming in San Diego County					
Fully Burdened					
Budget Item	Units	Rate	Grant Request	Grantee Match	Total
<b>Task 1: Grant Management</b>	<i>(# hours)</i>	<i>(\$/hour)</i>	-	-	<i>50,000.00</i>
County Staff					\$ 25,000.00
LAFCO Staff					\$ 25,000.00
<b>Task 2: Market Analysis</b>	<i>(# hours)</i>	<i>(\$/hour)</i>	-	-	<i>80,000.00</i>
Planning Consultant/Ag-Economist Subcontractor					\$ 60,000.00
County Staff					\$ 10,000.00
LAFCO Staff					\$ 10,000.00
<b>Task 3: GAP Analysis</b>	<i>(# hours)</i>	<i>(\$/hour)</i>	-	-	<i>80,000.00</i>
Planning Consultant/Ag-Economist Subcontractor					\$ 60,000.00
County Staff					\$ 10,000.00
LAFCO Staff					\$ 10,000.00
<b>Task 4: Outreach &amp; Education Plan</b>	<i>(# hours)</i>	<i>(\$/hour)</i>	-	-	<i>75,000.00</i>
Planning Consultant					\$ 25,000.00
County Staff					\$ 10,000.00
LAFCO Staff					\$ 10,000.00
Stakeholder Meetings & Materials					\$ 20,000.00
Translator					\$ 10,000.00
<b>Task 5: Strategic Plan</b>	<i>(# miles or units)</i>	<i>cost per unit (\$)</i>	-	-	<i>90,000.00</i>
Planning Consultant					\$ 30,000.00
County Staff					\$ 20,000.00
LAFCO Staff					\$ 20,000.00
Stakeholder Meetings & Materials					\$ 20,000.00
<b>Task 6: Final Report</b>	<i>(# hours)</i>	<i>(\$/hour)</i>	-	-	<i>75,000.00</i>
County Staff					\$ 15,000.00
LAFCO Staff					\$ 15,000.00
Planning Consultant					\$ 25,000.00
Graphic Designer					\$ 12,000.00
Translator					\$ 8,000.00
<b>Total</b>			-	-	<b>450,000.00</b>



# Map of the Project Geographic Area





## Signed Authorizing Resolution: County of San Diego

**Resolution No.:** 22-124

**Meeting Date:** August 17, 2022 (06)

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO AUTHORIZING DIRECTOR, PLANNING & DEVELOPMENT SERVICES, TO APPLY FOR THE SUSTAINABLE AGRICULTURAL CONSERVATION LANDS PROGRAM PLANNING GRANT

**WHEREAS**, the County of San Diego is eligible to receive grant funding for programs and projects from federal, State, and local agencies and other nonprofit organizations; and

**WHEREAS**, the Statewide Environmental Goals and Policy Report was approved by the Governor on September 28, 2002; and

**WHEREAS**, the Statewide Environmental Goals and Policy Report includes California's Planning Priorities which are broken into three categories: 1) Promote infill development and equity, 2) Protect environmental and agricultural resources, and 3) Encourage efficient development patterns; and

**WHEREAS**, the County of San Diego desires to account for present and emerging market conditions in the local agriculture industry in support of the County's Vision and Strategic initiatives and California's Planning Priorities to protect agricultural resources by generating good and timely market information and best practice data to support and sustain agriculture in San Diego County, focusing on aiding small-scale farming operations.

**WHEREAS**, said procedures established by the California Department of Conservation require the Grantee to certify by resolution the filing of an application for the proposed project, understands the assurances and certification in the application, has sufficient funds to meet the match requirement, and will work towards the California's Planning Priorities.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of San Diego:

1. Authorizes the Land Use and Environment Group (LUEG) Deputy Chief Administrative Officer or designee, and all LUEG Department Directors for Agriculture, Weights and Measures; the Department of Environmental Health and Quality; the Department of Parks and Recreation; the Department of Public Works; Planning & Development Services; and San Diego County Library, or their designees, to enter into a grant agreement with the Department for the project and agree to accept the template included in the Guidelines, to accept the award of grant funding and to, execute and submit all documents including, but not limited to applications, agreements, payment requests and so on, which may be necessary for development of the plan, and to enter into a memorandum of understanding with San Diego County LAFCO.

APPROVED AS TO FORM AND LEGALITY  
COUNTY COUNSEL

By: Randall Sjoblom, Senior Deputy

ON MOTION of Supervisor Vargas, seconded by Supervisor Fletcher, the above Resolution was passed and adopted by the Board of Supervisors, County of San Diego, State of California, on this 17th day of August 2022, by the following vote:


AYES: Vargas, Anderson, Lawson-Remer, Fletcher, Desmond

- - -

STATE OF CALIFORNIA)  
County of San Diego) <sup>SS</sup>

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

ANDREW POTTER  
Clerk of the Board of Supervisors

By:   
Savannah Perez, Deputy



Resolution No. 22-124  
Meeting Date: 08/17/2022 (06)



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

7b
AGENDA REPORT
Business | Action

August 1, 2022

TO: Commissioners
FROM: Keene Simonds, Executive Officer
Priscilla Mumpower, Analyst II
SUBJECT: Authorization to Serve as Co-Applicant for a Proposed Planning Grant with the California Department of Conservation and Related Actions

SUMMARY

The San Diego County Local Agency Formation Commission (LAFCO) will consider authorization to serve as co-applicant with the County of San Diego on a proposed planning grant with the Department of Conservation and its Sustainable Agricultural Lands Conservation Program. The proposed planning grant is for \$500,000 with Planning & Development Services as the co-applicant. The proposed grant would expand on LAFCO's existing grant activities in assessing local agricultural trends and proceed to collect and analyze market data to establish baseline costs/revenues for existing and emerging crops while also identifying government opportunities to help bridge economic gaps. Staff recommends the Commission authorize the proposed planning grant and related commitment of up to 10% in matching funds in the form of staff time. It is also recommended the Commission authorize the Executive Officer to enter an agreement with the County to define implementing duties and responsibilities should the grant proposal receive approval.

Table with 6 columns: Administration, Chair, Vice Chair, and three other members. Includes names and affiliations for various roles.

## **BACKGROUND**

### **Sustainable Agricultural Lands Conservation Program**

The Sustainable Agricultural Lands Conservation Program (SALC) was created in 2014 and presently completing its seventh round of grant funding. It is a component of the California Strategic Growth Council's Affordable Housing and Sustainable Communities Program and administered by the Department of Conservation. SALC is primarily funded through California Climate Investments, which is a statewide program that provides cap-and-trade monies through agricultural conservation and related planning grants to eligible applicants for the underlying purpose of reducing – directly or indirectly – greenhouse gas emissions.

The principal goals of SALC are stated as:

- Protect agricultural lands to support infill and compact development.
- Further the purposes of Assembly Bill 32 by avoiding increases in greenhouse gas emissions associated with the conversion of agricultural land to non-agricultural uses.

Eligible grant applicants include counties, cities, LAFCOs, councils of government, municipal planning organizations, regional transportation planning agencies, groundwater sustainability agencies, special districts with land use or transportation planning authority, federally recognized tribes, and certain non-federally recognized tribes.

SALC grants are awarded annually in December and provide funding over a two-year period. The next round of SALC grants will be awarded in December 2022.

### **Existing Grant Award to LAFCO**

In August 2020, San Diego LAFCO and Resource Conservation District of Greater San Diego County collaborated in submitting a planning grant application under SALC to identify and track agricultural trends in San Diego County. The Commission – notably – authorized the grant proposal as lead applicant. LAFCO was subsequently awarded a two-year grant in the full amount of \$250,000 with work commencing in June 2021.

## **DISCUSSION**

This item is for San Diego LAFCO to consider authorizing the Commission to serve as co-applicant for a new SALC planning grant in the amount of \$500,000 in partnership with the County of San Diego's Planning & Development Services (PDS). The proposed planning grant is for the specific purpose of generating good and timely market information and best practice data to support and sustain agriculture in San Diego County, with focus on aiding small-scale farming operations. Market information will directly draw on current grant work exploring local agricultural trends and identify incentives, technical support, regulatory streamlining and other mechanisms that may be employed by local government or other partners to assist

in bridging the economic gap and increase the economic sustainability of farming. San Diego LAFCO and PDS would serve as joint project managers and coordinate implementation.

A pre-proposal outlining the proposed planning grant is attached and was submitted to the Department of Conservation by its July 1, 2022 deadline. Staff anticipates receiving comments on the pre-proposal filing by early August 2022 and will incorporate as appropriate into a formal submittal should the Commission authorize proceeding with an application. Supervisor Desmond is sponsoring the Board of Supervisors own consideration of the item and role as co-applicant later at its August 2022 meeting. The deadline to submit a complete proposal to the Department of Conservation is September 9<sup>th</sup>.

## **ANALYSIS**

The proposed planning grant before San Diego LAFCO has been jointly developed with the County of San Diego and PDS with assistance from Supervisor Desmond's Office and the shared interest in supporting agriculture. The grant is premised on generating good and timely market information to help smaller farmers (current and prospective) and local government better understand current and developing trends and make timely course corrections. Specifically, and as detailed in the pre-proposal, LAFCO can draw on the market information to make wise decisions to implement its planning and regulatory powers with respect to balancing smart growth and agriculture preservation. The matching contribution requirement for LAFCO as co-applicant would involve allocating approximately 200 staff hours over the course of the two-year grant period and can be accommodated.

## **RECOMMENDATION**

It is recommended San Diego LAFCO authorize the Commission to serve as co-applicant with the County of San Diego in submitting a new planning grant with the Department of Conservation consistent with the attached pre-proposal along with related actions. This recommendation is consistent with Alternative One outlined in the proceeding section.

## **ALTERNATIVES FOR ACTION**

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

### Alternative One (recommended):

- (a) Authorize the Commission to serve as co-applicant with the County of San Diego on a new planning grant with the Department of Conservation and its SALC program in the amount of \$500,000 as provided in the pre-proposal as Attachment One.
- (b) Authorize the related allocation of up to \$25,000 in matching funds through staff time in implementing the planning grant.



- (c) Authorize the Executive Officer to sign the grant award should it be approved and in conjunction with executing a memorandum of understanding with the County of San Diego's PDS Department subject to the review and approval of Commission Counsel.

Alternative Two:

Continue consideration to a special meeting ahead of the September 9, 2022 deadline to file a planning grant application with the Department of Conservation.

Alternative Three:

Deny the requested authorization.

**PROCEDURES FOR CONSIDERATION**

This item has been placed on San Diego LAFCO's agenda for action as part of the business calendar. The following procedures are recommended in the consideration of this item:

- 1) Receive verbal presentation from staff unless waived.
- 2) Commission discussion.
- 3) Consideration of the staff recommendation.

On behalf of the Executive Officer,



Priscilla Mumpower  
Analyst II

Attachment:

- 1) Planning Grant Pre-Proposal

**APPROVED  
SAN DIEGO LAFCO  
MINUTES OF THE REGULAR MEETING  
AUGUST 1, 2022**

**Item 7b**

**Authorization to Serve as Co-Applicant for a Proposed Planning Grant with the California Department of Conservation and Related Actions**

Item presented to consider authorization to serve as co-applicant with the County of San Diego on a proposed planning grant with the Department of Conservation and its Sustainable Agricultural Lands Conservation Program. The proposed planning grant is for \$500,000 with Planning & Development Services as the co-applicant. The proposed grant would expand on LAFCO's existing grant activities in assessing local agricultural trends and proceed to collect and analyze market data to establish baseline costs/revenues for existing and emerging crops while also identifying opportunities to help bridge economic gaps. Grant requires a 10% matching requirement and can be satisfied through staff time. Recommendation to approve.

Chair Desmond asked for the staff presentation. Executive Officer Keene Simonds summarized the recommendations and related merits therein.

Chair Desmond invited anyone from the public to address the Commission. The Commission Secretary confirmed there were no registered speakers and confirmed there were no live e-mail comments received.

Chair Desmond invited Commissioner comments or questions.

Commission discussion followed.

\*\*

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

Alternative One (recommended):

- (a) Authorize the Commission to serve as co-applicant with the County of San Diego on a new planning grant with the Department of Conservation and its SALC program in the amount of \$500,000 as provided in the pre-proposal as Attachment One.
- (b) Authorize the related allocation of up to \$25,000 in matching funds through staff time in implementing the planning grant.
- (c) Authorize the Executive Officer to sign the grant award should it be approved and in conjunction with executing a memorandum of understanding with the County of San Diego's PDS Department subject to the review and approval of Commission Counsel.

AYES: Anderson, Desmond, MacKenzie, McNamara, Salas, Vanderlaan, and Willis  
NOES: None  
ABSENT: Cate, Vargas and Von Wilpert  
ABSTAINING: None

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

## Priority Population Benefits Checklist

### Evaluation Criteria for Providing Benefits To Priority Populations LAND CONSERVATION

DRAFT  
California Climate Investments  
2018 Funding Guidelines  
Benefit Criteria Table



Project Type:  
**LAND CONSERVATION**

California Climate Investments are required to meet minimum levels of investments to projects that benefit residents of disadvantaged communities, low-income communities, and low-income households, collectively referred to as “priority populations.”

All projects counting toward the statutory investment minimums must be located within an identified community and benefit individuals living within that community, or directly benefit residents of low-income households anywhere in the State. Administering agencies must determine if a project meets the criteria for providing direct, meaningful, and assured benefits to priority populations using the following evaluation approach:

**Step 1: Identify the Priority Population(s).** Be located within a census tract identified as a disadvantaged community or low-income community, or directly benefit residents of a low-income household;

**Step 2: Address a Need.** Meaningfully address an important community or household need for the disadvantaged community, low-income community, or low-income household; and

**Step 3: Provide a Benefit.** Using the evaluation criteria, identify at least one direct, meaningful, and assured benefit that the project provides to priority populations. The benefit provided must directly address the identified need.

Only investments that meet these criteria will be counted toward achieving the statutory investment minimums identified for priority populations. Administering agencies can fund projects that otherwise provide meaningful benefits, but do not meet these criteria; however, those projects will not be counted toward investment minimums.

The following table includes criteria for administering agencies to use to determine whether projects satisfy each of the three steps. The criteria are designed to enable administering agencies to readily make an objective “yes” or “no” decision about whether a particular project provides a benefit to a priority population.

Administering agencies must use the criteria table that is applicable to the specific project type(s) funded. For complex projects, there may be more than one applicable criteria table. A complete list of available criteria tables is available at:

[www.arb.ca.gov/cci-fundingguidelines](http://www.arb.ca.gov/cci-fundingguidelines).

Administering agencies must refer to CARB’s Funding Guidelines for direction on how to use the criteria table in program design and implementation, project evaluation, project selection, and reporting ([www.arb.ca.gov/cci-fundingguidelines](http://www.arb.ca.gov/cci-fundingguidelines)).



DRAFT

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DRAFT

**Evaluation Criteria for Providing Benefits To Priority Populations  
LAND CONSERVATION**

DRAFT

**Project Type:** Projects will protect natural and working lands from GHG-intensive development or conversion through acquisition of an agricultural land conservation easement, forest conservation easement or other protective measures such as a change to zoning ordinances, adoption of an urban limit line or agricultural greenbelt.

*Projects must satisfy the applicable criteria through Step 3 to be considered to provide direct, meaningful, and assured benefits to priority populations and count toward statutory investment minimums.*

**Step 1 – Identify the Priority Population(s).**<sup>1</sup> Evaluate the project against each of the following criteria. Check all boxes that apply.

**Note:** For this project type, the majority of the project must be located within a disadvantaged or low-income community census tract.

- A. Is the project located within the boundaries of a **disadvantaged community census tract**?
- B. Is the project located within the boundaries of a **low-income community census tract**?
- C. Is the project located outside of a disadvantaged community, but **within ½-mile of a disadvantaged community and within a low-income community census tract**?
- D. Is the project located within the boundaries of a **low-income household**?

*If a project does not meet at least one of the qualifying criteria in Step 1, the project does not count toward statutory investment minimums and no further evaluation is needed. If the project meets at least one Step 1 criterion, continue the evaluation in Step 2.*

<sup>1</sup> An online mapping tool of identified disadvantaged communities and low-income communities, and a "look-up" tool list of "low-income" thresholds by county and household size are available at: <https://www.arb.ca.gov/oci-communityinvestments>.

**Evaluation Criteria for Providing Benefits To Priority Populations  
LAND CONSERVATION**

DRAFT

*Step 2 – Address a Need. Identify an important community or household need and evaluate whether the project provides a benefit that meaningfully addresses that need.*

To identify a need that the project will address, agencies and/or applicants can use a variety of approaches:

- A. **Recommended Approach:** Host community meetings, workshops, outreach efforts, or public meetings as part of the planning process to engage local residents and community groups for input on community or household needs, and document how the received input was considered in the design and/or selection of projects to address those needs;
- B. **Recommended Approach:** Receive documentation of support from local community-based organizations and/or residents (e.g., letters, emails) identifying a need that the project addresses and demonstrating that the project has broad community support;
- C. **Alternative Approach:** Where direct engagement is infeasible, look at the individual factors in CalEnviroScreen that are most impacting an identified disadvantaged or low-income community (i.e., factors that score above the 75<sup>th</sup> percentile), and confirm that the project will reduce the impacts of at least one of those factors; or
- D. **Alternative Approach:** Where direct engagement is infeasible, refer to the list of common needs for priority populations in CARB's Funding Guidelines Table 5 and confirm that the project addresses at least one listed need.

**Describe identified community or household need(s):**

*If the project addresses a community or household need as described in Step 2, proceed to Step 3. If the project does not address a community or household need, it will not count toward statutory investment minimums and no further evaluation is needed.*

The proposed planning project aims to support existing and emerging farmers and in doing so curb the premature conversion of agricultural lands in the region. The project intends to generate good and timely market information and best practice data to support and sustain agriculture in San Diego County, with focus on aiding small-scale farming operations that otherwise have limited resources to perform this type of analysis and/or lack access to resources. The project will also serve to inform local agencies decision-making to further aid, preserve, and maximize the vital contributions – economic, environmental, and public health benefits – that small-scale farms offer the County. Some of the market information generated from the proposed planning project is not readily available at this time and will close a “gap” in available market information. The closest known comparable involves the Ag Commission and their annual tracking/reporting of crop values on an acre basis. The Ag Commission – however – does not account for associated costs whereas the proposed planning project will and in doing so will address net values.

Evaluation Criteria for Providing Benefits To Priority Populations  
LAND CONSERVATION

DRAFT

*Step 3 – Provide a Benefit. Evaluate the project against each of the following criteria to determine if it provides direct, meaningful, and assured benefits to priority populations. The benefit provided must directly address the identified need.*

Project must meet at least one of the following benefit criteria:

- A. Project preserves a site that allows public access;
- B. Project significantly reduces flood risk to households within one or more disadvantaged or low-income communities;
- C. Project maintains water quality and health of watersheds serving priority populations through avoiding the conversion of forest lands or wetlands that would have resulted in impacts to nearby water bodies located in the same or a directly adjacent disadvantaged or low-income community as the project;
- D. Project increases food access to priority populations through regular farmers markets, donations to food banks or distribution centers serving residents of disadvantaged or low-income communities, or low-income households;
- E. Project provides regular and ongoing educational opportunities through partnerships with schools or non-profit organizations located in disadvantaged or low-income communities and site access to residents of these communities.
- F. Project provides land tenure for no less than 10 years to residents of disadvantaged or low-income communities, or residents of low-income households.

*If the project meets the criteria in Steps 1, 2, and 3, it will be considered as providing direct, meaningful, and assured benefits to priority populations and will be counted toward statutory investment minimums.*



## Stakeholder Collaboration Letters



Resource Conservation District of Greater San Diego County  
11769 Waterhill Rd., Lakeside, CA 92040  
Phone: (619) 562-0096 📠 Fax: (619) 562-4799  
Website: [www.rcdsandiego.org](http://www.rcdsandiego.org)

August 17, 2022

**Delivered Electronically:**

San Diego County LAFCO  
Priscilla Mumpower, Analyst II  
2550 Fifth Avenue, Suite 725  
San Diego, California 92103  
[priscilla.mumpower@sdcounty.ca.gov](mailto:priscilla.mumpower@sdcounty.ca.gov)

**SUBJECT: Letter of Support | Joint SALC Grant Application, County of San Diego PDS & San Diego LAFCO - Greening Agriculture: Market Analysis to Inform + Support Sustainable Small Farming in San Diego County**

Dear Mrs. Mumpower:

The Resource Conservation District of Greater San Diego County (RCDGSDC) is pleased to submit this letter to the San Diego County Local Agency Formation Commission (SD LAFCO) in support of their joint application to the Department of Conservation for Round 8 of the Sustainable Agricultural Lands Conservation (SALC) Grant with the County of San Diego Planning and Development Services (PDS).

These funds can facilitate SD LAFCO and County PDS to generate good and timely market information and best practice data to support and sustain agriculture in San Diego County, with focus on aiding small-scale farming operations. The market analysis generated through the proposed project is valuable in identifying incentives, technical support, regulatory streamlining, and other mechanisms that may be employed by RCDGSDC or other partners to assist in bridging the economic gap and increase the economic sustainability of farming.

RCDGSDC is confident that the project will yield valuable results. Pertinently, market and best practices information will aid both farmers – current and prospective – and local government to make wise decisions in the shared interest in sustainable and prosperous agriculture.

The RCDGSDC appreciates your most positive consideration of the proposed grant application, "Greening Agriculture: Market Analysis to Inform + Support Sustainable Small Farming in San Diego County." For any questions, you may contact me at the telephone number above, or at [ann.baldrige@rcdsandiego.org](mailto:ann.baldrige@rcdsandiego.org).

Sincerely,

A handwritten signature in black ink, appearing to read "Ann Baldrige".

Ann Baldrige  
Executive Director

cc: Keene Simonds, Executive Officer, SD LAFCO  
Dahvia Lynch, Director, County of San Diego PDS  
Stephanie Neal, Land Use/Environmental Planner, County of San Diego PDS  
Tyler Farmer, Group Program Manager, County of San Diego PDS

*Conserving Our Natural Resources*



August 17, 2022

**Delivered Electronically:**

San Diego County LAFCO  
Priscilla Mumpower, Analyst II  
2550 Fifth Avenue, Suite 725  
San Diego, California 92103  
[priscilla.mumpower@sdcounty.ca.gov](mailto:priscilla.mumpower@sdcounty.ca.gov)

**SUBJECT: Letter of Support | Joint SALC Grant Application, County of San Diego PDS & San Diego LAFCO - Greening Agriculture: Market Analysis to Inform + Support Sustainable Small Farming in San Diego County**

Dear Mrs. Mumpower:

Mission Resource Conservation District (Mission RCD) is pleased to submit this letter to the San Diego County Local Agency Formation Commission (SD LAFCO) in support of their joint application to the Department of Conservation for Round 8 of the Sustainable Agricultural Lands Conservation (SALC) Grant with the County of San Diego Planning and Development Services (PDS).

These funds can facilitate SD LAFCO and PDS to generate good and timely market information and best practice data to support and sustain agriculture in San Diego County, with a focus on aiding small-scale farming operations. The market analysis generated through the proposed project is valuable in identifying incentives, technical support, regulatory streamlining, and other mechanisms that may be employed by Mission RCD or other partners to assist in bridging the economic gap and increase the economic sustainability of farming.

Mission RCD believes the project will yield valuable results, including market and best practices information that will assist current and prospective farmers and local government in making informed decisions in the shared interest in sustainable and prosperous agriculture.

Mission RCD appreciates positive consideration of their grant application, "Greening Agriculture: Market Analysis to Inform + Support Sustainable Small Farming in San Diego County." For any questions, you may contact Darcy Cook at [missionrcd.org](http://missionrcd.org).

Sincerely,

Darcy Cook  
District Manager

cc: Keene Simonds, Executive Officer, SD LAFCO  
Dahvia Lynch, Director, County of San Diego PDS  
Stephanie Neal, Land Use/Environmental Planner, County of San Diego PDS  
Tyler Farmer, Group Program Manager, County of San Diego PDS



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Chief Financial Officer*

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Board Secretary*

General Counsel

Paula de Sousa  
*Best Best & Krieger*

August 17, 2022

**Delivered Electronically:**

San Diego County LAFCO  
Priscilla Mumpower, Analyst II  
2550 Fifth Avenue, Suite 725  
San Diego, California 92103  
[priscilla.mumpower@sdcounty.ca.gov](mailto:priscilla.mumpower@sdcounty.ca.gov)

**SUBJECT: Letter of Support | Joint SALC Grant Application, County of San Diego PDS & San Diego LAFCO - Greening Agriculture: Market Analysis to Inform + Support Sustainable Small Farming in San Diego County**

Dear Mrs. Mumpower:

The Fallbrook Public Utility District is pleased to submit this letter to the San Diego County Local Agency Formation Commission (SD LAFCO) in support of their joint application to the Department of Conservation for Round 8 of the Sustainable Agricultural Lands Conservation (SALC) Grant with the County of San Diego Planning and Development Services (PDS).

These funds can facilitate SD LAFCO and County PDS to generate good and timely market information and best practice data to support and sustain agriculture in San Diego County, with focus on aiding small-scale farming operations. The market analysis generated through the proposed project is valuable in identifying incentives, technical support, regulatory streamlining, and other mechanisms that may be employed by Fallbrook Public Utility District or other partners to assist in bridging the economic gap and increase the economic sustainability of farming.

Fallbrook Public Utility District is confident that the project will yield valuable results. Pertinently, market and best practices information will aid both farmers – current and prospective – and local government make wise decisions in the shared interest in sustainable and prosperous agriculture.

The Fallbrook Public Utility District appreciates your most positive consideration of their grant application, “Greening Agriculture: Market Analysis to Inform + Support Sustainable Small Farming in San Diego County.” For any questions, you may contact me at [jackb@fpud.com](mailto:jackb@fpud.com).

Sincerely,

A handwritten signature in blue ink that reads 'Jack Bebee'.

Jack Bebee  
General Manager

cc: Keene Simonds, Executive Officer, SD LAFCO  
Dahvia Lynch, Director, County of San Diego PDS  
Stephanie Neal, Land Use/Environmental Planner, County of San Diego PDS  
Tyler Farmer, Group Program Manager, County of San Diego PDS



## RAMONA MUNICIPAL WATER DISTRICT

105 Earlham Street  
Ramona, CA 92065-1599

Phone: (760) 789 -1330  
Fax: (760) 788 - 2202

August 18, 2022

**Delivered Electronically:**

San Diego County LAFCO  
Priscilla Mumpower, Analyst II  
2550 Fifth Avenue, Suite 725  
San Diego, California 92103  
[priscilla.mumpower@sdcounty.ca.gov](mailto:priscilla.mumpower@sdcounty.ca.gov)

**SUBJECT: Letter of Support | Joint SALC Grant Application, County of San Diego PDS & San Diego LAFCO - Greening Agriculture: Market Analysis to Inform + Support Sustainable Small Farming in San Diego County**

Dear Mrs. Mumpower:

Ramona Municipal Water District (RMWD) is pleased to submit this letter to the San Diego County Local Agency Formation Commission (SD LAFCO) in support of their joint application to the Department of Conservation for Round 8 of the Sustainable Agricultural Lands Conservation (SALC) Grant with the County of San Diego Planning and Development Services (PDS). RMWD serves a portion of unincorporated central San Diego County. RMWD serves both treated and untreated water from the San Diego County Water Authority and locally produced recycled water to agricultural users in its service area. Per SD LAFCO's *2021 Municipal Service Review on the Ramona Region (2021 MSR)*, in RMWD's boundary, "The predominant land uses are low density residential and – albeit at a decreasing level – commercial agriculture." The 2021 MSR also states "Ramona, however, remains active in agriculture and most notably in wine production and recognized for over 30 first generation wineries in the region."

These grant funds can facilitate SD LAFCO and County PDS to generate good and timely market information and best practice data to support and sustain agriculture in San Diego County, with focus on aiding small-scale farming operations. The market analysis generated through the proposed project is valuable in identifying incentives, technical support, regulatory streamlining, and other mechanisms that may be employed by RMWD, RMWD's agricultural customers, or other partners to assist in bridging the economic gap and increase the economic sustainability of farming. RMWD is confident that the project will yield valuable results. Pertinently, market and best practices information will aid both farmers – current and prospective – and local government make wise decisions in the shared interest in sustainable and prosperous agriculture.

RMWD recommends that the California Strategic Growth Council and California Department of Conservation select and fully fund SD LAFCO and County PDS' grant application, "Greening Agriculture: Market Analysis to Inform + Support Sustainable Small Farming in San Diego County." For any questions, I can be reached at [ewolski@rmwd.org](mailto:ewolski@rmwd.org) or 760-788-2214.



Sincerely,

Handwritten signature of Erica Wolski in cursive script.

Erica Wolski  
General Manager  
Ramona Municipal Water District

cc: Keene Simonds, Executive Officer, SD LAFCO  
Dahvia Lynch, Director, County of San Diego PDS  
Stephanie Neal, Land Use/Environmental Planner, County of San Diego PDS  
Tyler Farmer, Group Program Manager, County of San Diego PDS



# VALLEY CENTER MUNICIPAL WATER DISTRICT

A Public Agency Organized July 12, 1954

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August 22, 2022

San Diego County LAFCO  
Priscilla Mumpower, Analyst II  
2550 Fifth Avenue, Suite 725  
San Diego, California 92103

Delivered Electronically: [priscilla.mumpower@sdcounty.ca.gov](mailto:priscilla.mumpower@sdcounty.ca.gov)

**SUBJECT: Letter of Support | Joint SALC Grant Application, County of San Diego PDS & San Diego LAFCO – “Greening Agriculture: Market Analysis to Inform + Support Sustainable Small Farming in San Diego County”**

Dear Mrs. Mumpower:

The Valley Center Municipal Water District (VCMWD) is pleased to submit this letter in support of the San Diego County Local Agency Formation Commission’s (SD LAFCO) joint application to the Department of Conservation for Round 8 of the Sustainable Agricultural Lands Conservation (SALC) Grant with the County of San Diego Planning and Development Services (PDS) to complete the proposed research project:

**“Greening Agriculture: Market Analysis to Inform + Support Sustainable Small Farming in San Diego County”**

These funds can facilitate SD LAFCO and County PDS to generate good and timely market information and best practices data to help support and sustain agriculture in San Diego County, with a focus on aiding small-scale farming operations. The market analysis generated through the proposed project is valuable in identifying incentives, technical support, regulatory streamlining, and other mechanisms which may be employed locally to assist in bridging the economic gap and increase the economic sustainability of farming.

VCMWD is confident that the project will yield valuable results. Critically, market and best practices information will aid both farmers – current and future – and local government in make wise decisions in the shared interest in viable agriculture for the San Diego Region.

For any questions, you may contact me at your earliest convenience.

Sincerely,

A blue ink handwritten signature of Gary Arant.

Gary Arant  
General Manager

cc: Keene Simonds, Executive Officer, SD LAFCO ([Keene.Simonds@sdcounty.ca.gov](mailto:Keene.Simonds@sdcounty.ca.gov))  
Dahvia Lynch, Director, County of San Diego PDS ([Dahvia.Lynch@sdcounty.ca.gov](mailto:Dahvia.Lynch@sdcounty.ca.gov))  
Stephanie Neal, Land Use/Env. Planner, County of San Diego PDS ([Stephanie.Neal@sdcounty.ca.gov](mailto:Stephanie.Neal@sdcounty.ca.gov))  
Tyler Farmer, Group Program Manager, County of Diego ([Tyler.Farmer@sdcounty.ca.gov](mailto:Tyler.Farmer@sdcounty.ca.gov))

29300 Valley Center Road • P.O. Box 67 • Valley Center, CA 92082  
(760) 735-4500 • FAX (760) 749-6478 • [www.VCMWD.org](http://www.VCMWD.org) • e-mail: [vcwater@valleycenterwater.org](mailto:vcwater@valleycenterwater.org)

September 1, 2022  
San Diego County LAFCO  
Priscilla Mumpower, Analyst II  
2550 Fifth Avenue, Suite 725  
San Diego, California 92103  
[priscilla.mumpower@sdcountry.ca.gov](mailto:priscilla.mumpower@sdcountry.ca.gov)

**SUBJECT:** Letter of Support | Joint SALC Grant Application, County of San Diego PDS & San Diego LAFCO -  
Greening Agriculture: Market Analysis to Inform + Support Sustainable Small Farming in San Diego County

Dear Mrs. Mumpower:

The University of California Cooperative Extension (UCCE) San Diego County is pleased to submit this letter in support of the joint funding application of the San Diego County Local Agency Formation Commission (SD LAFCO) and the County of San Diego Planning and Development Services (PDS) to the CA Department of Conservation Round 8 of the Sustainable Agricultural Lands Conservation (SALC) program grant.

UCCE believes that the funding can facilitate SD LAFCO and County PDS to generate good and timely market information and best practice data to support and sustain agriculture in San Diego County, targeting mainly small-scale farming operations. The market analysis that can be generated through the proposed project will be valuable in identifying incentives, technical support, regulatory streamlining, and other mechanisms that may be employed by UCCE or other partners to assist in bridging the economic gap and increase the economic sustainability of farming.

UCCE has excellent expertise on Sustainable Agricultural Lands Conservation (SALC) and supporting sustainable small farms throughout San Diego County and is willing to collaborate or provide support in the fulfillment of the intended project. We are confident that the intended project will execute desired deliverables and yield valuable results. Pertinently, market and best practices information will support current and prospective farmers and aid local governments make wise decisions in the shared interest in sustainable and prosperous agriculture.

UCCE appreciates your most positive consideration of the joint grant application, "Greening Agriculture: Market Analysis to Inform + Support Sustainable Small Farming in San Diego County." If you have any question (s) regarding this support letter, please feel free to email or call our office.

Sincerely,



**Oli G. Bachie, PhD**

University of California Cooperative Extension (UCCE)  
County Director & Agronomy & Weed Management Advisor  

<i>San Diego</i>	<i>Imperial</i>
<i>9335 hazard way, suite 201</i>	<i>1050 east Holton Road</i>
<i>San Diego, CA 92123</i>	<i>Holtville, CA 92250-9615</i>
<i>Phone: 858.822.7711</i>	<i>Phone: (442) 265-7700</i>
<i>Http://cesandiego.ucann.edu/</i>	<i>Http://ceimperial.ucann.edu</i>

cc: Keene Simonds, Executive Officer, SD LAFCO  
Dahvia Lynch, Director, County of San Diego PDS  
Stephanie Neal, Land Use/Environmental Planner, County of San Diego PDS  
Tyler Farmer, Group Program Manager, County of San Diego PDS



# FARM BUREAU San Diego County

The Voice of Local Farmers  
Serving San Diego agriculture since 1914

September 1, 2022

**Delivered Electronically:**

San Diego County LAFCO  
Priscilla Mumpower, Analyst II  
2550 Fifth Avenue, Suite 725  
San Diego, California 92103  
[priscilla.mumpower@sdcounty.ca.gov](mailto:priscilla.mumpower@sdcounty.ca.gov)

**SUBJECT: Letter of Support | Joint SALC Grant Application, County of San Diego PDS & San Diego LAFCO - Greening Agriculture: Market Analysis to Inform + Support Sustainable Small Farming in San Diego County**

Dear Mrs. Mumpower:


The San Diego County Farm Bureau is pleased to submit this letter to the San Diego County Local Agency Formation Commission (SD LAFCO) in support of their joint application to the Department of Conservation for Round 8 of the Sustainable Agricultural Lands Conservation (SALC) Grant with the County of San Diego Planning and Development Services (PDS).

These funds can facilitate SD LAFCO and County PDS to generate good and timely market information and best practice data to support and sustain agriculture in San Diego County, with focus on aiding small-scale farming operations. The market analysis generated through the proposed project is valuable in identifying incentives, technical support, regulatory streamlining, and other mechanisms that may be employed by San Diego County Farm Bureau or other partners to assist in bridging the economic gap and increase the economic sustainability of farming.

San Diego County Farm Bureau is confident that the project will yield valuable results. Pertinently, market and best practices information will aid both farmers – current and prospective – and local government make wise decisions in the shared interest in sustainable and prosperous agriculture.

The San Diego County Farm Bureau appreciates your most positive consideration of the grant application, “Greening Agriculture: Market Analysis to Inform + Support Sustainable Small Farming in San Diego County.” For any questions, you may contact Mary Matava at (760) 518-3498.

Sincerely,

  
Mary Matava  
President

cc: Keene Simonds, Executive Officer, SD LAFCO  
Dahvia Lynch, Director, County of San Diego PDS  
Stephanie Neal, Land Use/Environmental Planner, County of San Diego PDS  
Tyler Farmer, Group Program Manager, County of San Diego PDS

📍 420 S. Broadway - Ste 200, Escondido, CA 92025 📞 760.745.3023 🌐 [www.sdfarmbureau.org](http://www.sdfarmbureau.org) ✉ [sdcfb@sdfarmbureau.org](mailto:sdcfb@sdfarmbureau.org)



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

**6a**

**AGENDA REPORT**  
 Public Hearing

March 6, 2023

**TO:** Commissioners

**FROM:** Keene Simonds, Executive Officer  
 Carolanne Ieromnimon, Analyst I

**SUBJECT: Proposed “Borrego Springs Fire Protection District Reorganization” (RO22-19) |  
 Dissolution of the Borrego Springs Fire Protection District and Concurrent  
 Annexation to the San Diego County Fire Protection District**

**SUMMARY**

The San Diego County Local Agency Formation Commission (LAFCO) will consider a reorganization filed by Borrego Springs Fire Protection District (FPD) to transfer fire protection, emergency medical, and ambulance transport responsibilities in Borrego Springs. The proposed transfer involves two concurrent jurisdictional changes requiring LAFCO approval. These changes involve dissolving the Borrego Springs FPD and concurrently annexing the approximate 198,400-acre affected territory with an estimated 3,105 residents to the San Diego County FPD as successor agency to all duties, assets, and liabilities. This includes transferring current Borrego Springs FPD employees. The purpose of the negotiated proposal is to economize the subject services within the affected territory through the expanded resources of the San Diego County FPD. Staff recommends conditional approval of the proposal as submitted along with conforming sphere of influence amendments. It is also recommended the Commission delegate protest to the Executive Officer and make exemption findings under the California Environmental Quality Act.

<p><b>Administration:</b>          Keene Simonds, Executive Officer          2550 Fifth Avenue, Suite 725          San Diego, California 92103          T 619.321.3380          E lafco@sdcountry.ca.gov          www.sdlafo.org</p>	<p><b>Chair Jim Desmond</b>          County of San Diego</p> <p><b>Joel Anderson</b>          County of San Diego</p> <p><b>Nora Vargas, Alt.</b>          County of San Diego</p>	<p><b>Kristi Becker</b>          City of Solana Beach</p> <p><b>Dane White</b>          City of Escondido</p> <p><b>John McCann, Alt.</b>          City of Chula Vista</p>	<p><b>Vice Chair Stephen Whitburn</b>          City of San Diego</p> <p><b>Marni von Wilpert, Alt.</b>          City of San Diego</p>	<p><b>Jo MacKenzie</b>          Vista Irrigation</p> <p><b>Barry Willis</b>          Alpine Fire Protection</p> <p><b>David A. Drake, Alt.</b>          Rincon del Diablo</p>	<p><b>Andy Vanderlaan</b>          General Public</p> <p><b>Harry Mathis, Alt.</b>          General Public</p>
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## BACKGROUND

### Applicant Filing and Requested Approval Terms

San Diego LAFCO has received a resolution of application from the Borrego Springs FPD requesting approval to reorganize 198,400 acres that comprises its entire jurisdictional boundary. The resolution was approved by Borrego Springs FPD on August 25, 2022 by a vote of 3 to 2. The request involves the concurrent dissolution of Borrego Springs FPD and annexation to San Diego County FPD as the proposed successor agency to the current provision of fire protection, emergency medical, and ambulance transport. Overall, the affected territory consists of 6,287 legal parcels with a total assessed land value of \$639.0 million. The estimated population is 3,105 with a current count of 1,401 registered voters<sup>1</sup>.

The proposal includes several requested approval terms that have been negotiated between Borrego Springs and San Diego County FPDs. They include all of the following.

- All existing Borrego Springs FPD employees will be employed either by the State of California via CAL FIRE or offered equivalent employment with San Diego County FPD.
- San Diego County FPD shall provide a full time 3-person staffed paramedic fire engine and a full time 2-person staffed paramedic ambulance at the Borrego Springs Fire Station.
- San Diego County FPD shall ensure the Borrego Springs Fire Station is a must-cover station and means backfilling within 30 minutes.
- San Diego County FPD will ensure a Battalion Chief is assigned to oversee the Borrego Springs Fire Station.

### Regional Setting

The affected territory as proposed comprises the entirety of Borrego Springs FPD’s jurisdictional boundary located in far northeast San Diego County and the extreme western edge of the Sonoran Desert. The affected territory largely overlaps with the census designated community of Borrego Springs and Anza-Borrego Desert State Park. Other nearby communities include Ranchita (13.7 miles), Ocotillo Wells (17.9 miles), and Shelter Valley (21.7 miles).<sup>2</sup> State Route 78 serves as the local connector within the affected territory via Borrego Springs Road. The elevation ranges from 460 feet to 6,200 feet above sea level with the latter point recorded on Combs Peak in the Anza-Borrego Desert State Park. Predominant land uses are low – to – moderate residential density as well as several visitor-serving resorts.

An aerial map of the affected territory and its regional setting follows.

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<sup>1</sup> A listing of APNs is available on our website at [sdlafco.org](http://sdlafco.org)

<sup>2</sup> Approximate travel miles are based on point-to-point distances from the center of Borrego Springs (734 Diamond Bar Road).



Maps showing Borrego Springs FPD and San Diego County FPD’s jurisdictional boundaries are provided as Attachments One and Two.

### Subject Agencies

The proposed reorganization filed with San Diego LAFCO involves two subject agencies: Borrego Springs FPD and San Diego County FPD.<sup>3</sup> A summary of the subject agencies in terms of governance, population, municipal functions, and financial standings follow.

- **Borrego Springs FPD** is an independent special district governed by a five-member board of directors. An appointed general manager (fire chief) oversees day-to-day activities, and this includes a current full-time budgeted staff of 14.0. Borrego Springs FPD was formed in 1961 with an existing jurisdictional boundary spanning 198,400 acres or 310 square miles and anchored by Borrego Springs and its mix of residential, commercial, and tourist-serving land uses and related amenities. Borrego Springs FPD provides three municipal service functions: fire protection; emergency medical; and ambulance transport. LAFCO last updated Borrego Springs FPD’s sphere of influence in 2007 with a coterminous designation. The most recent audit shows Borrego Springs

<sup>3</sup> State law defines “subject agency” to mean any district or city for which a change of organization or reorganization is proposed.

FPD net position at \$1.556 million as of June 30, 2022. This accrued amount reflects an overall three-year change of 34.7% and includes an unrestricted portion of \$0.493 million. The audited balance sheet shows a total of \$1.713 million with \$1.337 million unassigned and readily spendable.

- **San Diego County FPD** is a dependent special district formed in December 2020 as part of a LAFCO-approved reorganization to separate and transfer County Service Area No. 135’s fire protection and emergency medical service functions to a stand-alone FPD. San Diego County FPD is governed by the County Board of Supervisors with administration tasked to the Public Safety Group’s Fire Authority Division – which includes a current budgeted staff of 59. Field operations are contracted with CAL FIRE with 240 personnel currently assigned to San Diego County FPD. LAFCO established a coterminous sphere of influence designation for San Diego County FPD in 2020 to match its jurisdictional boundary, which spans 2,500 square miles and 45 unincorporated communities, including Julian, Pauma Valley, Descanso, Pine Valley, Ramona, Ranchita, Warner Springs, and Boulevard. The most recent audit shows the County of San Diego’s total net position at \$4.065 billion as of June 30, 2022. This accrued amount reflects an overall three-year change of 21.9% and includes an unrestricted portion of (\$1.099 billion).<sup>4</sup> The audited balance sheet shows a total of \$3.327 billion with \$616.5 million unassigned and readily spendable.

### Affected Local Agencies

The affected territory presently lies within the jurisdictional boundaries and/or spheres of influence of seven local agencies directly subject to San Diego LAFCO’s planning and regulatory responsibilities. These seven qualify as “affected agencies” and have received written notice of the proposal and opportunity to comment.<sup>5</sup>

- County Service Area No. 135 (Regional Communications)
- Borrego Springs FPD
- Borrego Water District
- Coachella Valley Water District
- Resource Conservation District of Greater San Diego County
- San Diego County Street Lighting District
- San Diego County Flood Control District

The affected territory also lies within the following school and college districts, and accordingly also received notice of the reorganization proposal: Borrego Springs Unified (elementary, middle, and high school) and Palomar Community College.

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<sup>4</sup> The unrestricted portion of the net position adjusts to 1.610 billion less employee retirement liabilities.

<sup>5</sup> State law defines “affected local agency” as any entity that contains, or would contain, or whose sphere contains or would contain, any territory for which a change of organization is proposed or ordered. Notice of the proposal and hearing were provided to the agencies.



## DISCUSSION

This item is for San Diego LAFCO to consider approving – with or without discretionary modifications to the physical footprint – the reorganization proposal and its underlying action to dissolve Borrego Springs FPD and transfer its fire, emergency medical and ambulance transport service functions to the San Diego County FPD via concurrent annexation. The Commission may also consider applying conditions so long as it does not directly regulate land use, property development, or subdivision requirements. Additional discussion with respect to proposal purpose, related development opportunities, and Commission focus follows.

### Proposal Purpose

The purpose of the proposed reorganization is to help economize fire, emergency medical, and ambulance transport services within the affected territory through the expanded resources of San Diego County FPD. The timing of the proposal follows voters in Borrego Springs FPD disapproving a special parcel tax increase (Measure PP) in November 2018 that otherwise would have provided an additional \$0.720 million in annual revenues. Subsequent negotiations between both FPDs proved successful with San Diego County FPD agreeing to assume all service function responsibilities while also committing to specific terms – including retention of all existing Borrego Springs FPD employees post reorganization.

### Current and Planned Development & Related Policies

No development plans are associated with the reorganization proposal.

All of the affected territory is unincorporated and under the land use authority of the County of San Diego and its adopted policies. Specific development policies for the affected territory are delegated in the County General Plan to the Borrego Springs Community Plan, which is one of 22 designated communities identified by the Board of Supervisors meriting stand-alone land use provisions. A nine-member advisory body - Borrego Springs Community Sponsor Group - assists in implementing the Borrego Springs Community Plan. Addressing the overdraft of the local groundwater basis serves as an explicit premise to the Community Plan and its leading vision statement to be recognized “as a major designation for tourism.”

### Commission Focus

Three central and sequential policy items underlie San Diego LAFCO’s consideration for the proposed reorganization. These policy items ultimately take the form of determinations and orient the Commission to consider the interrelated merits of (a) accommodating sphere of influence amendments for both subject agencies, (b) timing of the reorganization, and (c) whether modifications or approval terms are appropriate. The Commission must also consider other relevant statutes in and outside LAFCO law as detailed.

## ANALYSIS

San Diego County LAFCO’s analysis of the proposed reorganization is divided into two distinct subsections. The first subsection pertains to evaluating the central policy issues referenced in the preceding section. This includes the headlining action to transfer fire protection, emergency medical, and ambulance transport functions within the affected territory to the County of San Diego via the San Diego County FPD. The second subsection considers other germane issues required for LAFCO proposal consideration, and this includes complying with the California Environmental Quality Act (CEQA).

### Central Policy Items

#### Item No. 1 | Conforming Sphere of Influence Amendments

The proposed reorganization necessitates San Diego LAFCO to consider conforming sphere of influence actions for the two subject agencies to achieve consistency with the requested jurisdictional changes as required under statute. Consideration of the amendments are premised on LAFCO’s statutory responsibility to designate spheres to demark the affected agencies’ appropriate jurisdictional boundary and/or service areas now and into the immediate future as determined by the Commission. This includes demarking the Commission’s expectation of exclusive responsibilities for one or more municipal services.

Amendments prompted by the proposed reorganization involve (a) eliminating Borrego Springs FPD’s sphere and concurrently (b) expanding San Diego County FPD’ sphere to capture all of the affected territory. Three related factors drawn from statute and local policy guide the amendments’ analysis. The statutory factors relate to an informing municipal service review along with addressing the general relationship between the agencies and affected territory.<sup>6</sup> Local policy requires consideration of L-102 and its provisions to guide sphere actions in San Diego County. Analysis of these three sphere factors follow.

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

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Statute requires LAFCO to prepare municipal service reviews to inform its related task to regularly review and update all local agencies’ spheres of influence. The statute further directs LAFCO perform sphere updates every five years as needed. The most recent municipal service review prepared by LAFCO germane to the proposal was less than three years ago in May 2020 with a review of County Service Area (CSA) No. 135, which at the time operated the County Fire Authority. The municipal service review – notably – recommended and ultimately served as the Commission’s basis for approving a reorganization in October 2020 to divest CSA No. 135 of its fire protection and related functions and concurrently transfer as part of the formation of the San Diego County FPD. The information provided in the recent municipal service review

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<sup>6</sup> Reference to Government Codes 56430 and 56425, respectively.

remains relevant and timely. Among other features, the municipal service review sufficiently attests to San Diego County FPD’s overall resources and justification therein to be designated as the most appropriate provider of fire protection, emergency medical, and ambulance transport for the lands going forward.

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

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

- With respect to **present and planned land uses**, the affected territory as submitted spans 198,300 acres and three-fourths – or 75.0% – is largely dedicated to the Anza-Borrego Desert State Park. The remainder of the affected territory includes a mix of residential, commercial, and resort uses in the central “village” Borrego Springs area. A considerable portion of land uses are directly tied – economically and socially – to tourism.
- With respect to **present and probable need for one or more public services**, the affected territory’s existing and planned land uses and their prominent relationship with tourism merit a variety of organized public services. This includes reliable fire protection, emergency medical, and ambulance transport.
- With respect to **adequacy of the agencies’ public services**, a 2019 municipal service review on San Diego County FPD attests to the overall sufficiency of resources to provide fire protection, emergency medical, and ambulance transport.
- With respect to **relevant social or economic communities of interest**, the affected territory has established informal ties with San Diego County FPD that are germane to the proposal given its current role in managing fire protection and related services in surrounding lands. Inclusion of the affected territory within San Diego County FPD’s sphere would formalize these social and economic ties through LAFCO policy and clarify San Diego County FPD’s expanding role therein in managing services throughout the greater “backcountry” region.
- With respect to **present and probable need for water, wastewater, or fire protection services involving any disadvantaged unincorporated communities**, all the affected territory qualifies for the referenced designation under LAFCO statute. Most developed lands are within the Borrego Water District and receive and/or are eligible to receive water and wastewater services.

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

San Diego LAFCO’s policies guiding sphere of influence actions are primarily codified under L-102. This policy was adopted in August 1990 and last substantively updated in June 2000. It directs the Commission to utilize spheres to guide deliberations on future changes of organizations and in doing so – among other growth management objectives – help reflect and preserve community identities. The policy further directs LAFCO to use spheres to discourage duplication of municipal services and similarly encourages local agency consolidations, whether functional or political.

The sphere of influence amendments necessary to accommodate the proposed reorganization conforms with L-102. The amendments would facilitate known and complimentary jurisdictional changes that concurrently recognize and keep whole an existing community. The amendments would also continue to serve as policy tool in protecting against unnecessary service duplications by designating San Diego County FPD as the preferred fire protection, emergency medical, and ambulance transport server within the affected territory.

#### CONCLUSION | MERITS OF CONFORMING SPHERE OF INFLUENCE AMENDMENTS

The conforming sphere of influence amendments to accommodate the proposed reorganization are sufficiently justified under both statute and local policy. Justification is marked by the preceding analysis and largely premised on two related assumptions. First, it is assumed the Commission determines the 2019 municipal service review completed on San Diego County FPD (via CSA No. 135) adequately informs the membership in assessing FPD’s overall abilities and resources. Second, it is assumed the Commission agrees the transition of the affected territory into San Diego County FPD’s sphere is in the best interest of the community’s economic and social well-being now and going forward.

#### Item No. 2 | Reorganization Timing

San Diego LAFCO’s consideration of the proposed reorganizations’ timing draws on analyzing baseline factors required in statute well as applicable policies set by the Commission. Most of the baseline factors in statute focuses on disclosing and otherwise addressing compatibility issues with external goals and policies of other State, regional, and local agencies.<sup>7</sup> Applicable local policies prompted for consideration are headlined by L-107 and its attention to disclosing and/or addressing any known or perceived jurisdictional disputes.

<sup>7</sup> Reference to Government Code Section 56668.

Analysis of these two related timing factors follows.

- Timing Factor No. 1:

Baseline Considerations: Regional Policies + Service Relationships

State law prescribes the mandatory consideration of certain and multifaceted factors anytime LAFCOs consider jurisdictional changes. These factors range in substance from disclosures – such as the affected territory’s current land uses, assessed values, register voter counts, and so on – to discretionary analyses. This latter category is highlighted by evaluating the proposed jurisdictional changes’ relationship to community needs as well as the service capacities and related financial resources of the subject agencies with an emphasis on the receiving – or annexing – agencies. A summary of key conclusions generated in the review of these discretionary matters for the proposed reorganizations regarding (a) service needs, (b) service availability and capacities, and (c) related financial considerations follow.

- With respect to **service needs**, the present and planned land uses of the affected territory merits organized fire protection, emergency medical, and ambulance transport services. This need is highlighted by an established residential population of more than 3,000 as well as accommodating weekend and summer visitors associated with the local tourism economy. The need is also reflected in providing front-line defense for wildland events from surrounding public and open-space areas from the east via Santa Ana winds. The need is further quantified with an overall onsite demand of 1.6 incidents each day over the prior three years.
- With respect to **service availability and capacities**, the reorganization and associated transfer of the fire protection, emergency medical, and ambulance transport from Borrego Springs FPD to San Diego County FPD will maintain and/or improve existing service levels. Staffing will continue at 24-hour coverage, seven days a week, 365 days per year. Career firefighters will also continue to provide advanced life support (ALS). Improvements involve both staffing levels and equipment replacements. Currently, Borrego Springs FPD staffs its one station (No. 91) with a total of 4 personnel, with the fire engine and ambulance each staffed with two personnel. As a component of this dissolution and reorganization, San Diego County FPD has committed to add one additional position to the fire engine per day, so that the engine will be staffed with 3 personnel, in accordance with San Diego County FPD staffing standards. San Diego County FPD will also add Station No. 91 to its adopted Capital Replacement Plan and help ensure all engines and ancillary equipment is being replaced consistent with industry standards.
- With respect to **related financial considerations**, San Diego County FPD has adequate financial resources and administrative controls to assume fire protection, emergency medical, and ambulance transport to the affected territory. San Diego County FPD is primarily funded through General Fund allocations authorized by the Board of Supervisors. The amount of General Fund monies provided to the FPD is considered reliable given voters recently approved an amendment to the County

Charter in 2019 to add fire protection and related functions as a formal service commitment. Relatedly, overall budget allocations have increased over the last three fiscal years by 58.0% from \$56.0 million to \$88.2 million.

- Timing Factor No. 2:  
Consideration of Policy L-107

San Diego LAFCO adopted L-107 in May 2010 to require all applicants to disclose jurisdictional disputes or related items that are associated with their proposal filings. If applicable, and unless waived by the Executive Officer, the policy requires applicants and/or their representatives to consult with opponents to resolve any known issues – concerns, disputes, etc. – before the item is formally considered by the Commission.<sup>8</sup> If an agreement is reached through the consultation process, the policy states the Commission shall consider the provisions as part of the application. If an agreement is not reached despite exhausting good-faith efforts, the policy states the Commission shall proceed to consider the application as submitted.

No jurisdictional disputes have been disclosed by the Borrego Springs FPD in filing the reorganization proposal with LAFCO. In contrast, the applicant has provided supporting resolution from the San Diego County FPD. No objections to the proposal have been separately received from any other local agencies.

## CONCLUSION | MERITS OF REORGANIZATION TIMING

The timing of the reorganization to transfer fire protection, emergency medical, and ambulance transport services in the affected territory from Borrego Springs FPD to San Diego County FPD is warranted. The reorganization represents an appropriate and reasonable pivot given voters within the affected territory rejected a special parcel tax increase (Measure PP) in November 2018 that would have provided Borrego Springs FPD needed monies to cover its increasing pension liabilities. San Diego County FPD’s economies of scale allow it to immediately assume service responsibilities and related debts for the affected territory and in doing so separately aid its ability to effectively coordinate fire protection for the larger backcountry region. Additional analysis supporting the conclusion is provided in Appendix A.

<sup>8</sup> The Executive Officer retains discretion to determine the extent of consultation needed



### Item No. 3 |

#### Modifications and Terms

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

Approval terms are recommended and include standard LAFCO provisions under Government Code Section 57302 for all jurisdictional change. Special terms are also recommended to incorporate the conditions included in Borrego Springs FPD’s resolution of application and the result of negotiations with San Diego County FPD. This includes requiring all Borrego Springs FPD employees will become employees of the State of California via CAL FIRE or offered equivalent employment by San Diego County FPD. A listing of all proposed terms is provided in the draft resolution of approval presented as Attachment Two.

#### CONCLUSION | MODIFICATIONS AND TERMS

No modifications appear warranted. Terms are recommended and include both standard provisions under LAFCO statute as well as incorporating all conditions requested by the Borrego Springs FPD in their resolution of application.

#### Other Statutory Considerations

##### Exchange of Property Tax Revenues

California Revenue and Taxation Code (RTC) Section 99(b)(6) requires the adoption of a property tax exchange agreement by the affected local agencies before LAFCOs can consider jurisdictional changes. Markedly, and pertinent to this reorganization proposal, RTC Section 99(b)(5) allows the County Board of Supervisors to adopt a single resolution establishing a tax exchange on behalf of special districts. Towards this end, at its February 7, 2023 meeting, the Board of Supervisors adopted tax exchange covering the proposal to transfer 100% of all property tax proceedings assigned to Borrego Springs FPD to San Diego County FPD. The total monetary value of the adopted exchange for the current fiscal year is \$1.386 million.

##### Environmental Review

San Diego LAFCO is obligated under CEQA to assess whether environmental impacts would result from activities approved under the Commission’s authority. Accordingly, the Commission is tasked with making two distinct findings under CEQA in consideration of the proposed reorganization. Staff’s analysis follows.

- LAFCO serves as lead agency under CEQA for the confirming sphere of influence amendments associated with accommodating the reorganization. It is recommended the Commission find these actions – and specifically the actions summarized on page 8 of the agenda report – are a “project” under CEQA but exempt from further review under State Guidelines 15061(b)(3). Staff believes this exemption appropriately applies given it can be seen with certainty spheres are planning policies and associated actions (establishment, update, or amendment) in and of itself does not change the environment or authorize any new uses or services.
- Borrego Springs FPD serves as lead agency under CEQA for considering the physical effects of the reorganization proposal as the initiating party. In this role as lead agency, Borrego Springs FPD has determined the reorganization proposal is a “project” under CEQA but is exempt from environmental review under provisions of State CEQA Guidelines Section 15320 (Changes in Organization of Local Agencies) because it can be seen with certainty that there is no possibility that the proposed reorganization would not have any significant effect on the environment. Staff independently concurs with Borrego Springs FPD’s finding.

### **Protest Proceedings**

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

- Should less than 25.0% of (a) registered voters and/or (b) landowners holding less than 25% of the assessed value of land within the affected territory file written protests the reorganization will be ordered without an election.
- Should 25.0% to 50.0% of (a) registered voters and/or (b) landowners holding 25.0% to 50.0% of the assessed value of land within the affected territory file written protests the reorganization will be ordered subject to an election at a future date.
- Should more than 50.0% of (a) registered voters and/or (b) landowners holding 50.0% or more of the assessed value of land within the affected territory file written protests the reorganization will be terminated.

Should the Commission proceed with an approval, staff has tentatively scheduled a protest hearing for the reorganization at 10:00 am on April 13, 2023 at the Borrego Springs FPD Fire State No. 91 located at 2324 Stirrup Road, Borrego Springs, California 92004. Notice for the



protest hearing would be provided to landowners and voters in a manner provided under statute no less than 21-days in advance.<sup>9</sup>

## RECOMMENDATION

Staff recommends conditional approval of the reorganization proposal as submitted along with conforming sphere of influence amendments as detailed. This recommendation and ancillary actions are consistent with Alternative One in the proceeding section.

## ALTERNATIVES FOR ACTION

The following alternative actions are available to San Diego LAFCO:

Alternative One (recommended):

Adopt the attached draft resolution conditionally approving the reorganization proposal as submitted (without modifications) and conforming sphere of influence amendments as detailed along with making required findings under CEQA.

Alternative Two:

Continue consideration to the next regular meeting.

Alternative Three:

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

## PROCEDURES FOR CONSIDERATION

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

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

On behalf of the Executive Officer,



Carolanne Ieromnimon  
Analyst I

Appendices:

- A) Analysis of Jurisdictional Change Factors

Attachments:

- 1) Map of Borrego Springs FPD Boundaries
- 2) Map of San Diego County FPD Boundaries
- 3) Municipal Service Review Summary: SDCFPD (CSA 135)
- 4) Draft Resolution of Approval
- 5) Application Materials

<sup>9</sup> Official protest forms for both landowners and voters are available on the LAFCO website with additional instructions.

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## APPENDIX A

### Government Code Section 56668 Mandatory Proposal Review Factors

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

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The affected territory as proposed comprises the entirety of Borrego Springs FPD’s jurisdictional boundary located in northeast San Diego County. The entire affected territory is unincorporated and anchored by the Borrego community and its current resident estimate of 3,100. The communities of Ocotillo Wells, Shelter Valley and Ranchita neighbor the affected territory. State Routes 78 serve as the local connector within the affected territory via Borrego Springs Road. The elevation ranges from 460 feet to 6,200 feet above sea level with the latter point recorded on Combs Peak in the Anza-Borrego Desert State Park. Predominant land uses are low – to – moderate residential density visitor serving uses – including several resorts. Total assessed value (land) within the affected territory is \$639.0 million.

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

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The County of San Diego serves as the primary purveyor of general governmental services to the affected territory. These services include community planning, roads, street lighting, and law enforcement. Other pertinent service providers Borrego Water District (water, wastewater, parks and recreation, flood control, vector control) and Borrego Springs FPD (fire protection, emergency medical, and ambulance transport). The proposal affects only Borrego Springs FPD’s functions and the proposed transfer to San Diego County FPD and is the focus of the following analysis.

- **Fire Protection, Emergency Medical, and Ambulance Transport**

Borrego Springs FPD’s present service levels include staffing Borrego Springs FPD’s one fire station (Station No. 91) 24/7/365 with 4 personnel daily, two on the fire engine and two on the paramedic ambulance. Should the reorganization be approved by the Commission, San Diego County FPD has committed to increase funding to increase assigned personnel on the engine by one, thereby elevating daily staffing levels from 4 to 5. This would add one additional position to the fire engine daily, in alignment with San Diego County FPD’s standard staffing of 3 personnel per engine company. Recent service demands in Borrego Springs FPD follow.

Annual Incidents in the Affected Territory (Borrego Springs FPD)							
(Source: San Diego County FPD)							
Year	2017	2018	2019	2020	2021	Average	Trend
Total Dispatched Incidents	554	637	621	601	622	607	12.27%
Total Onsite Incidents (arrival at scene)	501	598	582	584	579	569	15.57%
... Daily Incidents	1.37	1.64	1.59	1.60	1.59	1.56	16.06%

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

The affected territory recommended for reorganization would formalize social and economic ties existing between San Diego County FPD and the affected territory. These existing ties relate to San Diego County FPD’s current role in managing fire protection and related services in surrounding lands to the affected territory. Reorganization would formalize and expand these social and economic ties and clarify San Diego County FPD’s expanding role and charge in managing services throughout the greater “backcountry” region.

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

Approval of the recommended reorganization is consistent with the Commission’s preference to consolidate fire services in the unincorporated areas under one service provider – San Diego County FPD – *whenever the timing is right*. Borrego Springs FPD’s decision by its elected representatives to file for dissolution coupled with the analysis of the factors required under LAFCO law serve to sufficiently quantify the timing is right to proceed at this time. Additionally, the proposal would not induce or otherwise facilitate the loss of open-space lands, and as such does not conflict with the provisions of Government Code Section 56377.

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

Portions of the affected territory recommended for reorganization qualify as agricultural land under LAFCO law. The reorganization proposal, nonetheless, is specific to transferring fire protection, emergency medical, and ambulance transport services between two local governmental agencies and would not adversely affect the physical or economic well-being of the agricultural lands.

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

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LAFCO is in receipt of a draft map and geographic description of the affected territory that details metes and bounds that appears consistent with the standards of the State Board of Equalization and conforming with lines of assessment. LAFCO approval would be conditioned on approval of the map and geographic description by the County Assessor’s Office and address any modifications enacted by the Commission.

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

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The recommended reorganization would not conflict with San Diego Forward, the regional transportation plan established by the San Diego Association of Governments (SANDAG).

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

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The affected territory recommended for reorganization is entirely unincorporated and subject to the land use policies of the County of San Diego. The County’s implementing land use policy document for the affected territory is the Borrego Community Plan. This latter document prescribes limiting residential development to accommodate a maximum of 8,000 residents.

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

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See agenda report analysis.

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

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Notice of the submitted reorganization proposal was distributed to all affected and subject agencies as required under LAFCO law. Notices were also provided to all local college and school districts. No written comments on the proposal were received ahead of preparing this agenda report for distribution on February 27, 2023.

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

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San Diego FPD is funded through General Fund allocations authorized by the Board of Supervisors. The amount of the funding provided to San Diego FPD is considered reliable given the allocations have increased since 2008. At the end of FY 21/22, San Diego County FPD’s funding has increased over the last 5 years, with a budget of \$80.9 million. Further, a 2020 amendment to the County Charter commits the County Board of Supervisors to provide and/or fund fire protection services in unincorporated areas.

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

---

The affected territory lies within Borrego Water District and eligible to receive potable water service with all water supplies currently dependent on groundwater. The reorganization does not change these baseline conditions.

**m) The extent to which the proposal will affect a city or cities and the county in achieving their respective fair shares of the regional housing needs.**

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The proposed reorganization would not impact any local agencies in accommodating their regional housing needs.

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

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No written or formal comments have been submitted to San Diego LAFCO staff as of the date of the posting of the agenda report on February 27, 2023.

**o) Any information relating to existing land use designations.**

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See above analysis for (h).

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

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The reorganization is expected to aid and/or otherwise promote environmental justice by enhancing integrated fire protection and emergency medical services within the affected territory and for any groups that are susceptible to pollution burdens and their effects. This latter category – notably – low-income communities, communities of color, tribal nations, and other disadvantaged groups. Consideration of existing environmental justice factors within the affected territory draw on staff analyzing data available from the California Environmental Protection Agency through its online assessment tool (CalEnviroScreen 4.0). Two composite percentile rankings for the affected territory are generated within this analysis and involves pollution burdens (exposures and environmental effects) and at-risk population characteristics (sensitive populations and socioeconomic factors) relative to all census tracts in California. Key results are summarized below followed by fulling table listings.

- The affected territory’s composite **pollution burdens** ranking falls in the 33 percentile. Five pollution burden measurements exceed the 50 percentile and considered relatively high. These five measurements comprise (a) two exposures involving ozone and drinking water containments as well as (b) three environmental effects involving cleanup sites, groundwater threats, and solid waste sites.

- The affected territory’s composite **at-risk population** ranking falls in the 24 percentile. Four at-risk population measurements exceed the 50 percentile and considered relatively high. These four measurements comprise (a) one sensitive population involving low birth weights as well as (b) three socioeconomic factors involving educational attainment, poverty, and housing burden.

Census Tract 6073021000	
Pollution Burdens and At-Risk Population	
Table 2.6a (Source: California Environmental Protection Agency and SD LAFCO)	
Factor	Census Tract 6073021000
No. of Census Tracts	1
Estimated Population	2,706
Pollution Burden	Weighted Percentile
... Composite Score	<b>23.85</b>
... Percentile	<b>33-35</b>
Indicator   Air Quality: Ozone	59.93
Indicator   Air Quality: PM 2.5:	7.49
Indicator   Air Quality: Diesel PM:	1.24
Indicator  Pesticides:	35.90
Indicator   Toxic Releases:	3.64
Indicator  Traffic:	1.75
Indicator   Drinking Water Contaminants:	62.25
Indicator   Lead in Housing:	24.35
Effects   Cleanup Sites:	81.91
Effects   Groundwater Threats:	72.49
Effects   Hazardous Waste:	0.00
Effects   Impaired Water:	0.00
Effects   Solid Waste:	93.24
At Risk Population Characteristics	Weighted Percentile
... Percentile	<b>40.82</b>
Sensitive Population   Asthma:	1.63
Sensitive Population   Low Birth Weight:	56.88
Sensitive Population   Cardiovascular Disease:	17.75
Socioeconomic Factor   Education Attainment:	53.58
Socioeconomic Factor   Linguistic Isolation:	n/a
Socioeconomic Factor   Poverty:	66.31
Socioeconomic Factor   Unemployment:	n/a
Socioeconomic Factor   Housing Burden:	66.51

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

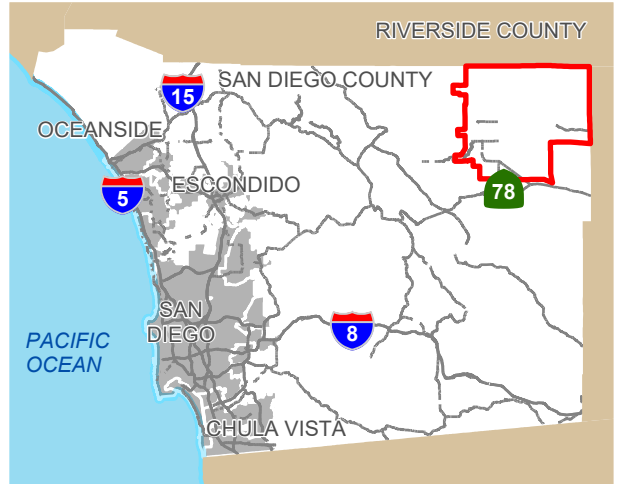
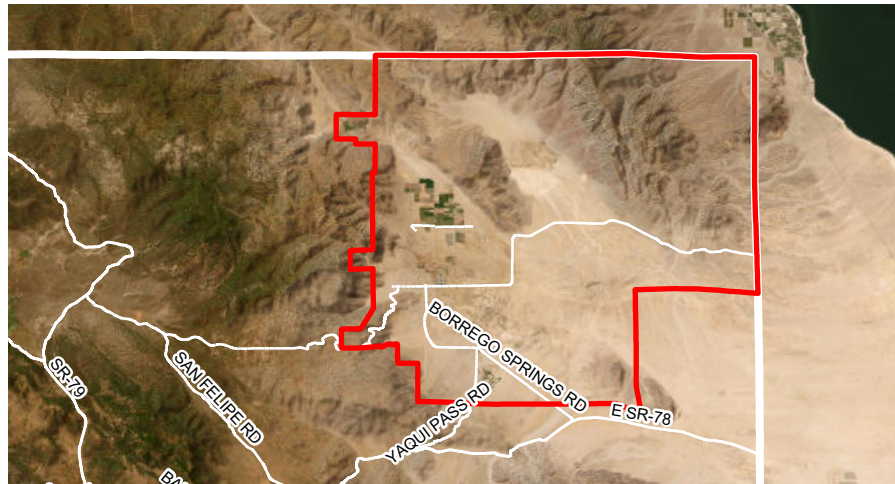
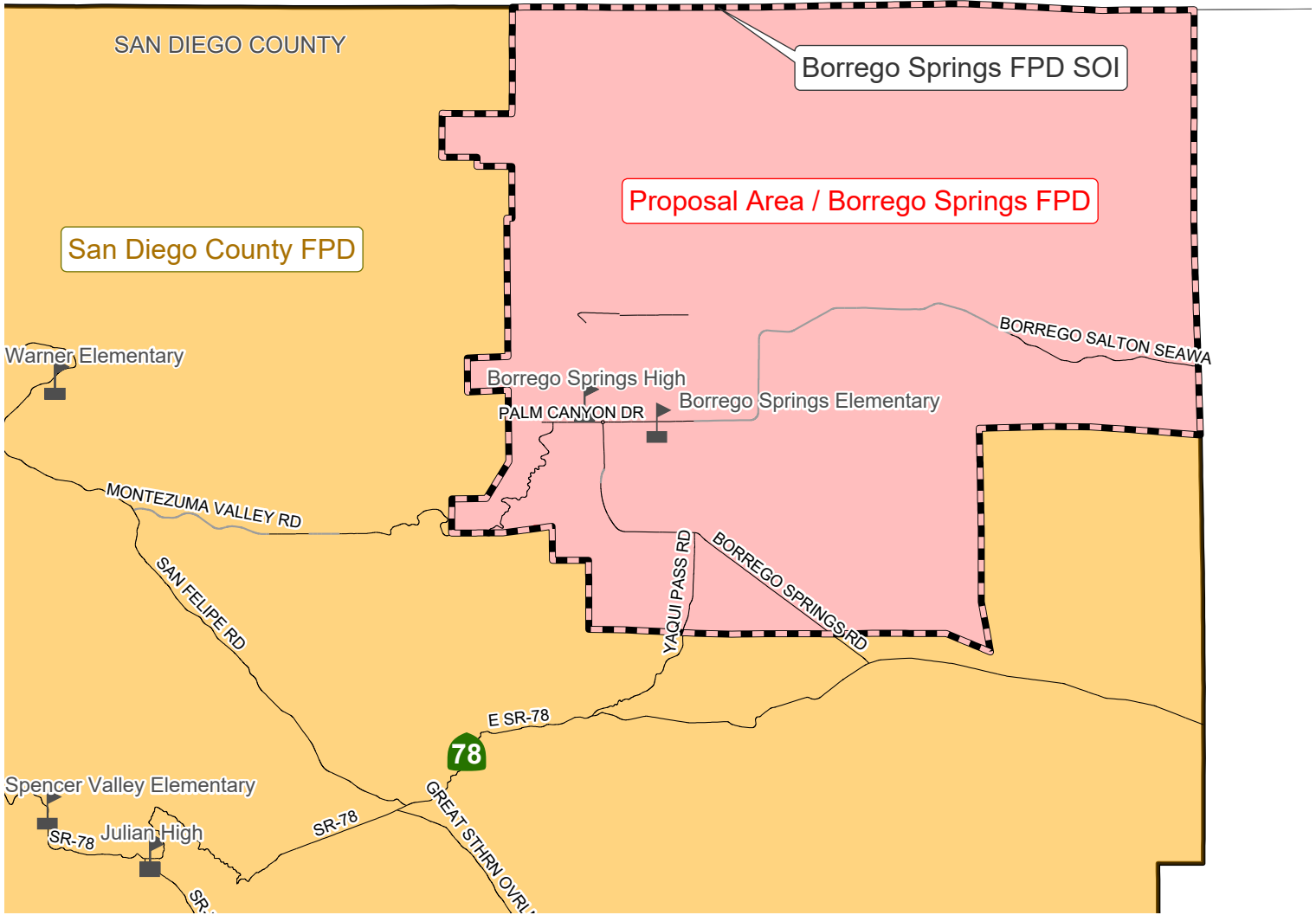
The County of San Diego General Plan contains a hazard mitigation plan for potential fire, flooding, and earthquakes. The affected territory lies in a Very-High Fire Hazard Severity Zone.

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




Approval of the reorganization would be in the best interest of the current and future landowners and/or residents of the affected territory by providing streamlined fire protection, emergency medical and ambulance transport services going forward.



RIVERSIDE COUNTY

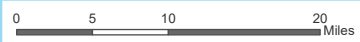
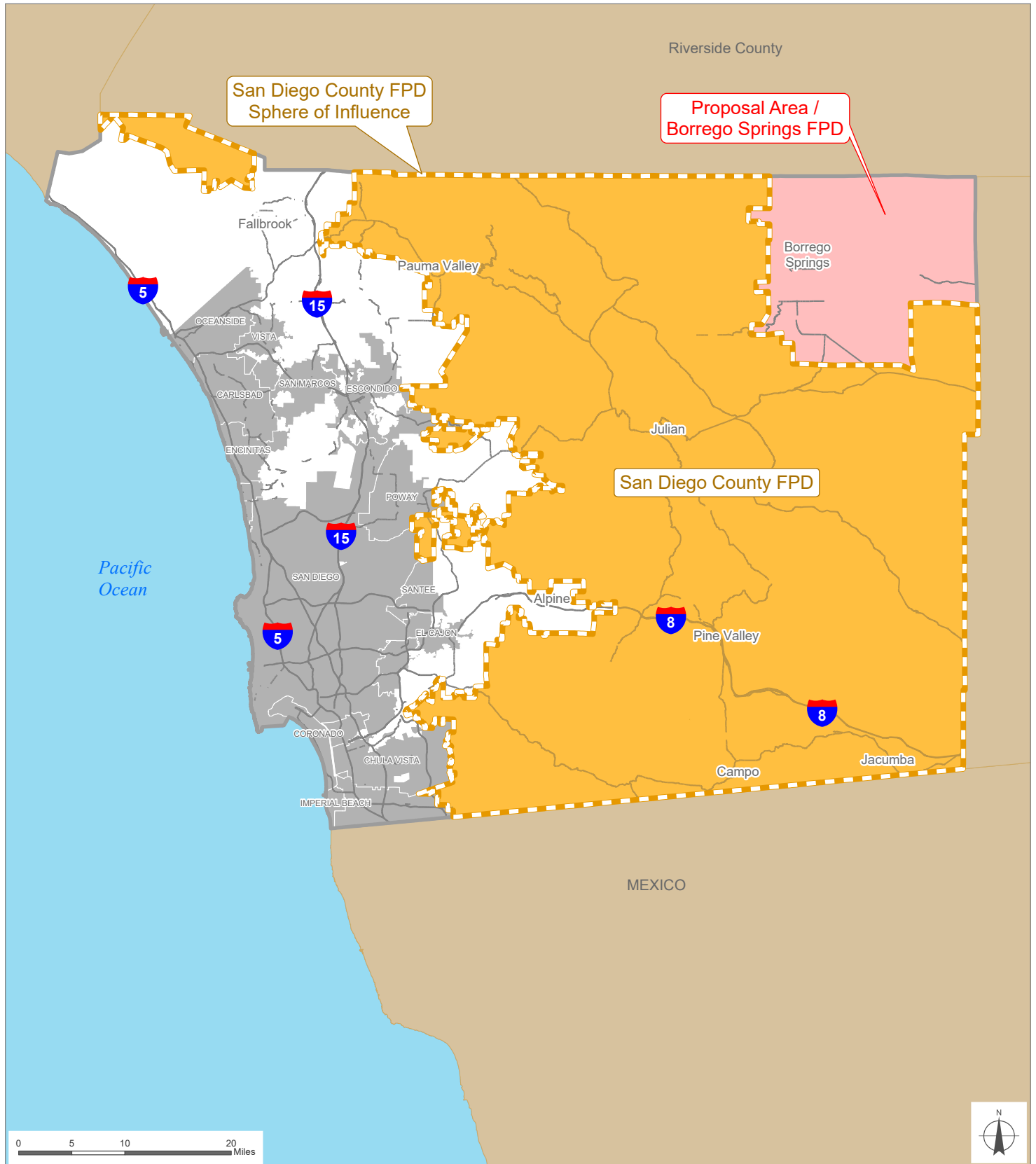


RO22-19 "BORREGO SPRINGS FPD REORGANIZATION" | DISSOLUTION OF BORREGO SPRINGS FPD AND DESIGNATION OF SAN DIEGO COUNTY FPD AS THE SUCCESSOR AGENCY AND RELATED ACTIONS

-  Borrego Springs FPD SOI
  -  Proposal Area / Borrego Springs FPD
  -  San Diego County FPD
- SOI = Sphere of Influence

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# San Diego County FPD and Borrego Springs FPD



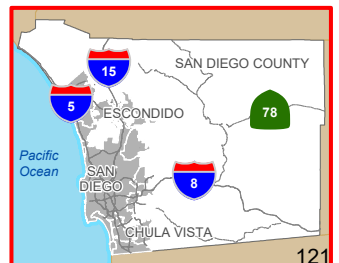
**San Diego County**  
**Local Agency Formation Commission**  
 Regional Service Planning | Subdivision of the State of California

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Created by Dieu Ngu -- 2/27/2023

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RO22-19  
 "BORREGO SPRINGS FPD REORGANIZATION" |  
 DISSOLUTION OF BORREGO SPRINGS FPD AND  
 DESIGNATION OF SAN DIEGO COUNTY FPD AS THE  
 SUCCESSOR AGENCY AND RELATED ACTIONS



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# Municipal Service Review

COUNTY SERVICE AREA NO. 135

FINAL

REPORT SUMMARY | May 2020



## General Themes and Conclusions

CSA No. 135 serves two distinct municipal roles on behalf of the County of San Diego and a considerable portion of its constituents. The first and initial role of CSA No. 135 was established at the time of its formation in 1994 to provide enhanced public safety radio communications in the unincorporated area as well as in participating incorporated communities in San Diego County (Carlsbad, Del Mar, Encinitas, Imperial Beach, Lemon Grove, Poway, San Marcos, Santee, Solana Beach, and Vista). This involved establishing the governmental means to create a dedicated funding mechanism to support a regional communication system and in doing so sync otherwise incompatible radio systems among first-responders. It was similarly expected the County and affected cities would establish a fixed fee within their jurisdictions to directly fund the regional communication system through CSA No. 135. However, the subsequent passage of Proposition 218 (1996) and requirement to

receive voter approval for new fees changed direction and only three member agencies – Del Mar, Poway, and Solana Beach – proceeded to establish fixed fees for CSA No. 135; the remaining member agencies fund the regional communication system through general fund monies. The result is a substantive deviation in CSA No. 135's implementation given only three of the eleven member agencies directly fund the resulting 800-megahertz public safety radio system operated by Regional Communication Systems through a District fixed fee.

While CSA No. 135's role in providing public safety radio communications has decreased in scale relative to initial formation expectations the opposite applies to the District's functions with respect to fire protection and emergency medical services. These integrated functions were established in 2008 as part of a LAFCO-approved latent power activation and corresponded with the creation of the



## » General Themes and Conclusions

County Fire Authority and produces an internal service zone covering close to two-thirds of the District boundary. The expansion CSA No. 135 followed an earlier recommendation by LAFCO by way of two earlier Commission reports on reorganizing fire protection in the unincorporated area titled “Macro” and “Micro” as well as the County’s responding document titled as the “Hybrid Plan.” The Hybrid Plan directly informed the County in proceeding with an application subsequently approved by LAFCO to utilize CSA No. 135 as the governance means to organize and fund fire protection and emergency medical services in the unincorporated area over three distinct steps. All three steps in the Hybrid Plan have been completed and the County Fire Authority is now the successor to 18 former fire service agencies and/or companies. The County also has memorialized its commitment to providing fire services through a voter-approved amendment to the County Charter in November 2018 by formally adding the County Fire Authority as an organizational unit.

A review of CSA No. 135 relative to San Diego LAFCO’s growth management tasks and interests as prescribed under statute produces five central themes or conclusions. These conclusions collectively address the availability, need, and adequacy of CSA No. 135 services. The conclusions are independently drawn and sourced to information collected and analyzed between 2014 and 2018 and detailed in the agency profile.

### No. 1

#### Two Distinct and Separate Municipal Roles

Two distinct municipal roles comprise CSA No. 135 and divided between (a) public safety radio communications and (b) integrated fire protection and emergency medical services. These two roles are separately organized within the County of San Diego and other than sharing enabling powers through CSA No. 135 have no substantive connection with one another in terms of administration, budgeting, and operations.

### No. 2

#### Different and Reduced Role in Public Safety Radio Communications

CSA No. 135 was initially formed in 1994 to organize and directly fund public safety radio communication system throughout the District’s jurisdictional boundary and on behalf of 11 member agencies. CSA No. 135’s direct funding of public safety radio communications, however, has diverged and is limited to only three member agencies – Cities of Del Mar, Poway, and Solana Beach – to date. The other eight member agencies in CSA No. 135 fund the associated services through other discretionary resources outside the intended role of the District.



The San Elijo Lagoon in Cardiff-by-the-Sea



San Diego County  
Administration  
Center Building

» General Themes and Conclusions

**No. 3**  
**Expanding Role in Fire Protection and  
Emergency Medical Services**

CSA No. 135 has been successful in fulfilling its role to organize and fund fire protection and emergency medical services in the unincorporated area through the County Fire Authority following LAFCO’s approval of a latent power activation in 2008. This includes completing all three steps in the County’s Hybrid Plan and marked by serving as successor to 18 merged fire agencies and/or companies and in doing so becoming first responder for approximately 70% of the unincorporated area. The role of the County Fire Authority has also expanded beyond initial formation expectations and now a formal commitment under the County of San Diego Charter.

**No. 4**  
**Positive Financial Standing**

The County of San Diego – which is fiducially responsible for CSA No. 135 and its municipal functions – improved its financial standing during the five-year report period as measured by its audited net position with an overall 42.7% increase less pension obligations. This improvement is also reflected and aided by an average total margin of 4.7% over the corresponding 60-month period. Further, while decreasing by (6.5%), the County’s funded ratio – i.e. the portion of pension assets to pension liabilities – finished the period favorably relative to industry standards at 78%.



Potato  
Chip Rock  
in Poway

**No. 5**  
**Merits to Reorganize and Establish a  
New Fire Protection District**

The distinct and separate municipal roles within CSA No. 135 suggest there is sufficient merit to pursue a reorganization of the District to formally separate into two entities and further sync its active service activities with current and future demands. The preferred option involves reorganizing CSA No. 135 to divest its fire protection and emergency medical service powers and concurrently form a new dependent fire protection district governed by the Board of Supervisors to serve as successor agency.





## Recommendations

The following recommendations call for specific action either from San Diego LAFCO and/or CSA No. 135 based on information generated as part of this report and outlined below in order of their placement in Section 5.0 (Written Determinations). Recommendations for Commission action are dependent on a subsequent directive from the membership and through the adopted work plan.

1. San Diego LAFCO should coordinate with the County of San Diego and SANDAG to develop buildout estimates specific to CSA No. 135 and for its two distinct service areas – public safety radio communications and fire protection/emergency medical services – and incorporate the information into the next scheduled municipal service review.
2. San Diego LAFCO should perform additional review to fully determine the scale of qualifying disadvantaged unincorporated community lands adjacent to CSA No. 135 that are not already within the boundary of fire protection provider. This additional review appropriately satisfies statutory prompts and should be incorporated into future municipal service reviews as needed.
3. San Diego LAFCO should coordinate with CSA No. 135 and assess the present and future role of the District in meeting all participating agencies' needs specific to its public safety radio communications function. This includes assessing whether other participating agencies are interested in establishing a fixed District fee and evaluating thereafter the merits/demerits of boundary adjustments.
4. The distinct and separate municipal roles within CSA No. 135 suggests a reorganization of the District to formally separate into two entities and further sync its active service activities with current and future demands is appropriate at this time.
5. San Diego LAFCO believes the preferred reorganization option involving CSA No. 135 is to divest its fire protection and emergency medical service powers and concurrently form a new dependent fire protection district to serve as successor agency.
6. County of San Diego should proceed with a proposal request to San Diego LAFCO to reorganize CSA No. 135 as provided above and with the incentive of a fee waiver.
7. San Diego LAFCO should proceed and update CSA No. 135's sphere with no changes and in doing so satisfy its planning requirement under G.C. Section 56425.



Lake Hodges in  
Poway, CA

RESOLUTION NO. \_\_\_\_\_

**SAN DIEGO COUNTY LOCAL AGENCY FORMATION COMMISSION**

**MAKING DETERMINATIONS AND APPROVING A REORGANIZATION AND  
ASSOCIATED SPHERE OF INFLUENCE AMENDMENTS**

**“BORREGO SPRINGS FIRE PROTECTION DISTRICT REORGANIZATION”  
DISSOLUTION OF BORREGO SPRINGS FIRE PROTECTION DISTRICT AND CONCURRENT  
ANNEXATION TO SAN DIEGO COUNTY FIRE PROTECTION DISTRICT  
LAFCO FILE NO: RO22-19**

**WHEREAS**, the Borrego Springs Fire Protection District (FPD) filed a resolution of application on November 4, 2022 with the San Diego County Local Agency Formation Commission (Commission) pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000; and

**WHEREAS**, the application seeks approval for reorganization of approximately 198,400 acres of unincorporated territory in San Diego County involving the dissolution of Borrego Springs FPD and concurrent annexation to the San Diego County FPD as successor agency; and

**WHEREAS**, on October 11, 2022, the Board of Directors of the San Diego County FPD, adopted a resolution in support of Borrego Springs FPD’s resolution and directed San Diego County FPD staff to take all necessary actions to assume responsibility for fire protection, emergency medical, and ambulance transport services; and

**WHEREAS**, the subject agencies have agreed to a property tax exchange applicable to the proposed reorganization adopted by the County of San Diego on February 7, 2023; and

**WHEREAS**, the proposed reorganization necessitates the Commission consider certain conforming sphere of influence amendments to accommodate the jurisdictional changes; and

**WHEREAS**, the Commission’s Executive Officer has reviewed the reorganization proposal and prepared a report with recommendations; and

**WHEREAS**, the Executive Officer’s report and recommendations on the proposal and need for a conforming sphere of influence amendments has been presented to the Commission in the manner provided by law; and

**WHEREAS**, staff published an advertisement notice of public hearing regarding this proposal in the San Diego Union Tribune on February 13, 2023;

**WHEREAS**, the Commission heard and fully considered all the evidence presented at a noticed public meeting on the proposal on March 6, 2023;

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

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

1. The hearing was held on the date set therefore, and due notice of said hearing was given in the manner required by law.
2. At the hearing, the Commission called for, heard, and considered all public comments by interested parties and read and considered the Executive Officer's report.
3. The Commission makes the following findings under the California Environmental Quality Act:
  - a) The Commission serves as lead agency under CEQA for the confirming sphere of influence amendments associated with accommodating the proposal – and specifically eliminating the sphere for Borrego Springs FPD and expanding the sphere for San Diego County FPD to include the affected territory. The Commission find these actions are a “project” under CEQA but exempt from further review under State Guidelines 15061(b)(3). This exemption appropriately applies given it can be seen with certainty spheres are planning policies and associated actions (establishment, update, or amendment) in and of itself does not change the environment or authorize any new uses or services.
  - b) The Commission serves as responsible agency under CEQA for considering the physical effects of the proposal. The Commission has considered and independently concurs with the finding of the lead agency – Borrego Springs FPD – that the proposal is a “project” under CEQA but is exempt from environmental review under provisions of State CEQA Guidelines Section 15320. This exemption appropriately applies given the proposal involves the transfer of municipal service functions – and specifically fire protection, emergency medical, and ambulance transport – that are already provided within the affected territory.
4. The Commission CONDITIONALLY APPROVES the following sphere of influence amendments subject to recordation of a certificate of completion for the proposal.
  - a) The sphere of influence for Borrego Springs FPD is eliminated as shown as EXHIBIT A.
  - b) The sphere of influence for San Diego County FPD is expanded to include the affected territory as shown in EXHIBIT B.
5. The Commission's written statement of determinations addressing the mandatory factors required for consideration any time spheres of influence are adopted, amended, or updated under Government Code § 56425 are addressed in the Executive Officer's written report and incorporated herein.
6. The Commission CONDITIONALLY APPROVES the reorganization as submitted (no modifications) and subject to conditions as provided under No. 7. Approval involves all of the following:
  - a) Dissolution of Borrego Springs FPD as shown in EXHIBIT C

- b) Annexation of the entire 198,400 acre-affected territory to the San Diego County FPD as shown in EXHIBIT D for the purposes of assuming successor agency status from Borrego Springs FPD and provide fire protection, emergency medical, and ambulance transport.
7. Proposal APPROVAL CONDITIONS involve all of the following.
- a) San Diego County FPD will assume responsibility for fire protection, emergency medical and ambulance transport services within the affected territory in the same or increased scope and manner as is currently provided with the following key features:
- Provide a full time 3-person staffed Paramedic Fire Engine at the Borrego Springs Fire Station – also known at Station No. 91;
  - Provide a full time 2-person staffed Paramedic Ambulance at the Borrego Springs Fire Station;
  - Ensure Borrego Springs Fire Station #91 is a must-cover station (move up after 30 minutes);
  - Ensure a Battalion Chief is assigned to oversee the Borrego Springs Fire Station;
  - Ensure San Diego County FPD and/or state firefighters stationed at Borrego Springs will participate in community events as requested;
- b) San Diego County FPD assumes the authority to levy, assess and/or collect all previously authorized fees, taxes and charges, levied and collected in support of fire or emergency medical services including ambulance transport fees, including but not limited to the Special Tax adopted by the voters of Borrego Springs FPD in November 2004. Further, all property tax revenues and voter-approved special tax or special assessment revenues (if any), received or receivable by the Borrego Springs FPD as of the effective date of the proposal shall be collected or collectible by the San Diego County FPD for the exclusive use of funding services within the territory.
- San Diego County FPD shall be the successor to, and shall have the authority to, administer Borrego Springs FPD CFD No. 2014-01, s the legislative body thereto, including but not limited to (i) levying, assessing and/or collecting all previously authorized special taxes related thereto and all such special taxes shall accrue and be transferred to San Diego County FPD as successor thereto; (ii) San Diego County FPD succeeding to all of the rights, duties, responsibilities, properties, contracts, equipment, assets, functions and obligations of CFO No. 2014-01; (iii) the continued provision of authorized services provided therein by San Diego County FPD as successor thereto; (iv) the management of all funds of CFO No. 2014-01 by San Diego County FPD as successor thereto;" and (v) the issuance of bonds of CFO No. 2014-01 which are authorized but not yet issued at the time of transfer.
- c) San Diego County FPD shall provide evidence to LAFCO prior to the effective date of the proposal, which may be in the form of an agreement by and between the San Diego County

FPD and CAL FIRE, which evidence shall ensure that as of the effective date of the proposal all Borrego Springs FPD employees employed by the Borrego Springs FPD immediately prior to the effective date of the proposal will be blanketed in as employees of the State of California or offered equivalent employment as determined by San Diego County FPD.

- d) San Diego County FPD will make best effort to ensure Borrego Springs FPD Fire Chief Hardcastle, and any other qualified employee upon retirement, is provided a photographic identification card that identifies them as a “qualified retired law enforcement officer” under 18 U.S.C Sections 926B and 926C (also known as HR 218), to the extent all conditions under the law are met. Prior to the effective date of the proposal, the Borrego Springs FPD will provide documentation to San Diego County FPD of any such law enforcement officer status.
  - e) As of the effective date of the proposal, all real property (including but not limited to Station No. 91 and any and all lands owned by the Borrego Springs FPD) and personal property (including but not limited to all vehicles or other rolling stock (with remaining fire apparatus to be disposed by the Borrego Springs FPD as approved by San Diego County FPD), tools, office furniture, fixtures, equipment, books, records, papers, office, equipment, supplies, money, funds, appropriations, licenses, permits, entitlements, agreements, contracts, claims, judgements, and all other assets shall transfer from the Borrego Springs FPD to San Diego County FPD in “as-is” condition, without any payment or report obligation from the Borrego Springs FPD.
  - f) All liabilities of Borrego Springs FPD shall be transferred to San Diego County FPD including:
    - Borrego Springs FPD’s unfunded actuarial liability loan with First Foundation Bank dated October 2020.
    - All current and future Borrego Springs FPD’s unfunded liability (CalPERS) for employees.
    - Borrego Springs FPD’s copy machine lease with Image Source/Xerox dated April 7, 2020.
    - San Diego County FPD will assume the current tower site lease agreements with T-Mobile, Verizon, AT&T, American Messaging, AirTouch Paging and Santa Monica College.
8. The Commission’s approval conditions for the reorganization are subject to the following terms being satisfied by March 6, 2024 unless an extension is requested and approved by the Executive Officer.
- a) Completion of the 30-day reconsideration period provided under Government Code Section 56895.
  - b) Submittal to the Commission of final maps and geographic descriptions of the affected territory as approved by the Commission conforming to the requirements of the State Board of Equalization – Tax Services Division as determined by the County of San Diego Assessor’s Office.
  - c) Submittal to the Commission of the following payments:

- A check made payable to LAFCO in the amount of \$100.00 to reimburse for filing two CEQA Notices of Exemption consistent with the findings in this resolution.
  - A check made payable to LAFCO in the amount of \$1,401.92 to reimburse for the public hearing notice publication.
  - A check made payable to the State Board of Equalization for processing fees in the amount of \$3,500.00.
  - Any other fees required under the adopted LAFCO fee schedule as attested by the Executive Officer.
- d) Upon the Commission’s order giving approval of the reorganization, Borrego Springs FPD is prohibited from taking any of the actions contained in Government Code Section 56885.5, including:
- Approving any increase in compensation or benefits for members of the governing board, its officers, or the executive officer of the agency.
  - Appropriating, encumbering, expending, or otherwise obligating, any revenue of the agency beyond that provided in the current budget at the time the dissolution is approved by the Commission.
- e) Provide evidence to LAFCO prior to the effective date, committing to evaluate the need for a replacement fire station to serve Borrego Springs as part of the San Diego County FPD’s Capital Improvement Program.
9. The proposal is assigned the following distinctive short-term designation:
- “Borrego Springs FPD Reorganization”
10. The affected territory as designated by the Commission is inhabited as defined in Government Code 56046.
11. The Commission delegates to the Executive Officer performing all conducting authority proceeding requirements under Government Code Section 57000.
12. Borrego Springs FPD and San Diego County FPD utilize the regular assessment roll of the County of San Diego.
13. As applicable, the affected territory will be liable for any existing bonds, contracts, and/or obligations of the annexing subject agency provided under Government Code Section 57328, and will be subject to any previously authorized taxes, benefit assessments, fees, or charges under Government Code Section 57330.

14. Per Government Code Section 57202, the effective date of the approval shall be the date of recordation of the Certificate of Completion.
15. As allowed under Government Code 56107, the Commission authorizes the Executive Officer to make non-substantive corrections to this resolution to address any technical defect, error, irregularity, or omission.
16. The Executive Officer is hereby authorized and directed to mail copies of this resolution as provided in Sections 56880-56882 of the Government Code.
17. All general terms governing annexations authorized under Government Code Section 57300-57354 apply to this reorganization.
18. The Executive Officer is further authorized and directed to prepare, execute, and record a Certificate of Completion, make the required filings with the County Assessor, County Auditor, and the State Board of Equalization as required by Section 57200, et seq., of the Government Code.

\*\*

PASSED AND ADOPTED by the Commission on March 6, 2023 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINING:

\*\*

ATTEST:

---

Keene Simonds  
Executive Officer



**EXHIBIT A**  
**APPROVED SPHERE OF INFLUENCE AMENDMENT**  
**ELIMINATION OF BORREGO SPRINGS FPD SPHERE OF INFLUENCE**

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**EXHIBIT B**  
**APPROVED SPHERE OF INFLUENCE AMENDMENT**  
**EXPANSION OF SAN DIEGO COUNTY FPD SPHERE OF INFLUENCE**

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**EXHIBIT C**  
**APPROVED JURISDICTIONAL CHANGE**  
**DISSOLUTION OF BORREGO SPRINGS FPD**

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**EXHIBIT D  
APPROVED JURISDICTIONAL CHANGE  
ANNEXATION TO SAN DIEGO COUNTY FPD**

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NOV 04 2022

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

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

- 1. **Completed CHANGE OF ORGANIZATION OR REORGANIZATION APPLICATION.**
- 2. (a) A **certified resolution of application** from an affected city or district; or  
 (b) A **landowner or registered voter petition** making application to San Diego LAFCO (available from LAFCO or <http://www.sdlafco.org/forms/petition.pdf>).
- 3. A **metes-and-bounds legal description of the proposal territory perimeter** for the proposed boundary change(s), a **reproducible parcel/plat map**, and a **vicinity map**. For information about mapping requirements, refer to: [http://www.sdlafco.org/forms/legal\\_description.pdf](http://www.sdlafco.org/forms/legal_description.pdf), and contact the County Assessor's Mapping Division at 619/531-5588. The Thomas Brother's Guide may be used for the vicinity map.
- 4. **Environmental documentation** to comply with the California Environmental Quality Act (CEQA); submit documents for applicable category only:
  - (a) **INITIAL STUDY:** Submit completed form (available from LAFCO) if no environmental review has been conducted;
  - (b) **CATEGORICAL EXEMPTION:** Submit document if an agency has certified that the project qualifies for a categorical exemption from CEQA;
  - (c) **NEGATIVE DECLARATION (ND):** Submit document with certifying resolution and Initial Study\*;
  - (d) **ENVIRONMENTAL IMPACT REPORT (EIR):** Submit 15 copies of the Final EIR and certifying resolution, plus one copy of the EIR Appendix\*.

\* For an ND or EIR, a copy of the receipt for the fee paid to the California Department of Fish and Game must be submitted.
- 5. If annexation to a city is proposed, submit one copy of the **city resolution approving rezoning and general plan land-use designations** for the proposal territory.
- 6. **JURISDICTIONAL CONFLICTS:** If the response to question number 6 on page 3 is "Yes", complete and sign the Policy L-107 form at [http://www.sdlafco.org/forms/Legislative\\_Policy\\_L\\_107.pdf](http://www.sdlafco.org/forms/Legislative_Policy_L_107.pdf).
- 7. **Completed CAMPAIGN CONTRIBUTION DISCLOSURE FORM AND EVALUATION CHECKLIST for DISCLOSURE OF POLITICAL EXPENDITURES** (pages 7 and 8 of application).
- 8. **PROPERTY-OWNER CONSENT FORM FOR INCLUSION OF PROPERTY** (page 9 of application).
- 9. Completed **SUBJECT AGENCY SUPPLEMENTAL INFORMATION FORM** (pages 10-12 of application) from **each** subject agency.
- 10. **LAFCO processing fees.** The San Diego LAFCO FEE SCHEDULE is available at <http://www.sdlafco.org/document/feeschedule.pdf>, or contact LAFCO staff.

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

# CHANGE OF ORGANIZATION OR REORGANIZATION APPLICATION

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

SUBJECT AGENCY(IES) (City or Special District)	PROPOSED CHANGE OF ORGANIZATION/ACTION (Annexation, detachment, sphere amendment, etc.)
1. <u>Borrego Springs Fire Protection District</u>	1. <u>Dissolution</u>
2. _____	2. <u>Concurrent Annexation of Territory</u>
3. _____	3. <u>Sphere of Influence Amendment</u>
4. _____	4. _____

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

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

Agreed:  
 Signature: \_\_\_\_\_ Date: 11/3/2022  
 Print/Type Name: John W. Hardcastle, Fire Chief, Borrego Springs Fire Protection District  
 Address: 2324 Stirrup Road, P.O. Box 9, Borrego Springs, CA 92004  
 Telephone: (760) 767-5436

Property Address: NA  
 Cross Street(s): NA  
 Assessor Parcel Number(s): Multiple Acres: 198,400 (310 square miles)

Indicate below if anyone, in addition to the person signing this application, is to receive notices of these proceedings.  
 Name: San Diego County Fire Protection District, Attn: Jeff Collins/ Kat Anady  
 Address: 5560 Overland Avenue, Suite 400, San Diego, CA 92123  
 Telephone: (619) 857-6403

**A. PROPOSAL DESCRIPTION/JUSTIFICATION**

1. Explain in detail why the proposal is necessary *at this time* (e.g., condition of an approved tentative map, an existing structure requires new services, etc.). \_\_\_\_\_

Please refer to Resolution No. 2022-03, adopted on August 25, 2022 by the Board of Directors of the Borrego Springs Fire Protection District (attached).

2. Describe the use of *developed* property within the proposal territory, including details about existing structures. Describe anticipated development of *vacant* property, including types of buildings, number of units, supporting facilities, etc., and when development is scheduled to occur. \_\_\_\_\_

The proposed actions will not change the use of developed or vacant property within the proposal territory.

3. Describe the topography and physical features of the proposal territory, as well as its general location in relation to communities, major freeways/highways, roads, etc. \_\_\_\_\_

The proposal territory includes the community of Borrego Springs, a small, isolated desert town located in the Northeastern portion of San Diego County and surrounded by the Anza-Borrego Desert State Park. The closest communities include Ocotillo Wells, Shelter Valley, and Ranchita.

4. How many residents live within the proposal territory? Estimated 3,800 permanent/ 10,000 seasonal residents

5. How many of these residents are registered voters? 1,767 (2022, San Diego County Registrar of Voters)

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

NO  YES (If yes, please complete the Policy L-107 form at [http://www.sdlafco.org/forms/Legislative\\_Policy\\_L\\_107.pdf](http://www.sdlafco.org/forms/Legislative_Policy_L_107.pdf))

**B. LAND USE INFORMATION**

**GENERAL PLAN AND ZONING:**

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

1. COUNTY:

(a) The territory is within the Borrego Springs community plan.

(b) The County General Plan or community plan designation and allowed density: \_\_\_\_\_  
Please refer to the County General Plan Land Use Maps Appendix.

(c) Current County zoning and allowed density: \_\_\_\_\_  
Please refer to the County General Plan Land Use Maps Appendix.

2. CITY:

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

(b) The City General Plan land use designation and allowed density: NA

(c) Current City zoning and allowed density: NA

(d) Current City rezoning and allowed density: NA

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

Type of Approval or Permit	File No.	Approval Date	Is Resolution Attached?
Tentative Subdivision Map	NA		<input type="checkbox"/> YES <input type="checkbox"/> NO
Tentative Parcel Map	NA		<input type="checkbox"/> YES <input type="checkbox"/> NO
Major Use Permit	NA		<input type="checkbox"/> YES <input type="checkbox"/> NO
City/County General Plan Amendment	NA		<input type="checkbox"/> YES <input type="checkbox"/> NO
City Rezoning	NA		<input type="checkbox"/> YES <input type="checkbox"/> NO
County Rezone	NA		<input type="checkbox"/> YES <input type="checkbox"/> NO
(Other)	NA		<input type="checkbox"/> YES <input type="checkbox"/> NO

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

North: Public Agency Lands East: Public Agency Lands

South: Public Agency Lands West: Public Agency Lands

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

- Agricultural land uses       Agricultural Preserve
- Open Space Easement       Slopes greater than 25%
- Sewer moratorium area       Coastal Permit Zone
- Unusual features such as: \_\_\_\_\_

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

### C. PUBLIC SERVICES INFORMATION

**SEWER SERVICE:** *NA - The proposed actions will not change the Sewer Services within the proposal territory.*

1. (a) Is the proposal territory within a district or city that provides public sewer service?  YES  NO  
 (b) *If yes*, which agency? NA
2. (a) Is a developed parcel in need of annexation due to failed septic system?  YES  NO  
 (b) *If yes*, include a copy of any letters from the San Diego County Department of Environmental Health or private septic-system company.  
 (c) *If no*, is annexation for sewer service part of this application?  YES  NO
3. If annexation for sewer service is proposed, which district or city would serve the territory if this jurisdictional change is approved? NA
4. (a) Has the agency that will be providing service issued a letter of sewer availability?  YES  NO  
 (b) *If yes*, please provide a copy of the letter with this application. (This documentation should be completed by the agency no longer than 6 months prior to submittal to LAFCO.)
5. (a) Will the agency be prepared to furnish sewer service upon annexation?  YES  NO  
 (b) *If no*, please explain: NA

**WATER SERVICE:** *NA - The proposed actions will not change the Water Service within the proposal territory.*

1. (a) Is the proposal territory within a district or city that provides public water service?  YES  NO  
 (b) *If yes*, which agency? NA
2. Is a well or other on-site water system currently used on the property?  YES  NO
3. Is an on-site system proposed to be used when the property is developed?  YES  NO
4. (a) Is annexation for water service part of this application?  YES  NO  
 (b) *If yes*, which district or city would serve the territory if this jurisdictional change is approved? NA  
 (c) Will the agency that will be providing service be prepared to furnish water service upon annexation?  YES  NO
5. (a) Has the agency that will be providing service issued a letter of water availability?  YES  NO  
 (b) *If yes*, please provide a copy of the letter with this application. (This documentation should be completed by the agency no longer than 6 months prior to submittal to LAFCO.)

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

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

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

Borrego Springs Fire Protection District

2324 Stirrup Road, P.O. Box 9, Borrego Springs, CA 92004

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

priority \_\_\_\_\_ minutes; non-priority \_\_\_\_\_ minutes

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

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

San Diego County Fire Protection District

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

5560 Overland Avenue, Suite 400, San Diego, CA 92123

(b) Estimated response times to the proposal territory: *Please refer to the Travel Time Standards set forth in the*

Priority \_\_\_\_\_ minutes; non-priority \_\_\_\_\_ minutes

*Safety Element of the San Diego County General Plan.*

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

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

\_\_\_\_\_

(a) Location/address of nearest police station: \_\_\_\_\_

\_\_\_\_\_

(b) Estimated response times to the proposal territory: priority \_\_\_\_\_ minutes; non-priority \_\_\_\_\_ minutes

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

\_\_\_\_\_

(a) Location/address of nearest police station: \_\_\_\_\_

\_\_\_\_\_

(b) Estimated response times to the proposal territory:

Priority \_\_\_\_\_ minutes; non-priority \_\_\_\_\_ minutes



## CAMPAIGN CONTRIBUTION DISCLOSURE PROVISIONS

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

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

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

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

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

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

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

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

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

## CAMPAIGN CONTRIBUTION DISCLOSURE FORM

(a) Proposed change(s) of organization: \_\_\_\_\_

Includes the dissolution of BSFPD and concurrent annexation  
of territory within the BSFPD's boundaries into the SDCFPD.

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

1. NA

2. NA

(c) Date and amount of contribution:

Date NA Amount \$ NA

Date NA Amount \$ NA

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

1. NA

2. NA

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

Printed Name John W. Hardcastle, BSFPD Fire Chief

Signature [Signature]

Date 11/3/2022 Phone (760) 767-5436

To be completed by LAFCO:

Proposal:

Ref. No.

## DISCLOSURE OF POLITICAL EXPENDITURES

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

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

- Any person or combination of persons who, for political purposes, directly or indirectly contributes \$1,000 or more, or expend \$1,000 or more in support of, or in opposition to a proposal for a change of organization or reorganization that will be submitted to the Commission, shall disclose and report to the Commission to the same extent and subject to the same requirements of the Political Reform Act of 1974 (Government Code Section 81000 et seq.) as provided for local initiative measures, and Section 56700.1 of the Cortese-Knox-Hertzberg Act of 2000.
- Pursuant to Government Code Section 57009, any person or combination of persons who directly or indirectly contributes \$1,000 or more, or expends \$1,000 or in support of, or in opposition to, the conducting authority proceedings for a change of organization or reorganization, must comply with the disclosure requirements of the Political Reform Act of 1974, (Government Code section 81000 et seq.). Applicable reports must be filed with the Secretary of State and the appropriate city or county clerk. Copies of the report must also be filed with the Executive Officer of San Diego LAFCO.
- A roster of current San Diego LAFCO commissioners is available from the LAFCO office: 9335 Hazard Way, Suite 200, San Diego, CA 92123, (858) 614-7755, or from <http://www.sdlafco.org/document/CommRoster.pdf>

## EVALUATION CHECKLIST FOR DISCLOSURE OF POLITICAL EXPENDITURES

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

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

- Yes  
 No

Date of contribution \_\_\_\_\_ Amount \$ \_\_\_\_\_

Name/Ref. No. of LAFCO proposal \_\_\_\_\_  
\_\_\_\_\_

Date proposal submitted to LAFCO \_\_\_\_\_

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

- Yes  
 No

Date of contribution \_\_\_\_\_ Amount \$ \_\_\_\_\_

Name/Ref. No. of LAFCO proposal \_\_\_\_\_  
\_\_\_\_\_

Date proposal submitted to LAFCO \_\_\_\_\_

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

- Yes  
 No

## PROPERTY-OWNER CONSENT FORM FOR INCLUSION OF PROPERTY

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

<sup>1</sup> Territory included within a proposed boundary change that includes less-than 1/2 registered voters is considered *uninhabited* (Government Code 56045).

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

(Please list all proposed actions)

Annexation to: 1. \_\_\_\_\_  
2. \_\_\_\_\_  
3. \_\_\_\_\_


Detachment from: 1. \_\_\_\_\_  
2. \_\_\_\_\_  
3. \_\_\_\_\_

<u>Date</u>	<u>Signature</u>	<u>Assessor's Parcel Number(s)</u>
1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____
5. _____	_____	_____

Attach additional sheets if necessary

## SUBJECT AGENCY SUPPLEMENTAL INFORMATION FORM

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

	John W. Hardcastle
<b>Signature of agency representative</b>	<b>Print name</b>
Fire Chief, Borrego Springs Fire Protection District	
<b>Title</b>	
(760) 767-5436	11/3/2022
<b>Telephone</b>	<b>Date</b>

### A. JURISDICTIONAL INFORMATION:

Name of agency:  
Borrego Springs Fire Protection District

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

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

**B. SEWER SERVICE: *NA - The proposed actions will not result in changes to the Sewer Service in the proposal territory.***

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

\_\_\_\_\_

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

\_\_\_\_\_

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

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

(c) Has the agency exceeded the flow (peak) capacity within the past two years?

YES  NO

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

\_\_\_\_\_

4. (a) Has the agency issued a letter of sewer availability for the proposal territory?

YES  NO

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

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

(b) Can all projects that have received commitments of sewer availability (e.g., "will serve letters") be accommodated with planned capacity?

YES  NO

6. (a) Does the agency have the necessary contractual and/or operational treatment capacity to provide sewer service to the proposal territory?

YES  NO

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

NA

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

\_\_\_\_\_

7. Will the proposal territory be annexed to a sewer improvement district?

YES  NO

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

(b) Describe the location of the connection to the agency's existing sewer system:

NA

**C. WATER SERVICE: NA - The proposed actions will not result in changes to the Water Service in the proposal territory.**

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

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

NA

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

NA

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

NA

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

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

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

(b) Describe the location of the connection to the agency's existing water system:

NA

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

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

NA

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

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

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

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

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

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

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

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

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

- 1. **Completed CHANGE OF ORGANIZATION OR REORGANIZATION APPLICATION.**
- 2. (a) A **certified resolution of application** from an affected city or district; or  
(b) A **landowner or registered voter petition** making application to San Diego LAFCO (available from LAFCO or <http://www.sdlafco.org/forms/petition.pdf>).
- 3. A **metes-and-bounds legal description of the proposal territory perimeter** for the proposed boundary change(s), a **reproducible parcel/plat map**, and a **vicinity map**. For information about mapping requirements, refer to: [http://www.sdlafco.org/forms/legal\\_description.pdf](http://www.sdlafco.org/forms/legal_description.pdf), and contact the County Assessor's Mapping Division at 619/531-5588. The Thomas Brother's Guide may be used for the vicinity map.
- 4. **Environmental documentation** to comply with the California Environmental Quality Act (CEQA); submit documents for applicable category only:
  - (a) **INITIAL STUDY:** Submit completed form (available from LAFCO) if no environmental review has been conducted;
  - (b) **CATEGORICAL EXEMPTION:** Submit document if an agency has certified that the project qualifies for a categorical exemption from CEQA;
  - (c) **NEGATIVE DECLARATION (ND):** Submit document with certifying resolution and Initial Study\*;
  - (d) **ENVIRONMENTAL IMPACT REPORT (EIR):** Submit 15 copies of the Final EIR and certifying resolution, plus one copy of the EIR Appendix\*.

\* For an ND or EIR, a copy of the receipt for the fee paid to the California Department of Fish and Game must be submitted.
- 5. If annexation to a city is proposed, submit one copy of the **city resolution approving rezoning and general plan land-use designations** for the proposal territory.
- 6. **JURISDICTIONAL CONFLICTS:** If the response to question number 6 on page 3 is "Yes", complete and sign the Policy L-107 form at [http://www.sdlafco.org/forms/Legislative\\_Policy\\_L\\_107.pdf](http://www.sdlafco.org/forms/Legislative_Policy_L_107.pdf).
- 7. **Completed CAMPAIGN CONTRIBUTION DISCLOSURE FORM AND EVALUATION CHECKLIST for DISCLOSURE OF POLITICAL EXPENDITURES** (pages 7 and 8 of application).
- 8. **PROPERTY-OWNER CONSENT FORM FOR INCLUSION OF PROPERTY** (page 9 of application).
- 9. Completed **SUBJECT AGENCY SUPPLEMENTAL INFORMATION FORM** (pages 10-12 of application) from **each** subject agency.
- 10. **LAFCO processing fees.** The San Diego LAFCO FEE SCHEDULE is available at <http://www.sdlafco.org/document/feeschedule.pdf>, or contact LAFCO staff.

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



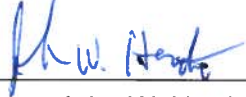
# CHANGE OF ORGANIZATION OR REORGANIZATION APPLICATION

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

SUBJECT AGENCY(IES) (City or Special District)	PROPOSED CHANGE OF ORGANIZATION/ACTION (Annexation, detachment, sphere amendment, etc.)
1. <u>Borrego Springs Fire Protection District</u>	1. <u>Dissolution</u>
2. _____	2. <u>Concurrent Annexation of Territory</u>
3. _____	3. <u>Sphere of Influence Amendment</u>
4. _____	4. _____

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

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

Agreed: \_\_\_\_\_  
 Signature:  Date: 11/3/2022  
 Print/Type Name: John W. Hardcastle, Fire Chief, Borrego Springs Fire Protection District  
 Address: 2324 Stirrup Road, P.O. Box 9, Borrego Springs, CA 92004  
 Telephone: (760) 767-5436

Property Address: NA  
 Cross Street(s): NA  
 Assessor Parcel Number(s): Multiple Acres: 198,400 (310 square miles)

Indicate below if anyone, in addition to the person signing this application, is to receive notices of these proceedings.  
 Name: San Diego County Fire Protection District, Attn: Jeff Collins/ Kat Anady  
 Address: 5560 Overland Avenue, Suite 400, San Diego, CA 92123  
 Telephone: (619) 857-6403

## A. PROPOSAL DESCRIPTION/JUSTIFICATION

1. Explain in detail why the proposal is necessary *at this time* (e.g., condition of an approved tentative map, an existing structure requires new services, etc.). \_\_\_\_\_

Please refer to Resolution No. 2022-03, adopted on August 25, 2022 by the Board of Directors of the Borrego Springs Fire Protection District (attached).  
\_\_\_\_\_  
\_\_\_\_\_

2. Describe the use of *developed* property within the proposal territory, including details about existing structures. Describe anticipated development of *vacant* property, including types of buildings, number of units, supporting facilities, etc., and when development is scheduled to occur. \_\_\_\_\_

The proposed actions will not change the use of developed or vacant property within the proposal territory.  
\_\_\_\_\_  
\_\_\_\_\_

3. Describe the topography and physical features of the proposal territory, as well as its general location in relation to communities, major freeways/highways, roads, etc. \_\_\_\_\_

The proposal territory includes the community of Borrego Springs, a small, isolated desert town located in the Northeastern portion of San Diego County and surrounded by the Anza-Borrego Desert State Park. The closest communities include Ocotillo Wells, Shelter Valley, and Ranchita.  
\_\_\_\_\_  
\_\_\_\_\_

4. How many residents live within the proposal territory? Estimated 3,800 permanent/ 10,000 seasonal residents

5. How many of these residents are registered voters? 1,767 (2022, San Diego County Registrar of Voters)

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

NO  YES (If yes, please complete the Policy L-107 form at [http://www.sdlafco.org/forms/Legislative\\_Policy\\_L\\_107.pdf](http://www.sdlafco.org/forms/Legislative_Policy_L_107.pdf))

## B. LAND USE INFORMATION

### GENERAL PLAN AND ZONING:

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

1. COUNTY:

(a) The territory is within the Borrego Springs community plan.

(b) The County General Plan or community plan designation and allowed density: \_\_\_\_\_  
Please refer to the County General Plan Land Use Maps Appendix.  
\_\_\_\_\_

(c) Current County zoning and allowed density: \_\_\_\_\_  
Please refer to the County General Plan Land Use Maps Appendix.  
\_\_\_\_\_

2. CITY:

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

(b) The City General Plan land use designation and allowed density: NA

(c) Current City zoning and allowed density: NA

(d) Current City prezoning and allowed density: NA

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

Type of Approval or Permit	File No.	Approval Date	Is Resolution Attached?
Tentative Subdivision Map	NA		<input type="checkbox"/> YES <input type="checkbox"/> NO
Tentative Parcel Map	NA		<input type="checkbox"/> YES <input type="checkbox"/> NO
Major Use Permit	NA		<input type="checkbox"/> YES <input type="checkbox"/> NO
City/County General Plan Amendment	NA		<input type="checkbox"/> YES <input type="checkbox"/> NO
City Prezoning	NA		<input type="checkbox"/> YES <input type="checkbox"/> NO
County Rezone	NA		<input type="checkbox"/> YES <input type="checkbox"/> NO
(Other)	NA		<input type="checkbox"/> YES <input type="checkbox"/> NO

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

North: Public Agency Lands East: Public Agency Lands

South: Public Agency Lands West: Public Agency Lands

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

- Agricultural land uses       Agricultural Preserve
- Open Space Easement       Slopes greater than 25%
- Sewer moratorium area       Coastal Permit Zone
- Unusual features such as: \_\_\_\_\_

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

### C. PUBLIC SERVICES INFORMATION

**SEWER SERVICE:** *NA - The proposed actions will not change the Sewer Services within the proposal territory.*

1. (a) Is the proposal territory within a district or city that provides public sewer service?  YES  NO  
(b) *If yes*, which agency? NA
2. (a) Is a developed parcel in need of annexation due to failed septic system?  YES  NO  
(b) *If yes*, include a copy of any letters from the San Diego County Department of Environmental Health or private septic-system company.  
(c) *If no*, is annexation for sewer service part of this application?  YES  NO
3. If annexation for sewer service is proposed, which district or city would serve the territory if this jurisdictional change is approved? NA
4. (a) Has the agency that will be providing service issued a letter of sewer availability?  YES  NO  
(b) *If yes*, please provide a copy of the letter with this application. (This documentation should be completed by the agency no longer than 6 months prior to submittal to LAFCO.)
5. (a) Will the agency be prepared to furnish sewer service upon annexation?  YES  NO  
(b) *If no*, please explain: NA

**WATER SERVICE:** *NA - The proposed actions will not change the Water Service within the proposal territory.*

1. (a) Is the proposal territory within a district or city that provides public water service?  YES  NO  
(b) *If yes*, which agency? NA
2. Is a well or other on-site water system currently used on the property?  YES  NO
3. Is an on-site system proposed to be used when the property is developed?  YES  NO
4. (a) Is annexation for water service part of this application?  YES  NO  
(b) *If yes*, which district or city would serve the territory if this jurisdictional change is approved? NA  
(c) Will the agency that will be providing service be prepared to furnish water service upon annexation?  YES  NO
5. (a) Has the agency that will be providing service issued a letter of water availability?  YES  NO  
(b) *If yes*, please provide a copy of the letter with this application. (This documentation should be completed by the agency no longer than 6 months prior to submittal to LAFCO.)

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

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

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

Borrego Springs Fire Protection District

2324 Stirrup Road, P.O. Box 9, Borrego Springs, CA 92004

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

priority \_\_\_\_\_ minutes; non-priority \_\_\_\_\_ minutes

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

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

San Diego County Fire Protection District

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

5560 Overland Avenue, Suite 400, San Diego, CA 92123

(b) Estimated response times to the proposal territory: *Please refer to the Travel Time Standards set forth in the*

Priority \_\_\_\_\_ minutes; non-priority \_\_\_\_\_ minutes

*Safety Element of the San Diego County General Plan.*

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

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

\_\_\_\_\_

(a) Location/address of nearest police station: \_\_\_\_\_

\_\_\_\_\_

(b) Estimated response times to the proposal territory: priority \_\_\_\_\_ minutes; non-priority \_\_\_\_\_ minutes

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

\_\_\_\_\_

(a) Location/address of nearest police station: \_\_\_\_\_

\_\_\_\_\_

(b) Estimated response times to the proposal territory:

Priority \_\_\_\_\_ minutes; non-priority \_\_\_\_\_ minutes

## CAMPAIGN CONTRIBUTION DISCLOSURE PROVISIONS

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

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

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

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

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

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

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

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

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

## CAMPAIGN CONTRIBUTION DISCLOSURE FORM

(a) Proposed change(s) of organization: \_\_\_\_\_

Includes the dissolution of BSFPD and concurrent annexation  
of territory within the BSFPD's boundaries into the SDCFPD.

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

1. NA

2. NA

(c) Date and amount of contribution:

Date NA Amount \$ NA

Date NA Amount \$ NA

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

1. NA

2. NA

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

Printed Name John W. Hardcastle, BSFPD Fire Chief

Signature 

Date 11/3/2022 Phone (760) 767-5436

To be completed by LAFCO:

Proposal:

Ref. No.



## DISCLOSURE OF POLITICAL EXPENDITURES

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

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

- Any person or combination of persons who, for political purposes, directly or indirectly contributes \$1,000 or more, or expend \$1,000 or more in support of, or in opposition to a proposal for a change of organization or reorganization that will be submitted to the Commission, shall disclose and report to the Commission to the same extent and subject to the same requirements of the Political Reform Act of 1974 (Government Code Section 81000 et seq.) as provided for local initiative measures, and Section 56700.1 of the Cortese-Knox-Hertzberg Act of 2000.
- Pursuant to Government Code Section 57009, any person or combination of persons who directly or indirectly contributes \$1,000 or more, or expends \$1,000 or in support of, or in opposition to, the conducting authority proceedings for a change of organization or reorganization, must comply with the disclosure requirements of the Political Reform Act of 1974, (Government Code section 81000 et seq.). Applicable reports must be filed with the Secretary of State and the appropriate city or county clerk. Copies of the report must also be filed with the Executive Officer of San Diego LAFCO.
- A roster of current San Diego LAFCO commissioners is available from the LAFCO office: 9335 Hazard Way, Suite 200, San Diego, CA 92123, (858) 614-7755, or from <http://www.sdlafco.org/document/CommRoster.pdf>

## EVALUATION CHECKLIST FOR DISCLOSURE OF POLITICAL EXPENDITURES

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

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

- Yes  
 No

Date of contribution \_\_\_\_\_ Amount \$ \_\_\_\_\_

Name/Ref. No. of LAFCO proposal \_\_\_\_\_

Date proposal submitted to LAFCO \_\_\_\_\_

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

- Yes  
 No

Date of contribution \_\_\_\_\_ Amount \$ \_\_\_\_\_

Name/Ref. No. of LAFCO proposal \_\_\_\_\_

Date proposal submitted to LAFCO \_\_\_\_\_

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

- Yes  
 No



## PROPERTY-OWNER CONSENT FORM FOR INCLUSION OF PROPERTY

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

<sup>1</sup> Territory included within a proposed boundary change that includes less-than 12 registered voters is considered *uninhabited* (Government Code 56045).

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

(Please list all proposed actions)

Annexation to: 1. \_\_\_\_\_  
2. \_\_\_\_\_  
3. \_\_\_\_\_

Detachment from: 1. \_\_\_\_\_  
2. \_\_\_\_\_  
3. \_\_\_\_\_

<u>Date</u>	<u>Signature</u>	<u>Assessor's Parcel Number(s)</u>
1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____
5. _____	_____	_____

Attach additional sheets if necessary

## SUBJECT AGENCY SUPPLEMENTAL INFORMATION FORM

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

	John W. Hardcastle
<b>Signature of agency representative</b>	<b>Print name</b>
Fire Chief, Borrego Springs Fire Protection District	
<b>Title</b>	
(760) 767-5436	11/3/2022
<b>Telephone</b>	<b>Date</b>

### A. JURISDICTIONAL INFORMATION:

Name of agency:  
Borrego Springs Fire Protection District

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

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

**B. SEWER SERVICE: *NA - The proposed actions will not result in changes to the Sewer Service in the proposal territory.***

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

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

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

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

(c) Has the agency exceeded the flow (peak) capacity within the past two years?

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

YES  NO

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

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

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

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

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

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

NA

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

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

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

(b) Describe the location of the connection to the agency's existing sewer system:

NA

**C. WATER SERVICE: NA - The proposed actions will not result in changes to the Water Service in the proposal territory.**

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

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

NA

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

NA

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

NA

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

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

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

(b) Describe the location of the connection to the agency's existing water system:

NA

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

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

NA

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

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

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

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

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

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

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

## Plan for Service

Pursuant to Government Code Section 56653, this plan describes services to be provided by the San Diego County Fire Protection District (SDCFPD) within the Borrego Springs Fire District (BSFPD) territory upon the dissolution of BSFPD and concurrent annexation of territory within the BSFPD's boundaries into the SDCFPD.

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

Fire Protection and Emergency Medical Services: Upon the Effective Date, SDCFPD shall meet or exceed the service levels within the BSFPD, including, but not limited to, the following:

- (a) Paramedic Fire Engine. SDCFPD shall provide a full time 3-person staffed Paramedic Fire Engine at the Borrego Springs Fire Station (Fire Station 91).
- (b) Paramedic Ambulance. SDCFPD shall provide a full time 2-person staffed Paramedic Ambulance at Fire Station 91.
- (c) Cover Station. SDCFPD shall ensure Fire Station 91 is a must-cover station (move up after 30 minutes).
- (d) Administration/Operation. SDCFPD will ensure a Battalion Chief is assigned to oversee Fire Station 91.
- (e) Fire Station Assessment. SDCFPD shall provide evidence to LAFCO prior to the Effective Date, committing to evaluate the need for a replacement fire station to serve Borrego Springs as part of SDCFPD's Capital Improvement Program.
- (f) Community Events. SDCFPD and/or state firefighters stationed at Borrego Springs will participate in community events as requested.

Fire Prevention Services: Fire prevention services within the affected territory are currently provided by BSFPD and will be provided by County Staff after the dissolution of BSFPD.

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

SDCFPD will implement Advanced Life Support (ALS) service for Fire Station 91, bringing the total number of SDCFPD ALS stations up to twenty. Staffing is 24-hour coverage, seven days per week, 365 days per year. SDCFPD will ensure a Battalion Chief is on duty in Battalion 5 (Borrego Springs) 24 hours per day.

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

Fire Protection and Emergency Medical Services: The BSFPD currently provides fire protection and emergency medical services within the affected territory. Under this proposal, these services will be provided by CAL FIRE employees under contract with SDCFPD and San Diego County Reserve firefighters. No extension of services is anticipated.

Fire Prevention Services: Fire prevention services within the affected territory are currently provided by BSFPD and will be provided by County Staff after the dissolution of BSFPD.

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

No immediate improvements are required because of the LAFCO process, but significant improvements could be made in the future.

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

The services will be financed using BSFPD and SDCFPD existing funding, including Property Tax Revenue, County General Purpose Revenue, and Special Taxes Revenue (in particular the Special Tax adopted by the voters of Borrego Springs FPD in November 2004, which SDCFPD shall be authorized to assess, levy and/or collect). In addition SDCFPD shall be the successor to, and shall have the authority to, administer Borrego Springs Fire Protection District CFD No. 2014-01, as the legislative body thereto, including but not limited to (i) levying, assessing and/or collecting all previously authorized special taxes related thereto and all such special taxes shall accrue and be transferred to SDCFPD as successor thereto; (ii) SDCFPD succeeding to all of the rights, duties, responsibilities, properties, contracts, equipment, assets, functions and obligations of CFD No. 2014-01; (iii) the continued provision of authorized services provided therein by SDCFPD as successor thereto; (iv) the management of all funds of CFD No. 2014-01 by SDCFPD as successor thereto;” and (v) the issuance of bonds of CFD No. 2014-01 which are authorized but not yet issued at the time of transfer. It is anticipated that the funding will continue to be budgeted within the same categories of services after the reorganization is complete.

Borrego Springs Fire Protection District  
2324 Stirrup Road  
P.O. Box 9  
Borrego Springs, CA 92004

Keene Simonds  
San Diego LAFCO  
2550 Fifth Avenue, Suite 725  
San Diego, CA 92103

November 3, 2022

**Request for Fee Waiver Associated with the Proposed Dissolution of the Borrego Springs Fire Protection District and Concurrent Annexation of the Territory and Transfer of Fire Protection and Emergency Medical Services to the San Diego County Fire Protection District**

Dear Mr. Simonds,

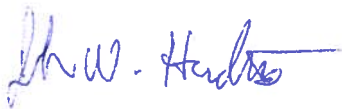
Due to the small population and rural area, the Borrego Springs Fire Protection District (BSFPD) has been unable to provide the same level of services to its residents as other areas of the County. This includes a reduced number of staff on engines and outdated medical equipment. In addition, the community of Borrego Springs has been designated as a disadvantaged unincorporated community.

As a result, on August 25, 2022, the Board of Directors of the BSFPD took action to adopt a resolution to initiate proceedings with the San Diego Local Agency Formation Commission (LAFCO) for the dissolution of the BSFPD and concurrent annexation of the territory, including the transfer of responsibility for fire protection and emergency medical services, to the San Diego County Fire Protection District (SDCFPD).

With the preceding in mind, and in consultation with the SDCFPD, the BSFPD requests the San Diego LAFCO consider waiving all fees associated with the above referenced proposal to mitigate additional financial hardship to the BSFPD and allow the SDCFPD to preserve and direct its own resources in providing administrative and operational support to the BSFPD.

Thank you for your consideration of this request. Should you have any questions, please contact me by email at [jhardcastle@borrego-fire.org](mailto:jhardcastle@borrego-fire.org).

Respectfully,



John W. Hardcastle  
Fire Chief  
Borrego Springs Fire Protection District

Cc: Carol Ieromnimon, San Diego LAFCO  
Jeff Collins, San Diego County Fire







# Borrego Springs Fire Protection District

P.O. Box 9 • 2324 Stirrup Road • Borrego Springs, California 92004

**CERTIFIED TRUE COPY OF THE ORIGINAL**

Phone: (760) 767-5436 • Fax (760) 767-5193

*[Handwritten Signature]*

NAME

(760) 767-5436    09.13.22

PHONE

DATE

Resolution No. 2022-03

**A Resolution of Application of the Borrego Springs Fire Protection District Initiating Proceedings with the San Diego Local Agency Formation Commission for Dissolution of Borrego Springs Fire Protection District and Concurrent Annexation of the Territory Within the District’s Boundaries into the San Diego County Fire Protection District with a Corresponding Sphere of Influence Amendment, and Finding that the Action is Not a “Project” Under CEQA or is, Alternatively, Exempt from CEQA**

**WHEREAS**, the Borrego Springs Fire Protection District (“District”) operates and exists pursuant to the provisions of the Fire Protection District Law of 1987, Health and Safety Code section 13800 et seq.; and

**WHEREAS**, formed in 1961, the District currently provides structural fire protection, advanced life support-level emergency medical services, rescue services, ambulance transport, and related functions throughout its boundaries—covering approximately 310 square miles (together the “Services”); and

**WHEREAS**, the cost of providing the Services has increased at a greater rate than the increase in revenues available to fund the Services; and

**WHEREAS**, in the last few years, the County of San Diego has strategically positioned itself to provide fire protection and emergency medical services in unincorporated San Diego County, including taking action to create the San Diego County Fire Protection District (“SDCFPD”); and

**WHEREAS**, SDCFPD currently operates a cooperative, regionalized integrated fire protection and emergency medical service system, which mostly surrounds the District’s jurisdictional boundaries; and

**WHEREAS**, the District has worked with SDCFPD to develop a framework including terms and conditions on how a potential transfer of the Services from the District to SDCFPD could be accomplished; and

**WHEREAS**, the District and SDCFPD have identified the potential dissolution of the District and concurrent annexation of the territory within the District’s boundaries into SDCFPD, together with a corresponding amendment to SDCFPD’s sphere of influence, as a potential option to be explored by the District; and

**WHEREAS**, after review by the District Board of Directors, the District Board desires to initiate proceedings pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Division 3, commencing with Section 56000 of the California Government to effectuate the transfer of the Services to SDCFPD, by seeking approval of the San Diego Local

Handwritten text, possibly bleed-through from the reverse side of the page. The text is faint and difficult to decipher but appears to contain several lines of writing.

Agency Formation Commission (“LAFCO”) to dissolve the District (the “Dissolution”) and concurrently annex the territory within the District’s boundaries (“District Territory”) to SDCFPD, and correspondingly amend the SDCFPD sphere of influence, on terms and conditions consistent with those specified herein (“Dissolution/Concurrent Annexation”); and

**WHEREAS**, the reasons for the proposed Dissolution/Concurrent Annexation include, but are not limited to, the following:

- (1) Ensure continuity and long-term security of the Services for the communities within the boundaries of the District, including increasing and improving staffing levels;
- (2) Produce savings by eliminating duplication of management, administration, and oversight associated with the operation of multiple Special Districts providing the same service; and
- (3) Create greater efficiencies within facility and fleet management programs.

**WHEREAS**, the Dissolution/Concurrent Annexation is not a project requiring environmental review under the California Environmental Quality Act (“CEQA”), Public Resources Code section 21000 *et seq.* and accompanying regulations in Title 14 of the California Code of Regulations, section 15000 *et seq.* (“State CEQA Guidelines”) because it does not have the potential to result in a direct physical change in the environment or a reasonably foreseeable indirect physical change to the environment. (Pub. Resources Code, § 21065; State CEQA Guidelines, § 15378). The Dissolution/Concurrent Annexation itself will not change any existing land use or result in construction of new facilities. Further, the Dissolution/Concurrent Annexation does not authorize any construction or development of land; and

**WHEREAS**, even if the Dissolution/Concurrent Annexation is considered a “project” under CEQA, it is exempt from environmental review under the Class 20 exemption for changes in the organization of local agencies. (State CEQA Guidelines, § 15320.) Under section 15320, changes in the organization of a local governmental agency are exempt if the changes do not modify the geographical area in which previously existing powers are exercised. This exemption applies because Dissolution/Concurrent Annexation constitutes a “change of organization” or “changes of organization” under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, and does not change the geographical area within which the power to provide the Services will be exercised. There is no evidence that the Dissolution/Concurrent Annexation involves any unusual circumstances that might cause a significant effect on the environment. (State CEQA Guidelines, § 15300.2(c).); and

**WHEREAS**, even if the approval of Dissolution/Concurrent Annexation is considered a “project,” it is also exempt under the “common sense” exemption because it can be seen with certainty that there is no possibility that it may have a significant effect on the environment. (State CEQA Guidelines, § 15061(b)(3).) Dissolution/Concurrent Annexation itself does not authorize any construction or development of land. If a construction or development project is proposed in the future, the construction or development would be subject to environmental review, as required under CEQA, at that time. Because the site and project-specific details of any potential future



construction or development project are unknown at this time, impacts of such potential future development are speculative.

**THEREFORE, BE IT RESOLVED, ORDERED AND DETERMINED** by the Board of Directors of the Borrego Springs Fire Protection District as follows:

1. Effect of Recitals. The recitals set forth hereinabove are true and are hereby incorporated as substantive findings for this Resolution of Application.
2. Proposal. A proposal is hereby made by the Borrego Springs Fire Protection District (“District”) to LAFCO as follows:
  - a. This proposal for the Reorganization is made pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 commencing with Section 56000 of the California Government Code.
  - b. The nature of the proposed Reorganization is Dissolution of the District and Concurrent Annexation of the District Territory into SDCFPD for the provision of the Services upon terms and conditions consistent with those specified herein. It is the District Board’s intent that the Dissolution/Concurrent Annexation not occur unless it is consistent with the terms and conditions specified herein, or as otherwise agreed by the District.
  - c. The District’s proposal for Dissolution/Concurrent Annexation is not consistent with SDCFPD’s sphere of influence; accordingly the District requests LAFCO take action make the necessary corresponding amendment to the SDCFPD sphere of influence.
  - d. The boundaries of the proposal area are depicted on the corresponding map attached hereto as Exhibit “A,” and by this reference incorporated herein.
  - e. The District is inhabited.
  - f. The reasons for proposed Reorganization are as follows:
    - (1) Ensure continuity and long-term security of the Services for the communities within the boundaries of the District;
    - (2) Produce savings by eliminating duplication of management, administration, and oversight associated with the operation of multiple Special Districts providing the same service; and
    - (3) Create greater efficiencies within facility and fleet management programs.
  - g. It is desired by the District that the Dissolution/Concurrent Annexation provide for and made subject to the following terms and conditions:





- (1) SDCFPD as Successor to District. Upon and after the Effective Date of the Dissolution/Concurrent Annexation (“Effective Date”), SDCFPD shall be the successor to the District for purpose of providing the Services, and succeeding to all of the rights, duties, and obligations of the extinguished District with respect to enforcement, performance, or payment of any outstanding bonds, including revenue bonds, or other contracts and obligations within the territory previously included within the extinguished District, and the authority to assess, levy and/or collect any previously authorized fees, charges, assessments, and/or taxes of the District, including, but not limited to, the Special Tax adopted by the voters of Borrego Springs FPD in November 2004. (Government Code Section 56700 and 56886(b) and (m)). Further, all property tax revenues and voter-approved special tax or special assessment revenues (if any), received or receivable by the District as of the Effective Date shall be collected or collectible by SDCFPD for the exclusive use of funding the services within the territory. SDCFPD property taxes, special taxes, and special assessments shall not be available for other SDCFPD or County purposes.
  - i. In addition to the above, SDCFPD shall be the successor to, and shall have the authority to, administer Borrego Springs Fire Protection District CFD No. 2014-01, as the legislative body thereto, including but not limited to (i) levying, assessing and/or collecting all previously authorized special taxes related thereto and all such special taxes shall accrue and be transferred to SDCFPD as successor thereto; (ii) SDCFPD succeeding to all of the rights, duties, responsibilities, properties, contracts, equipment, assets, functions and obligations of CFD No. 2014-01; (iii) the continued provision of authorized services provided therein by SDCFPD as successor thereto; (iv) the management of all funds of CFD No. 2014-01 by SDCFPD as successor thereto;” and (v) the issuance of bonds of CFD No. 2014-01 which are authorized but not yet issued at the time of transfer.
- (2) Transfer of Employees. SDCFPD shall provide evidence to LAFCO prior to the effective date of the Dissolution/Concurrent Annexation (“Effective Date”), which may be in the form of an agreement by and between SDCFPD and CAL FIRE, which evidence shall ensure that as of the Effective Date, all District employees employed by the District immediately prior to the Effective Date, will be blanketed in as employees of the State of California or offered equivalent employment as determined by SDCFPD (Government Code section 56886(l)).
- (3) Service Levels. Upon the Effective Date, SDCFPD shall meet or exceed the service levels within the District, including, but not limited to, the following:
  - i. Paramedic Fire Engine. SDCFPD shall provide a full time 3-person staffed Paramedic Fire Engine at the Borrego Springs Fire Station.



- ii. Paramedic Ambulance. SDCFPD shall provide a full time 2-person staffed Paramedic Ambulance at the Borrego Springs Fire Station.
  - iii. Cover Station. SDCFPD shall ensure Station 91 is a must-cover station (move up after 30 minutes).
  - iv. Administration/Operation. SDCFPD will ensure a Battalion Chief is assigned to oversee the Borrego Springs Fire Station.
  - v. Fire Station Assessment. SDCFPD shall provide evidence to LAFCO prior to the Effective Date, committing to evaluate the need for a replacement fire station to serve Borrego Springs as part of SDCFPD's Capital Improvement Program.
  - vi. Community Events. SDCFPD and/or state firefighters stationed at Borrego Springs will participate in community events as requested.
- (4) Monetary Allocation. The District agrees to work in good faith with SDCFPD to allocate reserve and capital funds for equipment and facility upgrades prior to the Effective Date.
- (5) HR218 ID: As successor in interest to the District, SDCFPD will make a best effort to ensure District Fire Chief Hardcastle and any other qualified employee upon retirement, is provided a photographic identification card that identifies them as a "qualified retired law enforcement officer" under 18 U.S.C. Sections 926B, 926C (also known as HR 218), to the extent all conditions under the law are met. Prior to dissolution, the District will provide documentation to SDCFPD of any such law enforcement officer status.
- (6) Transfer of Property and Other Assets to SDCFPD. As of the Effective Date, all real property (including, but not limited to, District Station 91 and any and all lands owned by the District) and personal property (including, but not limited to, all vehicles or other rolling stock (with remaining fire apparatus to be disposed by the District as approved by SDCFPD), tools, office furniture, fixtures, equipment, books, records, papers, offices, equipment, supplies, moneys, funds, appropriations, licenses, permits, entitlements, agreements, contracts, claims, judgments, and all other assets shall transfer from the District to SDCFPD in "as-is" condition, without any payment or repair obligation from the District (Government Code Section 56886(h)).
- (7) Transfer of Liabilities to SDCFPD. As of the Effective Date any and all liabilities of the District, such as accounts payable, contract obligations and consumer deposits, shall be transferred to SDCFPD's appropriate, respective,



isolated accounts, and in addition the following liabilities shall transfer to SDCFPD:

- i. The District's Unfunded Actuarial Liability loan with First Foundation Bank dated October 2020 (to pay down unfunded CalPERS liability as of that date).
- ii. All current and future unfunded liability (CalPERS) for employees of the District (past and as of the Effective Date).
- iii. The District's Copy Machine lease with Image Source/ Xerox dated April 7, 2020.

Additionally, SDCFPD will assume the current District tower site lease agreements with T-Mobile, Verizon, AT&T, American Messaging, AirTouch Paging and Santa Monica College.

- (8) Prohibition on Dissolved Agency. Upon approval from LAFCO for the dissolution of the District, the District is prohibited from taking any of the actions contained in Government Code Section 56885.5, including:
  - i. Approving any increase in compensation or benefits for members of the governing board, its officers, or the executive officer of the agency.
  - ii. Appropriating, encumbering, expending, or otherwise obligating, any revenue of the agency beyond that provided in the current budget at the time the dissolution is approved by LAFCO.
- (9) Effective Date. The later of July 1, 2023, or upon the date LAFCO records the Certificate of Completion.

3. CEQA Compliance. For all the reasons set forth in the above Recitals, and based upon all of the substantial evidence in the record as a whole, the Board of Directors of the District finds that the Dissolution/Concurrent Annexation: (1) is not a "project" subject to environmental review under CEQA (Pub. Resources Code, § 21065; State CEQA Guidelines, § 15378); (2) alternatively, is exempt from CEQA under the Class 20 exemption as a "change in organization" (State CEQA Guidelines, § 15320); (3) alternatively, is exempt from CEQA under the "common sense" exemption because it can be seen with certainty that there is no possibility that Dissolution/Concurrent Annexation may have a significant effect on the environment. (State CEQA Guidelines, § 15061(b)(3)); and (4) none of the exceptions to the application of these exemption exist (State CEQA Guidelines, § 15300.2).
  - a. The Board of Directors hereby directs that all documents and other materials constituting the record of proceedings related to this Resolution of Application for approval of Dissolution/Concurrent Annexation, be maintained by the District Fire Chief of the District, or designee, on file at the District offices at 2324 Stirrup Road, Borrego Springs CA, 92004.



- b. The Board of Directors directs Staff to file a Notice of Exemption with the County Clerk for the County of San Diego.
- 4. Adoption. This Resolution of Application is hereby adopted and approved by the Board of Directors of the District and San Diego LAFCO is hereby requested to initiate proceedings as authorized and in the manner provided by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 for the Dissolution of the District and Concurrent Annexation of the District Territory into SDCFPD for the provision of the Services upon terms and conditions consistent with those specified herein.
- 5. Submission of Resolution of Application and other Application Materials. The Board of Directors authorizes and directs the District Fire Chief to file a certified copy of this Resolution of Application together with the required LAFCO application, finalized plan for services as required by Government Code section 56653, map, and other documents with LAFCO's Executive Officer.
- 6. Further Authority Granted to the District Fire Chief. The District Fire Chief is authorized to sign any and all documents and agreements with LAFCO and the County of San Diego or SDCFPD to carry out the intent of this Resolution of Application based on the terms in this Resolution of Application.
- 7. Effective Date. This Resolution of Application shall take effect immediately upon adoption by the Board of Directors of the District.

**PASSED AND ADOPTED** by the following vote of the Board of Directors of the Borrego Springs Fire Protection District on August 25, 2022.

AYES: 3

NOES: 2

ABSENT:: Ø

Bradley Tidwell  
 Bradley Tidwell  
 President, Board of Directors

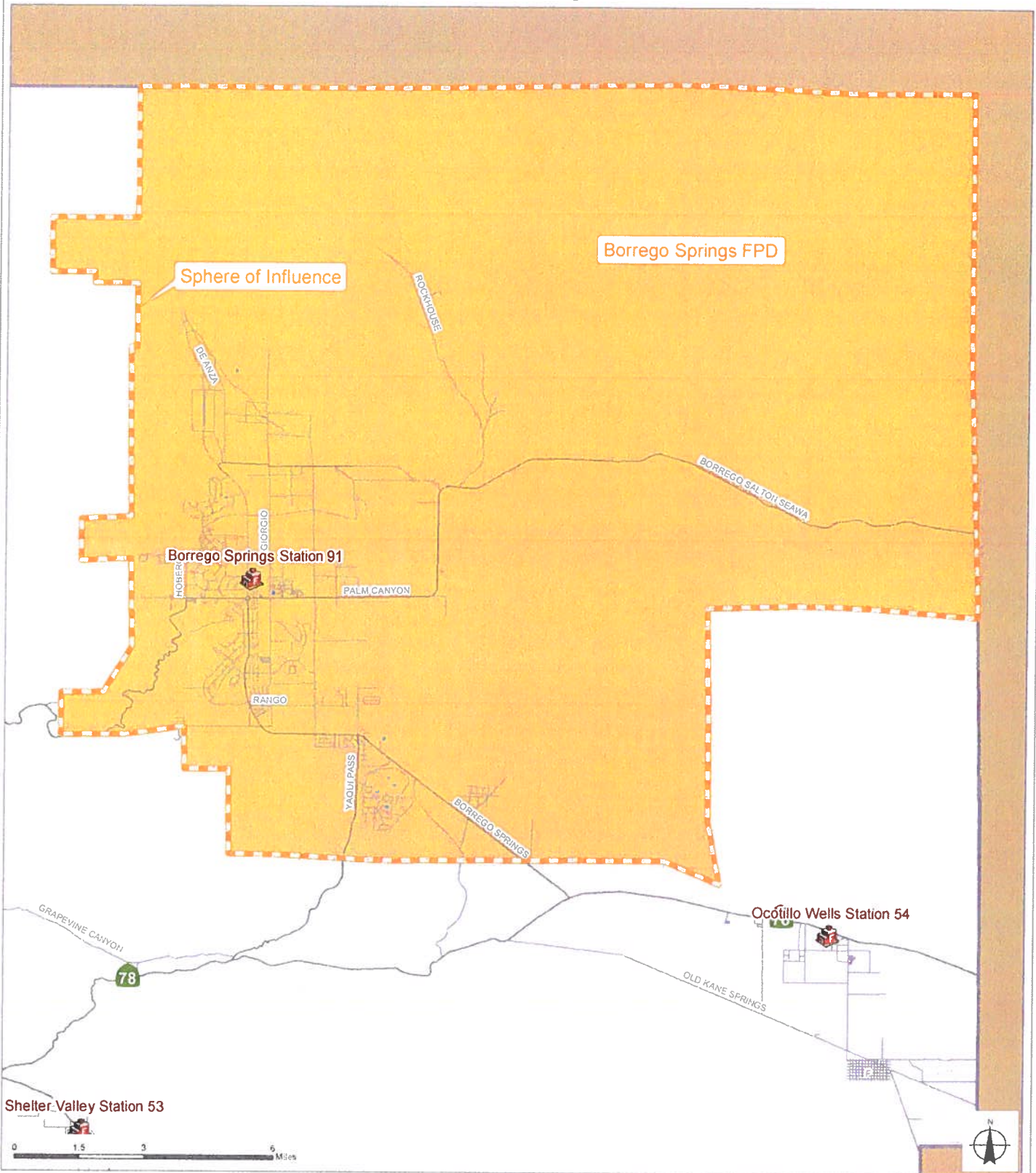




**EXHIBIT A**



# Borrego Springs FPD



**SOI Adopted: 5 / 7 / 2007**  
**SOI Affirmed: 8 / 6 / 2007**  
**SOI Affirmed: 11 / 4 / 2013**

**SOI = Sphere of Influence**





**GEOGRAPHIC DESCRIPTION**

**“BORREGO SPRINGS FIRE PROTECTION DISTRICT REORGANIZATION”**

**DIVESTURE OF FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES AND CONCURRENT ANNEXATION TO  
THE SAN DIEGO COUNTY FIRE PROTECTION DISTRICT**

**LAFCO REFERENCE NO.: ROXX-XX**

THE TERRITORY WITHIN BOUNDARIES OF THE BORREGO SPRINGS FIRE PROTECTION DISTRICT SHALL BE THE TERRITORY WITHIN THE EXISTING BOUNDARIES OF SAID DISTRICT AT THE TIME OF THE SAN DIEGO COUNTY LOCAL AREA FORMATION COMMISSION’S RESOLUTION ORDERING ITS ANNEXATION TO THE SAN DIEGO COUNTY FIRE PROTECTION DISTRICT FOR FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL THAT TERRITORY, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, LYING WITHIN THE FOLLOWING DESCRIBED BOUNDARIES:

**BEGINNING** AT THE NORTHWEST CORNER OF SECTION 1, TOWNSHIP 9 SOUTH, RANGE 5 EAST, SAN BERNARDINO BASE AND MERIDIAN, BEING ALSO A POINT ON THE EXISTING BOUNDARY OF THE BORREGO SPRINGS FIRE PROTECTION DISTRICT;

1. THENCE RUNNING EASTERLY TO THE NORTHEAST CORNER OF SAID COUNTY OF SAN DEIGO;
2. THENCE SOUTHERLY ALONG TOWNSHIP LINES TO THE SOUTHEAST CORNER OF SECTION 36, TOWNSHIP 10 SOUTH, RANGE 8 EAST;
3. THENCE WESTERLY ALONG THE TOWNSHIP LINE TO THE SOUTHWEST CORNER OF SECTION 31, TOWNSHIP 10 SOUTH, RANGE 8 EAST;
4. THENCE SOUTHERLY ALONG SECTION LINES TO THE SOUTHEAST CORNER OF SECTION 36, TOWNSHIP 11 SOUTH, RANGE 7 EAST;
5. THENCE WESTERLY ALONG TOWNSHIP LINES TO THE SOUTHWEST CORNER OF SECTION 32, TOWNSHIP 11 SOUTH, RANGE 6 EAST;
6. THENCE NORTH ALONG SECTION LINES TO THE SOUTHEAST CORNER OF SECTION 19 OF SAID TOWNSHIP AND RANGE;
7. THENCE WEST TO THE SOUTHWEST CORNER OF SAID SECTION 19;
8. THENCE NORTH TO THE NORTHWEST CORNER OF SAID SECTION 19
9. THENCE WESTERLY ALONG SECTION LINES TO THE SOUTHWEST CORNER OF SECTION 14, TOWNSHIP 11 SOUTH, RANGE 5 EAST;
10. THENCE NORTH TO THE NORTHWEST CORNER OF SAID SECTION 14;



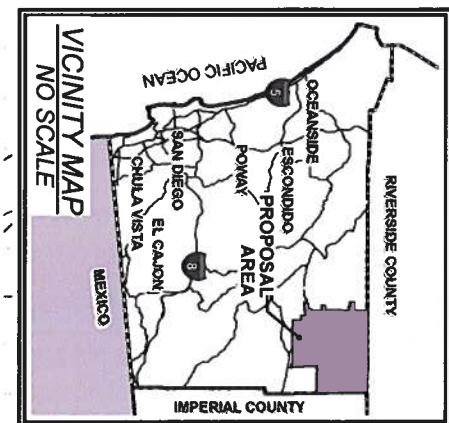
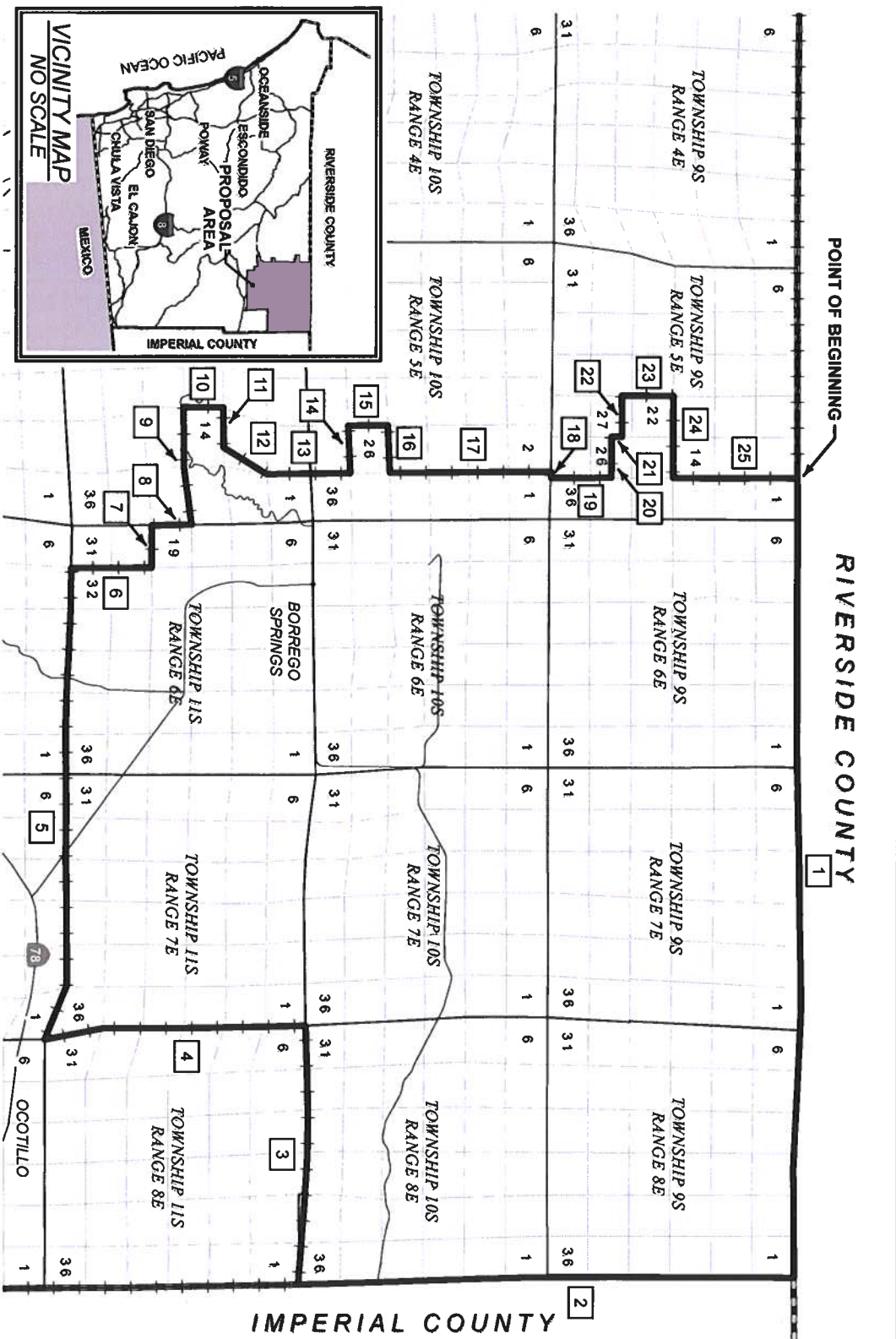
11. THENCE EAST ALONG THE NORTH LINE OF SAID SECTION 14 TO A POINT OF A LINE BEARING SOUTH 31°35'41" WEST FROM THE NORTHEAST CORNER OF SECTION 11 OF SAID TOWNSHIP AND RANGE;
12. THENCE NORTH 31°35'41" EAST ALONG SAID LINE TO THE NORTHEAST CORNER OF SAID SECTION 11;
13. THENCE NORTH ALONG SECTION LINES TO THE SOUTHEAST CORNER OF SECTION 26, TOWNSHIP 10 SOUTH, RANGE 5 EAST;
14. THENCE WEST TO THE SOUTHWEST CORNER OF SAID SECTION 26;
15. THENCE NORTH TO THE NORTHWEST CORNER OF SAID SECTION 26;
16. THENCE EAST TO THE NORTHEAST CORNER OF SAID SECTION 26;
17. THENCE NORTH ALONG SECTION LINES TO THE NORTHEAST CORNER OF SECTION 2, TOWNSHIP 10 SOUTH, RANGE 5 EAST;
18. THENCE EAST TO THE SOUTHEAST CORNER OF SECTION 35, TOWNSHIP 9 SOUTH, RANGE 5 EAST;
19. THENCE NORTH TO THE EAST QUARTER CORNER OF SECTION 26 OF SAID TOWNSHIP AND RANGE;
20. THENCE WEST ALONG THE QUARTER SECTION LINES TO THE WEST QUARTER CORNER OF SAID SECTION 26;
21. THENCE NORTH TO THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27, OF SAID TOWNSHIP AND RANGE;
22. THENCE WEST ALONG QUARTER-QUARTER SECTION LINES TO THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 27;
23. THENCE NORTH ALONG SECTION LINES TO THE NORTHWEST CORNER OF SECTION 22 OF SAID TOWNSHIP AND RANGE;
24. THENCE EAST ALONG SECTION LINES TO THE SOUTHEAST CORNER OF SECTION 14 OF SAID TOWNSHIP AND RANGE;
25. THENCE NORTH TO THE POINT OF BEGINNING.

CONTAINING **198,835.63 ACRES** OF LAND MORE OR LESS

*FOR ASSESSMENT PURPOSES ONLY. THIS DESCRIPTION OF LAND IS NOT A LEGAL PROPERTY DESCRIPTION AS DEFINED IN THE SUBDIVISION MAP ACT AND MAY NOT BE USED AS THE BASIS FOR AN OFFER FOR SALE OF THE LAND DESCRIBED.*



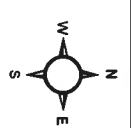




POINT OF BEGINNING

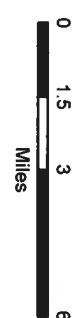
RIVERSIDE COUNTY

IMPERIAL COUNTY



- LEGEND**
- SAN DIEGO COUNTY FIRE PROTECTION DISTRICT BOUNDARY
  - BORREGO SPRINGS FIRE PROTECTION DISTRICT BOUNDARY

CONTAINING APPROX. 198,835.63 ACRES MORE OR LESS



**DISCLAIMER:**  
 FOR ASSESSMENT PURPOSES ONLY. THIS DESCRIPTION OF LAND IS NOT A LEGAL PROPERTY DESCRIPTION AS DEFINED IN THE SUBDIVISION MAP ACT AND MAY NOT BE USED AS THE BASIS FOR AN OFFER FOR SALE OF THE LAND DESCRIBED.  
 THIS MAP/DATA IS PROVIDED WITHOUT WARRANTY OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE.

"BORREGO SPRINGS FIRE PROTECTION DIST REORGANIZATION"  
 DIVESTITURE OF FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES AND CONCURRENT ANNEXATION TO THE SAN DIEGO COUNTY FPD  
 LAFCO REFERENCE NO.: ROXX-XX

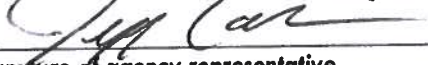
COUNTY OF SAN DIEGO  
 Assessor/Recorder/County Clerk  
 Assessor's Mapping Division

AREA: 198,835.63 ACRES	DATE: 9/24/2022
APN: VARIOUS	DRAWN BY: J. DELAROSA
SCALE: 1" = 3 MILES	SHEET: 1 OF 1



## SUBJECT AGENCY SUPPLEMENTAL INFORMATION FORM

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

	Jeff Collins
Signature of agency representative	Print name
Director, San Diego County Fire Protection District	
Title	
(619) 339-0283	09/27/2022
Telephone	Date

### A. JURISDICTIONAL INFORMATION:

Name of agency:  
San Diego County Fire Protection District (SDCFPD)

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

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



**B. SEWER SERVICE: NA - The proposed actions will not result in changes to the Sewer Service in the proposal territory.**

1. What is the agency's current wastewater treatment capacity (expressed in million gallons per day and equivalent dwelling units)? NA
2. What is the average volume of influent currently being treated by the agency (expressed in million gallons per day and equivalent dwelling units)? NA
3. (a) What is the agency's peak flow volume (expressed in million gallons per day)?  
NA
- (b) What is the agency's peak flow capacity (expressed in million gallons per day)?  
NA
- (c) Has the agency exceeded the flow (peak) capacity within the past two years?  YES  NO
- (d) *If yes*, please describe the frequency and volume of incidents that exceeded the agency's peak capacity: NA
4. (a) Has the agency issued a letter of sewer availability for the proposal territory?  YES  NO
- (b) *If yes*, please provide a copy of the letter. (This documentation should be completed by the agency no longer than 6 months prior to submittal to LAFCO.)
5. (a) How many future equivalent dwelling units have been reserved or committed for proposed projects? NA
- (b) Can all projects that have received commitments of sewer availability (e.g., "will serve letters") be accommodated with planned capacity?  YES  NO
6. (a) Does the agency have the necessary contractual and/or operational treatment capacity to provide sewer service to the proposal territory?  YES  NO
- (b) *If yes*, please specify the proposal territory's estimated sewer demand and the agency's available sewer capacity (expressed in million gallons per day and equivalent dwelling units):  
NA
- (c) *If no*, please describe the agency's plans to upgrade capacity to resolve any capacity related issues: NA
7. Will the proposal territory be annexed to a sewer improvement district?  YES  NO
8. (a) The distance for connection of the proposal territory to the agency's existing sewer system is NA feet.
- (b) Describe the location of the connection to the agency's existing sewer system:  
NA



**C. WATER SERVICE: *NA - The proposed actions will not result in changes to the Water Service in the proposal territory.***

1. (a) Does the subject agency have adequate water supply and sufficient contractual and/or operational capacity available to serve the proposal territory?  YES  NO
- (b) *If yes*, describe the proposal territory's estimated water demand and the agency's available water supply and capacity (expressed in acre-feet or million gallons per day):  
NA \_\_\_\_\_
- (c) *If no*, what plans does the agency have to increase its water capacity?  
NA \_\_\_\_\_
2. Specify any improvements (on and off-site) that will be necessary to connect and serve the anticipated development. Indicate the total cost of these improvements and method of financing (e.g., general property tax, assessment district, landowner or developer fees): NA \_\_\_\_\_
3. (a) Has the agency issued a letter of water availability for the proposal territory?  YES  NO
- (b) *If yes*, please provide a copy of the letter. (This documentation should be completed by the agency no longer than 6 months prior to submittal to LAFCO.)
4. (a) The distance for connection of the proposal territory to the agency's existing water system is NA \_\_\_\_\_ feet.
- (b) Describe the location of the connection to the agency's existing water system:  
NA \_\_\_\_\_
5. (a) Is the agency currently under any drought-related conditions and/or restrictions?  YES  NO
- (b) *If yes*, describe the conditions and specify any related restrictions:  
NA \_\_\_\_\_
6. (a) Will the proposal territory utilize reclaimed water?  YES  NO
- (b) *If yes*, describe the proposal territory's reclaimed water use and the agency's available reclaimed water supply and capacity (expressed in acre-feet or million gallons per day):  
\_\_\_\_\_
- (c) The distance for connection of the proposal territory to the agency's existing reclaimed water system is NA \_\_\_\_\_ feet.
- (d) Describe the location of the connection to the agency's existing reclaimed water system: NA \_\_\_\_\_
- (e) *If no*, has the agency considered availability of reclaimed water to the proposal territory?  YES  NO
- (f) What restrictions prevent use of reclaimed water? NA \_\_\_\_\_
7. Will the proposal territory be annexed to an improvement district?  YES  NO







State of California - Department of Fish and Wildlife  
**2022 ENVIRONMENTAL FILING FEE CASH RECEIPT**  
 DFW 753.5a (Rev. 01/01/22) Previously DFG 753.5a

RECEIPT NUMBER: 37-08/29/2022-0603
STATE CLEARING HOUSE NUMBER (If applicable)

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

LEAD AGENCY BORREGO SPRINGS FIRE PROTECTION DISTRICT	LEAD AGENCY EMAIL	DATE 08/29/2022
---------------------------------------------------------	-------------------	--------------------

COUNTY/STATE AGENCY OF FILING SAN DIEGO	DOCUMENT NUMBER 37-2022-0603
--------------------------------------------	---------------------------------

PROJECT TITLE  
 APPLICATION OF THE BORREGO SPRINGS FIRE PROTECTION DISTRICT INITIATING PROCEEDINGS WITH THE SAN DIEGO LOCAL AGENCY FORMATION COMMISSION FOR DISSOLUTION OF BORREGO SPRINGS FIRE PROTECTION DISTRICT AND CONCURRENT ANNEXATION OF THE TERRITORY WITHIN THE DISTRICT'S BOUNDARIES INTO THE SAN DIEGO COUNTY FIRE PROTECTION DISTRICT WITH A CORRESPONDING SPHERE OF INFLUENCE AMENDMENT (COLLECTIVELY, THE "REORGANIZATION")

PROJECT APPLICANT NAME BORREGO SPRINGS FIRE PROTECTION DISTRICT	PROJECT APPLICANT EMAIL	PHONE NUMBER 760-767-5436
--------------------------------------------------------------------	-------------------------	------------------------------

PROJECT APPLICANT ADDRESS 2324 STIRRUP ROAD	CITY BORREGO SPRINGS	STATE CA	ZIP CODE 92004
------------------------------------------------	-------------------------	-------------	-------------------

PROJECT APPLICANT (Check appropriate box)

Local Public Agency     School District     Other Special District     State Agency     Private Entity

**CHECK APPLICABLE FEES:**

<input type="checkbox"/> Environmental Impact Report (EIR)	\$3,539.25	\$	0.00
<input type="checkbox"/> Mitigated/Negative Declaration (MND)/(ND)	\$2,548.00	\$	0.00
<input type="checkbox"/> Certified Regulatory Program (CRP) document - payment due directly to CDFW	\$1,203.25	\$	0.00


- Exempt from fee
- Notice of Exemption (attach)
  - CDFW No Effect Determination (attach)
- Fee previously paid (attach previously issued cash receipt copy)

<input type="checkbox"/> Water Right Application or Petition Fee (State Water Resources Control Board only)	\$850.00	\$	0.00
<input checked="" type="checkbox"/> County documentary handling fee		\$	50.00
<input type="checkbox"/> Other		\$	0.00

**PAYMENT METHOD:**

- Cash     Credit     Check     Other

TOTAL RECEIVED    \$    50.00

SIGNATURE X 	AGENCY OF FILING PRINTED NAME AND TITLE San Diego County Clerk, JESSADITH EDORA, Deputy
----------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------

Payment Reference #: CHECK NO. 409809





**SAN DIEGO COUNTY CLERK  
CEQA FILING COVER SHEET**

**FILED**  
Aug 29, 2022 02:52 PM  
Ernest J. Dronenburg, Jr.  
SAN DIEGO COUNTY CLERK  
File # 2022-000687  
State Receipt # 37082920220603

THIS SPACE FOR CLERK'S USE ONLY

Complete and attach this form to each CEQA Notice filed with the County Clerk

TYPE OR PRINT CLEARLY

Project Title

APPLICATION OF THE BORREGO SPRINGS FIRE PROTECTION DISTRICT INITIATING PROCEEDINGS WITH THE SAN DIEGO LOCAL AGENCY  
FORMATION COMMISSION FOR DISSOLUTION OF BORREGO SPRINGS FIRE PROTECTION DISTRICT AND CONCURRENT ANNEXATION OF THE  
TERRITORY WITHIN THE DISTRICT'S BOUNDARIES INTO THE SAN DIEGO COUNTY FIRE PROTECTION DISTRICT WITH A CORRESPONDING SPHERE  
OF INFLUENCE AMENDMENT (COLLECTIVELY, THE "REORGANIZATION")

Check Document being Filed:

- Environmental Impact Report (EIR)
- Mitigated Negative Declaration (MND) or Negative Declaration (ND)
- Notice of Exemption (NOE)
- Other (Please fill in type):

<b>FILED IN THE OFFICE OF THE SAN DIEGO COUNTY CLERK ON <u>August 29, 2022</u></b>
Posted <u>August 29, 2022</u> Removed _____
Returned to agency on _____
DEPUTY _____

Filing fees are due at the time a Notice of Determination/Exemption is filed with our office. For more information on filing fees and No Effect Determinations, please refer to California Code of Regulations, Title 14, section 753.5.



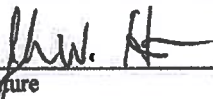
**NOTICE OF EXEMPTION**

<p>TO:</p> <p><input type="checkbox"/> Office of Planning and Research P. O. Box 3044, Room 113 Sacramento, CA 95812-3044</p>	<p>FROM: Name: Borrego Springs Fire Protection District (Public Agency) Address: 2324 Stirrup Road Borrego Springs, CA 92004 Telephone: (760) 767-5436</p>
<p><input checked="" type="checkbox"/> Clerk of the Board of Supervisors or San Diego County Clerk Address: 1600 Pacific Highway, Suite 260 San Diego, CA 92101</p>	

<p>1. Project Title:</p>	<p>Application of the Borrego Springs Fire Protection District Initiating Proceedings with the San Diego Local Agency Formation Commission for Dissolution of Borrego Springs Fire Protection District and Concurrent Annexation of the Territory Within the District's Boundaries into the San Diego County Fire Protection District with a Corresponding Sphere of Influence Amendment (collectively, the "Reorganization")</p>
<p>2. Project Applicant:</p>	<p>Borrego Springs Fire Protection District</p>
<p>3. Project Location – Identify street address and cross streets or attach a map showing project site (preferably a USGS 15' or 7 1/2' topographical map identified by quadrangle name):</p>	<p>The Reorganization will occur within the District's boundaries and are depicted on the corresponding map attached hereto as Exhibit "A," and by this reference incorporated herein.</p>
<p>4. (a) Project Location – City: See No. 3</p>	<p>(b) Project Location – County: San Diego</p>
<p>5. Description of nature, purpose, and beneficiaries of Project:</p>	<p>The Borrego Springs Fire Protection District ("District") voted to approve a resolution initiating proceedings pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act to transfer Services to San Diego County Fire Protection District ("SDCFPD"), by seeking approval of the San Diego Local Agency Formation Commission to dissolve the District and concurrently annex the territory within the District's boundaries to SDCFPD, and correspondingly amend the SDCFPD sphere of influence, on certain terms and conditions.</p> <p>The reasons for the Reorganization are to: (1) ensure continuity and long-term security of the Services for the communities within the boundaries of the District; (2) produce savings by eliminating duplication of management, administration, and oversight associated with the operation of multiple Special Districts providing the same services; and (3) create greater efficiencies within facility and fleet management programs.</p>
<p>6. Name of Public Agency approving project:</p>	<p>Borrego Springs Fire Protection District</p>
<p>7. Name of Person or Agency undertaking the project, including any person undertaking an activity that receives financial assistance from the Public Agency</p>	<p>Borrego Springs Fire Protection District</p>



as part of the activity or the person receiving a lease, permit, license, certificate, or other entitlement of use from the Public Agency as part of the activity:	
8. Exempt status: (check one)	
(a) <input type="checkbox"/> Ministerial project.	
(b) <input type="checkbox"/> Not a project.	
(c) <input type="checkbox"/> Emergency Project.	
(d) <input checked="" type="checkbox"/> Categorical Exemption. State type and section number:	Class 20, Cal. Code Regs., tit. 14, § 15320 (Changes in Organization of Local Agencies)
(e) <input checked="" type="checkbox"/> Other. Explanation:	Cal. Code Regs., tit. 14, § 15378(b)(5)
9. Reason why project was exempt:	<p>The Reorganization is not considered a "project" subject to environmental review under CEQA because it merely involves the organizational activities of governments that will not result in direct or physical changes in the environment. (Pub. Resources Code § 21065; Cal. Code Regs., tit. 14, § 15378(b)(5).)</p> <p>Even if the Reorganization is considered a project subject to CEQA, the Reorganization is exempt from CEQA under the Class 20 exemption as it involves the reorganization of the Borrego Springs Fire Protection District with the SDCFPD where the changes do not change the geographical area in which their previously existing powers are exercised.</p> <p>Further, the Reorganization does not have the potential for causing a significant effect on the environment, thus exempting the Reorganization from environmental review pursuant to Section 15061(b)(3) of the Guidelines.</p> <p>Lastly, none of the exceptions to the categorical exemptions applies. (Cal. Code Regs., tit. 14, §15300.2.)</p>
10. Lead Agency Contact Person:	John W. Hardcastle, Fire Chief
Telephone:	(760) 767-5436

  
 \_\_\_\_\_  
 Signature

Date: August 25, 2022

**JOHN W. HARDCASTLE**  
 Name: John W. Hardcastle

Title: Fire Chief

Signed by Lead Agency

Signed by Applicant

Date Received for Filing: Click to enter date

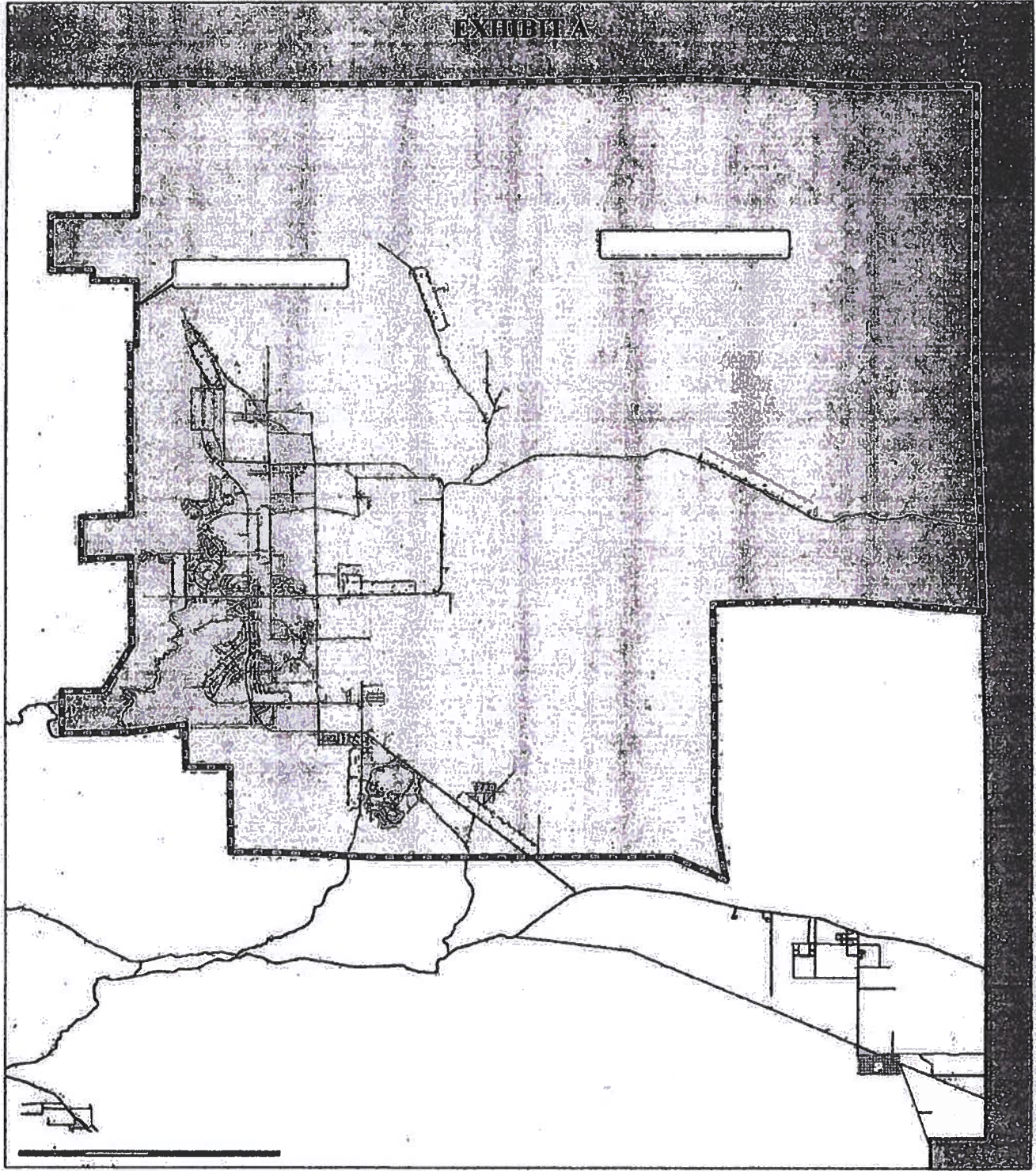
(Clerk Stamp Here)


Authority cited: Sections 21083 and 21110, Public Resources Code.  
 Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

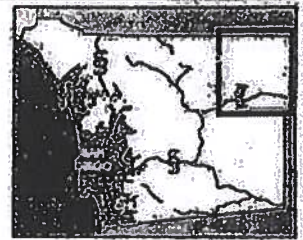




EXHIBIT A



 San Diego County  
Local Agency Formation Commission  
*The Good Services Program of the State of California*





San Diego County



Transaction #: 6663180  
Receipt #: 2022389301

Ernest J. Dronenburg, Jr.  
Assessor/Recorder/County Clerk  
1600 Pacific Highway Suite 260  
P. O. Box 121750, San Diego, CA 92112-1750  
Tel. (619) 237-0502 Fax (619) 557-4155  
[www.sdarcc.com](http://www.sdarcc.com)

Cashier Date: 08/29/2022  
Cashier Location: SD

Print Date: 08/29/2022 2:53 pm

Payment Summary

Total Fees	\$50.00
Total Payments	\$50.00
Balance:	\$0.00

Payment

CHECK PAYMENT #409809 \$50.00

Total Payments \$50.00

Filing

CEQA - NOE FILE #: 2022-000687 Date: 08/29/2022 2:52PM Pages: 4

State Receipt # 37-08/29/2022-0603

Fees: Fish & Wildlife County Administrative Fee \$50.00

Total Fees Due: \$50.00

Grand Total - All Documents: \$50.00





# San Diego County Local Agency Formation Commission

Regional Service Planning | Subdivision of the State of California

## 6b

### AGENDA REPORT Public Hearing

March 6, 2023

**TO:** Commissioners

**FROM:** Keene Simonds, Executive Officer  
Carolanne Ieromnimon, Analyst I

**SUBJECT:** Notice of Amended Administrative Approval of “Palomar Healthcare District Out-of-Agency Services: Laborist and OB/GYN” and Possible Related Actions

#### SUMMARY

The San Diego County Local Agency Formation Commission (LAFCO) will receive notice of an amended administrative approval for Palomar Healthcare District (“Palomar”) to provide out-of-agency services. The notice is provided consistent with adopted policy and ties to the Executive Officer’s August 2022 authorization for Palomar to provide laborist and OB/GYN services to patients contractually sourced to Vista Community and TrueCare Clinics and their locations in Vista, Oceanside, and Encinitas. The amendment establishes a term of March 1, 2025 and purposefully matches the contract end date between TrueCare and Palomar with a related allowance covering Vista Community. (An initial notice of the amendment misidentified the term as March 1, 2024.) The balance of the administrative approval – including the justifying public health and safety finding tied to the contracting clinics’ financial distress without partnering with Palomar – remains. A related recommendation is separately identified for future consideration to amend LAFCO policies to direct all retroactive out-of-agency requests to the Commission. The item is presented for information as required under policy. The Chair has also requested the Commission be able to consider options, including action to amend or overturn the administrative approval. The item has been voluntarily agendized as a public hearing given increasing community interest.

<b>Administration</b> Keene Simonds, Executive Officer 2550 Fifth Avenue, Suite 725 San Diego, California 92103-6624 T 619.321.3380 www.sdlafco.org lafco@sdcountry.ca.gov	<b>Chair Jim Desmond</b> County of San Diego  <b>Joel Anderson</b> County of San Diego  <b>Nora Vargas, Alt.</b> County of San Diego	<b>Kristi Becker</b> City of Solana Beach  <b>Dane White</b> City of Escondido  <b>John McCann, Alt.</b> City of Chula Vista	<b>Vice Chair Stephen Whitburn</b> City of San Diego  <b>Marni von Wilpert, Alt.</b> City of San Diego	<b>Jo MacKenzie</b> Vista Irrigation  <b>Barry Willis</b> Alpine Fire Protection  <b>David A. Drake, Alt.</b> Rincon del Diablo	<b>Andy Vanderlaan</b> General Public  <b>Harry Mathis, Alt.</b> General Public
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## BACKGROUND

### Overseeing Out-of-Agency Services

Government Code (G.C.) Section 56133 delegates LAFCOs the responsibility to authorize cities and special districts to provide new or extended services beyond their jurisdictional boundaries. The statute states cities and special districts must request and receive approval from LAFCOs to provide “out-of-agency” services less certain exemptions. The statute specifies cities and special districts may only be authorized to provide out-of-agency services within their spheres of influence in anticipation of later annexations. If the affected territory lies beyond the subject agencies’ spheres, out-of-agency services may only be authorized in response to documented threats to public health and/or safety as determined by LAFCO.

### Delegation to the Executive Officer

San Diego LAFCO’s adopted policies authorize the Executive Officer to administratively approve out-of-agency services in response to health, safety, or welfare threats. These policies are included in the Executive Officer job description and relatedly delegate discretion in determining when public health, safety, or welfare threats exists. The Executive Officer is required to inform the Commission of all administrative approvals at the following meeting.

### Applicability of Palomar’s Request & Administrative Approval by the Executive Officer

San Diego LAFCO received a written request from Palomar in June 2022 to provide out-of-agency laborist and OB/GYN medical services to patients sourced to two clinics – Vista Community and TrueCare – and their offices within the Cities of Vista, Oceanside, and Encinitas. The request followed discussions between LAFCO and Palomar regarding the contracts after they were negotiated and entered into by the parties in late 2021. The Executive Officer concluded the nature of the out-of-agency services through formal contracts – as opposed to the common practice of medical referrals – prompted LAFCO approval. The Executive Officer also concluded a common exemption in the statute covering contracts between two or more agencies where the contract service is already being provided did not apply given the clinics’ non-profit statuses.<sup>1</sup>

Supplemental information requested was received from Palomar and the Executive Officer proceeded to conditionally approve the out-of-agency service request on August 5, 2022. The administrative approval included – pertinently – a public health and safety finding tied to the clinics’ financial hardships to otherwise provide services to their patients without partnering with Palomar. More specifically, in the absence of the Palomar contracts, it is reasonable to conclude the clinics would revert into financial distress and increasingly subject to unplanned closures risking the health and safety of mothers and their children. The public health and safety finding is necessary under statute (premise to serving outside spheres) and local policy (premise to administrative approvals). All conditions were satisfied on August 9, 2022.

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<sup>1</sup> Reference to Section 56133 subsection (e)(1).

## Approval Notice to Commission & Subsequent Request to Revisit

At its October 3, 2022 meeting, the Commission received written notice from the Executive Officer of the administrative approval for Palomar to provide out-of-agency laborist and OB/GYN services to patients sourced to Vista Community and TrueCare Clinics. The notice and underlying uniqueness of the approval produced an extended discussion on the dais as well as with members of the public – including officials with Tri-City Healthcare District. The discussion resolved with a Commission request for the Executive Officer to revisit the approval on a variety of topics with most tied to the public health and safety finding. Any change to the administrative approval would require subsequent notice to the Commission.

### DISCUSSION

The item before San Diego LAFCO involving the Executive Officer’s decision to amend the earlier administrative approval authorizing Palomar to provide laborist and OB/GYN medical services outside its jurisdiction and sphere of influence serves two distinct purposes.<sup>2</sup> The first purpose satisfies the Executive Officer’s requirement under adopted policy to provide notice of the amended administrative approval for information purposes. The second purpose accommodates a request by the Chair to provide the Commission the opportunity to discuss the administrative approval and consider taking alternative actions – including amending or overturning the decision.

### Notice of Amended Administrative Approval

On January 27, 2023, the Executive Officer issued an amendment to the administrative approval authorizing Palomar to provide out-of-agency laborist and OB/GYN services to patients sourced to TrueCare and Vista Community Clinics. The amendment establishes a term date of March 1, 2025.<sup>3</sup> The term purposefully ties to the end date in Palomar’s three-year agreement with TrueCare Clinic and concurrently accommodates the agreement with Vista Community Clinic.<sup>4</sup> The other features of the administrative approval – including the justification of the public health and safety finding tied to the two contracting clinics’ financial standings – are affirmed. This latter decision draws on additional analysis performed by Consultant Adam Wilson at the request of the Executive Officer and done so to independently reassess the approval given the Commission’s discussion in October. Mr. Wilson’s memorandum summarizing his assessment and key conclusions is attached.

A separate recommendation generated in revisiting the approval has also been identified for future consideration by the Commission and involves amending LAFCO policies to direct all retroactive out-of-agency requests to the dais. This change would provide enhanced profiles

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<sup>2</sup> The notice of the amended administrative approval was initially scheduled for San Diego LAFCO’s February 6, 2023 meeting. The notice was pulled from the agenda at the request of Chair Desmond to allow all interested parties the opportunity for further discussions and the possibility of reaching an alternative arrangement to the administrative approval by the Executive Officer. A meeting was subsequently held between officials with Palomar, Tri City, TrueCare Clinic, and Vista Community Clinics on Friday, February 17, 2023. The meeting was facilitated by former Supervisor Gregory Cox and included Deputy Commission Counsel Aleks Giragosian. No specific agreements were reached during the meeting material to the administrative approval.

<sup>3</sup> An initial notice of the amended administrative approval misidentified TrueCare’s contract term with Palomar ending March 1, 2024.

<sup>4</sup> Palomar’s three-year agreement with Vista Community Clinic ends on October 16, 2024 with provisions allowing the parties to extend to the term set by the Executive Officer if mutually agreeable.

and approval thresholds for after-the-fact requests. Consideration of this change will be incorporated into the comprehensive policy update on out-of-agency services separately underway and expected to be presented for Commission action by the end of the fiscal year.

### Potential Commission Actions

Chair Desmond has requested the Commission discuss the amended administrative approval authorizing Palomar to provide out-of-agency laborist and OB/GYN services to patients sourced to TrueCare and Vista Community Clinics and consider alternatives. This includes possible action to amend or overturn the administrative approval should it be the collective preference of the Commission. Additional context follows.

- Policy + Practice Considerations  
Policy does not readily contemplate the Commission amending or overturning an administrative approval authorizing a local agency to provide an out-of-agency service based on an emergency public health/safety finding. There are also no known past examples of the Commission amending or overturning an administrative approval.
- Amend or Overturn the Administrative Approval  
Notwithstanding the preceding considerations, the Commission could notionally take action to waive or delete the current policy delegating authorization to the Executive Officer to approve out-of-agency service requests. This would allow the Commission to proceed to amend or overturn the administrative approval.

### ANALYSIS

The decision by the San Diego LAFCO Executive Officer to amend the earlier administrative approval authorizing Palomar to provide out-of-agency laborist and OB/GYN services prompts notice to the Commission. The notice also provides the Commission the opportunity to discuss and provide feedback on the administrative approval as needed. Additionally, and at the request of the Chair, this item has been agendaized to allow the Commission to take an alternative action if collectively preferred to amend or overturn the decision.

With regards to the amended administrative approval, establishing a March 1, 2025 term aligns with Commission input at the October 2022 meeting to provide an “off-ramp.” The amendment similarly pairs with the subsequent assessment by Adam Wilson and purposefully ties to the end of Palomar’s three-year agreement with TrueCare Clinic with a related accommodation for Vista Community Clinic. At the end of the term, Palomar will no longer have authorization to provide the out-of-agency services unless it first requests and receives new approval from LAFCO or successfully applies for a jurisdictional change. The separately identified recommendation to amend LAFCO policies to direct all retroactive out-of-agency requests to the Commission will formally return at a future meeting.<sup>5</sup>

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<sup>5</sup> Staff believes it would be beneficial for LAFCO to move up the scheduled municipal service review on healthcare districts in San Diego County to proactively inform potential jurisdictional actions in North County. This topic will be independently addressed in Item 6c.



With regards to the balance of the administrative approval, the Executive Officer affirms Palomar’s authorization to provide out-of-agency laborist and OB/GYN services to patients sourced to the two clinics addresses public health and safety. This conclusion provides the connectivity in statute and local policy to proceed with the administrative approval and done so based on two related premises.<sup>6</sup> First, staff believe it is reasonable to tie the clinics’ ability to balance costs and remain open through the Palomar contracts in protecting the health and safety of the public – and specifically the mothers and children under the clinics’ care. Second, without the administrative approval, staff believes it is reasonable to tie the probable clinic closures as elevated public welfare risks given a sizable portion of patients are first-generation residents and the clinics’ roles as known community resources would not be readily filled.

The preceding justification drawn in making the prerequisite public health and safety finding relies on professional judgement of LAFCO staff and based on evaluating documentation presented by Palomar and the contracting clinics. It similarly reflects ongoing practice by LAFCO staff to consider financial resources when acting on more common out-of-agency service requests involving water and wastewater services when remedying failing septic systems and groundwater wells, respectively. It – nonetheless and consistent with most LAFCO actions – remains a discretionary determination given there are no informing definitions in statute or policy. Accordingly, should the Commission materially determine differently, the following prompts and related actions would be appropriate to consider based on assessing the reasonableness of the administrative approval.

- Commission Option A:  
Administrative Approval Remains with Policy Changes Going Forward  
If the Commission believes the public health and safety finding made by LAFCO staff is reasonable irrespective of the membership’s preferences, then no action should be taken on the administrative approval itself. However, an ancillary action to provide specific direction in developing policy amendments to sync with membership preferences going forward would be appropriate.<sup>7</sup>
- Commission Option B:  
Administrative Approval Amended by Commission with Policy Changes Going Forward  
If the Commission believes the public health and safety finding made by LAFCO staff is reasonable irrespective of the membership’s preferences if further refined, then it would be appropriate to take action to amend from the dais. Similar to Option A, an ancillary action to provide direction on developing specific policy amendments to sync with membership preferences going forward would be appropriate. Staff defers to Commission Counsel to provide additional analysis on this option as needed.
- Commission Option C:  
Administrative Approval Overturned by Commission with Policy Changes Going Forward  
If the Commission believes the public health and safety finding made by LAFCO staff is not sufficiently reasonable irrespective of any refining amendments, then it would be appropriate to take action to overturn from the dais. This option would be appropriate

<sup>6</sup> In the absence of making a public health and safety finding, there is no allowance in statute for LAFCO (Commission or Executive Officer) to authorize Palomar to provide out-of-agency services beyond its sphere of influence.

<sup>7</sup> An example of potential policy direction would involve requiring all public health and safety findings be made by the Commission.

if the Commission believes a public health and safety finding is not applicable. Like Options A and B, an ancillary action to provide direction on developing specific policy amendments to sync with membership preferences going forward would also be appropriate. Staff defers to Commission Counsel to provide additional analysis on this option as needed.

## RECOMMENDATION

No action is recommended with respect to San Diego LAFCO receiving notice of the amended administrative approval authorizing Palomar to provide out-of-agency laborist and OB/GYN medical services sourced to patients with TrueCare and Vista Community Clinics.

## ALTERNATIVES FOR ACTION

The item before San Diego LAFCO is presented for information under policy. While no action is recommended, alternative actions are available should the Commission prefer. Alternatives contemplated by staff are detailed in the preceding sections as Options A, B, and C.

## PROCEDURES FOR CONSIDERATION

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

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

On behalf of the Executive Officer,



Carolanne Ieromnimon  
Analyst I

### Attachments:

- 1) Executive Officer's Notice of Amended Administrative Approval to Palomar for Out-of-Agency Services with Date Correction
- 2) Consultant Adam Wilson's Memorandum on Palomar's Out-of-Agency Services Approval, dated January 4, 2023
- 3) Palomar's Application Materials Requesting Out-of-Agency Services (June to August 2022)
- 4) LAFCO Rule No. 1 - No. 1.8 Executive Officer Duties



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

February 23, 2023

Delivered Electronically:

Ms. Diane Hansen
Chief Executive Officer
Palomar Healthcare District
2125 Citracado Parkway, Suite 300
Escondido, California 92029
diane.hansen@palomarhealth.org

SUBJECT: Correction to Amended Approval and Related Term Date:
Authorization to Provide Out-of-Agency Laborist and OB/GYN Services

Dear Ms. Hansen:

This letter serves as formal notice of a technical correction to an amended administrative approval issued on January 27, 2023 to Palomar Healthcare District ("Palomar") to provide certain contract services outside its jurisdictional boundary. This correction resets the term date for Palomar to provide out-of-agency laborist and OB/GYN services to patients sourced to TrueCare and Vista Community Clinics for March 1, 2025. This correction replaces the incorrect date used in the earlier notice and does so to ensure consistency with the end date in Palomar's original agreement with TrueCare Clinic with a concurrent accommodation covering Vista Community Clinic.

Should you have any questions, please contact me by telephone at (619) 321-3380 or email at keene.simonds@sdcounty.ca.gov.

Sincerely,

Handwritten signature of Keene Simonds

Keene Simonds,
Executive Officer

Table with 6 columns listing commission members: Administration, Chair Jim Desmond, Kristi Becker, Stephen Whitburn, Jo MacKenzie, Andy Vanderlaan, Joel Anderson, Dane White, Marni von Wilpert, Barry Willis, Harry Mathis, Nora Vargas, John McCann, David A. Drake.

cc: Kristin Gaspar, President, Palomar Health Foundation  
Lloyd Pellman, Outside Counsel, Palomar  
Chris Brown, Consultant, Palomar  
Fernando Sanudo, CEO, Vista Community Clinic  
Michelle Gonzalez, CEO, True Care Clinic  
Steve Dietlin, CEO, Tri City Healthcare District  
Aaron Byzak, Chief External Affairs Officer, Tri-City Healthcare District  
Jeffery Scott, Outside Counsel Tri City Healthcare District  
Hunter McDonald, Policy Advisor, Supervisor Desmond's Office  
Holly Whatley, Commission Counsel  
Aleks Giragosian, Deputy Commission Counsel  
Adam Wilson, LAFCO Local Government Consultant  
Carol Ieromnimon, LAFCO Analyst I



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

January 27, 2023

**Delivered Electronically:**

Ms. Diane Hansen  
 Chief Executive Officer  
 Palomar Healthcare District  
 2125 Citracado Parkway, Suite 300  
 Escondido, California 92029  
[diane.hansen@palomarhealth.org](mailto:diane.hansen@palomarhealth.org)

**SUBJECT: Notice of Amended Approval:  
 Authorization to Provide Out-of-Agency Laborist and OB/GYN Services**

Dear Ms. Hansen:

This letter serves as formal notice of an amendment to San Diego County Local Agency Formation Commission’s (“LAFCO”) earlier approval of Palomar Healthcare District’s (“Palomar”) request to provide certain contract services outside its jurisdictional boundary. This earlier approval was issued on August 5, 2022 with conditions that have been subsequently satisfied. The approval authorizes Palomar to provide laborist and OB/GYN services sourced to patients with Vista Community and True Care Clinics and their locations in the Cities of Vista, Oceanside, and Encinitas. The approval was issued at my authority under statute and adopted policy and premised on Palomar addressing a threat to the health and safety of the public due to the clinics’ financial hardships.

After issuing the approval, I proceeded to provide notice to the Commission of my decision at a regular meeting held on October 3, 2022. The notice is required under adopted policy and prompted an extended discussion on the dais as well as with members of the public – including representatives of Tri-City Healthcare District. The discussion ultimately concluded with a request from the Commission to revisit the approval and associated process on several fronts. Most notably, this included assessing the financial status of the two contracting clinics in relationship to the above-described public health and safety finding.

<b>Administration</b> Keene Simonds, Executive Officer 2550 Fifth Avenue, Suite 725 San Diego, California 92103-6624 T 619.321.3380 F 619.404.6508 www.sdlafco.org lafco@sdcounty.ca.gov	<b>Chair Jim Desmond</b> County of San Diego  <b>Joel Anderson</b> County of San Diego  <b>Nora Vargas, Alt.</b> County of San Diego	<b>Vacant</b> Cities Selection Committee  <b>Vacant</b> Cities Selection Committee  <b>Kristi Becker, Alt.</b> City of Solona Beach	<b>Stephen Whitburn</b> City of San Diego  <b>Marni von Wilpert, Alt.</b> City of San Diego	<b>Jo MacKenzie</b> Vista Irrigation  <b>Barry Willis</b> Alpine Fire Protection  <b>David A. Drake, Alt.</b> Rincon del Diablo	<b>Andy Vanderlaan</b> General Public  <b>Harry Mathis, Alt.</b> General Public
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With the preceding recitals in mind and based on additional analysis performed at my request by Consultant Adam Wilson, I am amending the earlier approval effective immediately. The amended approval terms the authorization for Palomar to provide out-of-agency laborist and OB/GYN services sourced to Vista Community and True Care Clinics' offices in the Cities of Vista, Oceanside, and Encinitas to **March 1, 2024**. This term purposefully ties to the end date in Palomar's three-year agreement with True Care Clinic. The term concurrently accommodates the three-year agreement with Vista Community Clinic ending on October 16, 2023 with provisions that allow the parties to extend to the full extent authorized by this amended approval. At the conclusion of the term, Palomar will no longer have authorization to provide the out-of-agency services unless it requests and receives new approval from LAFCO and/or successfully applies for a jurisdictional change.

There are no other amendments to the approval.

Going forward, I am separately recommending LAFCO policies be amended to require retroactive out-of-agency service requests like the one received by Palomar be considered directly by the Commission. I believe this amendment will remedy some of the otherwise reasonable concerns expressed by others – Commissioners and the public – in this process. Notwithstanding this separate policy takeaway, I appreciate you and your team's attention and effort in bringing the out-of-agency contracts with True Care and Vista Community into compliance once they were identified through our earlier discussions.

Should you have any questions, please contact me by telephone at (619) 321-3380 or email at [keene.simonds@sdcountry.ca.gov](mailto:keene.simonds@sdcountry.ca.gov).

Sincerely,



Keene Simonds,  
Executive Officer

Attachment:

1. Out-of-Agency Approval Notice, August 5, 2022
- cc: Kristin Gaspar, President, Palomar Health Foundation  
Lloyd Pellman, Outside Counsel, Palomar  
Chris Brown, Consultant, Palomar  
Fernando Sanudo, CEO, Vista Community Clinic  
Michelle Gonzalez, CEO, True Care Clinic  
Steve Dietlin, CEO, Tri City Healthcare District  
Aaron Byzak, Chief External Affairs Officer, Tri-City Healthcare District  
Jeffery Scott, Outside Counsel Tri City Healthcare District  
Hunter McDonald, Policy Advisor, Supervisor Desmond's Office  
Holly Whatley, Commission Counsel  
Aleks Giragosian, Deputy Commission Counsel  
Adam Wilson, LAFCO Local Government Consultant  
Carol Ieromnimon, LAFCO Analyst I



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

August 5, 2022

**Delivered Electronically:**

Ms. Diane Hansen  
 Chief Executive Officer  
 Palomar Healthcare District  
 2125 Citracado Parkway, Suite 300  
 Escondido, California 92029  
[Diane.Hansen@palomarhealth.org](mailto:Diane.Hansen@palomarhealth.org)

**SUBJECT: Notice of Conditional Approval:  
 Palomar Health’s Request for Extension of Hospital-Related Services**

Dear Ms. Hansen:

This letter serves as formal notice of the San Diego County Local Agency Formation Commission’s (“LAFCO”) conditional approval of Palomar Healthcare District’s (“Palomar”) request to provide hospital-related services outside its existing jurisdictional boundary as well as sphere of influence. Specifically, your request, submitted on June 6, 2022, and supplemented on August 1, 2022, seeks approval to contract with (1) Vista Community Clinic to provide GYN/Laborist Services and (2) True Care Clinics to provide OB/GYN Laborist Women’s Services to patients.

I am authorized to conditionally approve this request under Government Code section 56133, subdivision (c), and adopted LAFCO policy. Palomar provided written documentation evidencing a threat to the health and safety of the public pursuant to Government Code section 56133, subdivision (c)(1). Based on my review of the documentation, I concluded there was sufficient evidence to substantiate a claim of a threat to the health and safety of expectant mothers and their babies. I notified the Tri-City Healthcare District, as a potential alternate service provider, of Palomar Health’s submittal pursuant to Government Code section 56133, subdivision (c)(2).

The approval is specific to Palomar providing the specified outside services generated and otherwise sourced to patients of the Vista Community and True Care Clinics’ locations in the Cities of Vista, Oceanside and Encinitas. Approval is also contingent upon Palomar satisfying all of the following conditions with confirmation thereafter to be provided in writing by the Executive Officer:

<p><b>Administration</b>                  Keene Simonds, Executive Officer                  2550 Fifth Avenue, Suite 725                  San Diego, California 92103-6624                  T 619.321.3380 F 619.404.6508                  www.sdlafco.org                  lafco@sdcounty.ca.gov</p>	<p><b>Joel Anderson</b>                  County of San Diego</p> <p><b>Chair Jim Desmond</b>                  County of San Diego</p> <p><b>Nora Vargas, Alt.</b>                  County of San Diego</p>	<p><b>Vice Chair Paul McNamara</b>                  City of Escondido</p> <p><b>Mary Casillas Salas</b>                  City of Chula Vista</p> <p><b>Kristi Becker, Alt.</b>                  City of Solana Beach</p>	<p><b>Chris Cate</b>                  City of San Diego</p> <p><b>Marni von Wilpert, Alt.</b>                  City of San Diego</p>	<p><b>Jo MacKenzie</b>                  Vista Irrigation</p> <p><b>Barry Willis</b>                  Alpine Fire Protection</p> <p><b>David A. Drake, Alt.</b>                  Rincon del Diablo</p>	<p><b>Andy Vanderlaan</b>                  General Public</p> <p><b>Harry Mathis, Alt.</b>                  General Public</p>
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- Submission of the standard Contractual Service Agreement Application Form available at the LAFCO website: [sdlafco.org](http://sdlafco.org).
- Submission of a copy of an agreement or memorandum of understanding between Palomar and Vista Community Clinics' addressing the scope of services to be provided by Palomar.
- Submission of a copy of an agreement or memorandum of understanding between Palomar and True Care Clinics' addressing the scope of services to be provided by Palomar.
- Payment of a \$1,921.50 fee to process this request made payable to San Diego County LAFCO.
- Palomar attendance by your or your designee(s) at the LAFCO regular meeting on October 3, 2022, to answer any questions. (Per LAFCO Rule 1.8(10), the Executive Officer is required to inform the Commission at the next available LAFCO meeting about any administratively approved service agreements.)
- To the fullest extent permitted by law, Palomar must protect, indemnify, and defend LAFCO, its employees, agents and officials from any loss, injury, damage, claim, lawsuit, expense, attorneys' fees, litigation expenses, court costs or any other costs arising out of or in any way related to the issuance of this approval, or the activities conducted pursuant to this approval. Palomar shall pay such obligations as they are incurred by LAFCO, its employees, agents, and officials, and in the event of any claim or lawsuit, shall submit a deposit in such amount that LAFCO reasonably determines necessary to protect LAFCO from exposure to fees, costs or liability with respect to such claim or lawsuit.
- Execute and deliver to LAFCO the attached Affidavit of Acceptance of Conditions within fifteen days from the date of receipt of this letter. This approval shall not be effective for any purpose until Palomar complies with this condition.

Should you have any questions in the interim, please contact me by telephone at (619) 321-3380 or email at [keene.simonds@sdcounty.ca.gov](mailto:keene.simonds@sdcounty.ca.gov).

Sincerely,



Keene Simonds,  
Executive Officer

Attachment: as stated

cc: Lloyd Pellman, Outside Counsel, Palomar  
Holly Whatley, Commission Counsel  
Aleks Giragosian, Deputy Commission Counsel  
Adam Wilson, LAFCO Local Government Consultant,  
Carol Ieromnimon, LAFCO Analyst I  
Steve Dietlin, CEO, Tri City Healthcare District



# San Diego County Local Agency Formation Commission Affidavit of Acceptance of Conditions

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I declare under penalty of perjury that the foregoing is true and correct:

I am the duly authorized representative of Palomar Health with the authority to bind the District to the conditions listed in the approval letter from Keene Simonds, Executive Officer of the San Diego County Local Agency Formation Commission, dated August 5, 2022, and titled "Notice of Conditional Approval: Palomar Request for Extension of Hospital-Related Services" ("Approval Letter").

I further state that I have read, understand, accept, and will comply with all the conditions as stated in the Approval Letter.

I am also aware that if any of the provisions of this Approval Letter are violated or held to be invalid, or any law, statute or ordinance is violated, or the facts on which the Approval Letter is based are proven to be unfounded, the Approval Letter shall become null and void and the privileges granted thereunder shall lapse.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

SIGNED: \_\_\_\_\_

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
City, State, ZIP

\_\_\_\_\_  
Phone



# Memorandum to San Diego LAFCO

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To: Mr. Keene Simonds, Executive Officer

From: Mr. Adam Wilson, Consultant

Date: January 4, 2023

## RE: PROGRESS REPORT ON PALOMAR HEALTH AND TRI CITY MEDICAL CENTER MATTERS

### OVERVIEW:

This memorandum serves to provide an update to the Executive Officer regarding my interactions and communications with each organization involved in the Palomar Health request for out-of-agency service agreement, which was presented and discussed at the October 3, 2022 LAFCO Commission hearing.

Subsequently, the Executive Officer tasked me to meet with all parties to gather additional information that could further assist in the final consideration and conclusion to the matter.

### SUMMARY CONCLUSION:

My summary conclusion confirms the Executive Officer's previous determination that Palomar Health's request for an out-of-agency agreement is warranted based on previous findings and there is sustained merit to uphold this determination centered by the additional information collected which is outlined generally below.

### BACKGROUND:

On October 18, 2022, I met virtually and independently with Palomar Health officials to better comprehend their position and to procure any additional information that may support their previous request. In summary, it was reasonable to conclude that Palomar Health has operated in good faith with the overall goal to provide the continuity of service and care of patients for both Vista Community Clinic and TrueCare clinics.

It's also worth emphasizing that Palomar's actions were not premediated by their own volition, however they acted upon at the request and necessity of both Vista Community Clinic and TrueCare to execute new contracts to continue performing quality care and health services to their patients.

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On November 28, 2022, I met virtually and independently with both Chief Executive Officers from Vista Community Clinic (Mr. Fernando Sañudo) and TrueCare (Ms. Michelle Gonzalez). Similarly, my goal was to better comprehend their position and to procure any additional information that may support their action.

In summary, both executives illuminated a problem that had been going on for several years and illustrated that the model in which OB/GYN services had been previously agreed upon and performed between Tri City and their organizations was no longer financially sustainable and the health and safety of patients would be at risk.

Both Vista Community Clinic and TrueCare substantiated their claims by providing testimony to the following:

- There was no “contractual” agreement between clinics and Tri City Medical Center. In fact, their arrangement was characterized as being a community partner.
- Tri City Medical Center did not provide a hospital model. The model that existed was the two clinics provided OB/GYN’s and midwives to perform their respective scopes of practices and Tri City supported via their organized medical staff (i.e. nurses, facility).
- This model resulted in both clinics having to self-fund all required coverage even though they were able to submit for reimbursement based on services rendered.
- However, despite receiving reimbursement from various payors, there was still a substantial financial loss they incurred annually. **Vista Community Clinic indicated they were losing \$500-\$600K per year.**
- Vista Community Clinic gave notice (October 2021) to Tri City Medical Center that they were relocating services to Palomar Health. This prompted immediate discussions to seek a final solution. Both clinics received no evidence to suggest that a new plan was being developed nor the existing plan could mitigate the existing financial impacts.
- In conclusion, both Vista Community Clinic and TrueCare reached a point where the current model was not sustainable related to workforce challenges. Without financial support directly from Tri City Medical Center or the timely development of a laborist group, the clinics were not confident that the necessary workforce would be in place to care for their patients.
- The only alternative was to vacate Tri City Medical Center and eliminate any harm to patients by putting them in danger due to an unsustainable model.

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On December 2, 2022, I met in-person and independently with Tri City Medical Care officials. Similarly, my goal was to better comprehend their position and to procure any additional information that may support it.

Tri City continues to take position that an existing or impending health or safety threat does not exist and that both clinics acted for financial reasons with no relation to quality of care.

Tri City maintains (both verbally and written correspondence) that they have the capabilities to provide quality care to their community and most specifically that they have been running a laborist program (OB/GYN) since March 1, 2022.

Tri City concludes that LAFCO's decision should be rescinded and district boundaries should be restored.

**CONCLUSION:**

It's clear and obvious the question at-hand in resolving this matter is whether there is an existing or impending threat to health and safety.

Based on verbal and written testimony of both Vista Community Clinic and TrueCare, it's reasonable to conclude that their previous agreement with Tri City Medical Center posed financial challenges over the years, and without a viable solution to mitigate those challenges both clinics would continue occurring significant fiscal impacts which ultimately threatened the health and safety of patients.

In response, Vista Community Center and TrueCare after several years attempting to find solutions with Tri City Medical Center, eventually maneuvered and positioned in a manner to keep patients with sufficient medical coverage as it relates to OB/GYN services.

From my perspective, it is absolutely rationale to use financial costs as a variable in concluding an existing or impending threat to health and safety. Any entity that exists to provide services eventually will cease to exist if they continue down a path towards fiscal insolvency. If said services are healthcare services, catastrophic impacts are imminent if said services cannot be provided due to lack of funding. This would result in the clinics being unable to provide their services and their patients would be without the vital pre-natal care they needed in advance of the labor and deliveries of their child.

In the end, a threat to health and safety becomes reality and the clinics' patients are left unserved and at substantial risk.

The clinics had learned of Palomar's development of a new OB model and reached out to identify a solution for North County patients. Fortunately, Palomar Health and both clinics were able to reach agreement and find a solution to not interrupt health services to patients and the community. This agreement involved a significant financial investment on behalf of Palomar and its operations totaling nearly \$2 million dollars.

Tri City Medical Center attests in their most recent correspondence that they have a laborist group in place since March 2022. However, as noted above, the two clinics indicated they never received information to this plan and consequently it took 5-6 months for Tri City Medical Center to put this plan in place because Vista Community Clinic (October 2021) and TrueCare (December 2021) pulled out of their agreements well beforehand. Colloquially, it appears they were a day late and a dollar short.

It may also be relative to mention that unlike services related to real property (i.e. water or sewer districts), services related to personal care (i.e healthcare) are typically sought where the quality of care exists. There are no restrictions for patients seeking healthcare services and jurisdictional boundaries to many patients, if not all of them, are blurred. In addition, LAFCO does not have authority over third-party medical clinics that have

complete autonomy and responsibility to assure that their patients are provided necessary and continual quality care.

Based on the information above, there is fair and reasonable evidence to conclude Palomar Health shall be warranted the ability to contract with Vista Community Clinic and TrueCare to maintain continuity in OB/GYN services for both clinics, their communities and eliminate any threat to health and safety.

**Future Steps Before Commission Hearing:**

I will be requesting and attempting to work with Vista Community Clinic and TrueCare that will help provide greater context and highlight their annual costs-savings (and nexus) by going from Tri City Medical Center to Palomar Health.

I will continue outreach and meet with all parties and stakeholders as necessary.

With respect to previous comments by Commissioners at the October hearing, there were suggestions related to a scenario that would provide an “off-ramp” and expiring the out-of-service agreement to a specific timeframe such as a 5-year period or in concert with the completion to a future MSR for healthcare districts.

On the surface, this approach would provide an end date that is in sync with a more comprehensive and holistic assessment of healthcare services in North County and would further conclude any financial hardships between clinics and any continued threat to public health and safety. Ultimately, this would put every option back on the table and analyze it more thoroughly to solidify a more long-term solution – whether that be maintaining the current out-of-service agreement; having the clinics revert to Tri-City or a potential annexation of services to Palomar Health.

Lastly, with the very recent development and announcement (January 3) that the Tri City Medical Center Chief Executive Officer (Mr. Steve Dietlin) is resigning his position come March 2023, this might provide additional time and opportunity to have discussions and seek a permanent solution between all parties.

Thank you and please do not hesitate to contact me directly if you have any questions or comments.

## Simonds,Keene

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**From:** Ruiz, Lynda <Lynda.Ruiz@palomarhealth.org>  
**Sent:** Monday, August 1, 2022 11:30 AM  
**To:** Simonds,Keene  
**Subject:** [External] Letter from Diane Hansen of Palomar Health  
**Attachments:** PH Letter to LAFCO 080122.pdf

Good morning Mr. Simonds,

Attached, please find a letter to you from Diane Hansen, President & CEO of Palomar Health.

Thank you,

**Lynda Ruiz**

Assistant to the CEO



2125 Citracado Parkway, Suite 300 | Escondido, CA 92029  
o. 760.740.6393 | f. 760.740.6360 | PalomarHealth.org

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# PALOMAR HEALTH

August 1, 2022

Keene Simonds, Executive Officer  
San Diego County  
Local Agency Formation Commission (LAFCO)  
2550 Fifth Avenue, Suite 725  
San Diego, CA 92103

Dear Mr. Simonds,

This is to update and supplement my earlier request that you consider granting Palomar Health District permission to provide services outside the district's current boundaries.

Events and circumstances continue to directly affect the availability of quality health care in North County, resulting in direct impacts on Palomar Health's ability to continue to provide the quality of care that people deserve.

Recently we have been contacted by two providers of women's health to accept their OBGYN patients for delivery of their babies instead of having them deliver at Tri-City Medical Center. Our services are viewed as among the best in the nation: [Palomar Health Makes Newsweek's List of Best Maternity Hospitals](#) | [San Diego Business Journal \(sdbj.com\)](#) We are aware that Tri-City Medical Center recently lost its anesthesia group, thereby halting its general surgery capability as well as limiting the care that could be given to women in childbirth labor. As a result, if Tri-City contracts with a national or traveling group, the costs will be a multiple of its previous costs, thereby further stressing the finances of an already troubled Tri-City.

In fact, Tri-City Medical Center has been cutting various services for the past 5 years, frequently without any advanced notice as a professional courtesy to other health care providers, unlike other providers in the larger region.

We are frequently contacted by physicians seeking to move their practices from Tri-City, stating they are unsure about the financial stability of that provider.

Historically, for whatever reasons, voters in the Tri-City district have three times failed to support bond measures; [Tri-City Healthcare District bond measure \(August 2008\) - Ballotpedia](#) There is no indication that support would be better today.

Because of these ever changing and evolving circumstances, we are constantly having to ramp up our services to fill the voids. Identifying appropriate facilities and recruiting properly trained and credentialed staff takes time to plan and execute. Ramping up to address changing and expanding service needs takes time and resources that must be diverted to those efforts.

For example, we have the busiest Emergency Department in the region. We are the only one to have a psychiatrist available in our Emergency Department 24/7, not because we are seeking such patients, but because people show up, are brought by friends or family, or by law

## Administration

Palomar Outpatient Center I, 2125 Citracado Parkway, Ste 300, Escondido, CA 92029 | T 760.740.6385 | [PalomarHealth.org](#)

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enforcement. So we are expanding our behavioral health facilities to be able to continue to accommodate those individuals in need of such care.

We need immediate relief to address the situation while we engage in long term planning with a view toward ultimately annexing various areas to be a regular provider of our health care services to a currently underserved population.

In summary, your authorization would enable us to carry out the provision of services that are needed while we undertake planning for the future.

Sincerely,

A handwritten signature in black ink, appearing to read "Diane Hansen", with a long horizontal flourish extending to the right.

Diane Hansen  
President & CEO  
Palomar Health

**Simonds, Keene**

---

**From:** Ruiz, Lynda <Lynda.Ruiz@palomarhealth.org>  
**Sent:** Monday, June 6, 2022 11:15 AM  
**To:** Simonds, Keene  
**Cc:** chris@alchemycg.com; Pellman, Lloyd W.  
**Subject:** [External] Letter from Palomar Health  
**Attachments:** Palomar Health Letter to LAFCO 060622.pdf

Good morning Mr. Simonds,

I hope all is well. Attached, please find a letter to you from Diane Hansen, President & CEO of Palomar Health.

Thank you,

**Lynda Ruiz**

Assistant to the CEO



2125 Citracado Parkway, Suite 300 | Escondido, CA 92029  
o. 760.740.6393 | f. 760.740.6360 | PalomarHealth.org

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*Passion. People. Purpose.™*

June 6, 2022

Keene Simonds, Executive Officer  
San Diego County  
Local Agency Formation Commission (LAFCO)  
2550 Fifth Avenue, Suite 725  
San Diego, CA 92103

RE: Request for Approval of Extended Services Beyond Our Existing Jurisdictional Boundary

Dear Mr. Simonds:

This is to request that pursuant to Government Code section 56133, Palomar Health District be authorized to provide the following services which originate outside our jurisdictional boundaries, but are to be performed by Palomar Health District pursuant to contracts or similar arrangements:

GYN/Laborist Services for patients of Vista Community Clinic  
OB/GYN Laborist Women's Services for patients of True Care Clinics

This request is being made because the health and safety of expectant mothers and their babies are of concern, if they do not receive the proper care both before and after delivery. Palomar Health was contacted by Vista Community Clinic regarding the provision of these services instead of services at Tri-City Medical Center, and in response we agreed to accept those patients. The Vista Community Clinic, serving more than 70,000 residents centered in the City of Vista, stated that the move will bring more advanced resources to both staff and patients, as well as personalized attention and exceptional care at the upgraded facility in Escondido. For your information, Palomar Health was recently named on the list of Newsweek's Best Maternity Hospitals of 2022. It can provide the 24/7 medical attention that both mothers and newborns require. Highly trained doctors providing health care to delivering mothers and newborns, including premature babies provide greater likelihood that outcomes will be successful, especially when compared to services provided by emergency room doctors who have less specialty training. These can truly be life or death situations for both mother and child which is why we need to obtain approval at the earliest opportunity. Every day does count.

#### **Administration**

Palomar Outpatient Center I, 2125 Citracado Parkway, Ste. 300, Escondido, CA 92029 |  
T 760.740.6385 | [PalomarHealth.org](http://PalomarHealth.org)

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Similarly, we anticipate that in the very near future we may be needed to provide those services to patients currently being attended by True Care Clinics, as the facilities and staffing at Tri-City appear to be further declining in capacity and capability. For example, the anesthesia services at Tri-City are reported to be terminating, a critical factor is providing medical services not only in the context of pregnancies but in almost every area of serious medical conditions that may require surgical procedures. True Care Clinics, with maternity services in Oceanside and Encinitas, serve an approximate population of 70,000 residents, much like Vista Community Clinic, with approximately 60 births per month. For all the same urgent reasons for approval of our arrangement with Vista Community Clinic it will be the same concerns for the patients of True Care. Again, every day counts when it comes to the end of a pregnancy and the beginning of a new life.

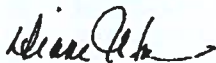
With respect to Women's Services, we are exploring more permanent healthcare solutions for residents and visitors to Northern San Diego County, and would like to be able to provide the services described above for a period of two or three years. This will allow us to firm up a long range plan, which could include annexation of one or more additional areas of the region, for presentation to you in the future. The health and safety of North County residents is of paramount importance to Palomar Health. North San Diego County is now home to one-third of the entire region's population.

Attached are recent articles which have publicized just a sampling of the recent circumstances giving rise to this request and the growing need for Palomar Health to provide its services to the 1.1 million residents in our sub region.

In summary, approval is sought to arrange to provide our nationally recognized maternity services to the clinics referenced above in the service areas of Vista Community Clinic (which extends northward to Anaheim), Oceanside and Vista. We ask that approval be provided at the earliest opportunity possible so that we may fully engage to assist the expectant mothers and their offspring.

Should you have any questions please do not hesitate to contact me.

Sincerely,



Diane Hansen  
President & CEO  
Palomar Health

**Administration**

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## Tri-City Medical Center losing its baby business to Palomar

July 1, 2022 TeneCare will be leaving clinic population

Vista Community Clinic will no longer refer expectant mothers to Tri-City Medical Center in Oceanside.

(Eduardo Contreras / The San Diego Union-Tribune)

### Vista Community Clinic says it will send all deliveries to Escondido hospital starting Oct. 16

BY PAUL SISSON

SEPT. 14, 2021 6:12 PM PT

A decision by North County's largest community clinic to refer its expectant mothers to Palomar Medical Center in Escondido threatens the viability of labor and delivery services at Tri-City Medical Center in Oceanside, which had been providing the vast majority of such work for decades.

Vista Community Clinic, a federally-qualified health center serving the region's most needy patients, said in a statement Tuesday that it will make the shift starting Oct. 16. The move will reduce revenue at Tri-City and likely require longer trips for some to give birth.

The Oceanside hospital's administration had no comment Tuesday, but available public data makes it clear that losing Vista Community Clinic will represent a significant reduction in the annual patient volume of its labor and delivery department and neonatal intensive care unit.

According to filings with the state Office of Statewide Health Planning and Development, 1,677 babies were delivered at the facility in 2020. A VCC spokesperson said in an email that the community clinic has averaged 63 deliveries per month in 2021.



If that average holds through December, the clinic would generate about 756 deliveries per year, roughly 45 percent of Tri-City's total live births.

Dr. Hamid Movahhedian, director of Tri-City's neonatal intensive care unit, said the drop in volume will make it very difficult for the Occanside hospital to afford the 24/7 physician staffing required to continue offering newborn services going forward.

"Our mother-baby department is in danger of falling apart," Movahhedian said.

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Rocky Chavez, chair of the hospital's elected board of directors, said in an email Tuesday that he asked for the matter to be discussed in detail at the medical center board's next regular meeting.

Chavez said he suspects external factors factored into the decision.

"We have no control over VCC," Chavez said. "I imagine they are making these changes because of outside influences."

The community clinic, which serves more than 70,000 residents in the area, said that the move "brings more advanced resources to both patients and staff who will benefit from the personalized attention, exceptional care and more recently upgraded Palomar facility in Escondido."

Betsy Heightman, chief development officer at VCC, disagreed with the statement that outside influences were involved. She said the health center's patients will benefit directly from the facilities at Palomar, which were recently moved from the health system's recently sold medical complex in downtown Escondido to the newly constructed Palomar Medical Center tower that opened in 2012 on Citracado Parkway in a west Escondido business park.

The viability of Tri-City's neonatal services is of utmost importance to the three cities — Occanside, Carlsbad and Vista — that give the public health care district its name.

Expectant mothers who need to deliver immediately, or who are in immediate danger due to a health care complication, would need to drive 13 miles east to Palomar or



nearly 15 miles south to Scripps Memorial Hospital, Encinitas, the two closest facilities other than the Naval hospital at Camp Pendleton, which is not available to civilians.

Those distances, while definitely coverable in an ambulance with lights flashing and sirens blaring, are significantly more daunting when freeway traffic peaks.

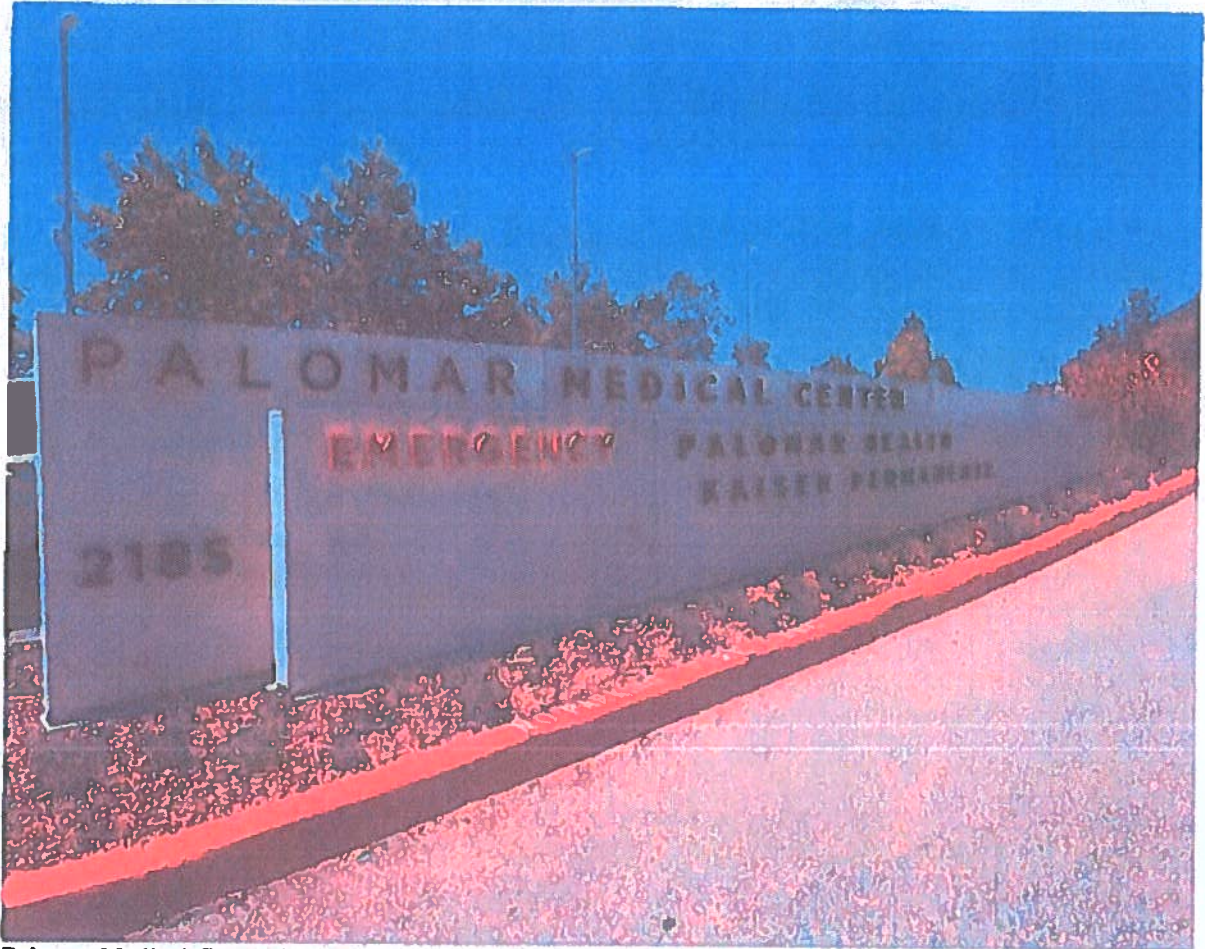
Movahhedian, who has been in his job for more than two decades, said that staffing a hospital's labor and delivery department for round-the-clock operation, and running a neonatal intensive care unit, offers the benefit of having specialists on call and ready to respond quickly when a pregnant patient arrives in the emergency room.

"Our Tri-City emergency physicians are not comfortable to take care of sick newborns nor comfortable to resuscitate premature babies," Movahhedian said.

The shift to Palomar will also mean changes for Vista Community Clinic's expectant mothers. For many years, the obstetrician who they see during prenatal visits has often been the same physician who delivers their baby at Tri-City. The plan, the health center confirmed Tuesday, is for a pair of obstetricians assigned to Palomar to handle all VCC deliveries, but they would no longer also be involved in prenatal care.

The clinic said a similar handoff model of care has worked for health centers it now operates in La Habra and Lake Elsinore.

Lisa Halverstadt 7.15.2019



Palomar Medical Center / Photo by Adriana Heldiz

North County police officers say they are spending more time away from their patrols and instead waiting in emergency rooms following the closure of Tri-City Medical Center's Oceanside behavioral health units last year.

Police in Oceanside, Escondido, Carlsbad and North County sheriff's deputies are now queuing in other hospitals' ERs with so-called 5150 patients, leading to longer waits that can for hours keep officers from responding to other calls for help.



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The uptick in hospital waits has also forced North County law enforcement agencies to drive some mental health patients to the county's psychiatric hospital in San Diego's Midway district despite the more than 30-minute drive each way.

The Tri-City closure has left police with fewer options to connect patients they consider a danger to themselves or others with medical care. Where they once typically went to Tri-City's ER or one of Palomar Health's ERs in Escondido or Poway, more officers are now often being forced to wait significant amounts of time in Palomar ERs or to make the long drive to Midway.

Oceanside police Officer John Janda said Oceanside officers could once count on being of pocket for 90 minutes to two hours when they could take patients to Tri-City Medical Center. Now, with the closest hospital off the table for 5150 calls, ER waits have increased and drives to Midway are more common.

"You can almost guarantee you're going to be out of the mix for at least three hours on any 5150 call," said Janda, Oceanside's psychiatric emergency response team officer.

Police in Escondido and Carlsbad and sheriff's deputies in North County report similar turnaround times and changes following the Tri-City closure. All agencies also said officers have occasionally faced ER waits as long as six to eight hours.

Police leaders in Escondido and Carlsbad said they are spending more city money to ensure there are reinforcements when officers are tied up at local hospitals.

As [mental health patients pour into ERs countywide](#), North County is facing an especially urgent crisis following the Tri-City closure. It's lost crucial mental health resources at a time when the need is skyrocketing, and police are among those feeling the crunch.





**For years, Oceanside police were among a handful of North County agencies that took 5150 patients to Tri-City Medical Center's ER. Escondido police, meanwhile, have long taken many of their patients to Palomar Medical Center Escondido in the northern part of the city.**

**Per state mandates, police must take 5150 patients to one of several local ERs and other facilities licensed to accommodate those patients. Police say Tri-City's Oceanside ER no longer qualifies following the closure of its behavioral health units.**

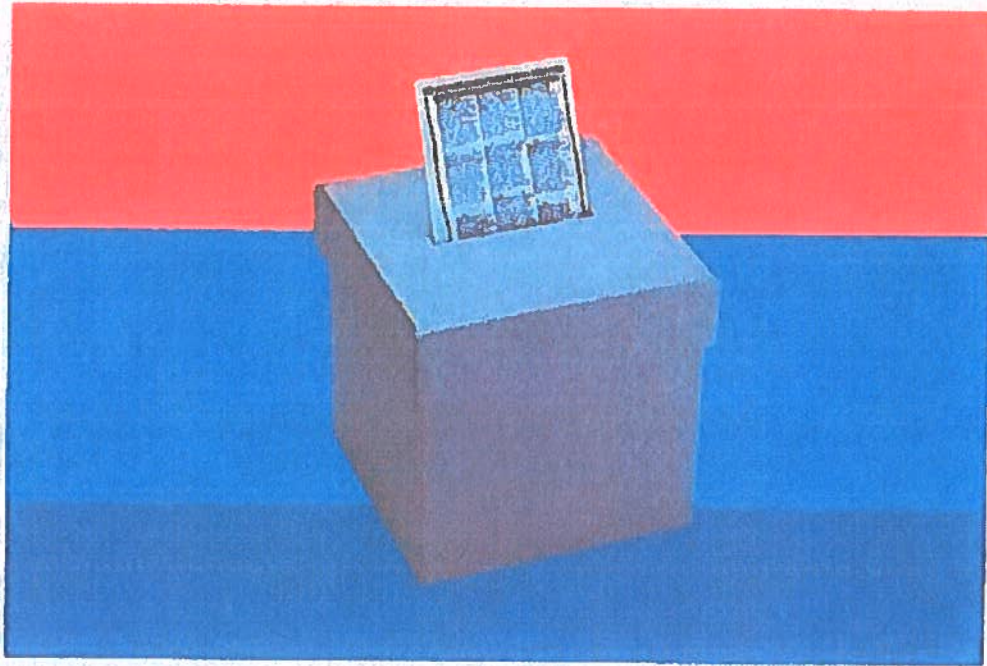


**Tri-City Medical Center / Photo by Adriana Heldiz**

The City and County of Denver, through the Denver Health Department, is currently in the process of reviewing the Tri-City Medical Center's application for a license to operate as a hospital. The review process is ongoing and will be completed in the next few months. The City and County of Denver is committed to ensuring that the Tri-City Medical Center meets all the requirements for a hospital license.

The City and County of Denver is committed to ensuring that the Tri-City Medical Center meets all the requirements for a hospital license. The review process is ongoing and will be completed in the next few months. The City and County of Denver is committed to ensuring that the Tri-City Medical Center meets all the requirements for a hospital license.





## Read about the races that affect you

Tri-City has said it was [forced to shutter its inpatient beds and crisis unit](#) due to new federal patient safety regulations plus financial and staffing challenges.

Tri-City and County Supervisor Jim Desmond, who represents the area, recently tried to persuade county leaders to [invest \\$14 million](#) to help Tri-City open at least 16 inpatient psychiatric beds and 12 short-term crisis beds at its Oceanside campus. That [proposal fell flat](#) at a Board of Supervisors meeting last month.

Tri-City spokesman Aaron Byzak said in a statement that the district has engaged in "a variety of discussions with both public and private providers of mental health services" and hopes the county and other health providers will continue looking at opening crisis units where law



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enforcement officers could drop off patients, including in the cities along the coast and across the Highway 78 corridor.

County officials have [committed to a plan to open walk-in crisis centers in North County](#) and elsewhere in the region, but it's not clear how soon they might materialize.

Absent those additions, officers and 5150 patients from all North County cities are for now inundating Palomar's ERs. As a result, officers sometimes choose to drive patients dozens of miles south to the county's psychiatric hospital, where they typically spend less time waiting for a bed.

"It's a longer drive but seems to have a quicker turnaround," Carlsbad Assistant Chief Mickey Williams said.

Data released by the county following a public records request shows the number of North County patients discharged from the county's Midway psychiatric hospital has more than doubled – from 167 patient discharges from September 2017 through June 2018 to 346 discharges during the nine-month span ending in mid-June.

Craig Sturak, a spokesman for the county's health and human services agency, noted that county supervisors recently voted to add 54 new staffers to work at the county's psychiatric hospital but said current staff have been able to handle the increased volume of patients thus far.

Sturak said county behavioral health officials are reluctant to attribute the increase solely to the Tri-City closure.

Yet Palomar has also experienced a surge in mental health patients during the same period following the Tri-City closures.



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Data from the Office of Statewide Health Planning and Development reveals Palomar's Escondido ER alone saw a 34 percent spike in patients primarily seeking mental health treatment in the first quarter of this year compared with the same period in 2018.

Palomar officials say that has translated into longer waits for ER patients seeking a bed. They also report that the average length of stay for mental health patients who have secured an ER bed has doubled since Tri-City's decision to shutter its inpatient units, leaving the hospital with fewer options for patients who need a higher level of care.

"If you've got more people coming into the (emergency department), more of them are waiting for another placement," Palomar behavioral health district director Don Myers said. "Then anyone else coming in is going to wait longer."

Acknowledging the crush of patients, county supervisors last month signed off on an immediate \$4.4 million infusion for Palomar to hire more staff to aid mental health patients and expand its crisis stabilization work. The hospital district is also poised to receive another \$6.4 million to support its efforts next year.

Palomar Health officials say they have already hired 20 new staffers and expect to hire at least two dozen additional workers in coming months.

Sheriff's deputy Andy Gale, who is assigned to the agency's Vista station, said he has appreciated Palomar's efforts to address the rush of visits from police, but said he's sometimes spent significant portions of his shift waiting in the ER.

"Basically, we just wait there until there's a bed," Gale said.



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**"Local journalism is dead."**

*- Some guy on Twitter*

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Janda, the Oceanside officer, said that for years, PERT team officers would relieve beat officers at the hospital when there were hours-long ER waits. They don't have time to do that anymore.

Janda said the influx of calls and the closure at Tri-City have limited the number of 5150 calls his specially trained team is able to respond to during their shifts.

"The impact is huge," Janda said. "Where before we might be able to do four or five 5150 calls in the course of a day, we're pretty well burnt after three."

Fearing hours-long waits and public safety backups, Carlsbad police proactively opted to sign an up to \$35,000 contract with ASAP Security in March to provide on-call assistance with transports out of their city when police leaders decide relief is needed.

Williams, the Carlsbad assistant chief, said police there have used the service 14 times in the past few months, a total that could also include instances where security officers transported prisoners to local jails or hospitals, which the contract also allows.

"It's a tool for the watch commander to free our officers up in the city," he said.

Escondido Police Chief Craig Carter said his officers' doubled waiting times have led his department to more frequently ask officers to come

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in early for their shifts when their colleagues are tied up ferrying patients. He could not immediately estimate the frequency of those overtime requests but told VOSD he hopes to begin tracking overtime tied to 5150 transports, as those calls have become more routine since the Tri-City closure.

"If officers are tied up on a 5150 call at the hospital and other calls come in, and there's not an officer available to handle it, you're going to have to call someone in to handle it," Carter said.



# Tri-City Medical Center to 'suspend' psych unit

By: [Rachel Bianco](#)  
Posted at 11:18 PM, Aug 21, 2018

and last updated 8:33 AM, Aug 22, 2018

OCEANSIDE, Calif. (KGTV) -- In a 5-2 vote Tuesday night, the Tri-City Medical Center's board of directors voted to suspend, indefinitely, care in its inpatient behavioral health unit.

The Tri-City Healthcare District has operated a Behavioral Health Unit (BHU) for a number of years and a Crisis Stabilization Unit (CSU) since 2016. The CSU is already closed. According to an administrative staff report, the BHU averages roughly 12 patients per day.

## Recent Stories from 10news.com

The unit provides critical care to a vulnerable population those who are suicidal or suffering from severe mental illness, but the board says keeping it open without making the required building changes could put those patients at greater risk.

Tuesday night the Tri-City Healthcare District cited changes in federal regulations as one of the main reasons they will need to suspend services. Those regulations require hospitals to remove all "ligature" risks from rooms - or features that patients could use to hang themselves.



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The board said that the hospital's "drop" ceilings do not meet the requirements. At least one estimate put the cost to replace the ceilings at \$3 million dollars.

Upgrading the ceilings is one item on a list of costly projects, a spokesperson for Tri-City Medical Center told 10News. The overall renovation project will cost \$7.5 million, which include updates to the HVAC system and making other upgrades to the facility to meet current ADA requirements.

The board also says there's a shortage of psychiatrists and a budget shortfall in that ward of roughly \$5 million. The COO says the move protects the entire hospital from possibly having to close.

"That is a reason, that is one of the issues that we are facing, lack of psychiatric care for those patients," said Hospital COO Scott Livingstone. "The patients made our argument for us," said Livingstone referring to a patient recently saying she waited 48 hours to be seen.

Livingstone went on to say, "You're concerned about a 45 minute drive for a mental health crisis, try a 45 minute drive if you're actively having a stroke and your brain is dying."

As the energy in the room grew tense, the board reminded the public that suspending the unit gives the hospital the option to re-open it if a solution is found.

The suspension, which could last up to one year, means that any North County residents or "5150 transports" will be sent to hospitals much farther away.

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**Police and sheriff's deputies say the added time it will take to transport "5150 transports" - or psychiatric patients - to Palomar Hospital in Escondido or San Diego County Mental Health will impact every neighborhood.**



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## CONTRACTUAL SERVICE AGREEMENT APPLICATION FORM

*In addition to the materials required for any change(s) of organization, submit the following items:*

1. One copy of either an approved Resolution of the City Council/District Board of Directors or a letter from the City Manager/District General Manager requesting approval for a contractual service agreement.
2. One copy of the contract or agreement stipulating the terms and conditions of extending service to the property signed by the property owner(s) and the agency that is to provide the service.
3. LAFCO processing fee. Contact the LAFCO office or refer to fee schedule.

Print/Type Name: Palomar Health, a California local healthcare district

Property Address: 2125 Citracado Parkway, Suite 300, Escondido, CA 92029

Phone #: 760-740-6393 Date: 8/5/2022

This application is used by LAFCO staff to provide supplemental information for contractual service agreement requests.

1. What type or types of public service(s) will be provided? Laborist and OB/GYN Services
2. Why is the service needed? If the service agreement is in response to an emergency health and safety situation, such as a failed septic system, provide information documenting the circumstances (e.g., letter from the County Department of Environmental Health).
3. If a jurisdictional change, such as annexation, is not possible at this time, explain the circumstances that prevent annexation and when the jurisdictional change is anticipated. \_\_\_\_\_
4. Are there any jurisdictional issues associated with the  YES  NO proposed contractual service agreement?  
(If yes, please complete the LAFCO [Policy L-107 form](#))

**San Diego Local Agency Formation Commission**  
**9335 Hazard Way, Suite 200**  
**San Diego, CA 92123**  
**(858) 614-7755**

Revised 9/7/11

## **HOSPITAL AND PROFESSIONAL SERVICES AND AFFILIATION AGREEMENT**

This Hospital and Professional Services and Affiliation Agreement (the “**Agreement**”) is made and entered into so that it will become effective as of March 1, 2022 (the “**Effective Date**”), by and between Palomar Health, a California local healthcare district, (the “**Hospital**”), and North County Health Project, Inc., dba TrueCare, a California nonprofit public benefit corporation (“**TrueCare**”). Together Hospital and TrueCare are the “**Parties**,” and each is a “**Party**.”

### **RECITALS**

- A. Hospital owns and operates an acute care facility known as Palomar Medical Center Escondido, located at 2185 Citracado Parkway, Escondido, CA, 92029 (the “**Facility**”).
- B. The Hospital has determined that the patients and community it serves would benefit from obstetrical and gynecological (“**Ob/Gyn**”) coverage on a 24 hour, 7 days per week (“**24/7**”) basis and the development of an obstetrics emergency department (the “**OBED**”) at the Facility.
- C. Hospital has entered into a professional services agreement with OB Hospitalist Group, Inc. (“**OBHG**”) for a three-year term to provide professional laborist and gynecological hospitalist services on behalf of Hospital at the Facility, which commenced on May 3, 2021.
- D. TrueCare is a Federally Qualified Health Center (“**FQHC**”) and desires to affiliate with Hospital such that patients that receive gynecological or obstetric care from TrueCare (“**TrueCare Patients**”) may receive labor and delivery services performed by OBHG while at Hospital.
- E. TrueCare desires assurances from Hospital that TrueCare Patients will have timely access to hospital services by Hospital and professional services by OBHG.
- F. Hospital and TrueCare wish to affiliate and cooperate to maintain continuity of care for TrueCare Patients and participate in governance, compliance, and quality improvement processes related to the care of TrueCare Patients by OBHG and Hospital. Hospital agrees to facilitate the acquisition of clinical privileges for TrueCare Ob/Gyn clinicians.

**NOW, THEREFORE**, the Parties hereby agree as follows:

### **AGREEMENT**

- 1. **Affiliation and Cooperation.** The Parties agree to affiliate and cooperate to maintain continuity of care for TrueCare Patients obtaining Ob/Gyn services at Hospital, including cooperating in governance, compliance, and quality improvement activities related to this Agreement. Specifically, the Parties will promptly upon execution of this Agreement create a Joint Operating Committee or similar type of governance structure that will serve as a mechanism through which Hospital and TrueCare will share decision-making with respect to the OBED Program’s interaction with TrueCare Patients, and other key strategic and operational matters that relate to the care of TrueCare Patients, including working in good faith to create compliant mechanisms for the proper transfer, referral and treatment of TrueCare Patients at Hospital.
- 2. **Professional Services.**
  - 2.1. **Provision of Physicians.** Hospital shall maintain a contractual agreement with OBHG to provide physicians (“**Contracted Physicians**”) who can appropriately deliver the professional services set forth in and in the manner described in the “Description of Services Provided by OBHG” attached hereto as Exhibit A (the “**Professional Services**”).



- 2.2. Professional Services Generally. Hospital shall cause Contracted Physicians to provide Professional Services to all TrueCare Patients who present to the Facility and who require Professional Services, regardless of patients' insurance status. Hospital shall cause Contracted Physicians to be unencumbered by conflicting duties or responsibilities and shall cause Contracted Physicians to be on site to respond to TrueCare Patients' needs and provide staff support during the times Contracted Physicians are scheduled in accordance with the requirements set forth in the Hospital's Medical Staff Bylaws and rules and regulations, and the OBED Program's policies and procedures.
3. Qualifications of Contracted Physicians. Throughout the term of its professional services agreement with OBHG, Hospital shall have OBHG represent and warrant that the Contracted Physicians: (1) are not currently excluded, debarred, or otherwise ineligible to participate in the Federal health care programs as defined in 42 USC § 1320a-7b(f) (the "Federal Health Care Programs"); (2) are not convicted of a criminal offense related to the provision of health care items or services; (3) are not under investigation or otherwise aware of any circumstances which may result in OBHG or the Contracted Physicians being excluded from participation in the Federal Health Care Programs; (4) have not had its, his or her license to practice medicine in any state suspended, revoked or restricted; (5) have not ever been reprimanded, sanctioned or disciplined by any licensing board or state or local medical society or specialty board; or (6) have not been denied membership or reappointment of membership on the medical staff of any hospital for a medical disciplinary cause or reason and no hospital medical staff membership or clinical privileges of Contracted Physician have ever been suspended, curtailed or revoked for a medical disciplinary cause or reason.
4. Facilities And Services Provided By Hospital.
- 4.1 Support Services. Hospital shall furnish such space, equipment, supplies, nursing and other personnel and support services as Hospital determines to be necessary and appropriate for the operation of the OBED Program, including the following:
- 4.1.1 Office Space and Equipment. Hospital shall provide office space for Contracted Physicians, in a convenient location in Hospital, furniture and equipment.
- 4.1.2 Non-Physician Staff. Hospital shall provide all personnel required for the proper and efficient operation of the OBED Program, which are not provided by OBHG, who shall be employed and directed by Hospital. All salaries, wages, taxes, insurance, worker's compensation insurance, retirement and other fringe benefits, and expenses of any kind or character incident to their employment shall be the responsibility and obligation of Hospital.
5. Billing and Compensation.
- 5.1. Professional Fees. The Parties agree that OBHG, at its own expense, shall be authorized to charge on a fee-for-service basis for all Professional Services rendered directly by the Contracted Physicians to TrueCare Patients pursuant to this Agreement (the "Professional Fees"). Hospital shall require that OBHG promptly bill (or cause to be billed) all TrueCare Patients or third party payors, as applicable, for the Professional Fees. Hospital shall require OBHG to ensure that all such bills comply with applicable governmental and non-governmental statutory, regulatory, and third party billing and claims submission requirements. The Professional Fees charged by OBHG shall be totally separate and apart from any facility fees to be charged by Hospital, and the Hospital shall not have any responsibility for the billing or collection of any Professional Fees for services rendered by the Contracted Physicians. The Professional Fees will be the usual and customary fees charged for the particular service rendered, provided, however, that (i) any



Professional Fees charged by OBHG to uninsured TrueCare Patients shall be in accordance with OBHG's indigent care sliding fee scale; and (ii) any facility fees charged by Hospital to uninsured TrueCare Patients shall be in accordance with Hospital's indigent care sliding fee scale.

5.2. Short Fall Obligations. The Parties have reasonably determined that collections for the services rendered to the TrueCare Patients under this Agreement will be insufficient to cover Hospital's reasonable costs of providing the services. In order to adjust for this shortfall and to obtain the multiple benefits that will result from this Agreement, and in consideration of the valuable services to be provided by the laborist model on behalf of TrueCare Patients, TrueCare agrees to pay to Hospital, beginning on the commencement of services hereunder, a monthly stipend (the "Monthly Stipend") as follows for an initial contract term of three years:

██████████ — ██████████  
██████████ — ██████████  
██████████ — ██████████

6. Term. The term of this Agreement shall be for a period of three (3) years commencing on the Effective Date ("Term").
7. Termination. This Agreement shall terminate upon the occurrence of any of the following events:
- (a) A final determination is made resulting in the revocation or suspension of the license or The Joint Commission accreditation of the Hospital or TrueCare;
  - (b) Either Party materially defaults under any term or covenant of this Agreement and such default is not cured within sixty (60) days after written notice of default is delivered to the defaulting Party.
  - (c) Either Party (i) admits in writing its inability to pay its debts generally as they become due, (ii) makes an assignment of all or a substantial part of its assets for the benefit of creditors, (iii) applies for, consents to or acquiesces in the appointment of a receiver, trustee or liquidator of all or a substantial part of its assets, (iv) files a voluntary petition in bankruptcy or petition or an answer seeking reorganization under any bankruptcy or insolvency law or an arrangement with creditors, or takes advantage of any insolvency law or files an answer admitting the material allegations of a petition filed against such party in any bankruptcy, reorganization or insolvency proceedings, or a court order, judgment or decree entered against such party without its consent approving a petition seeking reorganization under any bankruptcy or insolvency law or appointing a receiver, trustee or liquidator of all or a substantial part of such party's assets, or adjudicating such party as bankrupt or insolvent, and such order is not vacated, set aside or dismissed within sixty (60) days of entry;
  - (d) If Hospital is unable to facilitate the provision of professional services for any reason, for a period of thirty (30) consecutive days or more, TrueCare may terminate this Agreement in accordance with section 7(b);
  - (e) Mutual agreement of the Parties; and
  - (f) Either Party (i) sells all or substantially all its assets or (ii) dissolves and its assets are liquidated or (iii) merges into or consolidates with a third party, if such Party to this Agreement is not the surviving or controlling entity immediately following such merger or consolidation, unless the other Party to this



Agreement has consented to such merger or consolidation.

8. Representations and Warranties. Neither TrueCare nor Hospital is bound by any agreement or arrangement which would preclude TrueCare or Hospital from entering into or from fully performing the services required under this Agreement; both Parties shall comply with applicable law related to the activities contemplated under this Agreement, during the term of this Agreement, including, but not limited to Hospital specifically represents and warrants that its professional services agreement with OBHG complies with applicable law and regulations, including 42 C.F.R. § 447.15, Cal. Welf. & Inst. Code § 14019.4(a), and Cal. Code Regs, tit. 22 § 51002(a)(1)-(3).
9. Survival. The provisions which by their nature should survive, shall survive the termination or expiration of this Agreement.
10. Changes in Law, Etc. In the event legal counsel for either Party determines that this Agreement, any provision of it or any practices employed in exercising rights or providing services under this Agreement may be inconsistent with or may be reasonably expected to violate any legal requirements, the Parties in good faith shall meet and confer to revise this Agreement to comply with such law(s). In the event the Parties are unable to agree upon the revised terms in a timely manner, this Agreement shall terminate upon ten (10) days' notice by either Party to the other. In the event there are any changes in Medi-Cal or Medicare requirements, The Joint Commission accreditation guidelines or requirements, federal or state tax exemption requirements, and/or substantial changes under other public or private health and/or hospital care insurance programs or policies which may have a material effect on TrueCare's or Hospital's operations, TrueCare or Hospital may elect to renegotiate this Agreement. TrueCare or Hospital shall indicate the basis upon which it has determined that such a material impact on its operations may result. In any case where such notice is provided, both Parties shall negotiate in good faith during the thirty (30) day period thereafter in an effort to develop a revised Agreement, which, to the extent reasonably practicable, is intended to adequately protect the interests of both Parties in light of the changes which constituted the basis for the exercise of this provision. In the event the Parties are unable to agree upon the revised terms within the thirty (30) day period, this Agreement shall terminate upon ten (10) days' notice by either Party to the other Party.
11. Independent Contractor. The performance of the duties and obligations hereunder shall be performed as an independent contractor and nothing in this Agreement is intended nor shall be construed to create between Hospital and TrueCare, including all TrueCare personnel, Hospital personnel or OBHG or OBHG personnel an employer/employee, joint venture, agency, lease or landlord/tenant relationship.
12. Medical Practice. The Parties agree that as to the Professional Services provided by OBHG, neither Hospital nor TrueCare shall exercise control over the independent medical judgment of OBHG or the Physicians. The standards of medical practice and professional duties of OBHG, including all Contracted Physicians shall be determined by the Medical Staff and prevailing professional standards in accordance with the Medical Staff Bylaws and other prevailing and applicable policies.
13. Insurance. During the term of this Agreement, TrueCare shall maintain for itself, and Hospital shall maintain for itself a policy or policies of insurance or an equivalent program of self-insurance with maintenance of actuarially sound reserves consistent with projected losses, with minimum limits consistent with the activities contemplated under this Agreement. TrueCare may also have medical



malpractice liability protection with the federal government acting as its primary insurer through the Federal Tort Claims Act (FTCA). Each Party shall have the right to request and the other Party shall promptly deliver proof of such insurance coverage. Failure to maintain such coverage shall constitute a breach of this Agreement.

14. **Indemnification.** To the extent allowable under law, each Party shall indemnify, defend and hold harmless the other Party against: any injury, loss, claims, or damages arising from the negligent or willful misconduct related to the operations, acts, or omissions of its employees or agents arising out of the obligations and duties set forth in this Agreement; or 2) a breach of this Agreement or the representations herein.
15. **Notices.** Written notice required under this Agreement shall be delivered personally or sent by United States registered or certified mail, postage prepaid and return receipt requested, and addressed or delivered to the Parties at the following addresses (or such other address as may be designated by a Party by written notice to the other Party):

**TrueCare**  
TrueCare  
Attn: Chief Executive Officer  
150 Valpreda Road # 102  
San Marcos, CA 92069

**Hospital**  
Palomar Health  
Attn: Legal Dept.  
2125 Citracado Parkway, Ste. 300  
Escondido, CA 92029

16. **Confidentiality.** Each Party agrees that it shall not disclose, disseminate or distribute in any manner to any third party or use, and shall cause its officers, directors, agents, employees, affiliates, and authorized representatives not to disclose, disseminate or distribute in any manner to any third party or use, any Confidential Information, nor make a copy of any Confidential Information, except for such Party's officers, directors, agents, employees, affiliates, and authorized representatives (i) who have a bona fide need to know such Confidential Information and (ii) who have agreed to abide by the terms of this Section 16. Each of the Parties shall maintain and shall cause its officers, directors, agents, employees, affiliates, and authorized representatives to maintain the Confidential Information in strict confidence and to take such reasonable steps as may be necessary to prevent access by any unauthorized persons to the Confidential Information. The term "Confidential Information" shall mean all information, whether written or oral, relating to the business and affairs of either Party, furnished to the other Party hereto, and their respective officers, directors, employees, affiliates, agents and authorized representatives, including the terms of this Agreement or other agreement(s) contemplated pursuant to this Agreement. The term "Confidential Information" shall not include information which is or becomes a matter of public information other than as a result of any act by the receiving Party or any of its officers, directors, agents, employees, affiliates or authorized representatives or which is or becomes lawfully known to the receiving Party other than through the disclosure by the receiving Party or any of its officers, directors, agents, employees, affiliates, or authorized representatives. Notwithstanding the above, either Party may disclose Confidential information if required to do so by applicable law.
17. **Intellectual Property.** Each Party acknowledges and agrees that the other Party owns or licenses existing confidential information, platforms, websites, practices, protocols and other material protected by worldwide common law and statutory intellectual property rights ("**Pre-Existing Materials**"). Neither Party will reproduce, sell, transmit, publish, broadcast, or otherwise disseminate or distribute the other Party's Pre-Existing Materials without such Party's prior written consent. Each Party shall own, solely and exclusively, all intellectual property rights to any materials



created solely by that Party, without the use of the other Party's Pre-Existing Materials, during or after the term of this Agreement ("New Materials"). In addition, except as set forth in this Agreement, each Party specifically agrees not to use the other Party's Pre-Existing Materials or New Materials in the creation or development of its own materials during or after the Term of this Agreement without the other Party's prior written consent.

18. Co-Branding, Press Releases and Use of Name. Any press release, public announcement or other public statements or communications made by either Party in connection with this Agreement shall require the prior mutual agreement of the Parties. If either Party seeks to use the other's name or logo in co-branding or marketing materials, then such materials must be provided in advance via email to the other Party (the "Responding Party,") and the Responding Party shall have three (3) business days to respond with requested changes or to approve the materials. If there is no response within (3) business days, then the materials may be used.
19. Governing Law and Venue. This Agreement shall be governed by and construed and enforced in accordance with the laws of California. Venue for any and all disputes shall be proper only in San Diego County, California.
20. Referrals. The Parties acknowledge that none of the benefits or compensation granted hereunder are conditioned on any requirement that TrueCare, Hospital, OBHG or Contracted Physicians make referrals to, be in a position to make, or influence referrals to, or otherwise generate business for Hospital, TrueCare, OBHG or Contracted Physicians. The Parties further acknowledge that Contracted Physicians are not restricted from referring any patient to, or otherwise generating any business for, any other facility of their choosing, in the exercise of their independent professional judgment.
21. Compliance with Laws. The Parties shall comply with all applicable laws, ordinances, codes and regulations of federal, state and local governments, applicable to the performance of this Agreement. Notwithstanding anything to the contrary in this Agreement, nothing herein shall be construed as inhibiting Hospital to provide services to patients, including TrueCare Patients, as required by California and federal law during the Term of the Agreement or following its termination or expiration.
22. Force Majeure. Neither Party shall be liable or be deemed in default of this Agreement for any delay or failure to perform caused by Acts of God, war, acts of terrorism, disasters, strikes, or any similar cause beyond the control of either Party.
23. Tax Exempt Financing. Notwithstanding anything in this Agreement to the contrary, in the event that the Hospital uses the proceeds of tax-exempt financing, this Agreement shall be amended as may be necessary for Hospital to comply with the requirements of such financing so that the services provided under this Agreement are not considered "private activity use" under the Internal Revenue Code. P r o m p t l y upon request by Hospital, TrueCare shall review the proposed changes and: (i) issue a termination of the Agreement or, at TrueCare's election (ii) execute any and all such amendments presented by Hospital and shall return promptly said executed original amendments to Hospital.
24. Assignment and Delegation. Neither Party shall assign or delegate any of its rights or obligations under this Agreement, and any such assignment or delegation is expressly prohibited and shall be void, unless the other Party has given express written consent, which shall not be unreasonably withheld, to such assignment or delegation. Subject to the prohibition contained in this paragraph,




this Agreement shall be binding upon and inure to the benefit of the permitted successors and assigns of the Parties hereto.

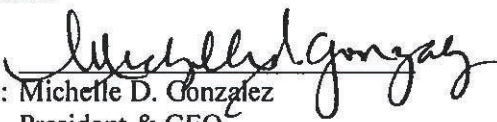
25. Cross-Referencing of Agreements. Hospital and TrueCare acknowledge and agree that this Agreement and any other agreement or arrangement between (a) Hospital, (b) TrueCare, and (c) OBHG or any Contracted Physician, or any immediate family member of a Contracted Physician shall be cross-referenced to a master list(s) of contracts that is centrally maintained and updated by Hospital. For the purposes of this Section, "immediate family member" means a husband or wife; birth or adoptive parent, child or sibling; stepparent, stepchild, stepbrother, or stepsister; father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, or sister-in-law; grandparent or grandchild; and spouse of a grandparent or grandchild.
26. Amendment. This Agreement may be amended at any time by mutual agreement of the Parties without additional consideration, provided that before any amendment shall become effective, it shall be reduced to writing and signed by the Parties.
27. Entire Agreement. This Agreement, including all attachments, exhibits and addendums, is the entire agreement between the Parties and no other agreements, oral or written, have been entered into with respect to the subject matter of this Agreement. This Agreement supersedes all prior agreements, negotiations, and communications of whatever type, whether written or oral, between the Parties hereto with respect to the subject matter of this Agreement.
28. Severability. The provisions of this Agreement shall be deemed severable and if any portion shall be held invalid, illegal or unenforceable for any reason, the remainder of this Agreement shall be effective and binding upon the Parties.
29. Cumulation of Remedies. The various rights, options, elections, powers and remedies of the respective Parties hereto contained in, granted, or reserved by this Agreement, are in addition to any others that said Parties may be entitled to by law, shall be construed as cumulative, and no one of them is exclusive of any of the others, or of any right or priority allowed by law.
30. Waiver. No delay or omission by either Party to exercise any right or remedy under this Agreement shall be construed to be either acquiescence or the waiver of the ability to exercise any right or remedy in the future. Any waiver of any terms and conditions hereof must be in writing and signed by the Parties hereto. A waiver of any term or condition hereof shall not be construed as a future waiver of the same or any other term or condition hereof.
31. Counterparts. This Agreement may be executed in any number of counterparts, each of which shall be deemed an original, but all such counterparts together shall constitute one and the same instrument.
32. HIPAA. The Parties shall comply and shall cause all personnel to comply with all federal and state laws governing the confidentiality and privacy of patient health information, including, without limitation, the Health Insurance Portability and Accountability Act of 1996, as amended by the Health Information Technology Economic and Clinical ("HITECH") Act, and the regulations issued thereunder (collectively "HIPAA"); state privacy laws; and state breach notification laws, including but not limited to California Health and Safety Code Section 1280.15 and Civil Code Section 1798.82 et seq.; all as may be amended from time to time.

IN WITNESS WHEREOF, the Parties hereto have duly executed this Agreement as of the dates set forth below.

**Palomar Health**

By:   
Name: Michael J. Bogert  
Title: Chief Financial Officer  
Date: 12/4/2021

**TrueCare**

By:   
Name: Michelle D. Gonzalez  
Title: President & CEO  
Date: 11/19/2021

## EXHIBIT A

### DESCRIPTION OF SERVICES PROVIDED BY OBHG

#### I. Contracted Physicians – Physician Management

- a. Perform initial and subsequent physician recruitment, interview, and selection activities.
- b. In cooperation with Hospital, manage the scheduling of the Contracted Physicians in accordance with coverage requirements.
- c. In cooperation with Hospital provide the Contracted Physicians with ongoing hospitalist training in effective and compliant coding.
- d. Provide administrative oversight, direction, and resolution of any performance concerns.
- e. Perform human resources functions related to the Contracted Physicians.
- f. Track and enforce Contracted Physician training and certification requirements.
- g. Monitor Contracted Physician performance to ensure compliance with performance standards.
- h. Ensure effective, ongoing communication between the Contracted Physicians, Hospital staff, and Hospital administration and TrueCare.
- i. Establish a patient referral and transfer protocol for TrueCare Patients who will be treated in the Hospital and for the return of those patients to TrueCare post-hospitalization, as appropriate.

#### 2.. Program Management, Monitoring, and Continuous Improvement

- a. Provide periodic reporting on OBHG and Contracted Physicians' performance in relation to the OBED/Triage program.
- b. Present monthly updates on Contracted Physician activities, procedure metrics, and billable encounters.
- c. Identify and provide industry benchmarks and trends, as available, that may provide value to the Hospital and TrueCare.
- d. Maintain ongoing conversations with TrueCare administration on program issues and opportunities.
- e. Consult with TrueCare administration, as appropriate, to address challenges related to the Hospital's labor and delivery services and the OBED.
- f. Perform miscellaneous administrative functions related to delivering and ensuring 24/7 physician services.
- g. Present and collaborate on patient safety and risk management initiatives.



3. Coverage Services:

- a. Coverage services will be provided at a level adequate to serve all patients in the OBED, subject to adjustment due to patient volumes.
- b. The following are the primary Coverage Services to be provided by the Contracted Physicians during their scheduled shifts:
  - i. Provide in-house physician coverage (including evaluation and treatment, admission, and on-going inpatient management services) for obstetric TrueCare Patients.
  - ii. Provide consultative services, and possible surgical services for gynecology TrueCare Patients.
  - iii. Conduct histories and physical exams on all TrueCare Patients admitted while on duty and complete appropriate medical records in accordance with Hospital policies.
  - iv. Respond to all "walk-in" obstetrical and gynecologic calls or consults for TrueCare Patients in the OBED or elsewhere in the Facility and document in the medical record.
  - v. Assist with discharge planning, including assistance with arranging for follow-up consultation with TrueCare for all TrueCare Patients for whom inpatient or outpatient services have been performed by a Contracted Physician.
  - vi. Enter appropriate notes in the medical record for all patients evaluated.
  - vii. Complete appropriate professional component charge capture documentation for all patients evaluated.
- c. The following are the secondary Coverage Services to be provided by the Contracted Physicians during their scheduled shifts so long as they are safely available:
  - i. Provide appropriate and ongoing communication with TrueCare where indicated.
  - ii. As reasonably requested by the Hospital, assist in the clinical direction of OBED and in developing and implementing appropriate clinical pathways and order sets.
  - iii. As reasonably requested by the Hospital, participate in staff education and training, including leading Mock OBED Response Team drills
  - iv. Provide surgical assistance to the staff Ob/Gyn physicians upon request.
  - v. Collaborate with the Hospital and participate in an annual review of the Ob/Gyn hospitalist program and OBHG's and the Contracted Physicians' performance.

4. Patient Referral and Return Protocol. Within 30 days of the effective date of this Agreement, work with TrueCare to adopt a patient referral and return protocol ("Protocol") that will ensure continuity of care for TrueCare Patients and which is acceptable to both Parties.



## HOSPITAL AND PROFESSIONAL SERVICES AND AFFILIATION AGREEMENT

This Hospital and Professional Services and Affiliation Agreement (the “**Agreement**”) is made and entered into as of October 16, 2021 (the “**Effective Date**”), by and between Palomar Health, a California local healthcare district, (the “**Hospital**”), and Vista Community Clinic, a California nonprofit public benefit corporation (“**Vista**”). Together Hospital and Vista are the “**Parties**,” and each is a “**Party**.”

### RECITALS

- A. Hospital owns and operates an acute care facility known as Palomar Medical Center Escondido, located at 2185 Citracado Parkway, Escondido, CA, 92029 (“the **Facility**”).
- B. The Hospital has determined that the patients and community it serves would benefit from obstetrical and gynecological (“Ob/Gyn”) coverage on a 24 hour, 7 days per week (“24/7”) basis and the development of an obstetrics emergency department (the “**OBED**”) at the Facility.
- C. Palomar Health has entered into a professional services agreement with OB Hospitalist Group, Inc. (“**OBHG**”) for a three-year term to provide professional laborist and gynecological hospitalist services on behalf of the Facility, which commenced on May 3, 2021.
- D. Vista is a Federally Qualified Health Center (“**FQHC**”) and desires to affiliate with Hospital and utilize the Facility as its primary site where its patients will receive hospital services and utilize OBHG for the provision professional services to its patients.
- E. Vista desires assurances from Hospital that Vista patients will have timely access to hospital and professional services;
- F. Hospital and Vista wish to affiliate and cooperate to maintain continuity of care for Vista patients and participate in governance and compliance related to the care of Vista patients. Hospital agrees to assist in the facilitation of the acquisition of clinical privileges for Vista OB/GYN clinicians.

**NOW, THEREFORE**, the Parties hereby agree as follows:

### AGREEMENT

1. Affiliation and Cooperation. The Parties agree to affiliate and cooperate to maintain continuity of care for Vista patients, including cooperating in governance and compliance activities related to this Agreement. Specifically, the Parties will promptly upon execution of this Agreement create a Joint Operating Committee or similar type of governance structure that will serve as a mechanism through which Hospital and Vista will share decision-making with respect to the OBED Program’s interaction with Vista patients, and other key strategic and operational matters that relate to the care of Vista patients, including working in good faith to create compliant mechanisms for the proper transfer, referral and treatment of Vista patients.
2. Professional Services. Hospital shall maintain a contractual agreement with OBHG to provide physicians (“**Physicians**”) who can appropriately deliver the professional services set forth in and in the manner described in the “Description of Services Provided by OBHG” attached hereto as Exhibit A.
  - 2.1. Professional Services Generally. Hospital shall cause Physicians to provide Professional Services to all Vista patients who present to the Facility and who require Professional Services, regardless of patients’ insurance status. Hospital shall cause Physicians to be



unencumbered by conflicting duties or responsibilities and shall cause Physicians to be on site to respond to Vista patients' needs and provide staff support during the times Physicians are scheduled in accordance with the requirements set forth in the Hospital's Medical Staff Bylaws and rules and regulations, and the OBED Program's policies and procedures.

### 3. Qualifications of Physicians.

- 3.1. Throughout the term, Hospital shall have OBHG represent and warrant that the Physicians: (1) are not currently excluded, debarred, or otherwise ineligible to participate in the Federal health care programs as defined in 42 USC § 1320a-7b(f) (the "**Federal Health Care Programs**"); (2) are not convicted of a criminal offense related to the provision of health care items or services; (3) are not under investigation or otherwise aware of any circumstances which may result in OBHG or the Physicians being excluded from participation in the Federal Health Care Programs; (4) have not had its, his or her license to practice medicine in any state suspended, revoked or restricted; (5) have not ever been reprimanded, sanctioned or disciplined by any licensing board or state or local medical society or specialty board; or (6) have not been denied membership or reappointment of membership on the medical staff of any hospital for a medical disciplinary cause or reason and no hospital medical staff membership or clinical privileges of Physician have ever been suspended, curtailed or revoked for a medical disciplinary cause or reason.
- 3.2. The Hospital will provide to Vista, on request, with assurances that, during the life of this agreement, it and, as applicable, its individual health care practitioner(s) are and will remain duly licensed, certified and/or otherwise qualified to provider services hereunder, with appropriate training, education and experience in their particular field, appropriately credentialed and privileged, and eligible to participate in federal health care programs including Medicaid and Medicare.

### 4. Facilities And Services Provided By Hospital.

- 4.1 Support Services. Hospital shall furnish such space, equipment, supplies, nursing and other personnel and support services as Hospital determines to be necessary and appropriate for the operation of the OBED Program, including the following:
  - 4.1.1 Office Space and Equipment. Hospital shall provide office space for Physicians, in a convenient location in Hospital, furniture and equipment.
  - 4.1.2 Non-Physician Staff. Hospital shall provide all personnel required for the proper and efficient operation of the OBED Program, which are not provided by OBHG, who shall be employed and directed by Hospital. All salaries, wages, taxes, insurance, worker's compensation insurance, retirement and other fringe benefits, and expenses of any kind or character incident to their employment shall be the responsibility and obligation of Hospital.

### 5. Billing and Compensation.

- 5.1. Professional Fees. The Parties agree that OBHG, at its own expense, shall be authorized to charge Vista patients on a fee-for-service basis for all professional services rendered directly by the Physicians to Vista patients pursuant to this Agreement (the "**Professional Fees**"). Hospital shall require that OBHG promptly bill (or cause to be billed) all Vista patients or third party payors for the Professional Fees. Hospital shall require OBHG to ensure that all such bills comply with applicable governmental and non-governmental statutory, regulatory, and third party billing and claims submission requirements. The Professional Fees charged by OBHG shall be totally separate and apart from any facility fees, and the Hospital shall not have any responsibility for the billing or collection of any Professional Fees for services rendered by the Physicians. The



Professional Fees will be the usual and customary fees charged for the particular service rendered.

5.2. **Sliding Fee Scale.** Any Professional Fees charged by OBHG to uninsured Vista Patients shall be in accordance with OBHG's indigent care sliding fee scale; and (ii) any facility fees charged by Hospital to uninsured Vista Patients shall be in accordance with Hospital's indigent care sliding fee scale.

5.3. **Short Fall Obligations.** The Parties have reasonably determined that collections for the services rendered to the Vista patients under this Agreement will be insufficient to cover Hospital's reasonable costs of providing the services. In order to adjust for this shortfall and to obtain the multiple benefits that will result from this Agreement, and in consideration of the valuable services to be provided by the laborist model on behalf of Vista patients, Vista agrees to pay to Hospital, beginning on January 1, 2022, a monthly stipend (the "**Monthly Stipend**") for an initial contract term commencing on the Effective Date of this Agreement and continuing to and through December 31, 2024, as follows:

[REDACTED]

6. **Record Retention.** The Hospital agrees to establish and maintain medical records that will contain descriptions of any Covered Services provided to referred patients, as well as proposed follow-up treatment plans for subsequent visits (if any). Records shall include services performed, billing and other information necessary for the quality, appropriateness and timeliness of services. Hospital agrees to permit Vista Physicians, who have established physician-patient relationships with Vista patients, to have access to such medical records.. The Hospital agrees to retain such records for a period of at least ten years or to the extent required by applicable laws or regulations.
7. **Documentation in the Medical Record.** Vista shall be responsible for ensuring documentation is entered into its own patient records in accordance with applicable law.
8. **Term.** The initial term of this Agreement shall be for an initial period of three (3) years commencing on the Effective Date ("**Initial Term**"). Following the expiration of the Initial Term, the Agreement may be renewed for additional successive one (1) year terms ("**Renewal Term**") upon the mutual written agreement of the parties, provided that at the end of each such term, neither Party is then in default under any material provision hereunder.
9. **Termination.** This Agreement shall terminate upon the occurrence of any of the following events:
- (a) A final determination is made resulting in the revocation or suspension of the license or The Joint Commission accreditation of the Hospital or Vista;
  - (b) Either Party materially defaults under any term or covenant of this Agreement and such default is not cured within sixty (60) days after written notice of default is delivered to the defaulting Party;
  - (c) One hundred eighty (180) days after either Party delivers to the other Party a written notice of termination without cause of this Agreement after the Initial Term and during any Renewal Term;
  - (d) Either Party (i) admits in writing its inability to pay its debts generally as they become due, (ii) makes an assignment of all or a substantial part of its assets for the benefit of creditors, (iii) applies for, consents to or acquiesces in the appointment of a receiver, trustee or liquidator of all or a substantial



part of its assets, (iv) files a voluntary petition in bankruptcy or petition or an answer seeking reorganization under any bankruptcy or insolvency law or an arrangement with creditors, or takes advantage of any insolvency law or files an answer admitting the material allegations of a petition filed against such party in any bankruptcy, reorganization or insolvency proceedings, or a court order, judgment or decree entered against such party without its consent approving a petition seeking reorganization under any bankruptcy or insolvency law or appointing a receiver, trustee or liquidator of all or a substantial part of such party's assets, or adjudicating such party as bankrupt or insolvent, and such order is not vacated, set aside or dismissed within sixty (60) days of entry;

(e) If Hospital is unable to facilitate the provision of professional services for any reason, for a period of thirty (30) consecutive days or more, Vista may terminate this Agreement in accordance with section 7(b);

(f) Mutual agreement of the Parties; and

(g) Either Party (i) sells all or substantially all its assets or (ii) dissolves and its assets are liquidated or (iii) merges into or consolidates with a third party, if such Party to this Agreement is not the surviving or controlling entity immediately following such merger or consolidation, unless the other Party to this Agreement has consented to such merger or consolidation.

10. Representations and Warranties. Neither Vista nor Hospital is bound by any agreement or arrangement which would preclude Vista or Hospital from entering into or from fully performing the services required under this Agreement; both Parties shall comply with applicable law related to the activities contemplated under this Agreement, during the term of this Agreement, including, but not limited to Hospital specifically represents and warrants that its professional services agreement with OBHG complies with applicable law and regulations, including 42 C.F.R. § 447.15, Cal. Welf. & Inst. Code § 14019.4(a), and Cal. Code Regs, tit. 22 § 51002(a)(1)-(3)..

11. Survival. The provisions which by their nature should survive, shall survive the termination or expiration of this Agreement.

12. Changes in Law, Etc. In the event legal counsel for either Party determines that this Agreement, any provision of it or any practices employed in exercising rights or providing services under this Agreement may be inconsistent with or may be reasonably expected to violate any legal requirements, the Parties in good faith shall meet and confer to revise this Agreement to comply with such law(s). In the event the Parties are unable to agree upon the revised terms in a timely manner, this Agreement shall terminate upon ten (10) days' notice by either Party to the other. In the event there are any changes in Medi-Cal or Medicare requirements, The Joint Commission accreditation guidelines or requirements, federal or state tax exemption requirements, and/or substantial changes under other public or private health and/or hospital care insurance programs or policies which may have a material effect on Vista's or Hospital's operations, Vista or Hospital may elect to renegotiate this Agreement. Vista or Hospital shall indicate the basis upon which it has determined that such a material impact on its operations may result. In any case where such notice is provided, both Parties shall negotiate in good faith during the thirty (30) day period thereafter in an effort to develop a revised Agreement, which, to the extent reasonably practicable, is intended to adequately protect the interests of both Parties in light of the changes which constituted the basis for the exercise of this provision. In the event the Parties are unable to agree upon the revised terms within the thirty (30) day period, this Agreement shall terminate upon ten (10) days' notice by either Party to the other Party.

13. Independent Contractor. The performance of the duties and obligations hereunder shall be performed



as an independent contractor and nothing in this Agreement is intended nor shall be construed to create between Hospital and Vista, including all Vista personnel, Hospital personnel or OBHG or OBHG personnel an employer/employee, joint venture, agency, lease or landlord/tenant relationship.

14. **Medical Practice.** The Parties agree that as to the professional services provided by OBHG, neither Hospital nor Vista shall exercise control over the independent medical judgment of OBHG or the Physicians. The standards of medical practice and professional duties of OBHG, including all Physicians shall be determined by the Medical Staff and prevailing professional standards in accordance with the Medical Staff Bylaws and other prevailing and applicable policies.
15. **Insurance.** During the term of this Agreement, Vista shall maintain for itself, and Hospital shall maintain for itself a policy or policies of insurance, participation in the Federal Torts Claims Act program, or an equivalent program of self-insurance with maintenance of actuarially sound reserves consistent with projected losses, with minimum limits consistent with the activities contemplated under this Agreement. Each Party shall have the right to request and the other Party shall promptly deliver proof of such insurance coverage. Failure to maintain such coverage shall constitute a breach of this Agreement.
16. **Indemnification.** To the extent allowable under law, each Party shall indemnify, defend and hold harmless the other Party against: any injury, loss, claims, or damages arising from: 1) the negligent or willful misconduct related to the operations, acts, or omissions of its employees or agents arising out of the obligations and duties set forth in this Agreement; or 2) a breach of this Agreement or the representations made herein.
17. **Notices.** Written notice required under this Agreement shall be delivered personally or sent by United States registered or certified mail, postage prepaid and return receipt requested, and addressed or delivered to the Parties at the following addresses (or such other address as may be designated by a Party by written notice to the other Party):

**Vista**  
Vista Community Clinic  
Attn: Chief Executive Officer  
465 La Tortuga Drive  
Vista, CA 92081

**Hospital**  
Palomar Health  
Attn: Legal Dept.  
2125 Citracado Parkway, Ste. 300  
Escondido, CA 92029

18. **Confidentiality.** During the course of this Agreement, one Party may receive or come into contact with confidential or proprietary information of the other Party, its affiliates, members, subsidiaries, patients, or contractors. This information shall include, but not be limited to, individually identifiable medical information. The Party receiving such confidential or proprietary information shall:
  - (a) Treat all such information as proprietary and confidential whether or not identified as proprietary and confidential;
  - (b) Not disclose any such information to any third party in any manner whatsoever except (i) as specifically authorized herein or as specifically authorized by the other Party in writing, (ii) to the Party's attorneys, auditors, and consultants as necessary for their provision of professional services to the Party and provided such services are being provided under an obligation of confidentiality, and (iii) when such disclosure is required by law;



(c) Promptly return any such information in its possession upon termination of this Agreement, or at the other Party's request.

(d) The obligations set forth in this Section 18 shall survive the termination of this Agreement.

19. Intellectual Property. Each Party acknowledges and agrees that the other Party owns or licenses existing confidential information, platforms, websites, practices, protocols and other material protected by worldwide common law and statutory intellectual property rights ("**Pre-Existing Materials**"). Neither Party will reproduce, sell, transmit, publish, broadcast, or otherwise disseminate or distribute the other Party's Pre-Existing Materials without such Party's prior written consent. Each Party shall own, solely and exclusively, all intellectual property rights to any materials created solely by that Party, without the use of the other Party's Pre-Existing Materials, during or after the term of this Agreement ("**New Materials**"). In addition, except as set forth in this Agreement, each Party specifically agrees not to use the other Party's Pre-Existing Materials or New Materials in the creation or development of its own materials during or after the Term of this Agreement without the other Party's prior written consent.

20. Governing Law and Venue. This Agreement shall be governed by and construed and enforced in accordance with the laws of California. Venue for any and all disputes shall be proper only in San Diego County, California.

21. Referrals. The Parties acknowledge that none of the benefits or compensation granted hereunder are conditioned on any requirement that Vista, Hospital, OBHG or Physicians make referrals to, be in a position to make, or influence referrals to, or otherwise generate business for Hospital, Vista, OBHG or Physicians. The Parties further acknowledge that Physicians are not restricted from referring any patient to, or otherwise generating any business for, any other facility of their choosing, in the exercise of their independent professional judgment.

22. Compliance with Laws. The Parties shall comply with all applicable laws, ordinances, codes and regulations of federal, state and local governments, applicable to the performance of this Agreement. Notwithstanding anything to the contrary in this Agreement, nothing herein shall be construed as inhibiting Hospital to provide services to patients, including Vista patients, as required by California and federal law during the Term of the Agreement or following its termination or expiration.

23. Force Majeure. Neither Party shall be liable or be deemed in default of this Agreement for any delay or failure to perform caused by Acts of God, war, acts of terrorism, disasters, strikes, or any similar cause beyond the control of either Party.

24. Tax Exempt Financing. Notwithstanding anything in this Agreement to the contrary, in the event that the Hospital uses the proceeds of tax-exempt financing, this Agreement shall be amended as may be necessary for Hospital to comply with the requirements of such financing so that the services provided under this Agreement are not considered "private activity use" under the Internal Revenue Code. Immediately upon request by Hospital, Vista shall review the proposed changes and: (i) issue a termination of the Agreement or, at Vista's election (ii) execute any and all such amendments presented by Hospital and shall return promptly said executed original amendments to Hospital.

25. Assignment and Delegation. Neither Party shall assign or delegate any of its rights or obligations under this Agreement, and any such assignment or delegation is expressly prohibited and shall be void, unless the other Party has given express written consent, with shall not be unreasonably withheld, to such assignment or delegation. Subject to the prohibition contained in this paragraph, ~~this Agreement shall be binding upon and inure to the benefit of the permitted successors and assigns~~




of the Parties hereto.

26. Cross-Referencing of Agreements. Hospital and Vista acknowledge and agree that this Agreement and any other agreement or arrangement between (a) Hospital, (b) Vista, and (c) any OBHG or Physician, or any immediate family member of Physicians shall be cross-referenced to a master list(s) of contracts that is centrally maintained and updated by Hospital. For the purposes of this Section, "immediate family member" means a husband or wife; birth or adoptive parent, child or sibling; stepparent, stepchild, stepbrother, or stepsister; father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, or sister-in-law; grandparent or grandchild; and spouse of a grandparent or grandchild.
27. Amendment. This Agreement may be amended at any time by mutual agreement of the Parties without additional consideration, provided that before any amendment shall become effective, it shall be reduced to writing and signed by the Parties.
28. Entire Agreement. This Agreement, including all attachments, exhibits and addendums, is the entire agreement between the Parties and no other agreements, oral or written, have been entered into with respect to the subject matter of this Agreement. This Agreement supersedes all prior agreements, negotiations, and communications of whatever type, whether written or oral, between the Parties hereto with respect to the subject matter of this Agreement.
29. Severability. The provisions of this Agreement shall be deemed severable and if any portion shall be held invalid, illegal or unenforceable for any reason, the remainder of this Agreement shall be effective and binding upon the Parties.
30. Cumulation of Remedies. The various rights, options, elections, powers and remedies of the respective Parties hereto contained in, granted, or reserved by this Agreement, are in addition to any others that said Parties may be entitled to by law, shall be construed as cumulative, and no one of them is exclusive of any of the others, or of any right or priority allowed by law.
31. Waiver. No delay or omission by either Party to exercise any right or remedy under this Agreement shall be construed to be either acquiescence or the waiver of the ability to exercise any right or remedy in the future. Any waiver of any terms and conditions hereof must be in writing and signed by the Parties hereto. A waiver of any term or condition hereof shall not be construed as a future waiver of the same or any other term or condition hereof.
32. Counterparts. This Agreement may be executed in any number of counterparts, each of which shall be deemed an original, but all such counterparts together shall constitute one and the same instrument.
33. HIPAA. The Parties shall comply and shall cause all personnel to comply with all federal and state laws governing the confidentiality and privacy of patient health information, including, without limitation, the Health Insurance Portability and Accountability Act of 1996, as amended by the Health Information Technology Economic and Clinical ("HITECH") Act, and the regulations issued thereunder (collectively "HIPAA"); state privacy laws; and state breach notification laws, including but not limited to California Health and Safety Code Section 1280.15 and Civil Code Section 1798.82 et seq.; all as may be amended from time to time.


*[Remainder of page intentionally left blank]*

IN WITNESS WHEREOF, the Parties hereto have duly executed this Agreement as of Effective Date.

**Palomar Health**

By:   
Name: Michael A. Bogert  
Title: CFO  
Date: 1/29/2021

**Vista Community Clinic**

By:   
Name: Fernando Sanudo, MPH  
Title: Chief Executive Officer  
Date: November 29, 2021



## EXHIBIT A

### DESCRIPTION OF SERVICES PROVIDED BY OBHG

#### 1. Physicians – Physician Management

- a. Perform initial and subsequent physician recruitment, interview, and selection activities.
- b. In cooperation with Hospital, manage the scheduling of the Physicians in accordance with coverage requirements.
- c. In cooperation with Hospital provide the Physicians with ongoing hospitalist training in effective and compliant coding.
- d. Provide administrative oversight, direction, and resolution of any performance concerns.
- e. Perform human resources functions related to the Physicians.
- f. Track and enforce Physician training and certification requirements.
- g. Monitor Physician performance to ensure compliance with performance standards.
- h. Ensure effective, ongoing communication between the Physicians, Hospital staff, and Hospital administration and Vista.
- i. Establish a patient referral and transfer protocol for Vista patients who will be treated in the Hospital and for the return of those patients to Vista post-hospitalization, as appropriate.

#### 2.. Program Management, Monitoring, and Continuous Improvement

- a. Provide periodic reporting on OBED/Triage program performance.
- b. Present monthly updates on Physician activities, procedure metrics, and billable encounters.
- c. Identify and provide industry benchmarks and trends, as available, that may provide value to the Hospital and Vista.
- d. Maintain ongoing conversations with Vista administration on program issues and opportunities.
- e. Consult with Vista administration, as appropriate, to address challenges related to the Hospital's labor and delivery services.
- f. Perform miscellaneous administrative functions related to delivering and ensuring 24/7 physician services.
- g. Present and collaborate on patient safety and risk management initiatives.

#### 3. Coverage Services:

- a. Coverage services will be provided by two Physicians per 24-hour shift on a 24/7 basis.
- b. The following are the primary Coverage Services provided by the Physicians during their scheduled shifts:
  - i. Provide in-house physician coverage (including evaluation and treatment, admission, and on- going inpatient management services) for unassigned or

emergent obstetric patients.

ii. Provide consultative services, and possible surgical services for unassigned emergent gynecology patients.

iii. Conduct histories and physical exams on all unassigned Vista patients admitted while on duty and complete appropriate medical records in accordance with Hospital policies.

iv. Respond to all unassigned "walk-in" obstetrical and gynecologic calls or consults in the OBED or elsewhere in the Facility and document in the medical record.

v. Assist with discharge planning, including assistance with arranging for follow-up consultation with a private physician or physician group or clinic for all patients for whom inpatient or outpatient services has been performed by a Physician.

vi. Enter appropriate notes in the medical record for all patients evaluated.

vii. Complete appropriate professional component charge capture documentation for all patients evaluated.

c. The following are the secondary Coverage Services provided by the Physicians during their scheduled shifts so long as they are safely available:

i. Provide in-house physician coverage (including evaluation and treatment, admission, and on-going inpatient management services) for unassigned or emergent obstetric patients.

ii. Provide consultative services, and possible surgical services for unassigned emergent gynecology patients.

iii. Conduct histories and physical exams on all unassigned patients admitted while on duty and complete appropriate medical records in accordance with Hospital policies.

iv. Respond to all unassigned "walk-in" obstetrical and gynecologic calls or consults in the Emergency Department or elsewhere in the Hospital and document in the medical record.

v. Assist with discharge planning, including assistance with arranging for follow-up consultation with Vista.

vi. Provide evaluation, treatment, admission, and ongoing inpatient management services to patients of private physicians with obstetric or emergent surgical gynecologic needs, upon request.

vii. Provide appropriate and ongoing communication with private Ob/Gyn physicians where indicated.

viii. As reasonably requested by the Hospital, assist in the clinical direction of OBED and in developing and implementing appropriate clinical pathways and order sets.

ix. As reasonably requested by the Hospital, participate in staff education and training, including leading Mock OBED Response Team drills

x. Provide surgical assistance to the staff Ob/Gyn physicians upon request.

xi. Collaborate with the Hospital and participate in an annual review of the Ob/Gyn hospitalist program and the Physicians' performance.

4. Patient Referral and Return Protocol. Within 30 days of the effective date of this Agreement, work with Vista to adopt a patient referral and return protocol ("Protocol") that will ensure continuity of care for Vista patients and which is acceptable to both Parties.

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**RULES  
SAN DIEGO  
LOCAL AGENCY FORMATION COMMISSION**

**ARTICLE I  
ORGANIZATION**

- 1.1 Chairperson
- 1.2 Term
- 1.3 Chairperson, Duties
- 1.4 Vice Chairperson, Duties
- 1.5 Chairperson, Vacancy
- 1.6 Vice Chairperson, Vacancy
- 1.7 Clerk (Administrative Assistant)
- 1.8 Executive Officer
- 1.9 Special Districts Advisory Committee
- 1.10 Cities Advisory Committee
- 1.11 Personnel Committee
- 1.12 Adoption and Update of Rules

**1.1 CHAIRPERSON -**

At the first regular meeting of each calendar year, the members of the Commission shall by vote select a chairperson and vice chairperson who shall be Commission members.

**1.2 TERM -**

The chairperson and vice chairperson shall each serve for a term of one year, unless otherwise specified by a vote of the Commission.

**1.3 CHAIRPERSON, DUTIES -**

The duties of the chairperson shall be to:

- 1. Preside at all meetings of the Commission;
- 2. Maintain order and decorum;
- 3. Determine the order of business, with the Commission's consent;
- 4. Execute payment of claims and expenses, as necessary;
- 5. Approve or modify, on behalf of the Commission, an impartial analysis of a ballot proposition prepared by the Executive Officer;
- 6. Represent the Commission to citizen groups and other public agencies.

#### **1.4 VICE CHAIRPERSON, DUTIES -**

In the absence of the chairperson, the vice chairperson shall have the duties of the chairperson.

#### **1.5 CHAIRPERSON, VACANCY -**

In the event the position of chairperson becomes vacant, the vice chairperson shall become chairperson for the unexpired term, and a new vice chairperson shall be selected by vote of the Commission.

#### **1.6 VICE CHAIRPERSON, VACANCY -**

In the event the position of vice chairperson becomes vacant, a new vice chairperson shall be selected by vote of the Commission.

#### **1.7 CLERK (ADMINISTRATIVE ASSISTANT) -**

There is hereby established the position of clerk (administrative assistant) to the Commission. The duties of the clerk shall be to:

1. Attend and take minutes of each Commission meeting;
2. Prepare and publish all required legal notices, documents and certificates.

#### **1.8 EXECUTIVE OFFICER -**

There is hereby established the position of Executive Officer. The duties of the Executive Officer shall be to:

1. Execute the policies and directives of the Commission;
2. Conduct and perform the day-to-day business of the Commission;
3. Execute payment of claims and expenses, consistent with Commission policy and directives;
4. Prepare and present the annual budget;
5. Prepare the agenda for each meeting of the Commission;
6. Act as custodian of all official books, records, documents, and correspondence of the Commission;
7. Represent the Commission, as directed;
8. Perform such other duties as may be assigned by the Commission.
9. Appoint Commission employees;
10. Administratively approve out-of-agency service agreements, if all conditions of approval have been met in accordance with Government Code Section 56133, and the applicant has satisfactorily demonstrated the existence of public health, safety, or welfare impacts. The Executive Officer is required to inform the Commission at the next available LAFCO meeting about any administratively approved service agreements;

11. Approve his/her own expense claims (e.g., general, travel, or non-travel) up to \$500 for any single claim, consistent with Commission budget policy and direction. The Executive Officer is required to submit a summary of all self-approved claims and to the full Commission on a quarterly basis. Beginning in FY 2008-09 and every fiscal year thereafter, the Executive Officer is authorized to engage the services of an outside auditor to review applicable expenditure accounts of the Commission. The estimated cost and scope of the outside audit will be addressed in the Commission's annual budget; and
12. Approve step adjustments after above-standard employee performance evaluations, consistent with LAFCO budget policy and Commission direction (See also section 6.8).

### **1.9 SPECIAL DISTRICTS ADVISORY COMMITTEE -**

The Commission recognizes the Special Districts Advisory Committee as a body to provide information on matters affecting independent special districts in San Diego County. Information about meeting location, agendas, schedules, selection of members, and other matters is contained in the Rules of the Special District Advisory Committee and Independent Special District Selection Committee.

### **1.10 CITIES ADVISORY COMMITTEE -**

The Commission establishes the ad hoc Cities Advisory Committee to provide information and advice, related to matters affecting cities in San Diego County. The Committee functions in an ad hoc capacity and may be temporarily activated by the Executive Officer, Commission, or a majority of the Cities in the County. Information about meeting location, agendas, schedules, selection of members, and other administrative matters is contained in the Rules of the Cities Advisory Committee.

### **1.11 PERSONNEL COMMITTEE -**

The Commission establishes the Personnel Committee to review matters relating to the Personnel Rules outlined in Section 6. The Committee shall be composed of three members of the Commission consisting of the Chair, Vice Chair, and Immediate Past Chair. The Chair shall make an appointment to fill the Immediate Past Chair seat on the Personnel Committee should the Immediate Past Chair no longer be on the Commission.

### **1.12 ADOPTION AND UPDATE OF LAFCO RULES -**

The Rules shall be regularly reviewed and updated, as necessary. Adoption, amendment, or update of the Commission's Rules generally requires Commission approval. However, technical changes and updates, including but not limited to revising code section references or reflecting changes to applicable county ordinances or policies may be administratively incorporated into the Rules by the Executive Officer. The Commission shall be informed of all technical changes to the Rules.

Adoption History: Article I, Sections 1.1 to 1.12

*Adopted June 30, 1975*

*Amended August 2, 1993*

*Amended December 6, 1993*

*Amended March 7, 1994*

*Amended April 4, 1994*

*Re-affirmed and adopted December 4, 2000*

*Comprehensively Updated and re-adopted March 3, 2008*

*Amended November 5, 2012 (Sec. 1.8)*

***Amended December 3, 2018 (Sec. 1.11)***



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

**6c**

**AGENDA REPORT**  
 Public Hearing

March 6, 2023

**TO:** Commissioners

**FROM:** Keene Simonds, Executive Officer

**SUBJECT:** **Proposed Workplan and Budget for 2023-2024**

**SUMMARY**

The San Diego County Local Agency Formation Commission (LAFCO) will consider recommendations in adopting a proposed workplan and budget for 2023-2024. The proposed workplan outlines 30 activities in priority order and includes continued and new projects with the latter headlined by a countywide municipal service review on healthcare districts. The proposed budget totals \$2.750 million in matching expenses and revenues. More than four-fifths of total expenses – \$2.261 million – covers operating costs and represents an increase of 12.6% over the current fiscal year and primarily tied to funding an additional staff position. Agency apportionments continue to represent nine-tenths of all operating revenues and set to increase by 13.0% via the combination of additional operating expenses plus reduction in budgeted use of reserves. Adoption of the proposed workplan and budget will precede a formal public review and conclude with final actions in May.

**BACKGROUND**

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

<p><b>Administration:</b>          Keene Simonds, Executive Officer          2550 Fifth Avenue, Suite 725          San Diego, California 92103          T 619.321.3380          E lafco@sdcountry.ca.gov          www.sdlafco.org</p>	<p><b>Chair Jim Desmond</b>          County of San Diego</p> <p><b>Joel Anderson</b>          County of San Diego</p> <p><b>Nora Vargas, Alt.</b>          County of San Diego</p>	<p><b>Kristi Becker</b>          City of Solana Beach</p> <p><b>Dane White</b>          City of Escondido</p> <p><b>John McCann, Alt.</b>          City of Chula Vista</p>	<p><b>Vice Chair Stephen Whitburn</b>          City of San Diego</p> <p><b>Marni von Wilpert, Alt.</b>          City of San Diego</p>	<p><b>Jo MacKenzie</b>          Vista Irrigation</p> <p><b>Barry Willis</b>          Alpine Fire Protection</p> <p><b>David A. Drake, Alt.</b>          Rincon del Diablo</p>	<p><b>Andy Vanderlaan</b>          General Public</p> <p><b>Harry Mathis, Alt.</b>          General Public</p>
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## DISCUSSION

This agenda item is for San Diego LAFCO to consider recommendations from the Executive Officer in adopting a coordinated proposed (a) workplan and (b) budget for the upcoming fiscal year. Adoption of these policy documents will immediately precede a formal public review and comment period – including providing notice to all 77 local funding agencies – with final actions scheduled for the May meeting. A summary discussion of the main components underlying both the proposed workplan and budget follows.

### Summary |

#### Proposed Workplan in 2023-2024

The proposed workplan draws on a review of San Diego LAFCO needs and associated goals by the Executive Officer. The development of the workplan is further refined through ongoing communications with the Commission as well as the five-year study schedule and recommendations generated in earlier municipal service reviews. These considerations produce a workplan with 30 projects divided between statutory and administrative prompts and organized among three priority categories: high; medium; and low. A summary of all 10 high priority projects follows with the entire listing provided as Attachment Two (Exhibit A).

- No. 1 | Recruiting, Hiring, and Supporting New Staff  
This project involves ensuring all budgeted positions are filled and receiving appropriate support (training and integration) and related resources in a timely manner. Expected placement needs include filling the Assistant Executive Officer position paired with other openings that may occur – directly or separately – during the fiscal year.
- No. 2 | Commissioner Onboarding  
This project involves creating a formal onboarding process for new Commissioners to assist in their orientation process at LAFCO and related duties and responsibilities. The project responds to the sizable turnover experienced on the Commission over the last three years and expected to include maintaining a user-friendly reference guide covering LAFCO’s statutory powers, local policies, and key organizational information.
- No. 3 | Transition to Online Accounting  
This project involves transitioning the accounting software used to reconcile LAFCO’s accounts with the County of San Diego and San Diego County Credit Union from QuickBooks’ desktop to online platform. This transition would provide added flexibility to manage the accounting system under telework conditions and expanded access to QuickBooks support and its own efforts to redirect customers to its cloud system.
- No. 4 | Personnel Policies: Part One  
This project utilizes the Commission’s new contract with Regional Government Services (RGS) to develop a multi-phased scope of work to update LAFCO’s personnel policies. The project responds to the policies’ increasingly outdated connectivity and reliance to the County of San Diego’s own personnel policies, which are either no longer available or ill-fitted to LAFCO. An example of the latter involves the County’s Civil Service Rules.

- No. 5 | Personnel Policies: Part Two  
This project serves as a placeholder to begin implementing the scope of work established in the preceding item (No. 4) to update LAFCO’s personnel policies. An in-year amendment is anticipated to define the extent of the implementation.
- No. 6 | MSR-SOI for San Marcos Region  
This project draws from the adopted study schedule and involves completing an active regional municipal service review for the San Marcos region. The municipal service review will directly inform subsequent sphere of influence updates for the City of San Marcos, San Marcos Fire Protection District, and Vallecitos Water District.
- No. 7 | MSR-SOI for Vista Region  
This project draws from the adopted study schedule and involves restarting a regional municipal service review for the Vista region.<sup>1</sup> The municipal service will directly inform subsequent sphere of influence updates for the City of Vista, Vista Fire Protection District, Buena Sanitation, and Vista Irrigation District.
- No. 8 | MSR-SOI on Healthcare Districts  
This project draws from the adopted study schedule – albeit out of order – and involves a countywide municipal service review on healthcare districts in San Diego County. The project is advancing ahead of its 2025-2026 target date in the adopted study schedule given recent policy considerations and associated concerns generated by a recent administrative out-of-agency service approval affecting two healthcare districts in North County. The municipal service will directly inform subsequent sphere of influence updates for the Fallbrook, Grossmont, Palomar, and Tri-City Healthcare Districts.
- No. 9 | SALC Grant 2.0  
This project involves implementation of a two-year \$450,000 planning grant received from the State to expand on LAFCO’s earlier data collection (SALC 1.0) and provide market analysis to economically inform and support small farming in San Diego County. Implementation activities in the first year are expected to include executing a memorandum of understanding with co-applicant County of San Diego as well as various vendor agreements associated with performing the required analysis.
- No. 10 | Governance Study on the Escondido Region  
This project addresses a key recommendation included in the Commission’s recently completed two-part municipal service review on the Escondido region. The governance study will explore consolidation options – function and political – between the City of Escondido and Rincon del Diablo Municipal Water District given their shared boundaries and common service functions (water, wastewater, recycled water, and fire protection).

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<sup>1</sup> This project was initially calendared for the current fiscal year but subsequently paused and later removed by the Commission due to several senior management vacancies among the subject agencies.

## Summary | Proposed Budget in 2023-2024

The proposed budget developed by the Executive Officer in conjunction with funding the referenced workplan sets total matching expenses and revenues at \$2.750 million. More than four-fifths of total expenses tie to operating costs and equal \$2.260 million, which represent a net change of 12.6% – or \$253,211 – over the current fiscal year. This increase accommodates baseline operating expenses plus increasing staff from 8.0 to 9.0 fulltime employees with the reestablishment of the Assistant Executive Officer position. Previously approved cost-of-living adjustments for all employees paired with providing additional funding for communication services (translation, multi-media, and community engagement) largely account for the other increases in operating expenses. The remaining one-fifth portion of total expenses involve non-operating costs at \$0.489 million and tied to transacting a State planning grant plus debt service. Similar – though not identical – to expenses, four-fifths of total revenues tie to operating units and equal \$2.254 million. This amount represents a net change of 13.3% – or \$264,386 – over the current fiscal year and mostly attributed to increases in local agency apportionments. Remainder of total budgeted revenues at \$0.495 million involve non-operating units and tie to transacting a State planning grant plus unassigned reserves. A listing of all proposed expenses and revenues is provided as Attachment Two.

### **ANALYSIS**

San Diego LAFCO's proposed workplan and budget for 2023-2024 reflects a measured true-up to better align activities with available resources. The true-up ties to continuing the Commission's practice to set a full an otherwise proactive workplan with the aid of increasing staff through the re-budgeting of a full-time Assistant Executive Officer position. This position had been consistently filled at LAFCO since the early 1970s before the last incumbent retired in 2013 and concurrently de-budgeted with the associated savings reallocated to absorb other costs-increases. Re-budgeting the position accounts for three-fifths of the total increase in operating expenses – or \$0.190 of the \$0.264 million – and would advantageously expand LAFCO's organizational capacities and in doing so keep up with the workplan. Re-budgeting the position would similarly benefit LAFCO by providing a clear second in command to help manage day-to-day activities and allow the Executive Officer to dedicate additional time on overall quality control.

A user-friendly guide on the proposed workplan and budget is available as Attachment One. The guide will be updated to reflect any changes approved by the Commission and will be circulated to all funding agencies as part of the mandatory review and comment period.

### **RECOMMENDATION**

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

## ALTERNATIVES FOR ACTION

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

Alternative One (recommended):

Adopt the attached resolution provided as Attachment Two approving the proposed workplan (Exhibit A) and budget (Exhibit B) for 2023-2024 with any desired changes and direct staff to circulate for public review and comment.

Alternative Two:

Continue consideration of the item to its next regular meeting.

## PROCEDURES FOR CONSIDERATION

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

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

Respectfully,



Keene Simonds  
Executive Officer

Attachments:

- 1) Guide to the Proposed Workplan and Budget for FY2024
- 2) Draft Resolution Approving a Proposed Workplan and Budget for FY2024
  - Exhibit A: Proposed Workplan
  - Exhibit B: Proposed Budget

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PROPOSED

# Workplan & Budget Guide

FOR 2023–2024

PENDING ADOPTION

## About Us

Local Agency Formation Commissions – or LAFCOs – are boundary makers that oversee the creation and expansion of cities and special districts in all 58 counties of California. LAFCOs exercise regulatory and planning powers to coordinate publicly provided services, such as water or fire protection, and match them with community needs.

**The goal of every LAFCO is to facilitate smart growth while avoiding urban sprawl.**

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

A summary of San Diego LAFCO's draft workplan and budget for 2023–2024 follows.

# 2023-2024 Workplan Guide

The proposed workplan list 30 targeted projects for 2023–2024 comprising both new and continued activities. The targeted projects complement LAFCO’s baseline commitment to process jurisdictional proposals and related service requests in a timely manner and are divided between three priority categories – high, medium, and low. An outline of all 30 projects with additional details on the “Top 10” follows.



## No. 1

**Recruit, Hire + Support  
Budgeted Staff**  
Fill Analysts + AEO Positions



## No. 2

**Commissioner Onboarding**  
Create User-Friendly Guide and  
Reference Resource



## No. 3

**Transition Accounting**  
QuickBooks Change from Desktop  
to Cloud Platform



## No. 4

**Personnel Policies Part I**  
Work with RGS in Scope of Work  
to Guide Comprehensive Redo



## No. 5

**Personnel Policies Part II**  
Begin Implementing Scope of  
Work on the Comprehensive Redo



## No. 6

**Vista Region MSR**  
Inform Sphere Updates for the Vista,  
Vista FPD, Vista ID + Buena SD



## No. 7

**San Marcos MSR**  
Inform Sphere Updates for San  
Marcos, Vallecitos WD + FPD



## No. 8

**Healthcare Districts MSR**  
Inform Sphere Updates for Tri-City,  
Palomar, Grossmont + Fallbrook



## No. 9

**SALC Planning Grant 2.0**  
Begin Two Year Grant to Analyze  
ROI Opportunities for Small Ag



## No. 10

**Escondido Governance Study**  
Explore Consolidation Options for  
Escondido and Rincon del Diablo

## Medium Priorities

- No. 11** | MSR on County Water Authority + MET
- No. 12** | RCDs’ Ad Hoc Committee
- No. 13** | White Paper: Growth Management + Housing
- No. 14** | Special Districts Advisory Committee
- No. 15** | Cities Advisory Committee
- No. 16** | Policy Update on Applicant Processing
- No. 17** | Website Content Expansion
- No. 18** | 2022–2023 Outside Audit
- No. 19** | Legislative Proposal to G.C. 56133
- No. 20** | MSR on Encinitas Region

## Lower Priorities

- No. 21** | MSR on Del Mar + Solana Beach Region
- No. 22** | Legislative Proposal on G.C. 56430
- No. 23** | Website Tool: Service + Fiscal Indicators
- No. 24** | White Paper: School Districts
- No. 25** | Liaison with Local Tribes
- No. 26** | Policy Update on Rule 4 (District Functions + Classes)
- No. 27** | Cities Advisory Committee Bylaws
- No. 28** | Special Districts Advisory Committee Bylaws
- No. 29** | Annual Local Agency Directory
- No. 30** | White Paper: Community Choice Aggregations

For a complete listing of the draft workplan, please visit: [sdlafco.org](https://sdlafco.org)

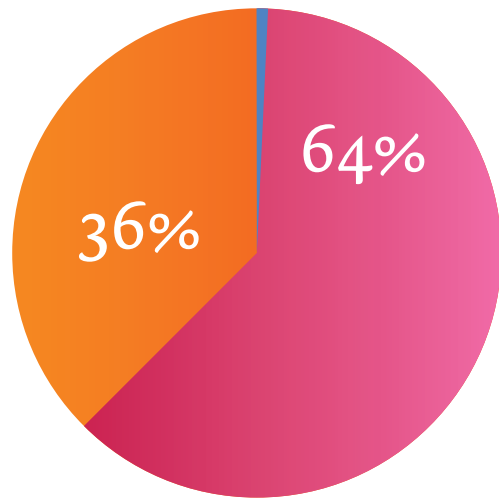


# 2023-2024 Budget Guide

San Diego LAFCO’s proposed budget for 2023–2024 ties directly to funding the associated workplan and sets total matching expenses and revenues at \$2.750 million. More than four-fifths of total budgeted expenses and revenues tie to operating units. Operating expenses total \$2.261 million, which represent a net change of 12.6% – or \$253, 211 – over the current fiscal year. The remaining portion of the total budget involves non-operating units and largely transacting revenues and expenses tied to a State planning grant and debt service.

Key budgeted operating expenses and revenues follow.

## Operating Expenses: \$2.261 Million



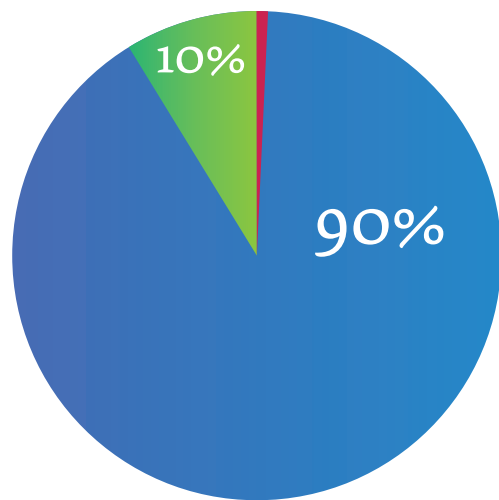
### Salaries and Benefits Cost

- \$1.436 million; an increase of (14.5%) over prior year
- Amount equals 64% of all operating expenses
- Increases staffing from 8.0 to 9.0 fulltime employees
  - Addition involves re-establishing the Assistant Executive Officer position
- Accommodates previously approved cost-of-living adjustments for all employees

### Services and Supplies Cost

- \$0.825 million; an increase of 9.5% over prior year
- Amount equals 36% of all operating expenses
- Three largest group costs:
  - 1 Professional services: \$0.296 million
  - 2 Office space: \$0.145 million
  - 3 County Information Technology: \$0.125 million

## Operating Revenues: \$2.254 Million



### Application Fees

- \$0.200 million; 17.6% change over prior year
- Amount equals 8.9% of all operating revenues

### Local Agency Contributions

- \$2.039 million; an increase of 13.0% over prior year
- Amount equals 90% of all operating revenues
- Allocation set by State law as follows:
  - 1 County of San Diego covers \$0.582 million
  - 2 Cities less City of San Diego covers \$0.582 million
  - 3 Districts covers \$0.582 million
  - 4 City of San Diego \$0.291 million



PROJECTED 2023–2024 FUND BALANCE	
Committed Stabilization:	250,000
Committed Opportunity:	400,000
Assigned:	62,500
Unassigned:	798,375
<b>TOTAL:</b>	<b>1,510,875</b>



### TOP CITY ALLOCATION

1. San Diego
2. Carlsbad
3. Oceanside
4. Escondido
5. El Cajon

### TOP DISTRICT ALLOCATIONS

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



Mission Trails  
Regional Park

## San Diego LAFCO's Commission

San Diego LAFCO is governed by a 13-member "Commission" comprising county, city, special district, and public members. All Commissioners are appointed elected officials with the exception of the two public members. Commissioners serve four-year terms and divided between "regulars" and "alternates" and must exercise their independent judgment on behalf of the interests of residents, landowners, and the public as a whole. Commissioners are subject to standard disclosure requirements and must file annual statements of economic interests. The Commission has sole authority in administering its legislative responsibilities and decisions therein are not subject to an outside appeal process.



**Jim Desmond**  
Chair  
County of San Diego



**Stephen Whitburn**  
Vice Chair  
City of San Diego



**Joel Anderson**  
Commissioner  
County of San Diego



**Kristi Becker**  
Commissioner  
City of Solana Beach



**Jo MacKenzie**  
Commissioner  
Vista Irrigation



**Andrew Vanderlaan**  
Commissioner  
Public Member



**Dane White**  
Commissioner  
City of Escondido



**Baron Willis**  
Commissioner  
Alpine Fire Protection



**David Drake**  
Alternate  
Special District Member



**Harry Mathis**  
Alternate  
Public Member



**John McCann**  
Alternate  
City of Chula Vista



**Nora Vargas**  
Alternate  
County of San Diego



**Marni von Wilpert**  
Alternate  
City of San Diego

RESOLUTION No. \_\_\_\_

SAN DIEGO COUNTY LOCAL AGENCY FORMATION COMMISSION

ADOPTING A PROPOSED WORKPLAN AND BUDGET  
FISCAL YEAR 2023-2024

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

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

**WHEREAS**, the Executive Officer has prepared a written report and recommendations on a proposed workplan and budget for 2023-2024; and

**WHEREAS**, the Commission has heard and fully considered all the evidence on a proposed workplan and budget for 2023-2024 presented at a public hearing held on March 6, 2023;

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

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

1. The proposed workplan for 2023-2024 shown as Exhibit A is APPROVED.
2. The proposed budget for 2023-2024 shown as Exhibit B is APPROVED.
3. The Executive Officer is directed to circulate copies of the approved workplan and budget for public review and comment – including notice all LAFCO funding agencies – and return with a final workplan and budget no later than June 15, 2023.

The foregoing resolution was duly and regularly adopted by the Commission at a public hearing held on March 6, 2023 by the following vote:

Yes: \_\_\_\_\_

No: \_\_\_\_\_

Abstain: \_\_\_\_\_

Attest:

\_\_\_\_\_  
Keene Simonds  
Executive Officer



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**PROPOSED WORKPLAN FOR FY2023-2024**

Priority	Level	Type	Project	Description
Ongoing	...	Statutory	Applicant Proposals and Requests	Prioritize resources to address all applicant proposals and related requests
Ongoing	...	Administrative	Targeted LAFCO Presentations	Coordinate timely public outreach; emphasis on informing stakeholders ahead of MSR work
Ongoing	...	Statutory	Workplan and Budget Management	Actively manage the workplan and budget resources with quarterly updates to the Commission
1	High	Administrative	Recruiting, Hiring + Supporting Staff	Ensure all budgeted positions are filled in a timely manner with appropriate resource support
2	High	Administrative	Commissioner Onboarding	Create onboarding resources and related training for new and continuing Commissioners
3	High	Administrative	Online Accounting	Transition QuickBooks accounting from desktop to online platform + make use of public-facing features
4	High	Administrative	Policy   Personnel: Part I	Coordinate with RGS a multi-phased scope of work to update personnel policies to reflect best practices
5	High	Administrative	Policy   Personnel: Part II	Implement first phase of scope of work in updating personnel policies
6	High	Statutory	MSR   Vista Region	Complete the scheduled reviews of the City of Vista, Vista ID, Vista FPD, & Buena SD
7	High	Statutory	MSR   San Marcos Region	Complete the scheduled reviews of the City of San Marcos, San Marcos FPD, & Vallecitos WD
8	High	Statutory	MSR   Healthcare Districts	Initiate a comprehensive study of the four healthcare districts in San Diego County
9	High	Administrative	SALC Planning Grant 2.0	Initiate two-year grant to expand SALC 1.0 to establish ag costs/revenues for existing and emerging crops with gap analysis
10	High	Statutory	Escondido Region Governance Study	Study options to consolidate (functional and political) the City of Escondido and Rincon del Diablo MWD
11	Medium	Statutory	MSR   CWA-MET	Initiate scheduled review of wholesale water suppliers – CWA (comprehensive) and MET (abbreviated)
12	Medium	Administrative	RCD Ad Hoc Committee: Year Two	Complete approved scope of work and present recommendations to the Commission as merited
13	Medium	Administrative	White Paper   Growth Management + Housing	Evaluate growth management policies and tools between LAFCO, County, and SANDAG (spheres, VMT, hubs, etc.)
14	Medium	Administrative	Special Districts Advisory Committee	Provide administrative support to the Special Districts Advisory Committee and hold no less than three formal meetings in FY
15	Medium	Administrative	Cities Advisory Committee	Provide administrative support to the Cities Advisory Committee and hold no less than two formal meetings in FY
16	Medium	Administrative	Policy   Applicant Procedures	Update and streamline application materials and establish protocols in suspending and terminating proposals
17	Medium	Administrative	Website Content Expansion	Proceed with content expansion for newly redesigned LAFCO website with multi-media enhancements
18	Medium	Administrative	2022-2023 Audit	Complete outside audit of financial statements for 2022-2023 and ensure consistency with accounting standards
19	Medium	Administrative	Legislative Proposal   G.C. 56133	Continue work to sponsor and/or facilitate amendment clarifying LAFCOs' authority to determine out-of-agency service exemptions
20	Medium	Statutory	MSR   Encinitas Region	Initiate a regional study covering the City of Encinitas + San Dieguito WD et al.

Priority	Level	Type	Project	Description
21	Low	Statutory	MSR   Del Mar-Solana Beach Region	Initiate a regional study covering the Cities of Del Mar and Solana Beach + Santa Fe ID et al.
22	Low	Statutory	Legislative Proposal   G.C. 56430	Sponsor and/or facilitate amendment establishing community engagement enhancements in MSR statute
23	Low	Administrative	Service + Fiscal Indicators	Develop online browser feature to depict service + fiscal indicators among local agencies in San Diego County
24	Low	Administrative	White Paper   School Districts	Evaluate scope and scale of school districts and their baseline capacities for reference in municipal service reviews
25	Low	Administrative	Liaison with Local Tribes	Establish communication protocols with local tribes with respect to shared interests in regional services
26	Low	Statutory	Policy   Commission Rule No. 4	Modernize Rule No. 4 and its provisions to regulate special districts' service functions and classes
27	Low	Statutory	Policy   Cities Advisory Committee	Coordinate with CAD in updating bylaws and related procedures to sync with current member interests/priorities
28	Low	Statutory	Policy   Special Districts Advisory Committee	Coordinate with SDAC in updating bylaws and related procedures to sync with current member interests/priorities
29	Low	Administrative	Annual Local Agency Directory	Update and publish an annual local agency directory subject to LAFCO oversight
30	Low	Administrative	White Paper   Community Choice Aggregations	Evaluate scope and scale of CCAs and their operations in San Diego County and connectivity to LAFCO
	Bullpen	Statutory	Policy Review   Island Annexations	Consider options to define "substantially surrounded" and provide related mapping services
	Bullpen	Statutory	White Paper   Garbage Services	Evaluate the scope and scale of garbage collection services and possible governance alternatives
	Bullpen	Statutory	White Paper   Homeless Services	Evaluate the scope and scale of homeless services and possible governance alternatives
	Bullpen	Administrative	LAFCO Workshop	Organize a Commission Workshop to discuss core responsibilities + powers and implementing preferences
	Bullpen	Administrative	Public Access Television	Broadcast LAFCO meetings on local government channels
	Bullpen	Statutory	MSR   Pauma Valley Region	Initiate a regional study covering the north county special districts in the Pauma/Rincon communities
	Bullpen	Administrative	SOI/MSR Annual Report	Update and publish an annual report documenting all recorded municipal service review and sphere of influence actions
	Bullpen	Statutory	Policy   Fee Schedule	Review and update fee schedule to sync with current costs and related considerations
	Bullpen	Statutory	Policy   CEQA Guidelines	Review and update existing implementing guidelines relative to current statute and best practices
	Bullpen	Administrative	County Planning Groups	Monitor regular meetings of the County's 28 Planning and or Sponsor Groups and directly engage as appropriate
	Bullpen	Statutory	Disadvantaged Unincorporated Communities	Update DUC mapping designations (DUC) in San Diego County based on current census information
	Bullpen	Administrative	Local Agency Finder Tool	Develop online feature for users to enter address to identify all overlapping local jurisdictions (cities and districts)
	Bullpen	Administrative	Southern California LAFCOs	Participate in quarterly meetings with other Southern California LAFCOs and related projects and/or trainings
	Bullpen	Administrative	CALAFCO	Participate in CALAFCO sponsored programs and related trainings (conferences, workshops, committees, etc.)

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

		FY2021-2022			FY2022-2023			FY2023-2024		
EXPENSES		Adopted	Amended	Actuals	Adopted	Amended	Projected Actuals	Proposed	Difference \$	Difference %
<b>Salaries and Benefits Unit</b>										
Account No.	Description									
51110-51310	Salaries and Per Diems	756,365	701,365	710,875	786,510	786,510	736,983	891,455	104,945	13.3%
51410	Retirement - SDCERA	301,077	241,077	238,521	275,694	275,694	260,916	318,295	42,600	15.5%
51415	Retirement - OPEB	9,164	9,164	7,744	9,030	9,030	8,382	10,273	1,243	13.8%
51421	Retirement - OPEB Bonds	37,655	37,655	31,780	-	-	-	-	-	0.0%
51450	Payroll Taxes	55,934	55,934	50,568	55,537	55,537	50,139	64,840	9,302	16.7%
51510-51550	Group Insurance	130,169	110,169	104,715	125,476	125,476	109,859	150,033	24,557	19.6%
51560	Unemployment Insurance	2,000	2,000	406	2,000	2,000	568	1,000	(1,000)	-50.0%
		<b>1,292,364</b>	<b>1,157,365</b>	<b>1,144,609</b>	<b>1,254,248</b>	<b>1,254,248</b>	<b>1,166,848</b>	<b>1,435,895</b>	<b>181,648</b>	<b>14.5%</b>
<b>Services and Supplies Unit</b>										
Account No.	Description									
52074	Communications	6,336	6,336	7,562	12,961	12,961	10,782	43,824	30,863	238.1%
52138	General Liability Insurance	10,788	10,788	12,402	12,402	12,402	12,737	12,737	335	2.7%
52178	Vehicle - Maintenance	980	980	1,251	980	980	1,195	980	-	0.0%
52182	Vehicle - Fuel	500	500	128	500	500	500	500	-	0.0%
52270	Memberships	25,510	25,510	21,989	30,248	30,248	26,948	28,994	(1,254)	-4.1%
52304	Miscellaneous	50	50	146	50	50	50	50	-	0.0%
52330	Office: General Support	6,420	6,420	13,519	8,211	8,211	10,500	8,211	-	0.0%
52332	Office: Postage USPS	250	250	219	250	250	100	250	-	0.0%
52334	Office: Design + Printing	8,000	8,000	20,124	15,000	15,000	14,186	22,500	7,500	50.0%
52336	Office: Books and Guidelines	2,000	2,000	-	2,000	2,000	250	-	(2,000)	-100.0%
52338	Office: Drafting/Engineering	50	50	-	50	50	-	-	(50)	-100.0%
52344	Office: Supplies and Furnishings	14,300	69,300	59,726	14,600	14,600	9,454	14,600	-	0.0%
52354	Office: County Mail Services	10,000	10,000	8,095	10,000	10,000	11,463	10,000	-	0.0%
52370	Professional Services	199,740	321,740	326,659	270,960	270,960	355,297	296,170	25,210	9.3%
52490	Publications and Legal Notices	4,650	4,650	17,437	4,650	4,650	15,483	8,150	3,500	75.3%
52504	Leases: Equipment	6,600	6,600	6,520	6,600	6,600	6,182	6,600	-	0.0%
52530	Leases: Office Space	89,764	89,764	100,303	137,868	137,868	138,759	144,743	6,875	5.0%
52550	Special Expenses: County Overhead	75,346	75,346	36,865	72,466	72,466	35,360	40,000	(32,466)	-44.8%
52562	Special Expenses: New Hire Checks	-	-	49	-	-	270	-	-	0.0%
52566	Special Expenses: Minor Equipment	500	500	1,485	500	500	-	-	(500)	-100.0%
52602	Computer Training	500	500	-	500	500	-	-	(500)	-100.0%
52610	Travel and Training   In County	3,000	3,000	4,502	2,700	2,700	3,604	2,700	-	0.0%
52612	Employee Auto	8,700	8,700	7,766	8,700	8,700	8,066	8,700	-	0.0%
52622	Travel and Training   Out of County	5,000	5,000	-	16,050	16,050	12,876	15,050	(1,000)	-6.2%
52721	IT Reimbursements: Network	30,000	30,000	36,411	26,553	26,553	18,155	20,000	(6,553)	-24.7%
52723	IT Reimbursements: Data Center	40,000	40,000	27,761	29,015	29,015	31,357	33,000	3,985	13.7%
52725+28	IT Reimbursements: Financial Systems	20,000	20,000	18,973	40,146	40,146	29,438	35,000	(5,146)	-12.8%
52732	IT Reimbursements: Desktop Computing	25,000	25,000	71,257	21,488	21,488	26,310	28,000	6,512	30.3%
52734	IT Reimbursements: Help Desk	3,000	3,000	2,218	2,331	2,331	2,322	2,331	-	0.0%
52750	IT Reimbursements: Catalog Equipment	45,000	45,000	13,938	3,748	3,748	43,138	40,000	36,252	967.3%
52758	Fleet Reimbursements: Vehicle Lease	2,000	2,000	1,986	2,000	2,000	1,986	2,000	-	0.0%
		<b>643,984</b>	<b>820,983</b>	<b>819,291</b>	<b>753,528</b>	<b>753,528</b>	<b>826,767</b>	<b>825,091</b>	<b>71,563</b>	<b>9.5%</b>
	OPERATING EXPENSE TOTAL	<b>1,936,348</b>	<b>1,978,348</b>	<b>1,963,900</b>	<b>2,007,776</b>	<b>2,007,776</b>	<b>1,993,615</b>	<b>2,260,986</b>	<b>253,211</b>	<b>12.6%</b> 293

EXPENSES CONTINUED...

		FY2021-2022			FY2022-2023			FY2023-2024		
		Final	Amended	Actuals	Adopted	Amended	Projected Actuals	Proposed	Difference \$	Difference %
<b>Non Operating Unit</b>										
<u>Account No.</u>	<u>Description</u>									
51421	Debt Service: OPEB Obligation Bonds	-	-	-	37,388	37,388	37,388	38,883	1,496	4.0%
53585	Equipment Depreciation	2,500	2,500	-	-	-	-	-	-	0.0%
TBD	Grant Award Payments	-	34,768	34,768	-	215,500	215,500	450,000	450,000	n/a
54955-54961	Fixed Assets	2,500	2,500	-	-	-	-	-	-	0.0%
		5,000	39,768	34,768	37,388	252,888	252,888	488,883	451,496	1207.6%
	EXPENSE TOTALS	1,941,348	2,018,116	1,998,668	2,045,163	2,260,664	2,246,503	2,749,870	704,706	34.5%

REVENUES

		FY2021-2022			FY2022-2023			FY2023-2024		
		Final	Amended	Actuals	Adopted	Amended	Projected Actuals	Proposed	Difference \$	Difference %
<b>Intergovernmental Unit</b>										
<u>Account No.</u>	<u>Description</u>									
45918.1	Apportionments   County	483,914	483,914	483,914	515,479	515,479	515,479	582,443	66,964	13.0%
45918.2	Apportionments   Cities (less SD)	483,914	483,914	483,914	515,479	515,479	515,479	582,443	66,964	13.0%
45918.3	Apportionments   City of San Diego	241,957	241,957	241,957	257,830	257,830	257,830	291,323	33,494	13.0%
45918.4	Apportionments   Special Districts	483,914	483,914	483,914	515,479	515,479	515,479	582,443	66,964	13.0%
		1,693,700	1,693,700	1,693,700	1,804,265	1,804,266	1,804,266	2,038,651	234,386	13.0%
<b>Service Charges Unit</b>										
<u>Account No.</u>	<u>Description</u>									
46234	Application Fees	150,000	150,000	222,221	170,000	170,000	208,000	200,000	30,000	17.6%
		150,000	150,000	222,221	170,000	170,000	208,000	200,000	30,000	17.6%
<b>Earnings Unit</b>										
<u>Account No.</u>	<u>Description</u>									
44105	Interest and Dividends	15,000	15,000	5,205	15,000	15,000	9,058	15,000	-	0.0%
		15,000	15,000	5,205	15,000	15,000	9,058	15,000	-	0.0%
	OPERATING REVENUE TOTAL	1,858,700	1,858,700	1,921,126	1,989,265	1,989,266	2,021,323	2,253,651	264,386	13.3%
<b>Non-Operating Unit</b>										
<u>Account No.</u>	<u>Description</u>									
TBD	Grant Awards	-	19,011	19,011	-	215,500	215,500	450,000	450,000	n/a
47540	Transfer from Fund Balance	82,648	82,648	82,648	55,898	55,898	55,898	46,218	(9,680)	-17.3%
		82,648	101,659	101,659	55,898	271,398	271,398	496,218	440,320	787.7%
	REVENUE TOTALS	1,941,348	1,960,359	2,022,785	2,045,163	2,260,664	2,292,721	2,749,870	704,706	34.5%

<b>TOTAL NET</b>			24,117		-	-	46,218		-	
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FUND BALANCE (unrestricted)	Start of Year	End of Year	Start of Year	End of Year	Start of Year
Committed					
... Stabilization	250,000	250,000	250,000	250,000	250,000
... Opportunity	500,000	500,000	500,000	500,000	400,000
Assigned by EO	125,000	100,437	62,500	62,500	62,500
Unassigned	704,086	670,118	708,055	698,375	798,375
	1,579,086	1,520,555	1,520,555	1,510,875	1,510,875
% of unassigned balance to operating expenses:	36.4%	34.1%	35.3%	35.0%	35.3%





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

**7a**

**AGENDA REPORT**  
 Business | Action

March 6, 2023

**TO:** Commissioners

**FROM:** Keene Simonds, Executive Officer  
 Tamaron Luckett, Commission Clerk

**SUBJECT: Alternate Public Member Appointment: Options and Possible Action**

**SUMMARY**

The San Diego County Local Agency Formation Commission (LAFCO) will consider options and preferences therein in making a new four-year appointment of an alternate regular public member ahead of the current term expiring on May 1, 2023. Available options range from proceeding with the direct reappointment of the incumbent – Harry Mathis – to soliciting applicants and making an appointment/reappointment at a future meeting. The item has been noticed to allow the Commission to proceed with a reappointment of Commissioner Mathis should it be the membership’s collective preference.

**BACKGROUND**

**Membership Composition**

San Diego LAFCO’s membership is prescribed under State law to include 13 appointed Commissioners. The Commissioners are divided between five distinct categories – County of San Diego, cities less City of San Diego, City of San Diego, special districts, and general public – and further distinguished between regular and alternate members. Only the public member category and its regular and alternate appointees are made by LAFCO; the appointments for the other four categories are externally determined under statute.

<p><b>Administration:</b>          Keene Simonds, Executive Officer          2550 Fifth Avenue, Suite 725          San Diego, California 92103          T 619.321.3380          E lafco@sdcountry.ca.gov          www.sdlafco.org</p>	<p><b>Chair Jim Desmond</b>          County of San Diego</p> <p><b>Joel Anderson</b>          County of San Diego</p> <p><b>Nora Vargas, Alt.</b>          County of San Diego</p>	<p><b>Krista Becker</b>          City of Solana Beach</p> <p><b>Dane White</b>          City of Escondido</p> <p><b>John McCann, Alt.</b>          City of Chula Vista</p>	<p><b>Vice Chair Stephen Whitburn</b>          City of San Diego</p> <p><b>Marni von Wilpert, Alt.</b>          City of San Diego</p>	<p><b>Jo MacKenzie</b>          Vista Irrigation</p> <p><b>Barry Willis</b>          Alpine Fire Protection</p> <p><b>David A. Drake, Alt.</b>          Rincon del Diablo</p>	<p><b>Andy Vanderlaan</b>          General Public</p> <p><b>Harry Mathis, Alt.</b>          General Public</p>
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## Membership Terms

All terms are four-years and commence on the first Monday in May in the affected year. There are no term limits involving LAFCO appointments in statute or under local policy.

## Current Alternate Public Member

San Diego LAFCO's current alternate public member is Harry Mathis. Commissioner Mathis was initially appointed as the alternate public member in 2001 and reappointed to his current four-year term in 2019. (Commissioner Mathis previously served on LAFCO as a regular member representing the City of San Diego between 1995 and 2000.)

## DISCUSSION

This item is for San Diego LAFCO to consider options in appointing and/or reappointing an alternate public member ahead of the current term expiring on May 1, 2023. The item is being presented now to provide sufficient time to conduct an open application process should it be the preference of the Commission to proceed accordingly. Alternatively, and if preferred, the item has also been noticed to provide the Commission the option to immediately proceed with a reappointment Commissioner Mathis to a new four-year term effective May 1, 2023. Any appointment of a public member (regular or alternate) requires at least one affirmative vote from all other membership categories under statute.

## ANALYSIS

Commissioner Mathis has confirmed his interest with staff to continue to serve on San Diego LAFCO. Commissioner Mathis' extensive experience – including active participation in deliberations and stellar attendance record – provides substantive justification for the Commission to proceed with an immediate reappointment should it be preferred. Any appointment or reappointment requires at least one affirmative vote from all other categories – County, City of San Diego, cities, and special districts.

## RECOMMENDATION

It is recommended San Diego LAFCO consider its options and related preferences with respect to the alternate public member position ahead of the current term expiring on May 1, 2023. This recommendation includes considerations of two distinct alternatives as outlined in the proceeding section as Alternative One.

## ALTERNATIVES FOR ACTION

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

### Alternative One (recommended):

- (a) Reappoint Harry Mathis as the alternate public member to a new four-year term commencing on May 1, 2023; or
- (b) Provide direction to staff to initiate an open application process for the alternate public member position with added prescription regarding the level and type of recruitment as well as the interview and appointment processes.

### Alternative Two:

Continue the item to the next regular meeting and provide direction to staff for additional information as needed.

## PROCEDURES

This item has been placed on the agenda for action as part of San Diego LAFCO's business calendar. The following procedures, accordingly, are recommended in the consideration of this item:

- 1) Receive verbal report from staff unless waived.
- 2) Invite comments from interested audience members (voluntarily).
- 3) Consider recommendation.

On behalf of the Executive Officer

Tamaron Lockett  
Commission Clerk

Attachments: none

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

**7b**

**AGENDA REPORT**  
 Business | Action

March 6, 2023

**TO:** Commissioners

**FROM:** Keene Simonds, Executive Officer  
 Tamaron Lockett, Commission Clerk

**SUBJECT: Options to Hold Regular Meetings and Possible Actions**

**SUMMARY**

The San Diego County Local Agency Formation Commission (LAFCO) will consider amending its adopted policies with respect to setting the day and time of regular Commission meetings. Current policy provides the Commission will hold regular meetings on the first Monday of each month starting at 10:00 A.M unless otherwise calendared. The City of San Diego – which has dedicated seats on LAFCO in statute – recently changed their regular meetings to the same day and time. This prompts the need for the Commission to approve a change to eliminate the current overlap. Alternative days and/or times are identified by staff and with the premise of continuing to physically meet in the County of San Diego Administration Center – although not necessarily in Room 302 – and avoiding any known regular meetings times and days for current County, city, and special district members’ home agencies.

**BACKGROUND**

**Adopted Policy + Practice**

San Diego LAFCO’s adopted policies specify the Commission shall hold regular meetings every month on the first Monday unless provided otherwise due to holidays and/or anticipated lack of business. The policy also provides all regular meetings of the Commission be held at 10:00 A.M. in the County of San Diego Administration Center at 1600 Pacific Highway, Room 302 in

<b>Administration</b> Keene Simonds, Executive Officer 2550 Fifth Avenue, Suite 725 San Diego, California 92103 T 619.321.3380 www.sdlafco.org lafco@sdcounty.ca.gov	<b>Chair Jim Desmond</b> County of San Diego  <b>Joel Anderson</b> County of San Diego  <b>Nora Vargas, Alt.</b> County of San Diego	<b>Kristi Becker</b> City of Solana Beach  <b>Dane White</b> City of Escondido  <b>John McCann, Alt.</b> City of Chula Vista	<b>Stephen Whitburn, Vice Chair</b> City of San Diego  <b>Marni von Wilpert, Alt.</b> City of San Diego	<b>Jo MacKenzie</b> Vista Irrigation  <b>Barry Willis</b> Alpine Fire Protection  <b>David Drake, Alt.</b> Rincon del Diablo	<b>Andy Vanderlaan</b> General Public  <b>Harry Mathis, Alt.</b> General Public
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San Diego. It is also the practice of the Commission to review its upcoming workload each December and formally approve a meeting schedule for the upcoming calendar year, and this includes setting regular and special meetings as needed.

## DISCUSSION

This item is for San Diego LAFCO to consider options in approving a new regular meeting time and/or day to avoid the overlap on the first Monday of each month at 10:00 A.M. with the City of San Diego Council. Three alternative days and/or times are listed below to assist the Commission in its deliberations that achieve two premises. First, these alternative days and/or times can be readily accommodated at the County of San Diego Administrative Center – either in Room 302 (current and preference) or elsewhere – such as Rooms 310 or 402a. Second, the alternative days and/or times avoid overlap with the regular meetings days and times for current County, city, and special district members’ home agencies. The alternatives follow with the associated dates for the remainder of 2023 less July and September (dark months).

- First Monday of the month starting at 8:00 A.M.
  - April 3<sup>rd</sup>
  - May 1<sup>st</sup>
  - June 5<sup>th</sup>
  - August 7<sup>th</sup>
  - October 2<sup>nd</sup>
  - November 6<sup>th</sup>
  - December 4<sup>th</sup>
  
- Second Friday of the month at 12:00 P.M.
  - April 14<sup>th</sup>
  - May 12<sup>th</sup>
  - June 9<sup>th</sup>
  - August 11<sup>th</sup>
  - October 13<sup>th</sup>
  - December 8<sup>th</sup>
  
- Second Wednesday of the month at 1:00 P.M.
  - April 12<sup>th</sup>
  - May 10<sup>th</sup>
  - June 14<sup>th</sup>
  - August 9<sup>th</sup>
  - October 11<sup>th</sup>
  - November 8<sup>th</sup>
  - December 13<sup>th</sup>

## ANALYSIS

All three meeting options for San Diego LAFCO identified in the preceding section can be readily accommodated at the County of San Diego Administrative Center at 1600 Pacific Highway (Downtown) in one of three sufficiently sized rooms – 302 (current), 310 (Board Chambers), and 402a. All three options can also accommodate at least two hours of reserved time for the Commission to conduct business. Should none of these dates work for the Commission and all of the members, it would be appropriate to expand the review of potential options to include the County Operations Center at 5530 Overland Avenue (Kearny Mesa).

## RECOMMENDATION

It is recommended San Diego LAFCO consider its options and related preferences with respect to selecting a regular meeting date/time going forward and take action accordingly.

## ALTERNATIVES FOR ACTION

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

Alternative One (recommended):

Select one of the three meeting date/time options identified in the preceding section.

Alternative Two:

Continue the item to a special meeting on Monday, April 3<sup>rd</sup> at a time and place to be determined by the Chair.

## PROCEDURES

This item has been placed on the agenda for action as part of San Diego LAFCO's business calendar. The following procedures, accordingly, are recommended in the consideration of this item:

- 1) Receive verbal report from staff unless waived.
- 2) Invite comments from interested audience members (voluntarily).
- 3) Consider recommendation.

On behalf of the Executive Officer:



Tamaron Luckett  
Commission Clerk

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