



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

**SAN DIEGO COUNTY**  
**LOCAL AGENCY FORMATION COMMISSION**

**REGULAR MEETING AGENDA**  
**Monday, February 5, 2024**

**Doors Open: 8:00 A.M.**

**Meeting Starts: 8:15 A.M.**

**In-Person Participation**

County Administration Center  
 1600 Pacific Highway, Room 302  
 San Diego, California

**Video-Teleconference Participation**

<https://www.zoom.us/join>

Meeting ID 895 6767 7168

Passcode 508649

(669) 900-9128

**Video Viewing Only**

YouTube Channel

@sandiegolafco9909

San Diego LAFCO		
Commissioner	Appointing Authority	Affiliation
Chair Jim Desmond	Board of Supervisors	County of San Diego
Vice Chair Stephen Whitburn	Mayor of the City of San Diego	City of San Diego
Joel Anderson	Board of Supervisors	County of San Diego
Kristi Becker	Cities Selection Committee	City of Solana Beach
Jo MacKenzie	Independent Special Districts	Vista ID
Dane White	Cities Selection Committee	City of Escondido
Barry Willis	Independent Special Districts	Alpine FPD
Vacant	Commission	General Public
Alternate David A. Drake	Independent Special Districts	Rincon del Diablo MWD
Alternate Harry Mathis	Commission	General Public
Alternate John McCann	Mayor of the City of Chula Vista	City of Chula Vista
Alternative Nora Vargas	Board of Supervisors	County of San Diego
Alternate Marni von Wilpert	Mayor of the City of San Diego	City of San Diego

### Participation Instructions:

**In person attendance** by the public is welcomed. LAFCO meets in Room 302 in the County Administration Center (1600 Pacific Highway). Three-hour visitor parking is available using the Ash Street entrance. To provide comments on any item, please turn in a speakers slip to LAFCO staff before the item commences.

**Remote participation by video or telephone** is welcomed through Zoom by following these instructions.

Comments by Video	Comments by Telephone
1. Click or type the link found at the top of the agenda	1. Dial + 1-669-900-9128
2. Type the Meeting ID identified on the top of this agenda followed by the Passcode	2. Dial the Meeting ID identified at the top of the agenda followed by the Passcode
3. Click the raise hand icon	3. Dial *9 to raise your hand
4. LAFCO will announce your name as it appears when it is your turn to speak	4. LAFCO will call out the last 4 digits of your phone number when it is your turn to speak
5. Click the speaker icon to unmute to speak	5. Dial *6 to unmute yourself

All comments – whether provided in person or remotely (video and telephone) – are limited to three minutes for individuals and five minutes for agencies and community organizations. The Chair may adjust the time allowance as they deem appropriate in managing the Commission’s business.

**Remote participation by e-mail** is also welcomed by sending comments to Commission Clerk Erica Sellen at [erica.sellen@sdcounty.ca.gov](mailto:erica.sellen@sdcounty.ca.gov).

- All e-mails received before 3:00 P.M. one business day before the meeting will be forwarded to the Commission and posted online prior to the start of the meeting. These comments will also be referenced at the meeting.
- All e-mails received after 3:00 P.M. one business day before the meeting and up until the conclusion of the item by the Commission will be noted for the record by LAFCO staff with a good-faith summary and subsequently posted online.

### Public Accommodations:

**Assistance for the disabled** is available by contacting LAFCO staff prior to the meeting. To the extent possible, accommodation requests should be submitted at least 72 hours in advance.

**Spanish language translation services** are readily available at LAFCO meetings. Translation services covering other languages may be made available upon request at least 72 hours prior to the meeting.

### Contact Information:

Erica Sellen  
Commission Clerk  
2550 Fifth Avenue, Suite 725  
San Diego, California 92103  
T: 619-321-3380  
F: 619-404-6508  
E: [erica.sellen@sdcounty.ca.gov](mailto:erica.sellen@sdcounty.ca.gov)

**1. 8:15 A.M. – CALL TO ORDER BY CHAIR**

**a) Roll Call of Commissioners Present**

**b) Pledge of Allegiance**

**2. STATEMENT (JUST CAUSE) AND/OR CONSIDERATION OF A REQUEST TO PARTICIPATE REMOTELY (EMERGENCY CIRCUMSTANCES) BY A COMMISSIONER, IF APPLICABLE.**

**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 OPPORTUNITY FOR PUBLIC TO REQUEST DISCUSSION ON CONSENT ITEMS**

Opportunity for members of the public to speak to the Commission on any subject matter within the Commission's growth management duties/interests but not on an item listed on the agenda. Three-minute limit. This is also an opportunity for the public to request the Commission pull an item listed on 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 December 4, 2023 (action)**

The Commission will consider action minutes prepared by the Commission Clerk for the December 4, 2023 meeting. Recommendation to approve as presented. (Pages 7-14)

**b) Commission Ratification |**

**Recorded Payments for November and December 2023 (action)**

The Commission will review a report identifying all payments made and received for November and December 2023. Recommendation to ratify payments as presented. (Pages 15-24)

**c) Budget Update for 2023-2024 |  
2<sup>nd</sup> Quarter Actuals with Year-End Projections (action)**

The Commission will review a report comparing budgeted and actual transactions through the second quarter of 2023-2024 and related analysis. The report is being presented to the Commission to formally accept and provide direction to staff as needed. (Pages 25-30)

**d) Proposed "Glen Abbey Memorial Cemetery Park–Bonita Road Change of Organization" |  
Annexation to San Diego County Sanitation District (CO23-10) (action)**

The Commission will consider a change of organization proposal initiated by landowner petition to annex approximately 110 unincorporated acres in Bonita to the San Diego County Sanitation District. The affected territory as submitted involves two contiguous legal parcels presently developed and used as the Glenn Abbey Memorial Cemetery Park. The purpose of the proposal is to make public wastewater available to the remainder of the cemetery grounds and in doing so accommodate planned improvements. Staff recommends conditional approval of the proposal with a modification to include 4.0 additional acres comprising of an adjacent legal parcel owned and operated by the applicant as well as frontage along (continued)...

## CONSENT ITEMS CONTINUED...

### Item 5d Continued

Bonita Road. Staff also recommends waiver of protest proceedings and exemption finding under the California Environmental Quality Act. The affected parcels are identified by the County Assessor's Office as 592-040-03 and 592-040-10. (Pages 31-62)

### e) **Commission Counsel Services |**

#### **Proposed New Agreement with Colantuono, Highsmith & Whatley (action)**

The Commission will consider a proposed new agreement for legal services with Colantuono, Highsmith & Whatley. The new agreement resets and extends the term through June 30, 2027 and makes related updates involving billing rates – including establishing a rate distinction for litigation services. The Chair recommends approval of the new agreement. (Pages 63-86)

### f) **Progress Report on the Adopted Workplan (action)**

The Commission will receive a progress report on accomplishing the 30 projects included in the adopted workplan for 2023-2024. The report is being presented to the Commission to receive and file with the opportunity to identify potential amendments for future consideration. (Pages 87-92)

### g) **Legislative Report (information)**

The Commission will receive a report on legislative items of interest to the Commission and its regulatory and planning responsibilities. This includes reviewing items associated with the end of the first year of the 2023-2024 session – including Assembly Bills 1753 and 399 – as well as previewing potential topics heading into the second year. The report is being presented for information and concurrently provides an opportunity for Commissioners to provide general feedback. (Pages 93-96)

### h) **Report on Active Proposals and Related Activities (information)**

The Commission will receive a status report on the 27 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. (Pages 97-108)

## 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 “City of Carlsbad Change of Organization” |**

#### **Detachment from Leucadia Wastewater District and Concurrent Sphere of Influence Action (CO23-09) (action)**

The Commission will consider a change of organization proposal initiated by resolution of the City of Carlsbad to detach approximately 202 acres of incorporated territory from the Leucadia Wastewater District (WD). The affected territory as submitted comprises three non-contiguous areas that are largely developed with residential uses and (continued)...



## **PUBLIC HEARING ITEMS CONTINUED...**

### **Item 6a Continued**

connected to Carlsbad’s wastewater system. Overall, the affected territory comprises 50 legal parcels that are further defined by ownership into 250 unique assessor parcels. The proposal purpose is to eliminate an existing overlap between Carlsbad and Leucadia WD and in doing so make explicit Carlsbad is the authorized wastewater service provider for the affected territory going forward. Staff recommends conditional approval of the proposal as submitted along with a conforming sphere amendment involving one of the three areas within the affected territory. It is also recommended the Commission delegate protest proceedings to the Executive Officer and make exemption findings under the California Environmental Quality Act (CEQA). (Pages 109-144)

## **7. BUSINESS CALENDAR**

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

### **a) Proposed “Garcia–Curtis Drive Out-of-Agency Wastewater Services” | City of Vista (OAS23-14) (action)**

The Commission will consider a request by the City of Vista to provide new out-of-agency wastewater services to an unincorporated parcel located north of the City and within its sphere of influence. The affected territory and its lone subject parcel is 2.8 acres in size and developed with a single-family residence at 211 Curtis Drive. The purpose of the request is to make available public wastewater to accommodate the construction of an accessory dwelling unit (ADU) that would otherwise be prohibited given the limitations on the existing septic system. Staff recommends conditional approval authorizing service to the existing single-family residence and planned ADU. Staff is relatedly recommending the Commission dispense with the otherwise special condition commonly applied to require the landowner to file an annexation proposal with LAFCO for future processing given local conditions as detailed. A categorical exemption applies. (Pages 145-158)

### **b) Quarterly Progress Report | Municipal Service Review on Wholesale Water Agencies: County Water Authority and Metropolitan Water District of Southern California (information)**

The Commission will receive a verbal presentation as part of a planned quarterly report advising on the progress in preparing the scheduled municipal service review on wholesale water agencies operating in San Diego County. This includes a comprehensive review of the San Diego County Water Authority and a proportional review of the Metropolitan Water District of Southern California. The quarterly report is for information with the opportunity general feedback. (Pages 159-162)

### **c) Appointment Options for the Regular Public Member Position (action)**

The Commission will consider options and preferences therein in filling the vacated term of the regular public member position. The position became vacated in mid-January with the resignation of Andy Vanderlaan. The unexpired term extends through April 2025. Staff requests direction from the Commission in scheduling an appointment at a future meeting with or without an open recruitment process as well as with or without action to create an advisory committee. (Pages 163-168)

**PUBLIC HEARING ITEMS CONTINUED...**

**d) Chair and Vice Chair Appointments (action)**

The Commission will consider making officer appointments and select a chair and vice chair consistent with adopted policy. The appointees will serve the balance of 2024 consistent with policy unless otherwise specified. (Pages 169-170)

**8. EXECUTIVE OFFICER REPORT**

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

**10. CLOSED SESSION**

None

**11. ADJOURNMENT**

Attest to Posting:



Erica Sellen  
Commission Clerk



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

**5a**

**AGENDA REPORT**  
 Consent | Action

February 5, 2024

**TO:** Commissioners  
**FROM:** Erica Sellen, Commission Clerk  
**SUBJECT:** **Approval of Meeting Minutes |  
 Regular Meeting of December 4, 2023**

**SUMMARY**

The San Diego County Local Agency Formation Commission (LAFCO) will consider draft minutes prepared for the regular meeting held on December 4, 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 December 4, 2023, regular meeting. The attendance record for the meeting follows.

- All regular Commissioners were present except Joel Anderson (County of San Diego), Jim Desmond (County of San Diego), and Andy Vanderlaan (Public).
- All alternate Commissioners were present except Nora Vargas (County of San Diego) and Marni von Wilpert (City of San Diego).

<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>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 Drake, Alt.</b> Rincon del Diablo	<b>Vacant</b> General Public <b>Harry Mathis, Alt.</b> General Public
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## ANALYSIS

The attached draft minutes for the December 4, 2023, regular meeting accurately reflect San Diego LAFCO's deliberations as recorded by the Commission Clerk. 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 December 4, 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 December 4, 2023, regular meeting with any requested 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  
Commission Clerk

Attachment:

- 1) Draft Meeting Minutes for December 4, 2023

**DRAFT MINUTES  
SAN DIEGO LAFCO  
December 4, 2023 REGULAR MEETING**

**1. 8:15 A.M. – CALL TO ORDER BY CHAIR**

**Item 1a  
ROLL CALL**

The regular meeting was called to order at 8:16 a.m. by Vice Chair Whitburn. The Commission Clerk performed the roll call with the following attendance recorded.

Regulars Present: Kristi Becker, City of Solana Beach  
Jo MacKenzie, Vista Irrigation District  
Stephen Whitburn, City of San Diego (VICE CHAIR)  
Dane White, City of Escondido  
Barry Willis, Alpine Fire Protection District

Alternates Present: David Drake, Rincon del Diablo Municipal Water District  
Harry Mathis, Public (voting)  
John McCann, City of Chula Vista

Members Absent: Joel Anderson, County of San Diego (regular)  
Jim Desmond, County of San Diego (CHAIR) (regular)  
Andy Vanderlaan, Public (regular)  
Nora Vargas, County of San Diego (alternate)  
Marni von Wilpert, City of San Diego (alternate)

The Commission Clerk confirmed a quorum with six voting members present at the time of roll call with 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 Carolanne Ieromnimon; Local Government Analyst I Michaela Peters; GIS/IT Analyst Dieu Ngu; and Commission Clerk Erica Sellen.

**Item 1b  
PLEDGE OF ALLEGIANCE**

Commissioner White led the Pledge of Allegiance.

**2. STATEMENT (JUST CAUSE) AND/OR CONSIDERATION OF A REQUEST TO PARTICIPATE REMOTELY (EMERGENCY CIRCUMSTANCES) BY A COMMISSIONER, IF APPLICABLE**

None.

### 3. AGENDA REVIEW

Vice Chair Whitburn asked the Executive Officer if there were any requests to remove or rearrange items on the agenda. The Executive Officer stated no changes to the agenda were needed while concurrently noting supplemental correspondence had been received for Item 7a with copies distributed along the dais.

### 4. PUBLIC COMMENT AND RELATED ITEMS

Vice Chair Whitburn invited anyone from the public to address the Commission on a matter not directly related to an agenda item. Vice Chair Whitburn invited comments from the following two registered speakers:

- Jake Wiley, Rainbow Municipal Water District
- Jack Bebee, Fallbrook Public Utility District

The Commission Clerk confirmed there were no other registered speakers and no live e-mail comments.

### 5. CONSENT ITEMS

#### Item 5a

#### **Approval of Meeting Minutes for November 6, 2023**

Item presented to approve draft action minutes prepared for the Commission's November 6, 2023 meeting. Recommendation to approve.

#### Item 5b

#### **Commission Ratification | Recorded Payments for October 2023**

Item presented to ratify recorded payments made and received by the Executive Officer for the month of October 2023. Recommendation to ratify.

#### Item 5c

#### **Proposed "North Iris Lane - Hallmark Development Reorganization" | Annexation to the City of Escondido with Concurrent Detachment from County Service Area No. 135 and Related Actions (RO23-06)**

Item presented to consider a reorganization proposal initiated by landowner petition with the principal action to annex 7.7 unincorporated acres to the City of Escondido. A concurrent detachment from County Service Area No. 135 and its regional communication service function is also part of the reorganization. The affected territory includes five contiguous legal parcels with four containing existing single-family residences. The purpose of the proposal is to facilitate Escondido's tentative approval to develop the affected territory into 102 airspace residential condominiums with ancillary amenities. Staff recommends conditional approval of the proposal as submitted to include removal of the affected territory from Rincon del Diablo Municipal Water District's authorized fire protection and emergency medical service area (Improvement District E). Other standard terms would apply. It is also recommended the Commission waive protest proceedings along with making parallel findings to the Environmental Impact Report (EIR) adopted by Escondido. Recommendation to approve.

**CONSENT ITEMS CONTINUED...**

**Item 5d**

**Progress Report on the Adopted Workplan**

Item presented to receive a progress report on accomplishing the 30 projects included in the adopted workplan for 2023-2024. The report is being presented to the Commission to receive and file with the opportunity to identify potential amendments for future consideration.

**Item 5e**

**Authorize Holiday Office Closures**

Item presented to consider authorization for closure of the LAFCO office on December 26<sup>th</sup> through 29<sup>th</sup>. Recommendation to approve.

**Item 5f**

**Approval of 2024 Meeting Calendar**

Item presented to consider approving a regular meeting schedule for the 2024 calendar year. Recommendation to approve regular meetings on the first Monday of each month except for January, July, and September. Recommendation to approve.

**Item 5g**

**Commissioner Terms**

Item presented to receive its annual report on individual Commissioner terms. One term is set to expire in April 2024 and involves one special district (regular) member. Information only.

**Item 5h**

**Report on Active Proposals and Related Activities**

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

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

Roll call requested:

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

The Commission Clerk confirmed the motion was approved 6-0 with two voting members (Anderson and Desmond) absent.



**6. PUBLIC HEARING ITEMS |  
COMMISSIONER DISCLOSURE OF EX PARTE COMMUNICATIONS**

**Item 6a**

**Proposed “Colina Fuerte – Via Ascenso Reorganization” |**

**Annexation to the Santa Fe Irrigation District with Concurrent Detachment from Olivenhain Municipal Water District and Conforming Sphere of Influence Actions (RO23-08)**

Item presented to consider a reorganization proposal filed by landowner petition with the principal action to annex approximately 5.14 unincorporated acres in the Rancho Santa Fe community to the Santa Fe Irrigation District. A secondary action to detach the affected territory from Olivenhain Municipal Water District is also proposed. The affected territory comprises one legal parcel, which is currently undeveloped with an existing open-space easement. The proposal purpose is to facilitate the planned development of a single-family residence by allowing the landowner to redirect a potable water connection to Santa Fe to avoid encroaching on the open space easement as otherwise necessary in connecting to Olivenhain. Staff recommends conditional approval of the proposal as submitted, conforming sphere of influence actions for both subject agencies, and a municipal service review waiver under L-106. It is also recommended the Commission waive protest proceedings and make exemption findings under the California Environmental Quality Act.

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

Local Government Analyst I Michaela Peters provided the staff presentation.

Vice Chair Whitburn proceeded to open the hearing and invited comments from the public.

The Commission Clerk confirmed there were no registered speakers or live e-mail comments.

Vice Chair Whitburn proceeded to close the public hearing.

**\*\***

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

Roll call requested:

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

NOES: None

ABSENT: Anderson, Desmond, Vanderlaan, Vargas, and von Wilpert

ABSTAINING: None

The Commission Clerk confirmed the motion was approved 6-0 with two voting members (Anderson and Desmond) absent.

## 7. BUSINESS ITEMS

### Item 7a

#### **Preliminary Assessment |**

#### **Commission Oversight Duties and Port of San Diego**

Item presented to receive a preliminary assessment on LAFCO's oversight duties as they relate to the Port of San Diego – formally the San Diego Unified Port District – for discussion and feedback. The assessment ties to a recent request by the Commission. Based on available information, the assessment concludes the Port is a special district subject to LAFCO oversight. It similarly concludes the Port qualifies as an “independent” special district, and accordingly eligible to seat members on the Commission and responsible for proportionally paying part of the special districts' share of the LAFCO budget. Staff will draw on the discussion and related public comments in finalizing the assessment for future Commission consideration.

Executive Officer Keene Simonds and Consultant Chris Cate provided the staff presentation.

The Commission Clerk confirmed there were no registered speakers or live e-mail comments.

Commission discussion followed. No action.

### Item 7b

#### **Draft Comprehensive Update to Personnel Policies**

Item presented to review a draft update to the personnel policies as part of the adopted workplan. The draft update has been prepared by LAFCO's contract human resources consultant – Regional Government Services Authority – with input from senior staff. The draft follows a Commission approved scope of work and transitions personnel policies away from relying on the County of San Diego and towards a stand-alone document scaled to LAFCO's unique setting as a public agency with less than 10 employees. The draft is being presented for discussion and feedback and ahead of its finalization for future action.

Executive Officer Keene Simonds provided the staff presentation.

The Commission Clerk confirmed there were no registered speakers or live e-mail comments.

Commission discussion followed. No action.

### Item 7c

#### **LAFCO Fee Waivers**

Item presented to review its existing policies involving applicant fee waivers and reductions. The review is being presented in response to a recent request at the dais by Commissioner Willis and provides preliminary assessment on potential options to provide additional fee waivers and/or reductions to LAFCO's funding agencies. The item is being presented for discussion with an opportunity for the Commission to provide general direction to LAFCO staff in proceeding with any formal revisions to the fee schedule for future consideration.

Local Government Analyst II Carolanne Ieromnimon provided the staff presentation.

The Commission Clerk confirmed there were no registered speakers or live e-mail comments.

Commission discussion followed. No action.

## 8. EXECUTIVE OFFICER REPORT

Executive Officer Keene Simonds noted the following items:

- LAFCO Consultant Chris Cate continues to work on LAFCO's behalf to coordinate with proponents interested in filing an incorporation proposal for La Jolla
- LAFCO Consultant Adam Wilson continues to work on LAFCO's behalf in moderating the second year of the RCD Ad Hoc Committee
- Commission Clerk Tamaron Lockett retired as of December 2023
- Erica Sellen has been promoted from Executive Assistant to Commission Clerk
- LAFCO Holiday Party will be held on December 18<sup>th</sup>

## 9. COMMISSIONER ANNOUNCEMENTS | REQUESTS FOR FUTURE ITEMS

None.

## 10. CLOSED SESSION

### a) Conference with Legal Counsel; Existing Litigation

Government Code Section 54956.9(d)(1)

The Commission finds, based on advice from legal counsel, that discussion in open session will prejudice the position of the Commission in the litigation

*San Diego County Water Authority v. San Diego County Local Agency Formation Commission et al.* (San Diego County Superior Court Case No. 37-2023-000036018-CU-TT-CTL)

Vice Chair Whitburn recused himself as he is a board member of the San Diego County Water Authority and asked Commissioner Becker to serve as Acting Chair for the balance of the meeting.

After returning from closed session, Acting Chair Becker asked Commission Counsel Holly Whatley if there was any reportable action. Ms. Whatley reported there was a vote of 5-0 to approve the settlement with San Diego County Water Authority. The Commissioners voting in favor were Becker, MacKenzie, White, Willis, and Mathis (voting).

## 11. ADJOURNMENT TO NEXT MEETING

With no further business Acting Chair Becker adjourned the meeting at 9:46 a.m.

I hereby attest the minutes above accurately reflect the deliberations of the Commission at its December 4, 2023 meeting.

ATTEST,

Erica Sellen  
Commission Clerk



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

**5b**

**AGENDA REPORT**  
 Consent | Action

February 5, 2024

**TO:** Commissioners

**FROM:** Keene Simonds, Executive Officer  
 Erica Sellen, Commission Clerk

**SUBJECT:** **Commission Ratification |  
 Recorded Payments for November and December 2023**

**SUMMARY**

The San Diego County Local Agency Formation Commission (LAFCO) will receive a report identifying payments made and received during November and December 2023. The payments cover all recorded transactions for the two-month period and include \$0.312 million in total distributions made by the Executive Officer. Close to two-thirds of all payments made tie to the County of San Diego for payroll reimbursements as well as charges for general overhead and information technology services. Most of the remaining payments made tie to professional services and marked by legal and consultant usage. The payments received total \$0.072 million and largely divided between new application fees and grant payments.

**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>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 Drake, Alt.</b> Rincon del Diablo	<b>Vacant</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 between November and December 2023. A detailing of these transactions is provided in Attachments One (November) and Two (December). 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 covering November and December 2023 totals \$312,273 with 65% – or \$72,368 – tied to transactions with the County of San Diego. This includes payroll reimbursements covering four pay periods as well as expenses for general overhead and information technology services. All expenses are consistent with the adopted budget. Revenues collected during the two-month period totals \$72,368 and largely tied to collecting new application fees and grant payments.

## RECOMMENDATION

It is recommended San Diego LAFCO ratify the payments made and received by the Executive Officer for November and December 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 November and December 2023 as shown in Attachments One and Two.

Alternative Two:

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

Alternative Three

Take no action.<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  
Commission Clerk

Attachments:

- 1) Recorded Transactions in November 2023
- 2) Recorded Transactions in December 2023

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

Payable   Receivable Party	Date	Account	Amount	Purpose	Type	Funding Account
<b>E   3MC Strategies LLC</b>						
	11/8/2023	52370.F · Professional Services	11,845.00	Consultant Services   Financial Analysis	electronic	1000 · County Account (44595)
<b>E   Ace Parking</b>						
	11/1/2023	52530 · Office Lease	960.00	Monthly Parking Rent at 2550 Fifth Avenue	electronic	1000 · County Account (44595)
<b>E   ADW Consulting LLC</b>						
	11/28/2023	52370.F · Professional Services	10,575.00	Consultant Services   Planning + Governance Analysis	electronic	1000 · County Account (44595)
<b>E   After Effects (Adobe)</b>						
	11/10/2023	52270 · Memberships	20.99	Monthly Video Editing Software Subscription	credit card	3558-60 · SDCCU Visa Credit Card
	11/15/2023	52270 · Memberships	19.99	Monthly Adobe DC Pro Upgrade	debit card	3558 · SDCCU Checking
			40.98			
<b>E   Amazon</b>						
	11/5/2023	52344 · Stores Unallocated	90.85	General Office Supplies	credit card	3558-60 · SDCCU Visa Credit Card
	11/17/2023	52330 · Office Expense	267.88	Office Supplies	credit card	3558-60 · SDCCU Visa Credit Card
	11/30/2023	52330 · Office Expense	115.27	Annual LAFCO Holiday Party Supplies	credit card	3558-60 · SDCCU Visa Credit Card
			474.00			
<b>E   Ambius</b>						
	11/20/2023	52344 · Stores Unallocated	395.07	Monthly Service for Office Plants	check	3558 · SDCCU Checking
<b>E   ARCC (Assessor Recording County)</b>						
	11/20/2023	52490 · Publications	50.00	NOE Fee   Escondido North LLC-Stanley Ave.-B (RO23-07b)	check	3558 · SDCCU Checking
	11/20/2023	52490 · Publications	50.00	NOD Fee   Escondido North LLC-Stanley Ave.-B (RO23-07b)	check	3558 · SDCCU Checking
	11/20/2023	52490 · Publications	50.00	NOE Fee   Cambier-W. El Norte Pkwy (RO23-05)	check	3558 · SDCCU Checking
			150.00			
<b>E   AT&amp;T Mobility</b>						
	11/2/2023	52074 · Telecommunications	555.23	Monthly Cell Phone   LAFCO Staff	check	3558 · SDCCU Checking
<b>E   Barry Willis</b>						
	11/20/2023	52622 · Training/Registration Out-County	187.83	CALAFCO Annual Conference   Travel Reimbursements	check	3558 · SDCCU Checking
<b>E   Billing Hostway</b>						
	11/24/2023	52370.E · Professional Services	269.40	Yearly Website Support	debit card	3558 · SDCCU Checking
<b>E   Blue Barn Creative LLC</b>						
	11/6/2023	52370 · Professional Services	3,000.00	Video Recording Services	electronic	1000 · County Account (44595)
<b>E   Brian J. Brady</b>						
	11/15/2023	52370.F · Professional Services	367.50	Consultant Services   Water-Wastewater Analysis	electronic	1000 · County Account (44595)
<b>E   Chase Design Inc</b>						
	11/1/2023	52334 · Printing	562.50	Design Services: LAFCO Internship Recruitment	electronic	1000 · County Account (44595)
	11/8/2023	52334 · Printing	1,812.50	Property Tax & Study Schedule Brochures	electronic	1000 · County Account (44595)
			2,375.00			
<b>E   Claim Jumper</b>						
	11/8/2023	52610 · Non-Travel/In-County	160.42	EO, Counsel & Staff Debriefing	debit card	3558 · SDCCU Checking
<b>E   Colantuono, Highsmith &amp; Whately</b>						
	11/17/2023	52370.B · Professional Services	4,670.52	Commission Counsel Services	electronic	1000 · County Account (44595)
<b>E   County of San Diego</b>						
	11/1/2023	52504 · Equipment Rental	2.36	County Surcharge   Xerox	electronic	1000 · County Account (44595)
	11/1/2023	52354 · Mail/Postage ISF	589.60	Mail/Postage Services	electronic	1000 · County Account (44595)
	11/1/2023	52178 · Vehicle Maintenance	139.87	Vehicle Maintenance Services	electronic	1000 · County Account (44595)
	11/1/2023	52182 · Vehicle Fuel	0.00	Vehicle Fuel	electronic	1000 · County Account (44595)
	11/1/2023	52758 · Vehicle Lease	165.49	Vehicle Lease	electronic	1000 · County Account (44595)
	11/1/2023	52721 et al. · Communications (IT) Services	7,740.41	County IT Services (ITRACK)	electronic	1000 · County Account (44595)
	11/9/2023	51110 et al. · Employee Payroll	51,050.54	Payroll   Pay Period 2024-10	electronic	1000 · County Account (44595)
	11/22/2023	51110 et al. · Employee Payroll	46,924.10	Payroll   Pay Period 2024-11	electronic	1000 · County Account (44595)
			106,612.37			
<b>E   CSDA</b>						
	11/2/2023	52270 · Memberships	1,715.00	2024 State Membership Renewal	check	3558 · SDCCU Checking
<b>E   Fax Plus</b>						
	11/8/2023	52330 · Office Expense	9.26	Monthly Fax Machine Payment	debit card	3558 · SDCCU Checking
<b>E   FedEx</b>						
	11/5/2023	52332 · Postage	50.30	Agenda Packet to BW	credit card	3558-60 · SDCCU Visa Credit Card
<b>E   Harland Clarke</b>						
	11/1/2023	52330 · Office Expense	26.85	Checks for Holding Account	debit card	3558 · SDCCU Checking

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

Payable   Receivable Party	Date	Account	Amount	Purpose	Type	Funding Account
<b>E   Manchester Financial 5th Ave LP</b>						
	11/1/2023	52530 · Office Lease	11,775.42	Office & Storage Rent	electronic	1000 · County Account (44595)
<b>E   Motivational Systems Inc</b>						
	11/20/2023	52330 · Office Expense	953.15	Final Payment for Office Suite Name Signs	check	3558 · SDCCU Checking
<b>E   Pegah's Kitchen</b>						
	11/8/2023	52610 · Non-Travel/In-County	40.37	Meeting with EO & TK	debit card	3558 · SDCCU Checking
<b>E   Peterson Donut</b>						
	11/6/2023	52330 · Office Expense	44.00	Commission Meeting Refreshments	debit card	3558 · SDCCU Checking
<b>E   QuickBooks</b>						
	11/5/2023	52330 · Office Expense	45.00	Monthly Service for Online QuickBooks	debit card	3558 · SDCCU Checking
<b>E   Ready Refresh Water</b>						
	11/11/2023	52330 · Office Expense	66.44	Monthly Water Service	credit card	3558-60 · SDCCU Visa Credit Card
<b>E   RGS</b>						
	11/6/2023	52370 · Professional Services	5,172.00	HR Support Services	electronic	1000 · County Account (44595)
	11/28/2023	52370 · Professional Services	2,175.94	HR Support Services	electronic	1000 · County Account (44595)
			7,347.94			
<b>E   San Diego Union Tribune</b>						
	11/20/2023	52490 · Publications	2,656.08	PHNs   RO23-02 & RO23-04	check	3558 · SDCCU Checking
<b>E   Starbucks</b>						
	11/6/2023	52330 · Office Expense	40.00	Commission Meeting Refreshments	credit card	3558-60 · SDCCU Visa Credit Card
<b>E   Xerox</b>						
	11/8/2023	52504 · Equipment Rental	267.92	Xerox Rental	electronic	1000 · County Account (44595)
<b>E   YouTube</b>						
	11/29/2023	52270 · Memberships	13.99	Monthly Streaming Support Services	debit card	3558 · SDCCU Checking
<b>E   Zoom</b>						
	11/5/2023	52270 · Memberships	15.99	Staff Monthly Video Conferencing Subscription	debit card	3558 · SDCCU Checking
	11/10/2023	52270 · Memberships	149.90	Zoom Webinar Upgrade	credit card	3558-60 · SDCCU Visa Credit Card
	11/12/2023	52270 · Memberships	15.99	EO Monthly Video Conferencing Subscription	debit card	3558 · SDCCU Checking
			181.88			
			<b>EXPENSE TOTAL</b>			
			167,871.92			
<b>R   CALAFCO</b>						
	11/30/2023	52622 · Training/Registration Out-County	615.00	2023 Annual Conference Reimbursement for TL	check	3558 · SDCCU Checking
<b>R   Escondido North LLC</b>						
	11/30/2023	52490 · Publications	100.00	Recording Fees (RO23-07b)	check	3558 · SDCCU Checking
<b>R   Laurence Tucker</b>						
	11/2/2023	46234 · Applications	25,363.82	Processing Fees (RO23-01)	check	1000 · County Account (44595)
<b>R   Twin Oaks Valley Vintners, LLC</b>						
	11/6/2023	46234 · Applications	7,045.50	Processing Fees (CO23-12)	check	1000 · County Account (44595)
			<b>REVENUE TOTAL</b>			
			33,124.32			

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

Payable   Receivable Party	Date	Account	Amount	Purpose	Type	Funding Account
<b>E   3MC Strategies LLC</b>						
	12/22/2023	52370.F · Professional Services	11,730.00	Consultant Services   Financial Analysis	electronic	1000 · County Account (44595)
<b>E   Ace Parking</b>						
	12/1/2023	52530 · Office Lease	960.00	Monthly Parking Rent	electronic	1000 · County Account (44595)
	12/8/2023	52610 · Non-Travel/In-County	20.00	Parking for EO	debit card	3558 · SDCCU Checking
	12/29/2023	52530 · Office Lease	748.00	Monthly Parking Rent	electronic	1000 · County Account (44595)
			1,728.00			
<b>E   ADW Consulting LLC</b>						
	12/29/2023	52370.F · Professional Services	9,750.00	Consultant Services   Planning + Governance Analysis	electronic	1000 · County Account (44595)
<b>E   After Effects (Adobe)</b>						
	12/10/2023	52270 · Memberships	20.99	Monthly Video Editing Software Subscription	credit card	3558-60 · SDCCU Visa Credit Card
	12/15/2023	52270 · Memberships	19.99	Monthly Adobe DC Pro Upgrade	debit card	3558 · SDCCU Checking
			40.98			
<b>E   Albertson's</b>						
	12/10/2023	52330 · Office Expense	219.94	Holiday Party Supplies	credit card	3558-60 · SDCCU Visa Credit Card
<b>E   Amazon</b>						
	12/5/2023	52344 · Stores Unallocated	173.47	General Office Supplies	credit card	3558-60 · SDCCU Visa Credit Card
	12/12/2023	52330 · Office Expense	140.90	Holiday Party Supplies	credit card	3558-60 · SDCCU Visa Credit Card
			314.37			
<b>E   Ambius</b>						
	12/20/2023	52344 · Stores Unallocated	395.07	Monthly Service for Office Plants	check	3558 · SDCCU Checking
<b>E   ARCC (Assessor Recording County)</b>						
	12/1/2023	52490 · Publications	50.00	NOE Fee   Yerba Valley Rd. Reorg (RO23-02)	check	3558 · SDCCU Checking
	12/1/2023	52490 · Publications	50.00	NOE Fee   Yerba Valley Rd. Reorg SOI (RO23-02)	check	3558 · SDCCU Checking
	12/20/2023	52490 · Publications	50.00	NOE Fee   Colina Fuerte-Via Ascenso Reorg (RO23-08)	check	3558 · SDCCU Checking
	12/20/2023	52490 · Publications	50.00	NOE Fee   Colina Fuerte-Via Ascenso Reorg SOI (RO23-08)	check	3558 · SDCCU Checking
	12/20/2023	52490 · Publications	50.00	NOE Fee   N. Iris Lane-Hallmark Development Reorg (RO23-06)	check	3558 · SDCCU Checking
	12/20/2023	52490 · Publications	50.00	NOD Fee   N. Iris Lane-Hallmark Development Reorg (RO23-06)	check	3558 · SDCCU Checking
			300.00			
<b>E   AT&amp;T Mobility</b>						
	12/1/2023	52074 · Telecommunications	511.83	Monthly Cell Phone   LAFCO Staff	check	3558 · SDCCU Checking
<b>E   Blue Barn Creative LLC</b>						
	12/6/2023	52370 · Professional Services	3,000.00	Video Recording Services	electronic	1000 · County Account (44595)
<b>E   Canva</b>						
	12/8/2023	52334 · Printing	68.00	Card Services	credit card	3558-60 · SDCCU Visa Credit Card
<b>E   Chase Design Inc</b>						
	12/6/2023	52334 · Printing	487.50	Final Study Schedule	electronic	1000 · County Account (44595)
<b>E   City SD Parking</b>						
	12/3/2023	52610 · Non-Travel/In-County	1.25	Parking for EO	debit card	3558 · SDCCU Checking
<b>E   Claim Jumper</b>						
	12/6/2023	52610 · Non-Travel/In-County	38.07	EO & Counsel Debriefing	debit card	3558 · SDCCU Checking
<b>E   Clear Checks</b>						
	12/26/2023	52562 · Investigative/Recruitment	69.98	Background Check for New Employee (JB)	credit card	3558-60 · SDCCU Visa Credit Card
<b>E   Copy 2 Copy</b>						
	12/1/2023	52334 · Printing	462.19	Study Schedule	check	3558 · SDCCU Checking
<b>E   Corodata</b>						
	12/1/2023	52330 · Office Expense	58.11	Document Storage	check	3558 · SDCCU Checking
	12/20/2023	52330 · Office Expense	58.11	Document Storage	check	3558 · SDCCU Checking
			116.22			
<b>E   Costco</b>						
	12/10/2023	52330 · Office Expense	222.57	LAFCO Holiday Party	credit card	3558-60 · SDCCU Visa Credit Card
<b>E   County of San Diego</b>						
	12/1/2023	52504 · Equipment Rental	2.96	County Surcharge   Xerox	electronic	1000 · County Account (44595)
	12/1/2023	52354 · Mail/Postage ISF	577.09	Mail/Postage Services	electronic	1000 · County Account (44595)
	12/1/2023	52178 · Vehicle Maintenance	139.87	Vehicle Maintenance Services	electronic	1000 · County Account (44595)
	12/1/2023	52182 · Vehicle Fuel	95.09	Vehicle Fuel	electronic	1000 · County Account (44595)
	12/1/2023	52758 · Vehicle Lease	165.49	Vehicle Lease	electronic	1000 · County Account (44595)
	12/1/2023	52721 et al. · Communications (IT) Services	7,545.59	County IT Services (ITRACK)	electronic	1000 · County Account (44595)
	12/8/2023	51110 et al. · Employee Payroll	41,003.10	Payroll   Pay Period 2024-12	electronic	1000 · County Account (44595)

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

Payable   Receivable Party	Date	Account	Amount	Purpose	Type	Funding Account
	12/22/2023	51110 et al. · Employee Payroll	<u>48,220.05</u>	Payroll   Pay Period 2024-13	electronic	1000 · County Account (44595)
			<u>97,749.24</u>			
<b>E   Dollar Tree</b>						
	12/14/2023	52330 · Office Expense	<u>24.51</u>	LAFCO Holiday Party	credit card	3558-60 · SDCCU Visa Credit Card
<b>E   El Indio</b>						
	12/15/2023	52330 · Office Expense	<u>480.73</u>	LAFCO Holiday Party	credit card	3558-60 · SDCCU Visa Credit Card
<b>E   Fairfield Inn &amp; Suites</b>						
	12/17/2023	52610 · Non-Travel/In-County	<u>302.55</u>	Accomodations   Imperial's EO Retirement for EO	debit card	3558 · SDCCU Checking
<b>E   Fax Plus</b>						
	12/8/2023	52330 · Office Expense	<u>9.26</u>	Monthly Fax Machine Payment	debit card	3558 · SDCCU Checking
<b>E   FedEx</b>						
	12/1/2023	52332 · Postage	<u>74.15</u>	Agenda Packet to AV & BW	credit card	3558-60 · SDCCU Visa Credit Card
<b>E   Frazier Farms</b>						
	12/10/2023	52330 · Office Expense	<u>51.80</u>	Holiday Party Supplies	credit card	3558-60 · SDCCU Visa Credit Card
<b>E   LAZ Parking</b>						
	12/12/2023	52610 · Non-Travel/In-County	<u>5.00</u>	Parking for CI	credit card	3558-60 · SDCCU Visa Credit Card
<b>E   Lazy Dog</b>						
	12/8/2023	52610 · Non-Travel/In-County	<u>44.76</u>	EO & BW Meeting	debit card	3558 · SDCCU Checking
<b>E   Manchester Finaancial 5th Ave LP</b>						
	12/6/2023	52530 · Office Lease	<u>11,450.42</u>	Office & Storage Rent	electronic	1000 · County Account (44595)
<b>E   Peterson Donut</b>						
	12/4/2023	52330 · Office Expense	<u>47.25</u>	Commission Meeting Refreshments	debit card	3558 · SDCCU Checking
	12/15/2023	52330 · Office Expense	<u>22.00</u>	SDAC Meeting Refreshments	debit card	3558 · SDCCU Checking
			<u>69.25</u>			
<b>E   QuickBooks</b>						
	12/4/2023	52330 · Office Expense	<u>45.00</u>	Monthly Service for Online QuickBooks	debit card	3558 · SDCCU Checking
<b>E   Ready Refresh</b>						
	12/9/2023	52330 · Office Expense	<u>55.15</u>	Monthly Water Service	credit card	3558-60 · SDCCU Visa Credit Card
<b>E   San Diego Union Tribune</b>						
	12/20/2023	52490 · Publications	<u>1,328.08</u>	PHN   CO22-15	check	3558 · SDCCU Checking
<b>E   Southwest Airlines</b>						
	12/26/2023	52622 · Training/Registration Out-County	<u>1,220.40</u>	Airfare   US Housing Conference for EO, CI & MP	credit card	3558-60 · SDCCU Visa Credit Card
<b>E   Starbucks</b>						
	12/4/2023	52330 · Office Expense	<u>40.00</u>	Commission Meeting Refreshments	credit card	3558-60 · SDCCU Visa Credit Card
	12/15/2023	52330 · Office Expense	<u>20.00</u>	SDAC Meeting Refreshments	credit card	3558-60 · SDCCU Visa Credit Card
			<u>60.00</u>			
<b>E   State Board of Equalization</b>						
	12/20/2023	52490 · Publications	<u>350.00</u>	SBE Fees   Toidi-Jonel Way (CO22-15)	check	3558 · SDCCU Checking
<b>E   Target</b>						
	12/10/2023	52330 · Office Expense	<u>57.73</u>	Holiday Party Supplies	credit card	3558-60 · SDCCU Visa Credit Card
<b>E   US Housing Conference</b>						
	12/26/2023	52622 · Training/Registration Out-County	<u>1,185.00</u>	Registration   EO, CI & MP	credit card	3558-60 · SDCCU Visa Credit Card
<b>E   Xerox</b>						
	12/11/2023	52504 · Equipment Rental	<u>335.82</u>	Xerox Rental	electronic	1000 · County Account (44595)
<b>E   YouTube</b>						
	12/29/2023	52270 · Memberships	<u>13.99</u>	Monthly Streaming Support Services	debit card	3558 · SDCCU Checking
<b>E   Zoom</b>						
	12/4/2023	52270 · Memberships	<u>15.99</u>	Staff Monthly Video Conferencing Subscription	debit card	3558 · SDCCU Checking
	12/12/2023	52270 · Memberships	<u>15.99</u>	EO Monthly Video Conferencing Subscription	debit card	3558 · SDCCU Checking
			<u>31.98</u>			
			<u>144,400.79</u>			

**EXPENSE TOTAL**

144,400.79

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

Payable   Receivable Party	Date	Account	Amount	Purpose	Type	Funding Account
<b>R   B &amp; S Eckelman</b>						
	12/28/2023	52490 · Publications	1,428.08	PHN & Recording Fees (RO23-08)	check	3558 · SDCCU Checking
<b>R   County of San Diego</b>						
	12/31/2023	45918 · LAFCO Apportionment	11.82	LAFCO Apportionment FY23-24	electronic	1000 · County Account (44595)
	12/31/2023	49200 · Interest & Dividends	735.35	Interest Payment to Account 46725	electronic	1001 · Committed - Stabilization (min. balance of \$250k)
	12/31/2023	49200 · Interest & Dividends	1,543.36	Interest Payment to Account 46726	electronic	1002 · Committed - Opportunity (min. balance of \$300k)
	12/31/2023	49200 · Interest & Dividends	481.63	Interest Payment to Account 46727	electronic	1003 · Assigned - Executive Officer (up to \$125k)
			2,772.16			
<b>R   Iris Lane 102 LLC</b>						
	12/28/2023	52490 · Publications	100.00	Recording Fees (RO23-06)	check	3558 · SDCCU Checking
<b>R   Joe &amp; Sarai Garcia</b>						
	12/28/2023	46234 · Applications	1,921.50	Processing Fees (OAS23-14)	check	3558 · SDCCU Checking
<b>R   Lakeside WD</b>						
	12/28/2023	52490 · Publications	1,428.08	PHN & Recording Fees (RO23-02)	check	3558 · SDCCU Checking
<b>R   Mexita Inc. DBA Investment Design Studio</b>						
	12/28/2023	52490 · Publications	350.00	SBE Fees (CO22-15)	check	3558 · SDCCU Checking
<b>R   Ocean Air Homes, LLC</b>						
	12/28/2023	52490 · Publications	50.00	Recording Fees (RO23-05)	check	3558 · SDCCU Checking
<b>R   State of California</b>						
	12/29/2023	45281 · State Aid Agriculture	31,193.71	SALC Grant	check	1000 · County Account (44595)
			39,243.53			
		<b>REVENUE TOTAL</b>				

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

**5C**

**AGENDA REPORT**  
 Consent | Action

February 5, 2024

**TO:** Commissioners

**FROM:** Keene Simonds, Executive Officer  
 Erica Sellen, Commission Clerk

**SUBJECT: Budget Update for 2023-2024 |  
 Second Quarter Actuals with Year-End Projections**

**SUMMARY**

The San Diego County Local Agency Formation Commission (LAFCO) will review a report comparing budgeted and actual transactions through the second quarter of 2023-2024 and related analysis. The total budget for the fiscal year – operating and non-operating – is \$2.745 million. The Commission finished the second quarter expending 40.4% of total budgeted expenses while collecting 80.4% of total budgeted revenues. The report projects the Commission is on pace to finish the fiscal year generally as expected with a net surplus of \$0.094 million or 3.5%. No amendments are recommended at this time. The report is being presented to the Commission to formally accept and provide direction to staff as needed.

**BACKGROUND**

San Diego LAFCO’s adopted budget for 2023-2024 totals \$2.745 million with the majority – \$2.261 million – allocated to operating expenses and covers labor and service/supplies costs. Non-operating expenses are largely tied to transacting grants activities. Matching revenue amounts are budgeted for both operating and non-operating units. The total unrestricted fund balance as of July 1, 2023 was \$1.601 million (unaudited) with \$0.788 million unassigned.

<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>Krisit Becker</b> City of Solana Beach	<b>Vice Chair Stephen Whitburn</b> City of San Diego	<b>Jo MacKenzie</b> Vista Irrigation	<b>Vacant</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 Drake, Alt.</b> Rincon del Diablo	



## DISCUSSION

This item is for San Diego LAFCO to receive an update comparison of budget to actual expenses and revenues through the first quarter (December 31, 2023). The report provides the Commission the opportunity to track trends and provide related direction as needed.

### Expenses

San Diego LAFCO's budgeted expense total for 2023-2024 is \$2.745 million. This amount is divided between \$2.261 million in operating and \$0.484 million in non-operating units. Total actual expenses booked through the second quarter total \$1.110 million. This booked amount represents 40.4% of the budgeted total with 50.0% of the fiscal year complete. The actuals paired with staff analysis suggests LAFCO is on pace to finish with \$2.618 million in total expenses. Should this projection hold, LAFCO will achieve an unexpended budgeted savings in expenses of \$0.128 million or 4.6%. An expanded discussion on budgeted and actuals through the second quarter with year-end projections within the three expense units follow.

#### Expense Unit | Salaries and Benefits

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LAFCO has budgeted \$1.444 million in salaries and benefits in 2023-2024 with the proceeds largely tied to funding 9.0 fulltime equivalent positions.<sup>1</sup> Actual expenses through the second quarter total \$0.623 million or 43.4% of the budgeted amount with 50.0% of the fiscal year complete. Going forward it is expected overall actuals will total \$1.192 million through the end of the fiscal year with the reduction attributed to prolonged vacancies in three budgeted positions. If this projection holds, LAFCO will experience an overall unit surplus of \$0.244 million or 17.0% less any new amendments.

#### Expense Unit | Services and Supplies

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LAFCO has budgeted \$0.825 million in services and supplies for 2023-2024 with the proceeds largely tied to payments to the County of San Diego for information technology and general support followed by a range of professional service expenses (e.g., legal, consultants, etc.). Actuals through the second quarter total \$0.440 million or 53.3% of the budgeted amount with 50.0% of the fiscal year complete. Going forward it is expected overall actuals will total \$0.942 million through the end of the fiscal year and this includes absorbing additional consultant usage. If this projection holds, LAFCO will experience an overall unit shortfall of (\$0.117 million) or (14.2%) less any new amendments.

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<sup>1</sup> Other expenses booked in the salaries account include per diems, intern pay, and performance awards.

### **Expense Unit | Non-Operating**

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LAFCO has budgeted \$0.484 million in non-operating costs involving debt service and grant payments in 2023-2024. Total expenses billed during the second quarter total \$0.047 million and equals 9.7% of the budgeted amount. It is expected actuals will total \$0.484 million with a negligible surplus less any amendments.

### **Revenues**

San Diego LAFCO's budgeted revenue total for 2023-2024 is \$2.745 million. This amount is divided between \$2.261 million in operating and \$0.484 million in non-operating units. Actual revenues collected through the second quarter totals \$2.208 million. This amount represents 80.4% of the budgeted total with 50.0% of the fiscal year complete. These actuals paired with staff analysis suggest LAFCO's year-end revenue will total \$2.712 million. Should this projection hold, LAFCO will experience a budgeted shortfall of (\$0.034 million) or (1.2%) and attributed to slightly lower-than-expected application fees. An expanded discussion on budgeted and actual revenues through the second quarter with year-end projections follows.

### **Revenue Unit | Intergovernmental Fees**

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LAFCO has budgeted \$2.034 million in intergovernmental fees in 2023-2024. This total budgeted amount is divided between LAFCO's four agency membership categories based on statutory formula. All apportionments have been collected.

### **Revenue Unit | Service Charges**

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LAFCO has budgeted \$0.200 million in application fees in 2023-2024. Actuals through the second quarter totals \$0.140 million and represents 69.8% of the budgeted amount with 50.0% of the fiscal year complete. Staff anticipates the application fees ultimately tally \$0.175 million, which would result in a year-end deficit of (\$0.025 million) or (12.5%) less any new amendments.

### **Revenue Unit | Interest**

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LAFCO has budgeted \$0.015 million in interest earnings in 2023-2024. Actuals through the second quarter totals \$0.003 million of the budgeted total or 22.1% of the budget with 50.0% of the fiscal year complete. Staff anticipates interest collections will ultimately tally \$0.007 million and result in a year-end deficit of (\$0.009 million) or (56.7%).

### **Revenue Unit | Non-Operating**

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LAFCO has budgeted \$0.496 million in non-operating revenues that involve fund balance usage and grant awards in 2023-2024. Actuals through the second quarter totals \$0.031 million or 6.9% of the budget with 50.0% of the fiscal year complete. Staff anticipates full collection by the end of the fiscal year.

## ANALYSIS

Activity through the second quarter of the fiscal year shows San Diego LAFCO is generally proceeding as planned and there are no significant outliers in expenses or revenues effecting unit total amounts at this time. However, notable outliers are expected to emerge with the increasing need for outside consultants to assist LAFCO in accomplishing workplan projects to help absorb position vacancies and/or staff leaves. These expectations are incorporated into the year-end projections that labor costs will come under budget while non-labor costs will go over budget and necessitate reconciling amendments before the end of the fiscal year.

## RECOMMENDATION

It is recommended San Diego LAFCO accept and file the report and provide related direction to staff as needed. This recommendation is consistent with Alternative One outlined below.

## ALTERNATIVES FOR ACTION

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

Alternative One (recommended):

Accept and file the report with any additional direction to staff as needed.

Alternative Two:

Continue to a future meeting and provide direction to staff with respect to any additional analysis or information requested.

## PROCEDURES

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

Respectfully,



Keene Simonds  
Executive Officer

Attachment:

- 1) Second Quarter Budget Ledger with Year-End Projections

EXPENSES	FY2022-2023			FY2023-2024			
	Adopted	Amended	Actuals	Final	Actuals 2nd Quarter	% of Budget	Projected Year End
<b>Salaries and Benefits Unit</b>							
<u>Account No.</u>	<u>Description</u>						
51110-51310	786,510	786,510	715,968	891,455	382,932	43.0%	748,349
51410	275,694	275,694	255,990	318,295	159,993	50.3%	286,496
51415	9,030	9,030	8,155	10,273	4,613	44.9%	8,565
51421	-	-	-	-	-	-	-
51450	55,537	55,537	49,377	64,840	25,749	39.7%	51,581
51510-51550	125,476	125,476	102,010	150,033	49,340	32.9%	95,659
51560	2,000	2,000	1,000	1,000	132	13.2%	1,000
	<b>1,254,248</b>	<b>1,254,248</b>	<b>1,132,500</b>	<b>1,435,895</b>	<b>622,759</b>	<b>43.4%</b>	<b>1,191,650</b>
<b>Services and Supplies Unit</b>							
<u>Account No.</u>	<u>Description</u>						
52074	12,961	12,961	6,327	43,824	2,758	6.3%	28,558
52138	12,402	12,402	12,737	12,737	14,194	111.4%	14,194
52178	980	980	1,051	980	1,059	108.0%	1,899
52182	500	500	497	500	254	50.8%	500
52270	30,248	30,248	27,037	28,994	22,037	76.0%	23,343
52304	50	50	50	50	-	0.0%	-
52330	8,211	8,211	11,461	8,211	5,305	64.6%	9,985
52332	250	250	200	250	124	49.8%	250
52334	15,000	15,000	15,000	22,500	10,326	45.9%	30,326
52336	2,000	2,000	42	-	-	-	-
52338	50	50	-	-	-	-	-
52344	14,600	14,600	11,318	14,600	3,594	24.6%	7,894
52354	10,000	10,000	9,201	10,000	7,309	73.1%	10,909
52370	270,960	270,960	379,047	296,170	231,993	78.3%	487,186
52490	4,650	4,650	12,500	8,150	(1,112)	-13.6%	5,000
52504	6,600	6,600	6,600	6,600	2,324	35.2%	6,600
52530	137,868	137,868	142,239	144,743	51,675	35.7%	144,743
52550	72,466	72,466	30,624	40,000	16,183	40.5%	32,366
52562	-	-	469	-	70	-	70.00
52566	500	500	-	-	-	-	-
52602	500	500	-	-	-	-	-
52610	2,700	2,700	4,500	2,700	3,135	116.1%	4,000
52612	8,700	8,700	7,890	8,700	4,173	48.0%	8,346
52622	16,050	16,050	13,436	15,050	16,367	108.8%	20,000
52721	26,553	26,553	16,748	20,000	8,366	41.8%	16,731
52723	29,015	29,015	26,621	33,000	13,195	40.0%	26,390
52725+28	40,146	40,146	23,881	35,000	9,892	28.3%	19,784
52732	21,488	21,488	24,382	28,000	14,541	51.9%	29,082
52734	2,331	2,331	2,002	2,331	856	36.7%	1,712
52750	3,748	3,748	25,937	40,000	235	0.6%	10,000
52758	2,000	2,000	2,000	2,000	993	49.6%	2,000
	<b>753,528</b>	<b>753,528</b>	<b>813,798</b>	<b>825,091</b>	<b>439,845</b>	<b>53.3%</b>	<b>941,867</b>
OPERATING EXPENSE TOTAL	<b>2,007,776</b>	<b>2,007,776</b>	<b>1,946,298</b>	<b>2,260,986</b>	<b>1,062,604</b>	<b>47.0%</b>	<b>2,133,517</b>

EXPENSES CONTINUED...

Non Operating Unit

		FY2022-2023		
		Adopted	Amended	Actuals
<u>Account No.</u>	<u>Description</u>			
51421	Debt Service: OPEB Obligation Bonds	37,388	37,388	32,781
53585	Equipment Depreciation	-	-	-
TBD	Grant Award Payments	-	215,500	215,500
54955-54961	Fixed Assets	-	-	-
		37,388	252,888	248,281
	EXPENSE TOTALS	2,045,163	2,260,664	2,194,579

FY2023-2024			
Final	Actuals 2nd Quarter	% of Budget	Projected Year End
34,092	16,966	49.8%	33,932
-	-	-	-
450,000	30,051	-	450,000
-	-	-	-
484,092	47,017	9.7%	483,932
<b>2,745,079</b>	<b>1,109,621</b>	<b>40.4%</b>	<b>2,617,449</b>

REVENUES

Intergovernmental Unit

		FY2022-2023		
		Adopted	Amended	Actuals
<u>Account No.</u>	<u>Description</u>			
45918.1	Apportionments   County	515,479	515,479	515,479
45918.2	Apportionments   Cities (less SD)	515,479	515,479	515,479
45918.3	Apportionments   City of San Diego	257,830	257,830	257,830
45918.4	Apportionments   Special Districts	515,479	515,479	515,479
		1,804,265	1,804,266	1,804,266

FY2023-2024			
Final	Actuals 2nd Quarter	% of Budget	Projected Year End
581,074	581,074	100.0%	581,074
581,074	581,074	100.0%	581,074
290,639	290,639	100.0%	290,639
581,074	581,074	100.0%	581,074
2,033,861	2,033,861	100.0%	2,033,861

Service Charges Unit

		FY2022-2023		
		Adopted	Amended	Actuals
<u>Account No.</u>	<u>Description</u>			
46234	Application Fees	170,000	170,000	250,000
		170,000	170,000	250,000

FY2023-2024			
Final	Actuals 2nd Quarter	% of Budget	Projected Year End
200,000	139,655	69.8%	175,000
200,000	139,655	69.8%	175,000

Earnings Unit

		FY2022-2023		
		Adopted	Amended	Actuals
<u>Account No.</u>	<u>Description</u>			
44105	Interest and Dividends	15,000	15,000	5,000
		15,000	15,000	5,000
	OPERATING REVENUE TOTAL	1,989,265	1,989,266	2,059,266

FY2023-2024			
Final	Actuals 2nd Quarter	% of Budget	Projected Year End
15,000	3,320	22.1%	6,500
15,000	3,320	22.1%	6,500
2,248,861	2,176,836	96.8%	2,215,361

Non-Operating Unit

		FY2022-2023		
		Adopted	Amended	Actuals
<u>Account No.</u>	<u>Description</u>			
TBD	Grant Awards	-	215,500	215,500
47540	Transfer from Fund Balance	55,898	55,898	55,898
		55,898	271,398	271,398
	REVENUE TOTALS	2,045,163	2,260,664	2,330,664

FY2023-2024			
Final	Actuals 2nd Quarter	% of Budget	Projected Year End
450,000	31,194	6.9%	450,000
46,218	-	0%	46,218
496,218	31,194	0%	496,218
<b>2,745,079</b>	<b>2,208,030</b>	<b>80.4%</b>	<b>2,711,579</b>

<b>TOTAL NET</b>	-	-	<b>136,085</b>
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-	<b>94,130</b>
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FUND BALANCE

(unrestricted)	Start of Year	End of Year
Committed		
... Stabilization	250,000	250,000
... Opportunity	500,000	500,000
Assigned by EO	62,500	62,500
Unassigned	708,055	788,242
	1,520,555	1,600,742
% of unassigned balance to operating expenses:	35.3%	40.5%

(unrestricted)	Start of Year
Committed	
... Stabilization	250,000
... Opportunity	500,000
Assigned by EO	62,500
Unassigned	788,242
	1,600,742
% of unassigned balance to operating expenses:	34.9%



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

**5d**

**AGENDA REPORT**  
 Consent | Action

February 5, 2024

**TO:** Commissioners

**FROM:** Keene Simonds, Executive Officer  
 Michaela Peters, Local Government Analyst I

**SUBJECT:** **Proposed “Glen Abbey Memorial Cemetery Park – Bonita Road Change of Organization” | Annexation to San Diego County Sanitation District (CO23-10)**

**SUMMARY**

The San Diego County Local Agency Formation Commission (LAFCO) will consider a change of organization proposal initiated by landowner petition to annex approximately 110 unincorporated acres in Bonita to the San Diego County Sanitation District (“County SD”). The affected territory as submitted involves two contiguous legal parcels presently developed and used as part of the Glen Abbey Memorial Cemetery Park. The purpose of the proposal is to make public wastewater available to the remainder of the cemetery grounds and in doing so accommodate planned improvements involving the consolidation of existing mausoleums with the additions of a catering kitchen and restroom facilities. The affected territory lies within the existing County SD sphere of influence. Staff recommends conditional approval of the proposal with a modification to include 4.0 additional acres comprising an adjacent legal parcel owned and operated by the applicant as well as frontage along Bonita Road. Staff also recommends waiver of protest proceedings and exemption finding under the California Environmental Quality Act (CEQA).

<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>Vacant</b>          General Public</p> <p><b>Harry Mathis, Alt.</b>          General Public</p>
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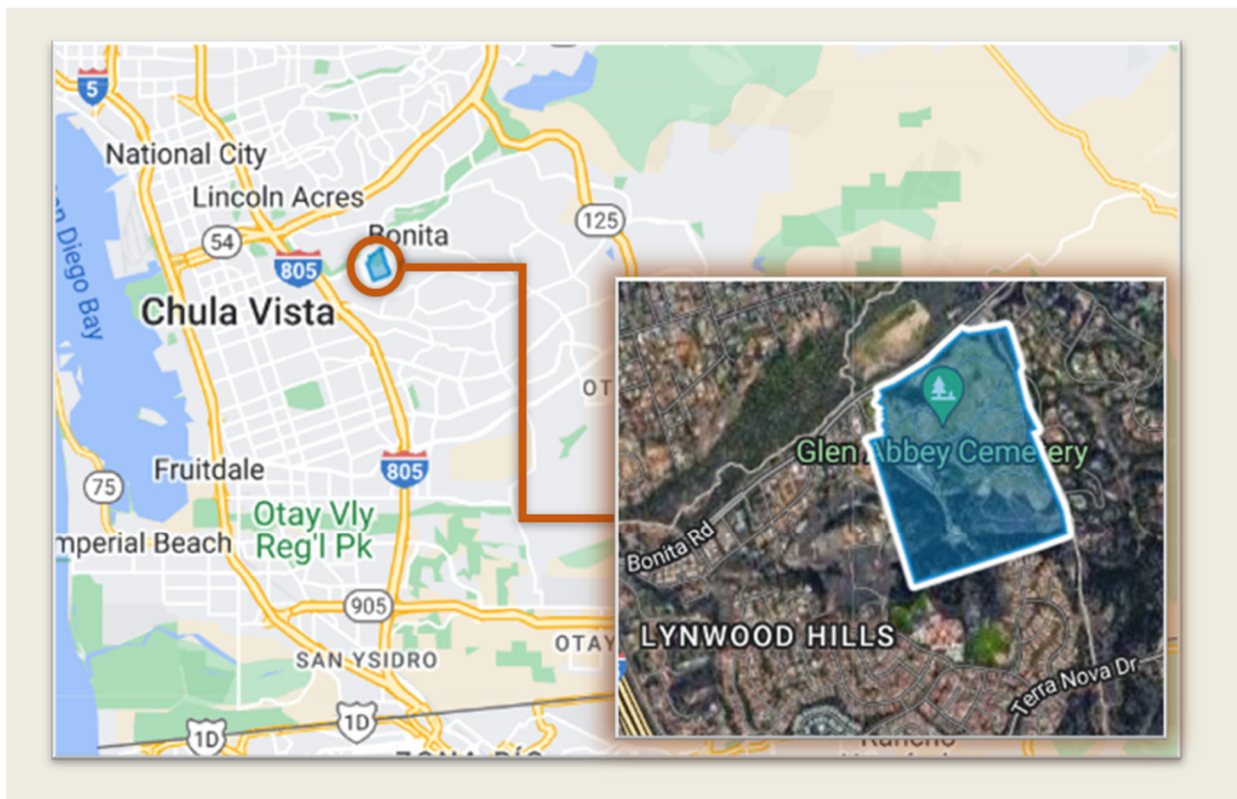
## BACKGROUND

### Applicant Request

San Diego LAFCO has received a proposal initiated by landowner petition – (SCI California Funeral Services, Inc.) – seeking approval to annex approximately 110 acres of unincorporated territory within the Bonita community to County SD and its wastewater function. The affected territory as submitted comprises two contiguous parcels developed as part of the Glen Abbey Memorial Cemetery Park, which was established in 1924 and offers a range of private interment services – including above and in-ground final resting. The two subject parcels are assigned a common situs of 3838 Bonita Road and formally identified by the County of San Diego Assessor’s Office as 592-040-03 and 592-040-10. The subject parcels’ sizes are 1.7 and 106.2 acres, respectively.

### Regional Setting

The affected territory is located in the unincorporated community of Bonita in southwest San Diego County near the intersection of Interstate 805 and State Route 54. Primary access to the affected territory is provided by Bonita Road. The affected territory lies within County Supervisorial District No. 1 (Nora Vargas), Assembly District No. 80 (David Alvarez), and Senate District No. 18 (Steve C. Padilla). An aerial map of the affected territory and its regional setting follows with a more detailed map – including showing the subject parcels and County SD’s jurisdictional boundary – provided as Attachment One.





## Subject Agency

The proposed change of organization filed with San Diego LAFCO involves one subject agency: County SD.<sup>1</sup> A summary of the subject agency in terms of governance, resident population, municipal functions, and financial standing follows.

- **County SD** is a dependent special district governed by the County of San Diego and serves as successor agency to a multi-agency consolidation completed by LAFCO in 2010. The lone active service function is wastewater (collection, treatment, and disposal classes). The jurisdictional boundary spans 46 square miles – or 29,571 acres – and is divided between seven distinct service areas – Alpine-Lakeside, Campo, East Otay Mesa, Julian, Pine Valley, Spring Valley, and Winter Gardens – with a combined LAFCO estimated resident population of 141,950. The affected territory subject to the proposal before LAFCO lies in Spring Valley, which is the largest of the seven service areas with an estimated resident population of 88,955. Wastewater collected within Spring Valley flows to the City of San Diego’s adjacent collection system and thereafter to the Point Loma Treatment Facility before discharge into the Pacific Ocean; the latter operated by the Metro Wastewater Joint Powers Authority with the District as one of the signatories. LAFCO established a sphere of influence for County SD in 2010. The sphere was most recently reviewed and affirmed in 2019 with a “larger-than-agency” designation and marked by the inclusion of approximately 9,300 non-jurisdictional acres. The County SD’s audited net position is \$148.0 million as of June 30, 2023, with an unrestricted balance of \$68.9 million. This includes an ending cash balance of \$67.2 million. The ending net position reflects an overall change during the three last audited years of 19%.

## Affected Local Agencies

The affected territory presently lies within the jurisdictional boundaries and/or spheres of influence of seven local agencies directly subject to San Diego LAFCO’s planning and regulatory responsibilities. These agencies qualify as “affected agencies” relative to the proposed change of organization for noticing purposes and listed below.<sup>2</sup>

- Bonita-Sunnyside Fire Protection District
- CSA No. 135 (Regional Communications)
- Metropolitan Water District of Southern California
- San Diego County Flood Control District
- San Diego County Street Lighting District
- San Diego County Water Authority
- South Bay Irrigation District

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<sup>1</sup> State law defines “subject agency” to mean any district or city for which a change of organization or reorganization is proposed.

<sup>2</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.

The affected territory also lies within the following school and college districts, and accordingly receive notice of the proposal: Chula Vista Elementary School District; Sweetwater Union High School District; and Southwestern Community College District.

## **DISCUSSION**

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

### **Proposal Purpose**

The purpose of the proposed change of organization before San Diego LAFCO is to extend public wastewater to the affected territory within the Glen Abbey Memorial Cemetery Park and in doing so accommodate planned improvements allowed under County zoning. The planned improvements underlying the need for wastewater service involves the consolidation of existing mausoleums paired with the additions of a catering kitchen and restroom facilities. The timing of the proposal follows the applicant receiving approval for a “minor deviation” to its major use permit (PDS2019-MUP-52-008W3M1) to proceed with the planned improvements in November 2019.

### **Current and Planned Development**

The County of San Diego General Plan designates (plans) both subject parcels comprising the affected territory as Public/Semi-Public Facilities. This designation is characterized by allowing both public and certain private uses that are used for public uses and include hospitals, cemeteries, and landfills. The designation is anchored by a maximum floor-area ratio of 0.5; i.e., the development footprint may be no more than half of the lot area. The County separately zones both subject parcels as Rural Residential (RR) with a minimum lot size assignment of 1.0 acres. Current cemetery use is authorized under a major use permit.

### **Commission Focus**

San Diego LAFCO’s current sphere of influence designation for County SD includes the affected territory and can readily accommodate the proposed change of organization. This existing sphere determination narrows the Commission’s consideration to two central and sequential policy items. These take the form of determinations and orient the Commission to consider the stand-alone merits of the (a) timing of the change of organization and (b) whether discretionary modifications or terms are appropriate. The Commission must also consider other relevant statutes in and outside LAFCO law as detailed.

## ANALYSIS

San Diego LAFCO’s analysis of the proposed change of organization is divided into two subsections. The first subsection pertains to evaluating the central issues referenced in the preceding section relative to both statutory and local policy considerations. The second subsection considers other germane issues and highlighted by applicability under the California Environmental Quality Act (CEQA).

### Central Policy Items

#### Item No. 1 | Change of Organization Timing

San Diego LAFCO’s consideration of the proposed change of organization’s timing draws on analyzing baseline factors required in statute as 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 as well as assessing the ability of subject agencies providing services going forward.<sup>3</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.

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, registered voter counts, and so on – to discretionary analyses. This latter category is highlighted by evaluating the proposed annexation’s relationship to community needs as well as the service capacities and related financial resources of the subject agencies. A summary of key conclusions generated in reviewing these discretionary matters for the proposed change of organization regarding (a) service needs, (b) service availability and capacities, and (c) related financial considerations follow.

- With respect to **service needs**, the affected territory’s present and planned uses as a public-serving use – and specifically as a cemetery – merits public wastewater services. Annexation of the affected territory to County SD for purpose of making available public wastewater service accommodates this need and serves as a preferred alternative to operating one or more onsite septic systems to accommodate the planned improvements authorized by the County.

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<sup>3</sup> Reference to Government Code Section 56668.

- With respect to **service availability and capacities**, County SD has available and sufficient wastewater capacities to accommodate the project service demands in the affected territory at its planned uses. Specifically, an existing County SD wastewater main is located within the public rights-of-way on Bonita Road and Glen Abbey Drive and can readily serve the affected territory through an approximate 1500-foot lateral connection. (The referenced wastewater main currently serves other legal parcels comprising the Glen Abbey Memorial Cemetery Park consisting of the administrative office and mortuary/chapel.) Based on planned improvements, it is projected the maximum average day wastewater flow generated within the affected territory is 1,440 gallons.<sup>4</sup> This projected amount can be readily accommodated by County SD and represents one-tenth of 1.0% - or 0.1% - of its remaining available capacity.<sup>5</sup>
- With respect to **related financial considerations**, County SD has adequate financial resources and related administrative controls to provide wastewater services to the affected territory in support of its planned development without adversely impacting current ratepayers. This comment is reflected in the staff analysis of recent audited statements, which shows the County SD having established high liquidity (short-time financial standing) and capital (long-term financial standing) levels via an ending current ratio of 109.8 to 1 and debt ratio of 0.43%, respectively, at the end of 2022-2023.
- Timing Factor No. 2:  
Consideration of Policy L-107

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San Diego LAFCO adopted L-107 in May 2010 to require all applicants to disclose jurisdictional disputes or related matters that are associated with their proposal filings with additional details footnoted.<sup>6</sup> No jurisdictional disputes have been disclosed by County SD in filing the change of organization proposal. LAFCO staff, similarly, has not identified any disputes or related concerns involving other local agencies in the administrative review.

## CONCLUSION | MERITS OF CHANGE OF ORGANIZATION TIMING

The timing of the change of organization involving the annexation of the affected territory to County SD is sufficiently warranted. Justification is marked by the preceding analysis and highlighted by appropriately syncing a planned need paired with utilizing available public facilities and capacities. Additional analysis supporting the conclusion is provided in Appendix A.

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<sup>4</sup> The projected maximum average day use is set to six (6) equivalent dwelling units and their per unit demand of 240 daily gallons.

<sup>5</sup> County SD's current average day wastewater flow is 11.0 million gallons while its overall capacity is 25.0 million gallons.

<sup>6</sup> The Executive Officer retains discretion to determine the extent of consultation needed.

## Item No. 2 | Modifications and Terms

Two modifications to the submitted change of organization have been identified by San Diego LAFCO staff meriting Commission consideration at this time. The identified modifications collectively involve expanding the affected territory by an additional 4.0 acres. Much of the additional acreage involves a 2.1-acre adjacent parcel owned and operated by the applicant as part of the cemetery operation. The remainder of the modification involves adding 1.9 acres of frontage along Bonita Road to the centerline. These modifications collectively provide a cleaner boundary for County SD.

A map showing the proposed modifications is provided as Attachment Two.

Approval terms are recommended and include standard provisions under Government Code Section 57302 for all jurisdictional changes along with incorporating the requested and otherwise reasonable conditions included in the landowner’s application and summarized in the preceding section. A listing of all proposed terms is provided in the draft resolution of approval presented as Attachment Two.

### CONCLUSION | MODIFICATIONS AND TERMS

Staff recommends two modifications to include 1.9 acres of public right-of-way along Bonita Road to the centerline as well as another 2.11-acre parcel (595-050-44) contiguous to the affected territory. Approval of the proposed change of organization as submitted appears warranted. Standard approval terms along with those requested by the landowner are recommended.

## Other Statutory Considerations

### Exchange of Property Tax Revenues

California Revenue and Taxation Code Section 99(b)(6) requires the adoption of a property tax exchange agreement by the affected local agencies before San Diego LAFCO can consider any jurisdictional change unless an applicable master agreement applies. The associated statutes also empower the County of San Diego to make all related property tax exchange determinations on behalf of special districts. Staff has confirmed the County Board of Supervisors has adopted a master agreement to govern the tax exchange for the proposed change of organization. The master agreement specifies no transfer of property taxes would occur following the annexation of the affected territory to County SD.

## Environmental Review

San Diego LAFCO serves as lead agency for assessing impacts for the proposal and requested boundary change under CEQA given its initiation by landowner petition. Staff believes the proposal qualifies as a project under CEQA but is exempt from further review under State Guidelines Section 15319(a). Staff believes this exemption appropriately applies given the underlying project activity involves annexation of existing private structures and ancillary uses developed to the density allowed under County of San Diego zoning via an approved Major Use Permit.

## Protest Proceedings

Protest proceedings for the proposed change of organization may be waived by LAFCO should the Commission proceed with an approval under Government Code Section 56662. The waiver appropriately applies under this statute given the affected territory is uninhabited as defined under LAFCO law (i.e., less than 11 voters); the subject agency has not filed an objection to the waiver; and the landowners have consented to the underlying action.<sup>7</sup>

## RECOMMENDATION

Staff recommends conditional approval of the change of organization proposal as submitted with a modification to include 4.0 additional acres as described in the preceding section along with standard terms. This recommendation is consistent with the action outlined as 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 change of organization proposal with modifications to include the adjacent legal parcel and frontage along Bonita Road as shown in Attachment Two. Additionally, waive protest proceedings and make Class 19 exemption finding.

Alternative Two:

Continue consideration to the next regular meeting.

Alternative Three:

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

---

<sup>7</sup> LAFCO law defines uninhabited as territory in which less than 11 registered voters reside.

## PROCEDURES FOR CONSIDERATION

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

On behalf of the Executive Officer,



Michaela Peters  
Local Governmental Analyst I

Appendices:

- A) Analysis of Proposal Review Factors

Attachments:

- 1) Vicinity Map of the Affected Territory as Submitted
- 2) Vicinity Map of the Affected Territory with Recommended Modifications
- 3) Draft Resolution of Approval
- 4) Application Materials

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**APPENDIX A**  
**Government Code Section 56668**  
**Proposal Review Factors**

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

The affected territory as submitted involves two contiguous legal parcels presently developed and used as the Glen Abbey Memorial Cemetery Park. The purpose of the proposal is to make public wastewater available to the remainder of the cemetery grounds and in doing so accommodate planned improvements involving the consolidation of existing mausoleums with the additions of a catering kitchen and restroom facilities. The affected territory lies within the existing County SD sphere of influence. Staff recommends conditional approval of the proposal with a modification to include 4.0 additional acres comprising of an adjacent legal parcel owned and operated by the applicant as well as frontage along Bonita Road.

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

The County of San Diego serves as the primary purveyor of general governmental services to the affected territory. These governmental services include community planning, roads, and law enforcement. Other pertinent public service providers include South Bay ID (domestic water) and Bonita-Sunnyside FPD (fire protection and emergency medical). This proposal affects only wastewater and is the focus of the succeeding analysis.

- **Extending Public Wastewater to Affected Territory**

Connection to County SD can be made available through a 1,500-foot extension of an existing wastewater main located within the public right-of-way on Bonita Road and Glen Abbey Drive. The projected average daily wastewater flow for the affected territory at its maximum use and current zoning is 1,440 gallons. This projected amount can be readily accommodated by County SD and represents 0.1% of its available treatment capacity remaining within its wastewater system.

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

---

Approving the change of organization and annexation therein to County SD would reflect and strengthen existing economic and social ties between the District and the affected territory that tie back to LAFCO placing the lands within the District’s sphere of influence. This existing designation signals the explicit policy expectation of the lands meriting wastewater service from County SD when the timing is separately deemed appropriate.

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

---

Approving the proposed change of organization and annexation to County SD would facilitate the orderly expansion of the District’s jurisdictional boundary consistent with the sphere of influence. The affected territory does not contain “open-space” as defined under LAFCO law and no conflicts exist under Government Code Section 56377. Additional analysis concerning conformance with germane Commission policies follows.

- San Diego LAFCO Policy L-107 requires applicants to disclose and address potential jurisdictional issues associated with their proposals and if applicable, requires a consultation process with affected agencies, interested parties, or organizations to help discuss and potentially remedy concerns unless waived by the Executive Officer. No jurisdictional disputes or related concerns were identified or disclosed by the applicant, by affected agencies, or interested parties in the review of the proposal.

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

---

The affected territory does not presently contain “prime agricultural land”, or “agricultural land” as defined under LAFCO law. Specifically, the affected territory does not contain lands currently used for any of the following purposes: producing an agricultural commodity for commercial purposes; left fallow under a crop rotational program; or enrolled in an agricultural subsidy program. Approval of the proposal and annexation to County SD would not adversely affect the physical or economic well-being of agricultural lands.

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

---

LAFCO is in receipt of a draft map and geographic description of the affected territory that details metes and bounds 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.**

---

The proposed change of organization would extend wastewater to accommodate planned improvements authorized by the County through an approved minor deviation to a major use permit. The proposal and its anticipated outcomes do not generate any known conflicts with *San Diego Forward*, the regional transportation plan adopted by the San Diego Association of Governments.

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

---

The affected unincorporated territory is presently designated by the County of San Diego General Plan as Public/Semi-Public (P/SP). This designation identifies major facilities built and maintained for public use. Examples include institutional uses, academic facilities, governmental complexes, and community service facilities, such as County airports, public schools, correctional institutions, solid waste facilities, water facilities, and sewer facilities. This designation may include privately owned facilities built and maintained for public use, such as hospitals, cemeteries, and landfills. A maximum FAR of 0.50 is permitted.

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

---

The affected territory lies entirely within the existing sphere of influence designated for the County SD.

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

---

Notice of the submitted change of organization proposal was distributed to all affected and 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 January 29, 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.**

---

Information collected and reviewed as part of this proposal indicates the County SD has overall sufficient and available financial resources and administrative controls therein relative to serving the affected territory without adversely impacting existing constituents. This statement is supported by the following factors.

- County SD’s last outside audit covers 2022-2023 and shows the County finished with high liquidity levels with an agency-wide current ratio of 109.8 (i.e., \$109.8 in current assets for every \$1.00 in current liabilities).
- County SD finished 2022-2023 with good capital levels and marked by a low debt ratio of 0.43% (i.e., only \$43.00 out of every \$100.00 in net assets are financed.)
- County SD finished 2022-2023 with an overall total margin of 25.9%.

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

---

The affected territory’s existing public uses are presently within and connected to County SD’s wastewater service. Approval of the proposed change of organization would not affect the timely availability of water supplies to the affected territory.

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

---

The proposed change of organization would not impact any local agencies in accommodating their regional housing needs.

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

---

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

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

---

See above analysis for (h).

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

---

The change of organization is expected to aid and/or otherwise promote environmental justice by enhancing wastewater and integrated public safety services within the affected territory and for any groups that are susceptible to pollution burdens and their effects. This latter category – notably – includes 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 (a) pollution burdens and (b) susceptible population to pollution burdens relative to all census tracts in California. These rankings follow.

- The affected territory’s **composite pollution burden ranking** falls in the thirty-first percentile with an internal range between 0 to 77 percentiles. Five pollution burden measurements exceed the 50 percentile and considered relatively high. These five measurements are relative to air quality (PM 2.5), air quality (diesel PM), toxic releases, traffic, hazardous waste, and drinking water contaminants.
- The affected territory’s **composite susceptible population ranking** falls in the twenty-fifth percentile with an internal range between 15 to 60 percentiles. One of these at-risk groups exceeds the 50 percentile and involves unemployment.

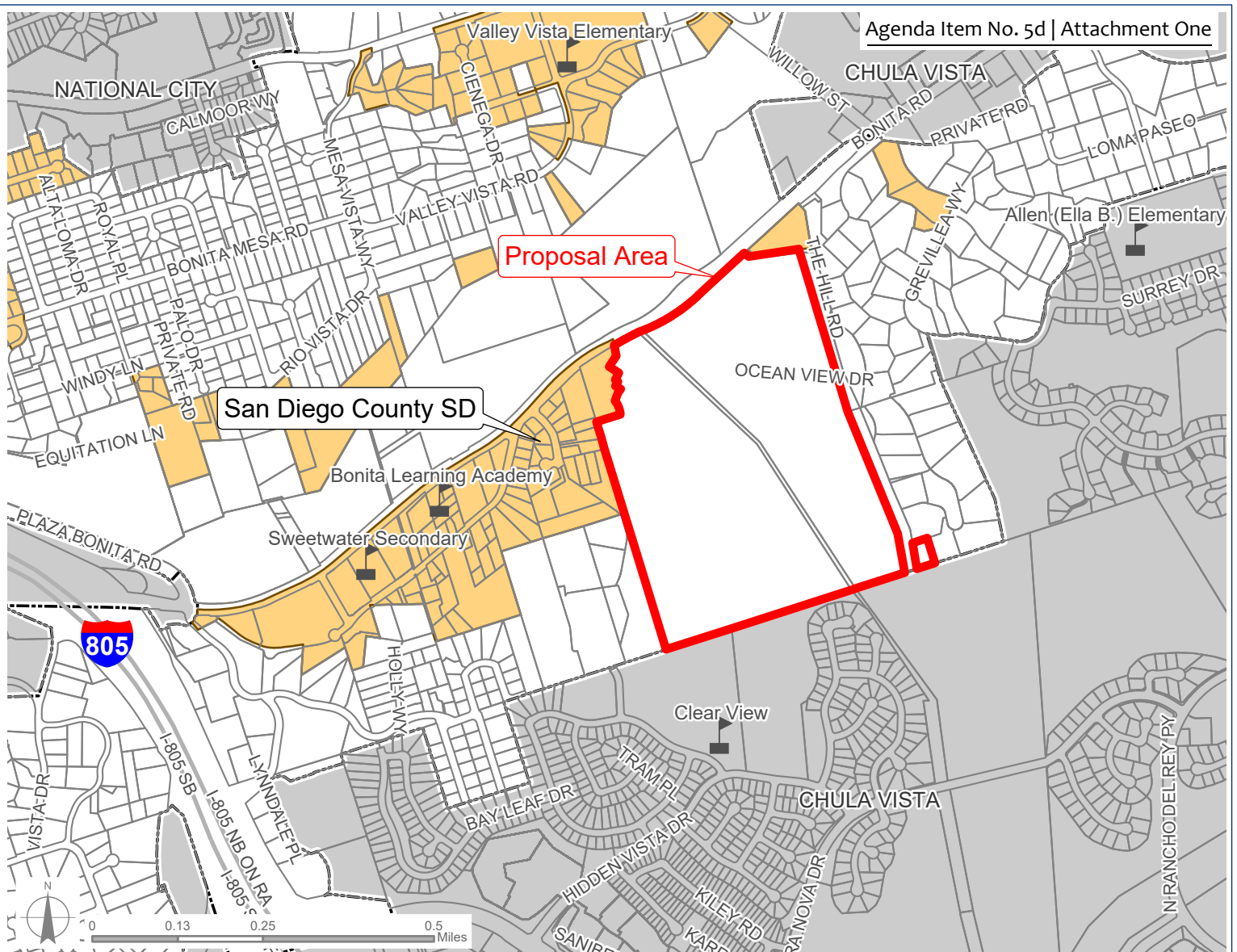
A summary of all tracked pollution burdens and susceptible population follows.

Census Tract 6073013412	
Pollution Burdens and Susceptible Population	
Table 2.6a (Source: California Environmental Protection Agency and SD LAFCO)	
Factor	Census Tract 6073013412
No. of Census Tracts	1
Estimated Population within Tract(s)	4,691
Pollution Burden	Weighted Percentile
<b>... Percentile</b>	<b>31.5</b>
Indicator   Air Quality: Ozone	32.2
Indicator   Air Quality: PM 2.5:	50.9
Indicator   Air Quality: Diesel PM:	61.9
Indicator  Pesticides:	0.0
Indicator   Toxic Releases:	57.5
Indicator  Traffic:	77.0
Indicator   Drinking Water Contaminants:	31.7
Indicator   Lead in Housing:	17.8
Effects   Cleanup Sites:	0.00
Effects   Groundwater Threats:	0.00
Effects   Hazardous Waste:	55.4
Effects   Impaired Water:	72.6
Effects   Solid Waste:	0.00
Sensitive Population	Weighted Percentile
<b>... Percentile</b>	<b>25.2</b>
Population   Asthma:	36.6
Population   Low Birth Weight:	38.5
Population   Cardiovascular Disease:	15.3
Population   Education:	31.4
Population   Linguistic Isolation:	34.7
Population   Poverty:	30.0
Population   Unemployment:	60.6
Population   Housing Burden:	29.2

- 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 within a “No Designation” fire hazard zone and a “Low-Level” earthquake hazard zone.





CO23-10

### "GLEN ABBEY MEMORIAL PARK - BONITA ROAD CHANGE OF ORGANIZATION" | ANNEXATION TO THE SAN DIEGO COUNTY SANITATION DISTRICT

-  Proposal Area
-  San Diego County SD

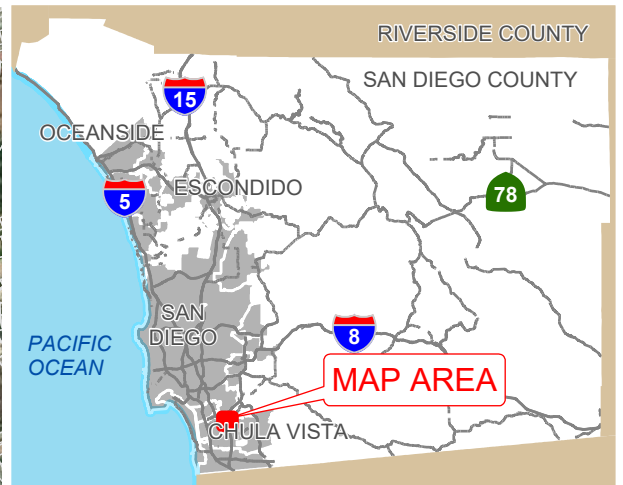
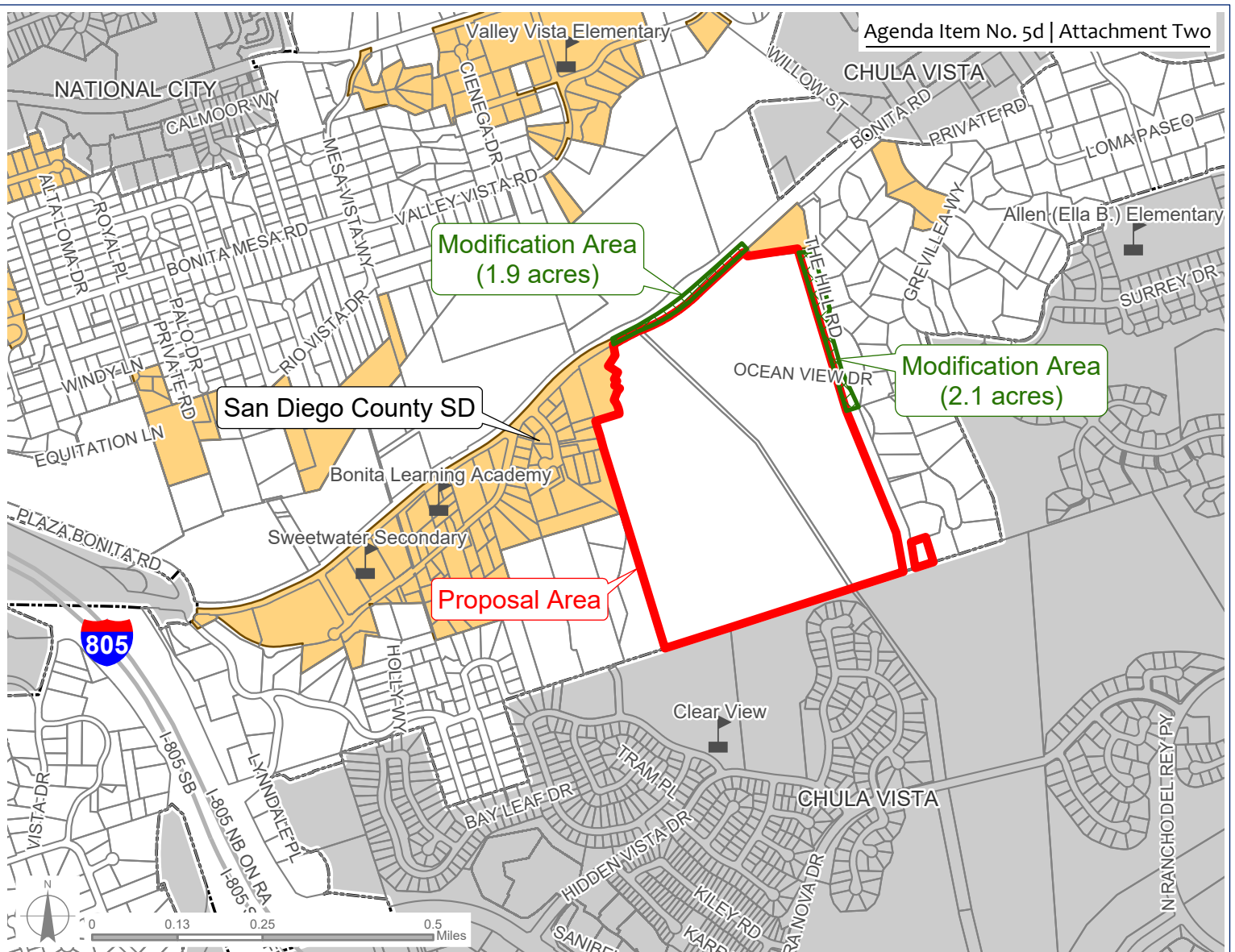


**San Diego County**  
**Local Agency Formation Commission**  
 Regional Service Planning | Subdivision of the State of California

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CO23-10

"GLEN ABBEY MEMORIAL PARK - BONITA ROAD CHANGE OF ORGANIZATION" | ANNEXATION TO THE SAN DIEGO COUNTY SANITATION DISTRICT

-  Recommended Modification Areas
-  Proposal Area
-  San Diego County SD



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

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Created by Dieu Ngu -- 1/29/2024

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

SAN DIEGO COUNTY LOCAL AGENCY FORMATION COMMISSION

MAKING DETERMINATIONS, APPROVING, AND ORDERING A REORGANIZATION

**“GLEN ABBEY MEMORIAL CEMETERY PARK – BONITA ROAD CHANGE OF ORGANIZATION”  
ANNEXATION TO THE SAN DIEGO COUNTY SANITATION DISTRICT  
LAFCO FILE NO. CO23-10**

**WHEREAS**, on July 19, 2023, interested landowner – SCI California Funeral Services, Inc. (Ellen Rattu, General Manager) – filed a petition to initiate proceedings and an application with the San Diego County Local Agency Formation Commission, hereinafter referred to as “Commission”, pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000; and

**WHEREAS**, the application before the Commission seeks approval of a change of organization of approximately 110 acres of unincorporated territory in the County of San Diego involving annexation to the San Diego County Sanitation District; and

**WHEREAS**, the affected territory as proposed includes two contiguous legal parcels consisting of burial grounds, several mausoleums, office buildings, event spaces, etc., and identified by the County of San Diego’s Assessor’s Office as 592-040-03 & 592-040-10; and

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

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

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

**WHEREAS**, the Commission heard and fully considered all the evidence presented at a noticed public meeting on the proposal on February 5, 2024;

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

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

1. The public meeting was held on the date set therefore, and due notice of said meeting was given in the manner required by law.
2. At the public meeting, the Commission considered the Executive Officer’s report.
3. With respect to considering the effects of the proposed reorganization under the California Environmental Quality Act (CEQA), the Commission’s makes the following findings:

- a) San Diego LAFCO serves as lead agency for assessing impacts for the proposal and requested boundary change under CEQA given its initiation by landowner petition. The Commission finds the proposal qualifies as a project under CEQA but is exempt from further review under State Guidelines Section 15319(a). This exemption appropriately applies given the underlying project activity involves annexation of existing private structures and ancillary uses developed to the density allowed under County of San Diego zoning via an approved Major Use Permit.
4. The Commission APPROVES the change of organization with modifications and subject to conditions as provided. Modifications involve the addition of legal parcel 592-050-44 along with adjacent public right-of-way on Bonita Drive. These modifications are shown on the vicinity map provided as Exhibit A.
5. The affected territory as modified consistent with the State Board of Equalization filing standards is shown in “Exhibit B” and described in “Exhibit C.”
6. The Commission CONDITIONS all approvals on the following terms being satisfied by February 5, 2025 unless an extension is requested in writing and approved by the Executive Officer:
  - a) Completion of the 30-day reconsideration period provided under Government Code Section 56895.
  - b) Submittal to the Commission of final map and geographic description of the affected territory as approved by the Commission conforming to the requirements of the State Board of Equalization – Tax Services Divisions.
  - c) Submittal to the Commission of the following payments:
    - o A check made payable to LAFCO in the amount of \$50.00 for the County of San Diego-Clerk Recorder to reimburse for filing a CEQA Notice of Exemption consistent with the finding in the resolution.
    - o A check made payable to the State Board of Equalization for processing fees in the amount of \$2,000.
7. The Commission assigns the proposal the following short-term designation: “Glen Abbey Memorial Cemetery Park – Bonita Road Change of Organization”.
8. The affected territory as designated by the Commission is uninhabited as defined in Government Code Section 56046.
9. The Commission waives conducting authority proceedings under Government Code Section 56662.
10. The San Diego County Sanitation District is a registered-voter district.
11. The San Diego County Sanitation District utilizes the County of San Diego assessment roll.

12. The affected territory will be liable for any existing bonds, contracts, and/or obligations of the San Diego County Sanitation District as provided under Government Section 57328.
13. The effective date of the approval shall be the date of recordation but not before the completion of a 30-day reconsideration period and only after all terms have been completed as attested by the Executive Officer.
14. As allowed under Government Code Section 56107, the Commission authorized the Executive Officer to make non-substantive corrections to the resolution to address any technical defects, errors, irregulates, or omissions.
15. The Executive Officer is hereby authorized and directed to transmit copies of this resolution as provided in Sections 56880-56882 of the Government Code.
16. The Executive Officer is further authorized and directed to prepare, execute, and record a Certificate of Completion, make the required filings with the County Assessor, County Auditor, and the State Board of Equalization as required by Section 57200, et seq., of the Government Code.

\*\*

PASSED AND ADOPTED by the Commission on February 5, 2024 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINING:

\*\*

ATTEST:

\_\_\_\_\_  
Keene Simonds  
Executive Officer

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**EXHIBIT A**  
**VICINITY MAP OF AFFECTED TERRITORY AS MODIFIED**

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**EXHIBIT B**  
**MAP OF THE AFFECTED TERRITORY**

-Placeholder-

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**EXHIBIT C**  
**DESCRIPTION OF THE AFFECTED TERRITORY**

-Placeholder-

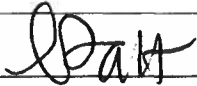

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Part IVb: LANDOWNER PETITION

Petitions must meet minimum signature requirements (see Part V). Signatures must be secured within six months of the date on which the first signature was affixed. Petitions must be submitted to the LAFCO Executive Officer within 60 days after the last signature is affixed (Govt. Code § 56705).

**Each of the undersigned states:**

- I personally signed this petition.
- I am a landowner of the affected territory.
- I personally affixed hereto the date of my signing this petition and the Assessor's Parcel Number(s), or a description sufficient to identify the location of my land.

Name of Signer	Assessor's Parcel Number(s)	Date Signed	Official Use
Sign <u></u> Print <u>Ellen Rattu, General Manager</u>	592-040-10	7.18.2023	
Sign <u></u> Print <u>Ellen Rattu, General Manager</u>	592-040-03	7.18.2023	
Sign _____ Print _____			
Sign _____ Print _____			
Sign _____ Print _____			
Sign _____ Print _____			



Bob Dowson / bob.dowson@sci-us.com



August 1, 2020

Subject : Authorized Agent  
Glen Abbey Memorial Park  
3838 Bonita Road  
Bonita, CA 91902  
APN.592-040-10-00

As a duly appointed corporate officer of SCI California Funeral Services, Inc, owner of the above property, I authorize Ellen Rattu , General Manager of Glen Abbey Memorial Park, Michael Green, Maria Grupp, Beth Nelson, and Jennifer Shen, employees of Clark & Green Associates, to act as authorized agents on behalf of Glen Abbey Memorial Park for purposes of signing and processing County of San Diego permit applications, and all associated plans, reports, and other documents pertaining to the above property and projects within it .

A handwritten signature in black ink, appearing to read "Bob Dowson", written over a horizontal line.

Robert Dowson, Vice President

**SCI CALIFORNIA FUNERAL SERVICES**

1625 Gisler Ave., Costa Mesa, CA. 92626  
714-556-3974 714 556-3984 (fax)



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

**5e**

**AGENDA REPORT**  
 Consent | Action

February 5, 2024

**TO:** Commissioners

**FROM:** Chair Jim Desmond  
 Keene Simonds, Executive Officer

**SUBJECT:** Commission Counsel Services |  
 Proposed New Agreement with Colantuono, Highsmith & Whatley

**SUMMARY**

The San Diego County Local Agency Formation Commission (LAFCO) will consider a proposed new agreement for legal services with Colantuono, Highsmith & Whatley. The new agreement resets and extends the term through June 30, 2027 and makes related updates involving billing rates – including establishing a rate distinction for litigation services. The Chair recommends approval of the new agreement.

**BACKGROUND**

**Appointment of Commission Counsel**

San Diego LAFCO appointed Colantuono, Highsmith & Whatley (CHW) as Commission Counsel in March 2015 following a competitive bid process. The appointment satisfies Government Code Section 56384 and direction to independently appoint Commission Counsel to advise LAFCO on all matters. The current agreement approved by the Commission in November 2019 with CHW’s Holly Whatley designated as lead counsel – i.e., Commission Counsel – with a flat all-purpose hourly rate of \$355. The agreement term expired on June 30, 2022. However, and as allowed, the Executive Officer extended the agreement for two additional years with the latter serving as a placeholder and ahead of bringing a new agreement via the Chair to the Commission for its review and approval.

<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>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 Drake, Alt.</b> Rincon del Diablo	<b>Vacant</b> General Public  <b>Harry Mathis, Alt.</b> General Public
--	---	---	--	---	--

A copy of the current agreement is provided as Attachment One.

## DISCUSSION

This item is for San Diego LAFCO to consider a proposed new three-year agreement for ongoing legal services with CHW. The proposed new agreement has been developed between the Chair and Ms. Whatley and would become immediately effective. Changes incorporated into the proposed new agreement follows.

- The hourly advisory rate increases from \$355 to \$374. The increase represents a change of 5.3% and matches the current annual inflation rate for the San Diego area.
- A litigation rate is separately established beginning at \$425 per hour. The litigation rate would increase to \$450 for the second and third year.
- Aleks Giragosian is added to the list of CWH representatives responsible for filing an annual statement of economic interest (“Form 700”). Michael Colantuono is removed.

A copy of the proposed new agreement is provided as Attachment Two.

## ANALYSIS

The proposed new agreement with CHW renews the current arrangement for ongoing legal services with otherwise modest and merited monetary changes as described. Chair Desmond supports proceeding with the new agreement without soliciting outside proposals given the quality and depth of legal services provided by CHW and Ms. Whately.

## RECOMMENDATION

It is recommended San Diego LAFCO approve the proposed new agreement for legal services with CHW consistent with Alternative Action One as outlined in the proceeding section.

## ALTERNATIVES FOR ACTION

The following alternative actions are available to San Diego LAFCO and can be accomplished through a single-approved motion.

Alternative One (recommended):

Approve the proposed new agreement with CHW provided as Attachment Two with any desired revisions and authorize the Executive Officer to sign on behalf of LAFCO.

Alternative Two:

Continue item to a future meeting.



## PROCEDURES FOR CONSIDERATION

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

On behalf of the Chair,



Keene Simonds  
Executive Officer

Attachments:

- 1) Existing Agreement for Legal Services with CHW
- 2) Proposed New Agreement for Legal Services with CHW

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**AGREEMENT BETWEEN  
SAN DIEGO COUNTY  
LOCAL AGENCY FORMATION COMMISSION  
AND Colantuono, Highsmith & Whatley, PC  
FOR LEGAL COUNSEL SERVICES**

THIS AGREEMENT is effective on the first day of July 2019 between Colantuono Highsmith & Whatley, PC (hereinafter called "Legal Counsel"), and the San Diego Local Agency Formation Commission (hereinafter called "LAFCO").

WITNESSETH:

WHEREAS, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Section 56380 et seq.) authorizes LAFCO to employ or contract for professional or consulting services to carry out the functions of the Commission; and

WHEREAS, LAFCO desires the services of a law firm to provide legal representation / legal advice.

NOW, THEREFORE, IT IS MUTUALLY AGREED by and between parties as follows:

I. EMPLOYMENT OF LEGAL COUNSEL

LAFCO agrees to engage Legal Counsel and Legal Counsel hereby agrees to perform the services hereinafter set forth.

II. INTENT OF PARTIES

It is understood between parties that Legal Counsel will perform services as determined necessary by the Executive Officer.

III. SCOPE OF LEGAL COUNSEL SERVICES

Legal Counsel shall undertake the following services on a retainer basis at the request and direction of the Executive Officer.

1. Legal Counsel will be on call to answer questions from the Executive Officer or to perform legal representation / legal advice services as requested by the Executive Officer on an "as-needed" basis.
2. Legal Counsel will provide regular updates to the Executive Officer regarding legal representation / legal advice services when requested by the Executive Officer.

IV. ADMINISTRATOR OF AGREEMENT

The Executive Officer is LAFCO's representative (contract officer) for purposes of administering this Agreement. Holly O. Whatley (Colantuono, Highsmith and Whatley, PC), is Legal Counsel's representative for purposes of administering this Agreement, and is Legal Counsel's LAFCO representative and contact person.

V. LEGAL COUNSEL'S EMPLOYEES AND EQUIPMENT

Legal Counsel agrees that it has secured or will secure at its own expense all persons, employees and equipment required to perform the services required under this Agreement and that all such services will be performed by Legal Counsel, or under Legal Counsel's supervision, by persons authorized by law to perform such services.

VI. TERM

This agreement shall become effective upon execution by both parties and shall continue until terminated or the date of expiration. The agreement shall remain in effect through June 30, 2022, and shall be subject to renewal on July 1, 2022. This agreement may be extended by the Executive Officer for annual periods, unless otherwise specified by the Commission.

VII. COMPENSATION AND MANNER OF PAYMENT

Legal Counsel will be compensated only for legal representation / legal advice services described in Section III above performed at the express direction of the Executive Officer of LAFCO. Compensation shall include only labor and expenses, to be paid as follows:

1. Labor

Compensation for labor of personnel shall be billed in accordance with the rates attached hereto as Exhibit A and shall not be amended during the term of this agreement without the written approval of LAFCO.

Compensation during travel to and from the San Diego LAFCO shall be billed at one-half the time actually incurred, limited to a maximum of 4 hours one-way.

2. Expenses

Legal Counsel will also be compensated for its actual expenses incurred for materials, mileage at current County of San Diego rates, long-distance

telephone calls, and other expenses authorized by the Executive Officer. Outgoing faxes will be reimbursed at \$1 per page and in-house photocopies will be reimbursed at fifteen cents per page. Legal Counsel shall charge no administrative or other markup on expenses for which reimbursement is sought from LAFCO.

### 3. Manner of and Maximum Payment

Payment shall be made in arrears pursuant to written invoices submitted to the Executive Officer on a monthly basis. Payment shall be made within 30 days of receipt of invoices. Such payment shall constitute full and complete payment for the period covered by the invoice. The total amount paid to Legal Counsel for work within any fiscal year shall be subject to the approval of the Executive Officer and may not exceed the amount budgeted for this purpose by LAFCO for that fiscal year.

## VIII. AUDIT AND INSPECTION OF RECORDS

At a time that is agreed upon by LAFCO and Legal Counsel and as often as LAFCO may deem necessary, Legal Counsel shall make available to LAFCO or its designated agents for examination all of Legal Counsel's data and records with respect to all matters covered by this Agreement, and Legal Counsel will permit LAFCO, or its designated agents, to audit, examine, and make excerpts or transcripts from such data and records, and to make audits of all invoices, materials, payrolls, records of personnel, and other data relating to all matters covered by this Agreement. Unless otherwise specified by LAFCO in writing, said data and records should be made available for examination within San Diego County for a period of two (2) years following completion of this Agreement.

## IX. INTEREST OF LEGAL COUNSEL

- a. Legal Counsel covenants that he/she presently has no interest and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance of services required to be performed under this Agreement. Legal Counsel further covenants that in the performance of this Agreement, no person having any such interest shall be employed or retained under this Agreement.
- b. Except as provided in paragraph c. below, Legal Counsel agrees to not act as Legal Counsel or perform services of any kind for any LAFCO applicant without the prior written consent of LAFCO. When consent has been given, Legal Counsel shall endeavor to avoid involvement on behalf of said new client which would in any manner undermine the effective performance of services by Legal Counsel or convey, utilize, or permit to be utilized, confidential information gained through its association with LAFCO for the benefit of any other client.

- c. Legal Counsel has informed LAFCO that it provides advisory and litigation services to The San Diego Tourism Marketing District, the San Diego Unified Port district and the Cities of Chula Vista, National City and San Diego. Legal Counsel also represents seven cities in the County in a lawsuit against San Diego County disputing the distribution of tax increment revenues that formerly flowed to Redevelopment Agencies. These are Chula Vista, El Cajon, Escondido, Poway, San Diego San Marcos and Vista. Legal Counsel also represents eleven cities and three special districts in a lawsuit filed by the San Diego County Office of Education and eight school districts against the County of San Diego and several cities and special districts in a dispute about how the County of San Diego allocates tax increment revenues that formerly flowed to Redevelopment Agencies. These are the cities of Chula Vista, El Cajon, Imperial Beach, Lemon Grove, National City, Oceanside, San Diego, San Marcos, Santee, Solana Beach, and Vista, and the special districts Padre Dam Muni. Water Dist., San Marcos Fire Protection District, and San Fe Irrigation District. Legal Counsel is generally in the business of providing general and special counsel services to local governments in San Diego County and elsewhere in California. Provided that Legal Counsel does not provide services in San Diego County which create a conflict under the Rules of Professional Conduct or which pertain to an actual or potential application to LAFCO, Legal Counsel may continue its practice of providing legal services to local governments in San Diego County without further consent of LAFCO. Legal Counsel shall not provide services in San Diego County which create a conflict under the Rules of Professional Conduct or which pertain to an actual or potential application to LAFCO, without the informed, written consent of LAFCO.
- d. Legal Counsel agrees to alert every client for whom consent is required to this conflict of interest provision and to include language in its agreement with said client, which would enable Legal Counsel to comply fully with its terms.
- e. Legal Counsel shall recuse himself/herself from discussions or actions that may result in a financial benefit to him/her or to any governmental agency that he represents. Notwithstanding this recusal provision, the following positions, by name or job title, are hereby classified "designated employees," as defined by LAFCO's Conflict of Interest Code adopted July 31, 1995. Such "designated employees" will be required to complete and submit any Conflict of Interest Statements that may become due during the effective period of this Agreement.

Michael G. Colantuono and Holly O. Whatley

X. TERMINATION OF AGREEMENT FOR CAUSE

If, through any cause, Legal Counsel shall fail to fulfill in a timely and proper manner his/her obligations under this Agreement, or if Legal Counsel shall violate any of the covenants, agreements, or stipulations of this Agreement, LAFCO shall thereupon have the right to terminate this Agreement by giving written notice to Legal Counsel of such termination and specifying the effective date thereof, at least five (5) days before the effective date of such termination. In the event, all finished or unfinished documents, data, studies, surveys, drawings, maps, reports, and other materials prepared by Legal Counsel shall, at the option of LAFCO, become its property, and Legal Counsel shall be entitled to received just and equitable compensation for any satisfactory work completed on such documents and other materials, not to exceed the amounts payable under Section VII above.

Notwithstanding the above, Legal Counsel shall not be relieved of liability to LAFCO for damages sustained by LAFCO by virtue of any breach of the Agreement by Legal Counsel, and LAFCO may withhold any payments to Legal Counsel for the purpose of offset until such time as the exact amount of damages due LAFCO from Legal Counsel is determined. Legal Counsel hereby expressly waives any and all claims for damages for compensation arising under this Agreement except as set forth in this section in event of such termination.

XI. TERMINATION FOR CONVENIENCE OF LAFCO

LAFCO reserves the right to terminate this Agreement at any time by written notice to Legal Counsel sixty (60) days prior to date of termination thereof. LAFCO shall thereafter pay Legal Counsel for work performed to the date of termination. Such notice shall terminate this Agreement and release LAFCO from any further fee, cost or claim hereunder by Legal Counsel other than for work performed to date of termination. In the event of termination, all finished and unfinished documents and other material shall, at the option of LAFCO, become its property.

XII. INSURANCE AND HOLD HARMLESS AGREEMENT

Legal Counsel agrees to maintain such insurance as will fully protect Legal Counsel, LAFCO, and County from any and all claims under any workers' compensation act or employer's liability laws, and from any and all other claims of whatsoever kind or nature for the damage to property or for personal injury, including death, made by anyone whomsoever which may arise from operations carried on under this Agreement, either by Legal Counsel, any subcontractor, or by anyone directly or indirectly engaged or employed by either of them. Legal Counsel shall exonerate, indemnify, defend, and hold harmless LAFCO and County from and against, and shall assume full responsibility for payment of all federal, state, and local taxes or contributions imposed or required under

unemployment insurance, social security and income tax laws, with respect to Legal Counsel and Legal Counsel's employees engaged in performance of this Agreement. LAFCO and County, and their agents, officers, and employees shall not be, nor be held liable for any claims, liabilities, penalties, fines, or forfeitures, or for any damage to the goods, properties, or effects of Legal Counsel or of any other persons whatsoever, nor for personal injury to or death of them, or any of them, caused by or resulting from any negligent act or omission of Legal Counsel or Legal Counsel's agents, employees, or representatives. Legal Counsel further agrees to indemnify, defend, and hold harmless LAFCO and County, and their agents, officers, and employees, against and from any and all of the foregoing liabilities, and any and all costs or expenses incurred by LAFCO and County on account of any claim therefor. In the event that a court of competent jurisdiction should determine that LAFCO has not the authority to provide by agreement for the provision of the hereinabove-set-forth professional service, Legal Counsel nevertheless agrees to assume the foregoing obligations and liabilities, by which it is intended by both parties that Legal Counsel shall indemnify and save LAFCO and County free and harmless from all claims arising by reason of any negligent act or omission of Legal Counsel.

XIII. INTEREST OF LAFCO OFFICERS AND OTHERS

No officer, member, or employee of LAFCO and no member of its governing body shall participate in any decision relating to this Agreement which affects his/her personal interest, or the interest of any corporation, partnership, or association in which he/she is directly interested; nor shall any such person have any interest, direct or indirect, in this Agreement or the proceeds thereof.

XIV. ASSIGNABILITY

Legal Counsel shall not assign any interest in this Agreement, and shall not transfer any interest in the same (whether by assignment or novation) without prior written consent of LAFCO thereto. Provided, however, that claims for money due or to become due to Legal Counsel from LAFCO under this Agreement may be assigned to a bank, trust company, or other financial institution without such approval. Notice of any such assignment or transfer shall be furnished promptly to LAFCO. Any assignment requiring approval may not be further sub-assigned without LAFCO approval.

XV. FINDINGS CONFIDENTIAL

Any reports, information, data, statistics, forms, procedures, systems, studies and any other communication or form of knowledge given to or prepared or assembled by Legal Counsel under this Agreement which LAFCO requests to be kept as confidential shall not be made available to any individual or organization by Legal Counsel without prior written approval of LAFCO unless pursuant to a valid and enforceable order of any court with jurisdiction of the matter.



XVI. OWNERSHIP, PUBLICATION, REPRODUCTION, AND USE OF MATERIAL

Any reports, information, data, statistics, forms, procedures, systems, studies and any other communication or form of knowledge given to or prepared or assembled by Legal Counsel under this Agreement which LAFCO requests to be kept as confidential shall not be made available to any individual or organization by Legal Counsel without prior written approval of LAFCO unless pursuant to a valid and enforceable order of any court with jurisdiction of the matter.

XVII. NOTICE

Any notice or notices required or permitted to be given pursuant to this Agreement may be personally served on the other party by the party giving such notice, or may be served by certified mail, postage prepaid, return receipt requested, to the following addresses:

LAFCO: Keene Simonds, Executive Officer  
San Diego LAFCO  
9335 Hazard Way, Suite 200  
San Diego CA 92123  
(858) 614-7755  
FAX (858) 614-7766  
E-mail: [keene.simonds@sdcounty.ca.gov](mailto:keene.simonds@sdcounty.ca.gov)

Legal Counsel: Holly O. Whatley  
Colantuono, Highsmith & Whatley, PC  
790 E. Colorado Blvd., Ste. 850  
Pasadena, CA 91101  
Voice (213)-542-5704  
Fax (213)-542-5710  
E-mail: [hwhatley@chwlaw.us](mailto:hwhatley@chwlaw.us)  
Web: [www.chwlaw.us](http://www.chwlaw.us)

Payments shall be directed to Legal Counsel as follows:

Colantuono, Highsmith & Whatley, PC  
420 Sierra College Drive, Suite 140  
Grass Valley, CA 95945-5091

Either party may alter its address for notice under this Agreement by written notice to the other party at any time.

XVIII. INDEPENDENT CONTRACTOR

Legal Counsel and any agent, subcontractor, or employee of Legal Counsel shall

act in an independent capacity and not as an officer or employee of LAFCO. LAFCO assumes no liability for Legal Counsel's action in performance, nor assumes responsibility for taxes, funds, payments or other commitments, implied or expressed, by or for Legal Counsel. Legal Counsel shall not have authority to act as an agent on behalf of LAFCO unless specifically authorized to do so in writing by LAFCO's Executive Officer. Legal Counsel acknowledges that it is aware that, because it is an independent contractor, LAFCO is making no deductions from its fee and is not contributing to any fund on its behalf. Legal Counsel disclaims the right to fee or benefits except as expressly provided for in this Agreement.

Legal Counsel shall provide the services required by this Agreement and arrive at conclusions with respect to the rendition of information, advice or recommendations, independent of the control and direction of LAFCO, other than normal contract monitoring; provided, however, Legal Counsel shall possess no authority with respect to any LAFCO decision beyond rendition of such information, advice or recommendations unless authorized by the Executive Officer.

#### XIX. EQUAL OPPORTUNITY

Legal Counsel will not discriminate against any employee, or against any applicant for such employment because of age, race, color, creed, religion, sex, or national origin. This provision shall include, but not be limited to, the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeships.

#### XX. SUBCONTRACTS

None of the services covered by this Agreement shall be subcontracted or assigned without the prior written consent of LAFCO, provided however, that this provision shall not apply to secretarial, clerical, routine mechanical, and similar incidental services needed by Legal Counsel to assist in the performance of this Agreement. Legal Counsel shall not hire LAFCO's employees to perform any portion of the work or services provided for herein including secretarial, clerical, and similar incidental services except upon the written approval of LAFCO. Performance of services under this Agreement by associates or employees of Legal Counsel shall not relieve Legal Counsel from any responsibility under this Agreement.

#### XXI. CHANGES

LAFCO may, from time-to-time require changes in the scope of the services of Legal Counsel to be performed hereunder. Such changes, including any increase or decrease in the amount of Legal Counsel's compensation, which is mutually

agreed upon by and between LAFCO, the Legal Counsel, and the Applicant shall be effective when incorporated in written amendments to this Agreement.

**XXII. NOTICE OF TAXABLE POSSESSORY INTEREST**

The terms of this document may result in the creation of the possessory interest. If such a possessory interest is vested in a private party to this document, the private party may be subjected to the payment of personal property taxes levied on such interest.


**XXIII. APPLICABLE LAW**

This Agreement shall be construed and interpreted according to the laws of the State of California.

IN WITNESS WHEREOF, LAFCO and Legal Counsel have executed this Agreement as of the date first above written.

**SAN DIEGO LAFCO**

BY \_\_\_\_\_

  
KEENE SIMONDS  
Executive Officer

DATE \_\_\_\_\_

11-4-19

**COLANTUONO, HIGHSMITH &  
WHATLEY, PC**

BY \_\_\_\_\_

HOLLY O. WHATLEY  
Vice-President

DATE \_\_\_\_\_

Exhibit A

Hourly Billing Rates  
As of Nov. 1, 2019 through June 30, 2020

Shareholders and Senior Contract Attorneys	\$335
8 <sup>th</sup> Year and more Senior Associates	\$330
7 <sup>th</sup> Year Associates	\$305
6 <sup>th</sup> Year Associates	\$300
5 <sup>th</sup> Year Associates	\$275
4 <sup>th</sup> Year Associates	\$270
3 <sup>rd</sup> Year Associates	\$250
2 <sup>nd</sup> Year Associates	\$230
1 <sup>st</sup> Year Associates	\$200
Paralegals	\$150
Legal Assistants	\$130

Hourly Billing Rates  
As of July 1, 2020 through June 30, 2021

Shareholders and Senior Contract Attorneys	\$345
8 <sup>th</sup> Year and more Senior Associates	\$340
7 <sup>th</sup> Year Associates	\$310
6 <sup>th</sup> Year Associates	\$305
5 <sup>th</sup> Year Associates	\$280
4 <sup>th</sup> Year Associates	\$275
3 <sup>rd</sup> Year Associates	\$255
2 <sup>nd</sup> Year Associates	\$235
1 <sup>st</sup> Year Associates	\$205
Paralegals	\$155
Legal Assistants	\$135

Hourly Billing Rates  
As of July 1, 2021 through June 30, 2022

Shareholders and Senior Contract Attorneys	\$355
8 <sup>th</sup> Year and more Senior Associates	\$350
7 <sup>th</sup> Year Associates	\$320
6 <sup>th</sup> Year Associates	\$310
5 <sup>th</sup> Year Associates	\$285
4 <sup>th</sup> Year Associates	\$280
3 <sup>rd</sup> Year Associates	\$260
2 <sup>nd</sup> Year Associates	\$240
1 <sup>st</sup> Year Associates	\$210
Paralegals	\$160
Legal Assistants	\$140

**AGREEMENT BETWEEN  
SAN DIEGO COUNTY  
LOCAL AGENCY FORMATION COMMISSION  
AND Colantuono, Highsmith & Whatley, PC  
FOR LEGAL COUNSEL SERVICES**

THIS AGREEMENT is effective on the first day of \_\_\_\_\_ 2024 between Colantuono Highsmith & Whatley, PC (hereinafter called "Legal Counsel"), and the San Diego Local Agency Formation Commission (hereinafter called "LAFCO").

WITNESSETH:

WHEREAS, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Section 56380 et seq.) authorizes LAFCO to employ or contract for professional or consulting services to carry out the functions of the Commission; and

WHEREAS, LAFCO desires the services of a law firm to provide legal representation / legal advice.

NOW, THEREFORE, IT IS MUTUALLY AGREED by and between parties as follows:

I. EMPLOYMENT OF LEGAL COUNSEL

LAFCO agrees to engage Legal Counsel and Legal Counsel hereby agrees to perform the services hereinafter set forth.

II. INTENT OF PARTIES

It is understood between parties that Legal Counsel will perform services as determined necessary by the Executive Officer.

III. SCOPE OF LEGAL COUNSEL SERVICES

Legal Counsel shall undertake the following services on a retainer basis at the request and direction of the Executive Officer.

1. Legal Counsel will be on call to answer questions from the Executive Officer or to perform legal representation / legal advice services as requested by the Executive Officer on an "as-needed" basis.
2. Legal Counsel will provide regular updates to the Executive Officer regarding legal representation / legal advice services when requested by the Executive Officer.

IV. ADMINISTRATOR OF AGREEMENT

The Executive Officer is LAFCO's representative (contract officer) for purposes of administering this Agreement. Holly O. Whatley (Colantuono, Highsmith and Whatley, PC), is Legal Counsel's representative for purposes of administering this Agreement, and is Legal Counsel's LAFCO representative and contact person.

V. LEGAL COUNSEL'S EMPLOYEES AND EQUIPMENT

Legal Counsel agrees that it has secured or will secure at its own expense all persons, employees and equipment required to perform the services required under this Agreement and that all such services will be performed by Legal Counsel, or under Legal Counsel's supervision, by persons authorized by law to perform such services.

VI. TERM

This agreement shall become effective upon execution by both parties and shall continue until terminated or the date of expiration. The agreement shall remain in effect through June 30, 2027, and shall be subject to renewal on July 1, 2027. This agreement may be extended by the Executive Officer for annual periods, unless otherwise specified by the Commission.

VII. COMPENSATION AND MANNER OF PAYMENT

Legal Counsel will be compensated only for legal representation / legal advice services described in Section III above performed at the express direction of the Executive Officer of LAFCO. Compensation shall include only labor and expenses, to be paid as follows:

1. Labor

Compensation for labor of personnel shall be billed in accordance with the rates attached hereto as Exhibit A and shall not be amended during the term of this agreement without the written approval of LAFCO.

Compensation during travel to and from the San Diego LAFCO shall be billed at one-half the time actually incurred, limited to a maximum of 4 hours one-way.

2. Expenses

Legal Counsel will also be compensated for its actual expenses incurred for materials, mileage at current County of San Diego rates, long-distance telephone calls, and other expenses authorized by the Executive Officer. Outgoing faxes will be reimbursed at \$1 per page and in-house photocopies

will be reimbursed at fifteen cents per page. Legal Counsel shall charge no administrative or other markup on expenses for which reimbursement is sought from LAFCO.

3. Manner of and Maximum Payment

Payment shall be made in arrears pursuant to written invoices submitted to the Executive Officer on a monthly basis. Payment shall be made within 30 days of receipt of invoices. Such payment shall constitute full and complete payment for the period covered by the invoice. The total amount paid to Legal Counsel for work within any fiscal year shall be subject to the approval of the Executive Officer and may not exceed the amount budgeted for this purpose by LAFCO for that fiscal year.

VIII. AUDIT AND INSPECTION OF RECORDS

At a time that is agreed upon by LAFCO and Legal Counsel and as often as LAFCO may deem necessary, Legal Counsel shall make available to LAFCO or its designated agents for examination all of Legal Counsel's data and records with respect to all matters covered by this Agreement, and Legal Counsel will permit LAFCO, or its designated agents, to audit, examine, and make excerpts or transcripts from such data and records, and to make audits of all invoices, materials, payrolls, records of personnel, and other data relating to all matters covered by this Agreement. Unless otherwise specified by LAFCO in writing, said data and records should be made available for examination within San Diego County for a period of two (2) years following completion of this Agreement.

IX. INTEREST OF LEGAL COUNSEL

- a. Legal Counsel covenants that he/she presently has no interest and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance of services required to be performed under this Agreement. Legal Counsel further covenants that in the performance of this Agreement, no person having any such interest shall be employed or retained under this Agreement.
- b. Except as provided in paragraph c. below, Legal Counsel agrees to not act as Legal Counsel or perform services of any kind for any LAFCO applicant without the prior written consent of LAFCO. When consent has been given, Legal Counsel shall endeavor to avoid involvement on behalf of said new client which would in any manner undermine the effective performance of services by Legal Counsel or convey, utilize, or permit to be utilized, confidential information gained through its association with LAFCO for the benefit of any other client.
- c. Legal Counsel has informed LAFCO that it provides advisory and litigation services to The San Diego Tourism Marketing District, the San Diego Unified

Port district and the Cities of Chula Vista, El Cajon, Escondido, National City and San Diego. Legal Counsel is generally in the business of providing general and special counsel services to local governments in San Diego County and elsewhere in California. Provided that Legal Counsel does not provide services in San Diego County which create a conflict under the Rules of Professional Conduct or which pertain to an actual or potential application to LAFCO, Legal Counsel may continue its practice of providing legal services to local governments in San Diego County without further consent of LAFCO. Legal Counsel shall not provide services in San Diego County which create a conflict under the Rules of Professional Conduct or which pertain to an actual or potential application to LAFCO, without the informed, written consent of LAFCO.

- d. Legal Counsel agrees to alert every client for whom consent is required to this conflict of interest provision and to include language in its agreement with said client, which would enable Legal Counsel to comply fully with its terms.
- e. Legal Counsel shall recuse himself/herself from discussions or actions that may result in a financial benefit to him/her or to any governmental agency that he represents. Notwithstanding this recusal provision, the following positions, by name or job title, are hereby classified "designated employees," as defined by LAFCO's Conflict of Interest Code adopted July 31, 1995. Such "designated employees" will be required to complete and submit any Conflict of Interest Statements that may become due during the effective period of this Agreement.

Holly O. Whatley and Aleks R. Giragosian

#### X. TERMINATION OF AGREEMENT FOR CAUSE

If, through any cause, Legal Counsel shall fail to fulfill in a timely and proper manner his/her obligations under this Agreement, or if Legal Counsel shall violate any of the covenants, agreements, or stipulations of this Agreement, LAFCO shall thereupon have the right to terminate this Agreement by giving written notice to Legal Counsel of such termination and specifying the effective date thereof, at least five (5) days before the effective date of such termination. In the event, all finished or unfinished documents, data, studies, surveys, drawings, maps, reports, and other materials prepared by Legal Counsel shall, at the option of LAFCO, become its property, and Legal Counsel shall be entitled to received just and equitable compensation for any satisfactory work completed on such documents and other materials, not to exceed the amounts payable under Section VII above.

Notwithstanding the above, Legal Counsel shall not be relieved of liability to LAFCO for damages sustained by LAFCO by virtue of any breach of the



Agreement by Legal Counsel, and LAFCO may withhold any payments to Legal Counsel for the purpose of offset until such time as the exact amount of damages due LAFCO from Legal Counsel is determined. Legal Counsel hereby expressly waives any and all claims for damages for compensation arising under this Agreement except as set forth in this section in event of such termination.

XI. TERMINATION FOR CONVENIENCE OF LAFCO

LAFCO reserves the right to terminate this Agreement at any time by written notice to Legal Counsel sixty (60) days prior to date of termination thereof. LAFCO shall thereafter pay Legal Counsel for work performed to the date of termination. Such notice shall terminate this Agreement and release LAFCO from any further fee, cost or claim hereunder by Legal Counsel other than for work performed to date of termination. In the event of termination, all finished and unfinished documents and other material shall, at the option of LAFCO, become its property.

XII. INSURANCE AND HOLD HARMLESS AGREEMENT

Legal Counsel agrees to maintain such insurance as will fully protect Legal Counsel, LAFCO, and County from any and all claims under any workers' compensation act or employer's liability laws, and from any and all other claims of whatsoever kind or nature for the damage to property or for personal injury, including death, made by anyone whomsoever which may arise from operations carried on under this Agreement, either by Legal Counsel, any subcontractor, or by anyone directly or indirectly engaged or employed by either of them. Legal Counsel shall exonerate, indemnify, defend, and hold harmless LAFCO and County from and against, and shall assume full responsibility for payment of all federal, state, and local taxes or contributions imposed or required under unemployment insurance, social security and income tax laws, with respect to Legal Counsel and Legal Counsel's employees engaged in performance of this Agreement. LAFCO and County, and their agents, officers, and employees shall not be, nor be held liable for any claims, liabilities, penalties, fines, or forfeitures, or for any damage to the goods, properties, or effects of Legal Counsel or of any other persons whatsoever, nor for personal injury to or death of them, or any of them, caused by or resulting from any negligent act or omission of Legal Counsel or Legal Counsel's agents, employees, or representatives. Legal Counsel further agrees to indemnify, defend, and hold harmless LAFCO and County, and their agents, officers, and employees, against and from any and all of the foregoing liabilities, and any and all costs or expenses incurred by LAFCO and County on account of any claim therefor. In the event that a court of competent jurisdiction should determine that LAFCO has not the authority to provide by agreement for the provision of the hereinabove-set-forth professional service, Legal Counsel nevertheless agrees to assume the foregoing obligations and liabilities, by which it is intended by both parties that Legal Counsel shall indemnify and save LAFCO and County free and harmless from all claims arising by reason of any negligent act or omission of Legal Counsel.

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XIII. INTEREST OF LAFCO OFFICERS AND OTHERS

No officer, member, or employee of LAFCO and no member of its governing body shall participate in any decision relating to this Agreement which affects his/her personal interest, or the interest of any corporation, partnership, or association in which he/she is directly interested; nor shall any such person have any interest, direct or indirect, in this Agreement or the proceeds thereof.

XIV. ASSIGNABILITY

Legal Counsel shall not assign any interest in this Agreement, and shall not transfer any interest in the same (whether by assignment or novation) without prior written consent of LAFCO thereto. Provided, however, that claims for money due or to become due to Legal Counsel from LAFCO under this Agreement may be assigned to a bank, trust company, or other financial institution without such approval. Notice of any such assignment or transfer shall be furnished promptly to LAFCO. Any assignment requiring approval may not be further sub-assigned without LAFCO approval.

XV. FINDINGS CONFIDENTIAL

Any reports, information, data, statistics, forms, procedures, systems, studies and any other communication or form of knowledge given to or prepared or assembled by Legal Counsel under this Agreement which LAFCO requests to be kept as confidential shall not be made available to any individual or organization by Legal Counsel without prior written approval of LAFCO unless pursuant to a valid and enforceable order of any court with jurisdiction of the matter.

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XVII. NOTICE

Any notice or notices required or permitted to be given pursuant to this Agreement may be personally served on the other party by the party giving such notice, or may be served by certified mail, postage prepaid, return receipt requested, to the following addresses:

LAFCO: Keene Simonds, Executive Officer

San Diego LAFCO  
2550 Fifth Avenue, Suite 725  
San Diego CA 92103-6624  
Tel. (619) 321-3380  
E-mail: keene.simonds@sdcountry.ca.gov

Legal Counsel: Holly O. Whatley  
Colantuono, Highsmith & Whatley, PC  
790 E. Colorado Blvd., Ste. 850  
Pasadena, CA 91101  
Tel. (213)-542-5704  
E-mail: hwhatley@chwlaw.us

Payments shall be directed to Legal Counsel as follows:

Colantuono, Highsmith & Whatley, PC  
420 Sierra College Drive, Suite 140  
Grass Valley, CA 95945-5091

Either party may alter its address for notice under this Agreement by written notice to the other party at any time.

#### XVIII. INDEPENDENT CONTRACTOR

Legal Counsel and any agent, subcontractor, or employee of Legal Counsel shall act in an independent capacity and not as an officer or employee of LAFCO. LAFCO assumes no liability for Legal Counsel's action in performance, nor assumes responsibility for taxes, funds, payments or other commitments, implied or expressed, by or for Legal Counsel. Legal Counsel shall not have authority to act as an agent on behalf of LAFCO unless specifically authorized to do so in writing by LAFCO's Executive Officer. Legal Counsel acknowledges that it is aware that, because it is an independent contractor, LAFCO is making no deductions from its fee and is not contributing to any fund on its behalf. Legal Counsel disclaims the right to fee or benefits except as expressly provided for in this Agreement.

Legal Counsel shall provide the services required by this Agreement and arrive at conclusions with respect to the rendition of information, advice or recommendations, independent of the control and direction of LAFCO, other than normal contract monitoring; provided, however, Legal Counsel shall possess no authority with respect to any LAFCO decision beyond rendition of such information, advice or recommendations unless authorized by the Executive Officer.

XIX. EQUAL OPPORTUNITY

Legal Counsel will not discriminate against any employee, or against any applicant for such employment because of age, race, color, creed, religion, sex, or national origin. This provision shall include, but not be limited to, the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeships.

XX. SUBCONTRACTS

None of the services covered by this Agreement shall be subcontracted or assigned without the prior written consent of LAFCO, provided however, that this provision shall not apply to secretarial, clerical, routine mechanical, and similar incidental services needed by Legal Counsel to assist in the performance of this Agreement. Legal Counsel shall not hire LAFCO's employees to perform any portion of the work or services provided for herein including secretarial, clerical, and similar incidental services except upon the written approval of LAFCO. Performance of services under this Agreement by associates or employees of Legal Counsel shall not relieve Legal Counsel from any responsibility under this Agreement.

XXI. CHANGES

LAFCO may, from time-to-time require changes in the scope of the services of Legal Counsel to be performed hereunder. Such changes, including any increase or decrease in the amount of Legal Counsel's compensation, which is mutually agreed upon by and between LAFCO, the Legal Counsel, and the Applicant shall be effective when incorporated in written amendments to this Agreement.

XXII. NOTICE OF TAXABLE POSSESSORY INTEREST

The terms of this document may result in the creation of the possessory interest. If such a possessory interest is vested in a private party to this document, the private party may be subjected to the payment of personal property taxes levied on such interest.

XXIII. APPLICABLE LAW

This Agreement shall be construed and interpreted according to the laws of the State of California.

IN WITNESS WHEREOF, LAFCO and Legal Counsel have executed this Agreement as of the date first above written.

**SAN DIEGO LAFCO**

**COLANTUONO, HIGHSMITH &  
WHATLEY, PC**

BY \_\_\_\_\_  
KEENE SIMONDS  
Executive Officer

BY \_\_\_\_\_  
HOLLY O. WHATLEY  
Vice-President

DATE \_\_\_\_\_

DATE \_\_\_\_\_

## Exhibit A

### Advisory Hourly Billing Rates

Shareholders and Senior Associates (9+ years)	\$374
8 <sup>th</sup> Year and more Senior	\$350
7 <sup>th</sup> Year Associates	\$315
6 <sup>th</sup> Year Associates	\$300
5 <sup>th</sup> Year Associates	\$285
4 <sup>th</sup> Year Associates	\$275
3 <sup>rd</sup> Year Associates	\$260
2 <sup>nd</sup> Year Associates	\$245
1 <sup>st</sup> Year Associates	\$225
Paralegals	\$190
Legal Assistants	\$145

### Litigation Hourly Billing Rates\*

Shareholders and Senior Associates (9+ years)	\$425
8 <sup>th</sup> Year and more Senior Associates	\$400
7 <sup>th</sup> Year Associates	\$375
6 <sup>th</sup> Year Associates	\$350
5 <sup>th</sup> Year Associates	\$325
4 <sup>th</sup> Year Associates	\$300
3 <sup>rd</sup> Year Associates	\$285
2 <sup>nd</sup> Year Associates	\$260
1 <sup>st</sup> Year Associates	\$240
Paralegals	\$190
Legal Assistants	\$145

\* Effective July 1, 2025, the litigation rates will increase \$25/hour for attorneys. Paralegal and Legal Assistants will remain constant throughout the contract term.



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

5f

**AGENDA REPORT**  
 Consent | Action

February 5, 2024

**TO:** Commissioners

**FROM:** Keene Simonds, Executive Officer

**SUBJECT:** Progress Report on the Adopted Workplan

**SUMMARY**

The San Diego County Local Agency Formation Commission (LAFCO) will receive a progress report on accomplishing the 30 priority projects set in the adopted workplan for 2023-2024. More than one half – 18 of 30 – of all priority projects have been substantively initiated through the first six full months with seven either complete or nearing completion. The report is being presented to the Commission to receive and file with the opportunity to identify potential amendments for future consideration.

**BACKGROUND**

San Diego LAFCO’s current fiscal year workplan was adopted at a noticed hearing held in May 2023. The workplan is a multi-year planning tool that is developed and 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. Internal amendments to reset priorities and advance the placement of municipal service reviews on the San Diego County Water Authority and healthcare districts were approved in August.

<p><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</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</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>Vacant</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 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 through the first six full months of the fiscal year. This includes an emphasis to address the Commission's high and medium priority projects with 16 of the 20 related activities having advanced in some substantive manner. Two of these projects are now complete and involve approving a formal scope of work on personnel policy update and publishing a countywide local agency directory. Five others are nearing completion and marked by task-setting the first year of new planning grant with the State of California as well as the second year of the Ad Hoc on Resource Conservation Districts. Comprehensive policy updates on personnel procedures and out-of-agency services are similarly nearing their completion as well as our planned check-ins with the Special Districts Advisory Committee. No amendments are proposed at this time.

## 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.

Alternate Three:

Take no action.



## PROCEDURES

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

Respectfully,



Keene Simonds  
Executive Officer

Attachment:

- 1) 2023-2024 Workplan with Status Notations

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**ADOPTED WORKPLAN FOR FY2023-2024**

As Amended

Priority	Level	Type	Project	Description	Status
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	Statutory	MSR   CWA-MET	Initiate scheduled review of wholesale water suppliers – CWA (comprehensive) and MET (abbreviated)	
2	High	Statutory	MSR   Healthcare Districts	Initiate a comprehensive study of the four healthcare districts in San Diego County	
3	High	Administrative	Recruit, Hire + Support Staff	Ensure all 9.0 budgeted positions are filled in a timely manner with ongoing resource support	
4	High	Administrative	Commissioner Onboarding	Create onboarding resources and related training for new and continuing Commissioners	
5	High	Administrative	Online Accounting	Transition QuickBooks accounting from desktop to online platform + make use of public-facing features	
6	High	Administrative	Policy   Personnel: Part I	Develop and approve a scope of work to guide update to personnel policies to reflect best practices	
7	High	Administrative	Policy   Personnel: Part II	Complete a comprehensive update to LAFCO's personnel policies	
8	High	Statutory	MSR   Oceanside Region	Complete the scheduled reviews of the City of Oceanside, Oceanside SC Harbor District, and Moreno Hills CSD	
9	High	Statutory	MSR   Carlsbad Region	Complete the scheduled reviews of the City of Carlsbad, Carlsbad MWD, and Leucadia WWD	
10	High	Administrative	SALC Planning Grant 2.0	Initiate two-year grant (contracts, etc.) to expand SALC 1.0 to establish ag costs/revenues with gap analysis	
11	Medium	Administrative	RCD Ad Hoc Committee: Year Two	Approve scope of work for Year Two activities and proceed accordingly towards completion	
12	Medium	Statutory	Policy   Out-of-Agency Services	Complete policy establishment to guide approval process for out-of-agency services (G.C. 56133)	
13	Medium	Statutory	MSR   San Marcos Region	Complete the scheduled reviews of the City of San Marcos, Marcos FPD, & Vallecitos WD	
14	Medium	Statutory	MSR   Vista Region	Complete the scheduled reviews of the City of Vista, Vista ID, Vista FPD, & Buena SD	
15	Medium	Administrative	White Paper   Public Recreation Opportunities	Evaluate potential governance models involving San Diego-owned reservoirs in unincorporated areas	
16	Medium	Administrative	White Paper   Growth Management + Housing	Evaluate growth management policies + connectivity between LAFCO, County, and SANDAG	
17	Medium	Administrative	Special Districts Advisory Committee	Provide administrative support to Advisory Committee and hold no less than three formal meetings in FY	
18	Medium	Administrative	Cities Advisory Committee	Provide administrative support to Advisory Committee and hold no less than one formal meetings in FY	
19	Medium	Administrative	Website Content Expansion	Proceed with content expansion for newly redesigned LAFCO website with multi-media enhancements	
20	Medium	Administrative	2022-2023 Audit	Complete outside audit of financial statements for FY2023	

Priority	Level	Type	Project	Description	Status
21	Low	Statutory	Legislative Proposal   G.C. 56133	Continue work to support amendment clarifying authority to determine out-of-agency service exemptions	
22	Low	Statutory	Policy   Applicant Procedures	Update and streamline application materials and establish protocols in terminating proposals	
23	Low	Statutory	MSR   Encinitas Region	Initiate a regional study covering the City of Encinitas + San Dieguito WD et al.	
24	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.	
25	Low	Statutory	Legislative Proposal   G.C. 56430	Sponsor and/or facilitate amendment establishing community engagement enhancements in MSR statute	
26	Low	Administrative	Service + Fiscal Indicators	Develop online browser feature to depict service + fiscal indicators among local agencies in San Diego County	
27	Low	Administrative	White Paper   School Districts	Evaluate scope and scale of school districts + their baseline capacities for reference in MSRs	
28	Low	Administrative	Liaison with Local Tribes	Establish communication protocols with local tribes with respect to shared interests in regional services	
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	Administrative	White Paper   Garbage Services	Evaluate the scope and scale of garbage collection services and possible governance alternatives
Bullpen	Administrative	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.)
Bullpen	Statutory	Policy   Commission Rule No. 4	Modernize Rule No. 4 and its provisions to regulate special districts’ service functions and classes
Bullpen	Statutory	Escondido Region Governance Study	Study options to consolidate (functional and political) the City of Escondido and Rincon del Diablo MWD
Bullpen	Administrative	White Paper   JPAs	Evaluate the status of JPA filings in San Diego County relative to LAFCO’s task in SB 1261
Bullpen	Statutory	Policy   Cities Advisory Committee	Coordinate with CAD in updating bylaws and related procedures to sync with current member interests/priorities
Bullpen	Statutory	Policy   Special Districts Advisory Committee	Coordinate with SDAC in updating bylaws and related procedures to sync with current member interests/priorities

Complete	Near Complete	Underway	Pending



**San Diego County**  
**Local Agency Formation Commission**  
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**5g**  
**AGENDA REPORT**  
 Consent | Information

February 5, 2024

**TO:** Commissioners  
**FROM:** Carolanne Ieromnimon, Analyst II  
**SUBJECT:** **Legislative Report**

**SUMMARY**

The San Diego County Local Agency Formation Commission (LAFCO) will receive a report on legislative items of interest to the Commission and its regulatory and planning responsibilities. This includes reviewing items associated with the end of the first year of the 2023-2024 session – including Assembly Bills 1753 and 399 – as well as previewing potential topics heading into the second year. The report is being presented for information and concurrently provides an opportunity for Commissioners to provide general feedback.

**BACKGROUND**

**Legislative Resources**

San Diego LAFCO draws on its active participation with its lone member association – CALAFCO – in considering legislative matters impacting the Commission’s ability to effectively administer its regulatory and planning responsibilities. CALAFCO’s Legislative Committee comprises nearly two dozen appointed members across the state and is tasked with engaging the entire membership with respect to drafting and/or reviewing proposed legislation. San Diego LAFCO relies on the information and analysis generated from the CALAFCO Legislative Committee in making its own position recommendations and taking other associated actions as appropriate.

<p><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</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 Drake, Alt.</b>          Rincon del Diablo</p>	<p><b>Vacant</b>          General Public</p> <p><b>Harry Mathis, Alt.</b>          General Public</p>
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## DISCUSSION

This item is for San Diego LAFCO to review and discuss items of interest generated in the first year of the 2022-2023 legislative session as well as to preview potential topics going into the second year. The report is being presented to the Commission for discussion as well as to provide general direction to staff in prioritizing legislative topics of interest going forward.

### Review | First Year of 2023-2023

The first year of the current legislative session proved largely quiet with respect to LAFCO statute and marked by CALAFCO co-sponsoring only one item – Assembly Bill (AB) 1753. This legislation ultimately passed the Legislature and signed by the Governor and makes relatively minor technical changes to LAFCO statute as part of the annual omnibus bill co-sponsored by Assembly Committee on Local Government. Most materially, this includes updating noticing requirements for LAFCO in transmitting adopted resolutions to allow for e-mail deliveries. No other material changes to LAFCO statute were passed.

Notwithstanding the above comments, a substantive change indirectly impacting San Diego LAFCO involved the passage AB 399 by Tasha Boerner (Encinitas) and changes to the County Water Authority Act. AB 399 now requires confirmation votes from the majority of registered voters throughout the entirety of the San Diego County Water Authority’s jurisdictional boundary for any detachment proposal involving any of its member agencies. The legislation was sponsored by the City of San Diego and introduced late in the first year via a gut-and-amend procedure and done so in response to Fallbrook and Rainbow’s coordinated proposals to detach their jurisdictional boundaries from the County Water Authority. The legislation initially included an urgency clause to allow its provisions to take immediate effect and apply to Fallbrook and Rainbow. The urgency clause – however – was removed due to opposition and means AB 399 applies only prospectively going forward should any other member agency file for detachment.

### Preview | Second Year of 2023-2024

CALAFCO’s Board met on November 3, 2023 to consider legislative priorities for the second year and was preceded by soliciting proposal requests by individual LAFCOs. The CALAFCO Board proceeded to prioritize three legislative projects in 2024 as summarized below.

- CALAFCO has agreed to co-sponsor a new omnibus bill with the Assembly Committee on Local Government involving technical edits and/or improvements to LAFCO statute. CALAFCO is currently soliciting requests from all 57 member LAFCOs.<sup>1</sup>
- CALAFCO has agreed to continue work in advancing an earlier proposal by San Diego LAFCO to make explicit LAFCOs’ exclusive authority in statute to determine exemption eligibility involving out-of-agency service approvals under Government

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<sup>1</sup> All 58 counties’ LAFCOs are members of CALAFCO with the lone exception of Kern.

Code 56133. This proposal was initially submitted by San Diego LAFCO in 2018 and ties to legislation added in 2001 by former Commissioner and Assemblymember Mike Gotch to direct local agencies to receive approval from LAFCOs before providing services by contract outside their boundaries. Limited exemptions are provided in statute, such as contracts between public agencies when the subject services are equal substitutes for services already provided. In most instances, local agencies defer to LAFCOs in determining exception eligibility on a case-by-case basis and in doing so comply with statute intent. However, and as experienced in San Diego County, some local agencies will proceed to self-exempt out-of-agency service arrangements that otherwise merit LAFCO review and lead to subsequent conflicts – including with other cities and special districts.

- CALAFCO has agreed to continue work in advancing an earlier proposal by San Luis Obispo LAFCO to make explicit LAFCO’s statutory authority to require indemnity from applicants involving changes of organization and reorganization proposals and other related actions. These efforts are due in part from the recent California Court of Appeals in the case of *San Luis Obispo LAFCO v. City of Pismo Beach*. Notably, the court surmised it was not the authority of San Luis Obispo LAFCO to require indemnification by the applicant as a condition for processing an application with LAFCO.

## ANALYSIS

The first year of the 2023-2024 legislative session proved generally quiet for LAFCOs with the local exception of the development and ultimately passage of AB 399. Concerns with the legislation – however – were substantively mooted prior to its passage with the removal of the urgency clause making it no longer apply to Fallbrook and Rainbow’s detachment proposals and associated approvals by the Commission in late 2023. Pivoting forward, staff anticipates the second year will also be relatively quiet with the notable and hopeful exception that CALAFCO can make progress in advancing the Commission’s standing request to amend Government Code 56133 as described.

## RECOMMENDATION

This item is presented to San Diego LAFCO for information with the opportunity for general feedback.

## 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.

Respectfully,



Carolanne Ieromnimon

Analyst II

Attachments: none





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

**5h**

**AGENDA REPORT**  
 Consent | Information

February 5, 2024

**TO:** Commissioners  
**FROM:** Michaela Peters, 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 27 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@sdcounty.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>Vacant</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,



Michaela Peters  
Analyst I

Attachment:

- 1) Active and Pending Proposals as of January 29, 2024

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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. 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	<p>“Crestlake Estates Reorganization”</p> <ul style="list-style-type: none"> <li>- City of Santee: Annexation</li> <li>- San Diego County SD: Annexation</li> <li>- Lakeside FPD: Annexation</li> </ul>	Staff	<p>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 the City of Santee. 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></p>
5	<p>DA12-02</p> <p>“Lorch Annexation”</p> <ul style="list-style-type: none"> <li>- Borrego WD: Annexation</li> </ul>	Staff	<p>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.</p>
6	<p>DA16-10</p> <p>“CSA 17 Harmony Grove Annexation”</p> <ul style="list-style-type: none"> <li>- CSA 17: Annexation</li> </ul>	Carolanne Ieromnimon	<p>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 with the objective of fulfilling the Commission’s earlier directive.</p>
7	<p>RO16-11</p> <p>“Rancho Hills Reorganization”</p> <ul style="list-style-type: none"> <li>- Rancho Santa Fe CSD: Annexation</li> <li>- Olivenhain MWD: Expansion of Latent Power Area</li> <li>- Olivenhain MWD: Latent Sphere Amendment</li> </ul>	Michaela Peters	<p>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. Communications remain ongoing.</p>

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	Michaela Peters	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. Communications remain ongoing.
10	CO21-09 “Otay Lakes Road Change of Organization” - City of Chula Vista: Annexation	Michaela Peters	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 the development of a 1,938 residential subdivision 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.
11	CO22-04 “AJX Homes - Carmichael Change of Organization” - City of La Mesa: Annexation - City of La Mesa: Sphere Amendment - San Miguel FPD: detachment - San Miguel FPD: 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 application is administratively paused due to incomplete and pending receipt of additional documentation and information from the applicant to complete staff’s analysis. Communications remain ongoing.

	File Number	Proposal Name   Affected Agencies	Project Manager	Proposal Summary
12	RO22-11	<p>“Tummala - Rincon MWD Reorganization”</p> <ul style="list-style-type: none"> <li>- Rincon del Diablo MWD: Annexation</li> <li>- Metropolitan Water District: Annexation</li> <li>- San Diego CWA: Annexation</li> </ul>	Michaela Peters	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.
13	RO23-01	<p>“Tucker - Valley Road Reorganization”</p> <ul style="list-style-type: none"> <li>- National City: Annexation</li> <li>- South Bay ID: Detachment</li> <li>- Bonita FPD: Detachment</li> <li>- Bonita FPD: Sphere Amendment</li> <li>- CSA No. 135: Detachment</li> </ul>	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.
14	OAS23-03	<p>“Bryant - Felicita Road Outside-of-Agency Service Agreement”</p> <ul style="list-style-type: none"> <li>- City of Escondido: OAS</li> </ul>	Michaela Peters	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 currently under administrative review and considered incomplete at this time.
15	CO23-09	<p>“City of Carlsbad Change of Organization”</p> <ul style="list-style-type: none"> <li>- Leucadia WD: Detachment</li> </ul>	Carolanne Ieromnimon	Application submitted in July 2023 by resolution from the City of Carlsbad to detach 99.0 acres of incorporated territory from the Leucadia Wastewater District. The affected territory is presently inhabited and developed with multiple residences with no plans for future development. The proposal purpose is to better utilize existing wastewater infrastructure provided by the City of Carlsbad in addition to helping correct an overlap between Leucadia WD and the City. The proposal is scheduled for consideration by the Commission at its February 5, 2024 meeting.

	File Number	Proposal Name   Affected Agencies	Project Manager	Proposal Summary
16	CO23-10	“Glen Abbey Drive - Bonita Road Change of Organization” - San Diego County SD: Annexation	Michaela Peters	Application Submitted in July 2023 by landowner petition and involves annexation of approximately 109.50 acres to the San Diego County Sanitation District (SD) to make available public wastewater services. The affected territory consists of a cemetery and funeral home as well as several mausoleums. The proposal purpose is to position the landowner in the future to proceed with the consolidation of the existing mausoleums into one mausoleum. The proposal is scheduled for consideration by the Commission at its February 5, 2024 meeting.
17	CO23-11	“Nencini Associates Change of Organization” - San Diego County SD: Annexation	Carolanne Ieromnimon	Application submitted in July 2023 by landowner petition and involves annexation of approximately 20.6 acres to the San Diego County Sanitation District (SD) for the primary purpose of establishing wastewater service. The affected territory is partially developed with one single-family residence, with plans to develop and additional 7 single-family residences through subdivision. Conditional approval for future annexation to the City of Chula Vista is recommended. The proposal is currently under administrative review and considered incomplete at this time.
18	CO23-12	“Twin Oaks Valley Winery Change of Organization” - Vallecitos WD: Annexation	Michaela Peters	Application submitted in September 2023 by landowner petition and involves annexation of approximately 4.35 acres to the Vallecitos Water District with for the primary purpose of establishing sewer service. The affected territory is developed with one single-family residence, with plans to develop a full-service winery – including a tasting room, wine production space, restroom(s), etc. The proposal is currently under administrative review and considered incomplete at this time.
19	CO23-13	“Sky Ranch - Helix Water District Reorganization” - Helix WD: Detachment - Padre Dam MWD: Annexation	Carolanne Ieromnimon	Application submitted in September 2023 by resolution of the Helix Water District to detach approximately 27 acres of land with conforming sphere of influence amendments. The affected territory presently comprises 3 existing single-family residences with no additional plans of development. The proposal purpose is to remove the affected territory from the Helix WD boundary, given the territory is already sufficiently served by the Padre Dam MWD. The proposal is currently under administrative review and considered incomplete at this time.

	File Number	Proposal Name   Affected Agencies	Project Manager	Proposal Summary
20	OAS23-14	<p>“Garcia - Curtis Drive Out-of-Agency Service Agreement”</p> <p>- City of Vista: OAS</p>	Carolanne Ieromnimon	<p>Application submitted in December 2023 by landowner petition and involves an outside-of-agency service agreement for wastewater services to accommodate the planned development of a Junior Additional Dwelling Unit (JADU) totaling approximately 2.8 acres. The Executive Officer administratively reviewed the service request on December 12, 2023. The proposal is scheduled for consideration by the Commission at its February 5, 2024 meeting.</p>
21	CO23-15	<p>“Macachlan - Old Highway 80 Change of Organization”</p> <p>- San Diego County SD: Annexation</p>	Michaela Peters	<p>Application submitted in December 2023 by landowner petition and involves annexation of approximately 0.60 acres to the San Diego County Sanitation District for the primary purpose of establishing wastewater service. The affected territory is currently undeveloped with plans of developing a commercial building and parking lot. The proposal is currently under administrative review and considered incomplete at this time.</p>



File Number	Proposal Name   Affected Agencies	Project Manager	Proposal Summary
<b>ACTIVE PROPOSALS   POST COMMISSION ACTION</b>			
22	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.
23	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.
24	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. The proposal was approved by the Commission on July 10 <sup>th</sup> , 2023 and now pending completion of terms and conditions as set forth by the Commission.

	File Number	Proposal Name   Affected Agencies	Project Manager	Proposal Summary
25	CO22-20	“Camino De La Fuente - Wick Change of Organization” - San Diego County SD: 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 was approved by the Commission on October 2 <sup>nd</sup> , 2023 and now pending completion of terms and conditions as set forth by the Commission.
26	RO23-05	“Cambier-W. El Norte Parkway Reorganization” - Vista Irrigation District: Detachment - Vallecitos Water District: Annexation	Carolanne Ieromnimon	Application submitted in March 2023 by landowner petition and involves annexation of approximately 2.53 acres to the Vallecitos Water District to make available public water and wastewater services. The affected territory is currently vacant and undeveloped. The affected territory is presently vacant and undeveloped. The proposal purpose is to position the landowner to proceed in the future with a development plan to create one single-family residence. The proposal was approved by the Commission on November 6 <sup>th</sup> , 2023 and now pending completion of terms and conditions as set forth by the Commission.
27	RO23-08	“Colina Fuerte - Via Ascenso Reorganization” - Santa Fe ID: Annexation - Olivenhain MWD: Detachment	Michaela Peters	Application submitted in May 2023 by landowner petition and involves annexation of approximately 5.1 acres to the Santa Fe Irrigation District for the primary purpose of establishing potable water service. The affected territory as proposed includes one parcel presently undeveloped with plans to develop a single-family residence along with an accessory dwelling unit. The reorganization will also necessitate detachment from Olivenhain Municipal Water District. The proposal was approved by the Commission on December 4 <sup>th</sup> , 2023 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>			
<p>Pending</p>	<p>“Harvest Hills Reorganization” - City of Escondido</p>		<p>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 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.”</p>
<p>Pending</p>	<p>“Rancho Lomas Verde Reorganization” - City of Vista</p>		<p>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.</p>
<p>Pending</p>	<p>“Sager Ranch Reorganization” - City of Escondido</p>		<p>This anticipated reorganization involves annexation of approximately 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 lie outside the current City sphere. Fire protection service remains a key discussion point and the source of ongoing discussions with the proponents.</p>
<p>Pending</p>	<p>“Harmony Grove Village South” (TM-626)</p>		<p>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.</p>

File Number	Proposal Name   Affected Agencies	Project Manager	Proposal Summary
Pending	"La Jolla Incorporation" -City of San Diego: Detachment		This anticipated special reorganization involves the detachment of 8,371 acres from the City of San Diego and the incorporation of the community of La Jolla. A draft fiscal impact analysis report is currently underway by the proponents - Association for the City of La Jolla (501c3) – to determine whether La Jolla could obtain cityhood and be economically sustainable on its own. Application is pending.



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

**6a**

**AGENDA REPORT**  
 Public Hearing | Action

February 5, 2024

**TO:** Commissioners

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

**SUBJECT:** **Proposed “City of Carlsbad Change of Organization” |  
 Detachment from Leucadia Wastewater District and Concurrent Sphere of  
 Influence Action (CO23-09)**

**SUMMARY**

The San Diego County Local Agency Formation Commission (LAFCO) will consider a change of organization proposal initiated by resolution of the City of Carlsbad to detach approximately 202 acres of incorporated territory from the Leucadia Wastewater District (WD). The affected territory as submitted comprises three non-contiguous area that are largely developed with residential uses and connected to Carlsbad’s wastewater system. Overall, the affected territory comprises 50 legal parcels that are further defined by ownership into 277 unique assessor parcels. The proposal purpose is to eliminate an existing overlap between Carlsbad and Leucadia WD and in doing so make explicit Carlsbad is the authorized wastewater service provider going forward. Staff recommends conditional approval of the proposal with a conforming sphere amendment involving one of the three areas within the affected territory plus delegate protest proceedings to the Executive Officer and make exemption findings under the California Environmental Quality Act. It is also recommended the Commission waive Policy L-106 and its provisions that would otherwise require a new municipal service review to inform the sphere amendment given the last study of record is more than five years old.

<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>Vacant</b>          General Public</p> <p><b>Harry Mathis, Alt.</b>          General Public</p>
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## BACKGROUND

### Applicant Request

San Diego LAFCO has received a change of organization proposal initiated by resolution of the Carlsbad City Council requesting approval to detach approximately 202 acres of incorporated territory from Leucadia WD. The affected territory as submitted comprises three non-contiguous inhabited areas developed largely with residential and commercial uses along with public open-space. The affected territory consists of 50 legal parcels that are further defined with 277 unique assessor parcels with the latter reflecting several properties under tenancy in common ownership arrangements. The estimated resident population within the affected territory 1,235. The overall assessed land value is \$148.668 million.

A summary description of the three areas making up the affected territory follows as well as shown on the map provided on the next page.

- “Area 1” represents the portion of the affected territory within Carlsbad’s southern coastline along Carlsbad Boulevard between Island Way and San Marcos Creek. It includes 14 legal parcels and spans approximately 104 acres – 51.5% of the total affected territory – with the largest segment involving a portion of the South Carlsbad State Beach. The estimated resident population is 193.<sup>1</sup>
- “Area 2” represents the portion of the affected territory within the Voscana neighborhood located off Poinsettia Lane and its intersection with Artemisia Court. It includes 26 legal parcels and spans approximately 82 acres – 40.6% of the total affected territory. The estimated resident population of 961.<sup>2</sup>
- “Area 3” represents the portion of the affected territory within the La Costa neighborhood located off of Dove Lane near its intersection with El Camino Real. It includes 10 legal parcels and spans approximately 16 acres – 7.9% of the total affected territory. The estimated resident population of 81.<sup>3</sup>

### Regional Setting

The affected territory lies in northern San Diego County and entirely within Carlsbad. Area 1 is a coastal neighborhood and includes a portion of South Carlsbad State Beach. Areas 2 and 3 are newer inland neighborhoods. All of the affected territory lies within County Supervisorial District No. 3 (Terra Lawson-Remer), Assembly District No. 77 (Tasha Boerner), and Senate District No. 38 (Catherine Blakespear). An aerial map of the affected territory and its regional setting follows. Attachment One shows the affected territory relative to the proposed boundary change involving Leucadia WD.

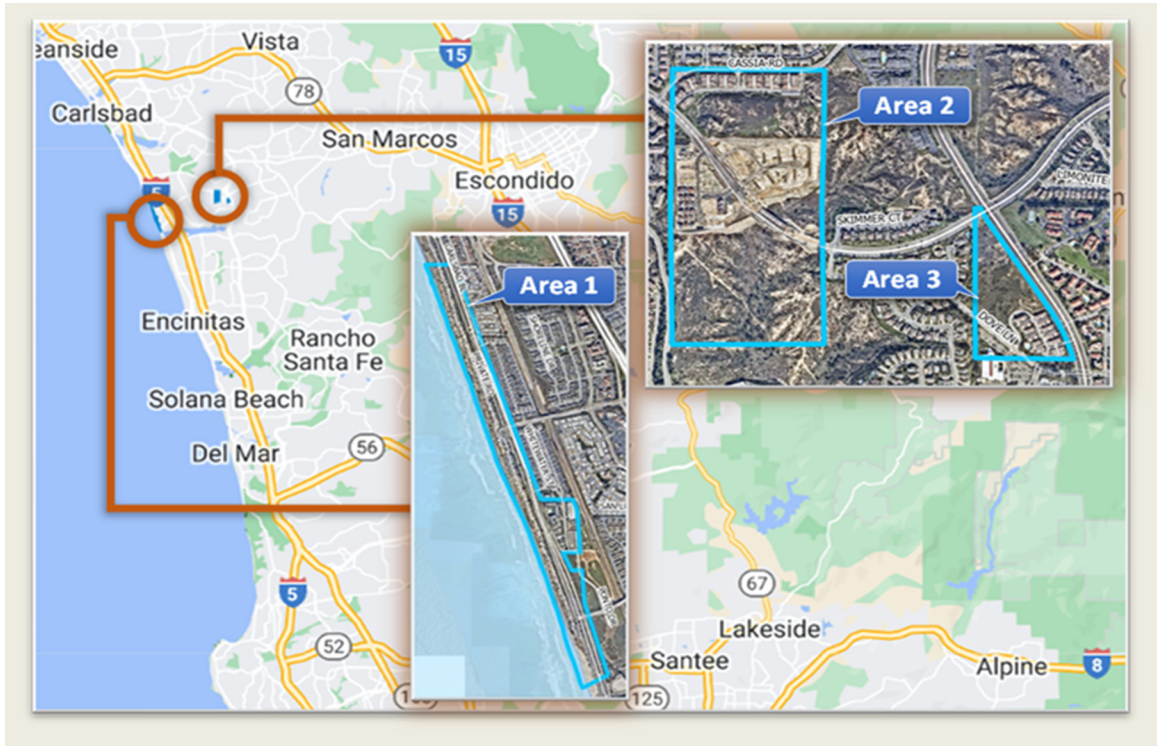
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<sup>1</sup> Area 1’s total assessed land value of \$21,067,955.

<sup>2</sup> Area 2’s total assessed land value of \$106,728,437.

<sup>3</sup> Area 3’s total assessed land value of \$20,871,402.





### Subject Agency

The proposed change of organization filed with San Diego LAFCO involves one subject agency: Leucadia WD.<sup>4</sup> A summary of the subject agency in terms of governance, resident population, municipal functions, and financial standing follows.

- **Leucadia WD** is an independent special district established in 1959 and governed by an elected five-member board. Administration is delegated to an appointed general manager – Paul Bushee – who oversees a current full-time budgeted staff of 19. Leucadia WWD currently provides two active municipal functions: wastewater (collection, treatment, and discharge classes) and recycled water (wholesale and retail classes) with the latter being geographically restricted. The jurisdictional boundary spans 9,600 acres or 15 square miles and generally divided between the City of Carlsbad on the north and the City of Encinitas on the south with an overall projected District population of 60,773. LAFCO most recently updated Leucadia WWD’s sphere in 2013 with a larger-than-agency designation marked by the inclusion of 547 non-jurisdictional acres. The most recently prepared audit shows Leucadia WWD’s net position at \$146.4 million as of June 30, 2022. This accrued amount reflects an overall three-year change of (0.41%) and includes an unrestricted portion of \$23.2 million. The total cash balance at the end of the last audited year totals \$6.2 million and equivalent to covering 13 months of recent actual operating costs.<sup>5</sup>

<sup>4</sup> State law defines “subject agency” to mean any district or city for which a change of organization or change of organization is proposed.

<sup>5</sup> Leucadia WD’s actual operating expense as listed in the most recent audit tallies \$5.373 million.

## Affected Local Agencies

The affected territory presently lies within the jurisdictional boundaries and/or spheres of influence of nine local agencies directly subject to San Diego LAFCO’s planning and regulatory responsibilities. These agencies qualify as “affected agencies” relative to the proposed change of organization and listed below.<sup>6</sup>

- Carlsbad Municipal Water District
- City of Carlsbad
- County Service Area No. 135 (Regional Communications)
- Leucadia WD
- Metropolitan Water District of Southern California
- North County Transit District
- Resource Conservation District of Greater San Diego
- San Diego County Water Authority
- Tri City Healthcare District

The affected territory also lies within the following school and college districts, and accordingly have received notice of the proposal: Carlsbad Unified School District and Mira Costa Community College District.

## DISCUSSION

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

## Proposal Purpose

The purpose of the proposed change of organization before San Diego LAFCO is to eliminate an existing overlap between two public wastewater service providers and in doing so better align the respective service areas consistent with both agencies’ current and planned infrastructure. The change of organization would make explicit under State Law via LAFCO that Carlsbad is the designated wastewater provider for the affected territory going forward. The timing of the proposal ties to the culmination of discussions between Carlsbad and Leucadia WD with the latter interested in moving forward now to help ensure future elections are limited to actual WD ratepayers.

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<sup>6</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.



## Current and Planned Land Uses

The entire affected territory is incorporated, inhabited, and developed with residential as well as some commercial and open-space uses consistent with Carlsbad’s land use policies. Planned uses for all three areas comprising the affected territory follows.

- Area 1 is designated under the Carlsbad General Plan as either Open Space, Visitor Serving, or Residential-15. The predominate zoning assignment is Residential Density - M. This zoning assignment scales minimum lot sizes between 0.14 acres for a one-family dwelling unit and 0.23 acres for two or more family dwelling units.
- Area 2 is designated under the Carlsbad General Plan as either Residential – 8, - 15, or – 23 with a common zoning assignment of Residential Density - M. This zoning assignment scales minimum lot sizes between 0.14 acres for a one-family dwelling unit and 0.23 acres for two or more family dwelling units.
- Area 3 is designated under the Carlsbad General Plan as either Open Space, Local Shopping, or Residential-15. The predominate zoning assignment is Residential Density - MQ. This zoning assignment scales minimum lot sizes between 0.14 acres for a one-family dwelling unit and 0.23 acres for two or more family dwelling units.

No development plans are associated with the change of organization proposal.

## Commission Focus

Three central and sequential policy items underlie San Diego LAFCO’s consideration of the proposed change of organization. These policy items take the form of determinations and orient the Commission to consider the stand-alone merits of a (a) sphere of influence amendment, (b) timing of the change of organization itself, and (c) whether modifications or approval terms are appropriate. The Commission must also consider other relevant statutes in, and outside LAFCO law as further detailed in the proceeding section.

## ANALYSIS

San Diego LAFCO’s analysis of the proposed change of organization is divided into two subsections. The first subsection pertains to evaluating the central issues referenced in the preceding section relative to both statutory and local policy considerations. The second subsection considers other germane issues and highlighted by applicability under the California Environmental Quality Act (CEQA).

## Central Policy Items

### Item No. 1 |

#### Conforming Sphere of Influence Amendment

The proposed change of organization necessitates San Diego LAFCO to consider a conforming sphere of influence action for the subject agency specific to Area 3 to achieve consistency with the requested jurisdictional changes as required under statute and practice. Consideration of the amendment involves removing all of Area 3 from the Leucadia WD sphere and premised on LAFCO’s overall 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. Areas 1 and 2 are already excluded from the Leucadia WD sphere and readily conform to the proposal.

With the above scope in mind, the proceeding analysis is organized to consider three related factors necessitated under statute and local policy. The statutory factors relate to an informing municipal service review along with addressing the general relationship between the agency and affected territory.<sup>7</sup> Local policies involve consideration of L-102 and its provisions to guide sphere actions in San Diego County.

- 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 series of municipal service reviews prepared by LAFCO germane to the affected territory and affected/subject agencies were completed in 2016. Requiring one or more new municipal service reviews – however and specific to informing the proposed change of organization – does not appear warranted. This conclusion ties to the relatively limited scope of the amendment and the nature of the underlying request (i.e., detachment from Leucadia WD)

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

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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 follow.

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<sup>7</sup> Reference to Government Codes 56430 and 56425, respectively.

- With respect to **present and planned land uses**, the portion of the affected territory subject to the sphere amendment – Area 3 – comprises 16 acres spanning 10 legal parcels. These parcels are largely developed with residential and mixed-commercial units as well as open-space areas consistent with their planned uses under the Carlsbad Zoning Ordinance and assigned uses therein ranging from Open-Space (OS) to Residential 15 (R-15) and Local Shopping (CL). These present and planned uses are readily compatible with the conforming amendment.
  - With respect to **present and probable need for one or more public services**, the portion of the affected territory subject to the conforming sphere amendment – Area 3 – is already connected to Carlsbad’s public wastewater system in support of its current development. The present and continued need for public wastewater is readily compatible with the conforming amendment.
  - With respect to **overall adequacy of the agencies’ public services**, a 2016 municipal service review on Carlsbad attests to the overall sufficiency of resources (infrastructure, finances, etc.) to continue to provide wastewater throughout its existing service area. Additional analysis on the ability for Carlsbad to continue to accommodate service to the affected territory subject to the conforming sphere amendment – Area 3 – is included in the proceeding section. The overall adequacy of the wastewater system is readily compatible with the conforming amendment.
  - With respect to **social or economic communities of interest if relevant to the agencies**, the affected territory subject to the conforming sphere amendment – Area 3 – has no current and/or planned need for municipal services provided by Leucadia WD. This lack of existing and anticipated communities of interest with Leucadia WD provides consistency with the conforming amendment.
  - With respect to **present and probable need for services involving any disadvantaged unincorporated communities**, none of the affected territory qualifies under LAFCO statute.
- Sphere Factor No. 3:  
Consideration of Policy L-102

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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 – and 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 amendment necessary to accommodate the proposed change of organization to remove A-3 from the Leucadia WD sphere conforms with L-102. Most directly, the amendment would eliminate duplicative jurisdictional boundaries and consolidates public wastewater service responsibility under Carlsbad going forward.

**CONCLUSION |  
MERITS OF A CONFORMING SPHERE OF INFLUENCE AMENDMENT**

The conforming amendment to remove Area 3 from Leucadia WD’s sphere of influence and in doing so accommodate the proposed change of organization is sufficiently justified under both statute and local policy. Justification is marked by the preceding analysis and largely premised on the following two related assumptions. First it is assumed the Commission determines a new municipal service review is not necessary given the otherwise limited scope of service impacts associated with the annexation and a waiver is appropriate. Second, it is assumed the transition of the affected territory out of Leucadia WD’s sphere would correct an overlap in the jurisdictional boundaries between Leucadia WD and Carlsbad and in doing so, better align the service areas with existing infrastructure.

**Item No. 2 |  
Change of Organization’s Timing**

San Diego LAFCO’s consideration of the proposed change of organization’s timing draws on analyzing baseline factors required in statute as 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 as well as assessing the ability of subject agencies providing services going forward.<sup>8</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.

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, registered voter counts, and so on – to discretionary analyses. This latter category is highlighted by evaluating the proposed detachment’s relationship to community needs as well as the service capacities and related financial resources of the receiving agency. A summary of key conclusions generated in reviewing these discretionary matters for the proposed change of organization regarding (a) service needs, (b) service availability and capacities, and (c) related financial considerations follow.

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<sup>8</sup> Reference to Government Code Section 56668.

- With respect to **service needs**, the affected territory’s existing residential and mixed commercial uses currently receive public wastewater from Carlsbad. Detachment of the affected territory from Leucadia WD eliminates an unnecessary overlap and in doing so syncs Carlsbad and Leucadia’s boundaries to better align with their actual infrastructure.
  - With respect to **service availability and capacities**, Carlsbad has available and sufficient collection and contracted treatment capacities to continue to meet current service demands in the affected territory at its planned maximum uses. Materially, the present existing average day wastewater flow generated within the affected territory is 0.085 million gallons. This amount represents 1.5% of Carlsbad’s existing flow demands with the City separately having 3.013 million gallons of remaining capacity available to accommodate new demands going forward.
  - With respect to **related financial considerations**, Carlsbad has adequate financial resources and related administrative controls to continue to provide wastewater services to the affected territory. This comment is reflected in the staff analysis of recent audited statements, which shows Carlsbad having established relatively healthy levels of liquidity and capital highlighted by a current ratio of \$12 to 1 and a debt ratio of 7.9%, respectively. These measurements provide reasonable assurances of Carlsbad’s overall favorable short and long-term financial outlook.
- Timing Factor No. 2:  
Consideration of Policy L-107

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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.<sup>9</sup> No jurisdictional disputes have been disclosed by Carlsbad or Leucadia WD. LAFCO staff, similarly, has not identified any disputes or related concerns involving other local agencies in the administrative review.

**CONCLUSION |  
MERITS OF CHANGE OF ORGANIZATION TIMING**

The timing of the change of organization to detach the affected territory from Leucadia WD is warranted. Justification is marked by the preceding analysis and appropriately serves to designate Carlsbad as the exclusive public wastewater service provider for the affected territory and in doing so sync to existing infrastructure investments. Additional analysis supporting the conclusion is provided in Appendix A.

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<sup>9</sup> 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>9</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.

### Item No. 3 |

#### Modifications and Terms

No modifications to the submitted change of organization have been identified by San Diego LAFCO staff meriting Commission consideration at this time. This includes confirmation that the detachment of the affected territory would not generate any corridors and/or otherwise illogical jurisdictional features for the subject agency. Staff is recommending standard terms of approval and marked by tasking the applicant (Carlsbad) to cover all final filing costs.

#### CONCLUSION | MODIFICATIONS AND TERMS

No modifications appear warranted. Standard approval terms are recommended and include receipt of all remaining payments associated with the processing of the proposal by the Commission through recordation.

#### Other Statutory Considerations

##### Exchange of Property Tax Revenues

California Revenue and Taxation Code Section 99(b)(6) requires the adoption of a property tax exchange agreement by the affected local agencies before San Diego LAFCO can consider any jurisdictional change unless an applicable master agreement applies. The associated statutes also empower the County of San Diego to make all related property tax exchange determinations on behalf of special districts. Staff has confirmed the County Board of Supervisors has adopted a master agreement to govern the tax exchange for the proposed change of organization. The master agreement specifies no transfer of property taxes would occur following the detachment of the affected territory from Leucadia WD.

##### Environmental Review

San Diego LAFCO is obligated under CEQA to assess whether environmental impacts would result from activities approved under the Commission’s authority, either as a lead or responsible agency. The Commission is tasked with making two distinct findings under CEQA in consideration of the proposed change of organization. Staff’s analysis follows.

- San Diego LAFCO serves as lead agency under CEQA for the conforming sphere of influence action associated with accommodating the change of organization. It is recommended the Commission find this action – and specifically the amendment of the Leucadia WD’s sphere to exclude Area 3 – is 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 that spheres are planning policies and any associated actions (establishment, update, or amendment) in and of itself does not change the environment or authorize any new uses or services.



- Carlsbad serves as lead agency under CEQA for considering the physical effects of the change of organization as the initiating party. In this role as lead agency, Carlsbad has determined the change of organization – and specifically the detachment of the affected territory from Leucadia WD – is a project under CEQA but exempt from further review under State CEQA Guidelines Section 15319(a) given the proposed change of organization involves the annexation of private public structures that are consistent with the City’s General Plan and there is no additional planned development associated with the affected territory. Staff independently believes this is a reasonable determination and as responsible agency, concur with Carlsbad’s finding.

### **Protest Proceedings**

An approval of the change of organization 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.

### **RECOMMENDATION**

Staff recommends conditional approval of the change of organization proposal as submitted along with a conforming sphere of influence amendment as detailed. This recommendation and ancillary actions are consistent with Alternative One as listed 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 proposal as submitted (without modifications) and conforming sphere of influence amendment along with delegating protest, making required findings under CEQA, and waiving Policy L-106.

Alternative Two:

Continue consideration to the next regular meeting.

Alternative Three:

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

**VI. PROCEDURES FOR CONSIDERATION**

This item has been placed on San Diego LAFCO's agenda for action as part of a noticed public hearing given the associated need for a sphere of influence amendment. 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.
4. Discuss the item and consider the staff recommendation.

On behalf of the Executive Officer,



Carolanne Ieromnimon  
Analyst II

Appendices:

- A) Analysis Boundary Change Factors

Attachments:

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



## **APPENDIX A**

### **Government Code Section 56668**

#### **Proposal Review Factors**

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

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The affected territory as submitted comprises three non-contiguous areas within Carlsbad’s jurisdictional boundary that collectively span 50 legal parcels and approximately 202 acres. (The legal parcels are further defined into 277 unique assessor parcels.) All three areas comprising the affected territory are largely built out and adjacent to areas similarly developed to their expected maximum density within the immediate future. The total estimated resident population is 1,235. Overall, the affected territory’s total assessed land value of \$148,667,794.

- 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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Carlsbad serves as the primary purveyor of general governmental services to the affected territory. These governmental services include community planning, roads, fire protection, law enforcement, and wastewater. Other pertinent service providers include Carlsbad Municipal Water District (domestic water). This proposal addresses only wastewater service and is the focus of the succeeding analysis.

- **Continued Delivery of Public Wastewater to Affected Territory**

Carlsbad has already established wastewater service (collection, treatment, and discharge) to the affected territory. The present existing average day wastewater flow generated within the affected territory is 0.085 million gallons. This amount represents 1.5% of Carlsbad’s existing flow demands with the City separately having 3.013 million gallons of remaining capacity available to accommodate new demands going forward.

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

---

Approving the change of organization to detach the affected territory from Leucadia WD would formalize and strengthen relevant economic and social ties between the lands and local government. Specifically, the change of organization would serve as a boundary clean-up and make explicit Carlsbad serves as the designated and exclusive wastewater provider for the affected territory going forward.

**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.**

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Approving the proposed change of organization and detachment from Leucadia WD would eliminate an existing overlap between Leucadia WD and Carlsbad and better align the respective service areas consist with existing infrastructure. Approval would be consistent with the Commission’s adopted policies to sync urbanized uses with urbanized services. The affected territory does not contain “open-space” as defined under LAFCO law and no conflicts exists under Government Code Section 56377. Additional analysis concerning conformance with germane Commission policies follows.

- San Diego LAFCO Policy L-107 requires applicants to disclose and address potential jurisdictional issues associated with their proposals and if applicable requires a consultation process with affected agencies, interested parties, or organizations to help discuss and potentially remedy concerns unless waived by the Executive Officer. No jurisdictional disputes or related concerns were identified or disclosed by the applicant or by affected agencies or interested parties in the review of the proposal.

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

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The affected territory does not contain “prime agricultural land”, or “agricultural land” as defined under LAFCO law. Specifically, the affected territory does not contain lands currently used for any of the following purposes: producing an agricultural commodity for commercial purposes; left fallow under a crop rotational program; or enrolled in an agricultural subsidy program. Approval of the proposal and detachment from Leucadia WD would have no effect on maintaining the physical and economic integrity of agricultural lands.

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

---

LAFCO is in receipt of a draft map and geographic description of the affected territory that details metes and bounds 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. No irregular or otherwise illogical boundary features would be generated from proposal approval.

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

---

The proposed change of organization would eliminate an existing overlap between Leucadia WD and Carlsbad and better align the respective service areas consist with existing infrastructure. The proposal and its anticipated outcomes do not generate any known conflicts with *San Diego Forward*, the regional transportation plan adopted by the San Diego Association of Governments.

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

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See page 6 of the agenda report.

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

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See page 5 of the agenda report.

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

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Notice of the submitted change of organization 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 January 29, 2024.

**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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Information collected and reviewed as part of this proposal indicates Carlsbad – as the defacto receiving agency – having sufficient and available financial resources and administrative controls therein relative to continuing to provide public wastewater to the affected territory. This statement is supported by the following factors.

- Carlsbad’s last audit covers 2021-2022 and shows the City finished with ample liquidity levels with an agency-wide current ratio of 12 to 1 (i.e., \$12.0 in current assets for every \$1.00 in current liabilities).
- Carlsbad finished 2021-2022 with sufficient capital levels and marked by a moderately low debt ratio of 7.9% (i.e., only \$7.90 out of every \$100.00 in net assets are financed.)
- Carlsbad has experienced mostly an upward trend in the last three audited fiscal years with an average total margin of 0.4%. However, the most recent year – 2021-2022 – the City finished with an overall total margin of (8.5%).

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

---

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

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

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The proposed change of organization 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 January 29, 2024.

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

---

See above analysis for (h).

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

---

The change of organization is expected to have a positive impact on environmental justice by further promoting the availability of public wastewater service within the affected territory and in doing so provide further protections within the watershed. 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 (a) pollution burdens and (b) susceptible population to pollution burdens relative to all census tracts in California.

- The affected territory's **composite pollution burden ranking** falls in the 68 percentiles with an internal range between 7 to 94 percentiles. Eight pollution burden measurements exceed the 50 percentile and considered relatively high. These eight measurements comprise (a) one air quality effects involving diesel as well as (b) seven environmental effects involving traffic, pesticides, cleanup sites, groundwater threats, hazardous waste, solid waste, and impaired water.

- The affected territory’s **composite susceptible population** ranking falls in the 31 percentiles with an internal range between 3 to 44 percentiles. None of these at-risk groups exceed the 50 percentile and neither measurements exceed the 70-percentile. Given all fall under the 50 percentile, they are considered less significant in magnitude.

A summary of all tracked pollution burdens and susceptible population follows.

<b>Census Tracts 6073017813 &amp; 6073022100</b>	
<b>Pollution Burdens and Susceptible Population</b>	
Table 2.6a (Source: California Environmental Protection Agency and SD LAFCO)	
<b>C</b>	<b>Affected Territory + Surrounding Lands</b>
Census Tract No.	<b>6073017813</b> <b>6073022100</b>
Estimated Population	14,023
<b>Pollution Burden</b>	<b>Weighted Percentile</b>
<b>... Percentile</b>	<b>68.46</b>
Indicator   Air Quality: Ozone	32.15
Indicator   Air Quality: PM 2.5:	39.54
Indicator   Air Quality: Diesel PM:	59.52
Indicator   Pesticides:	92.99
Indicator   Toxic Releases:	21.18
Indicator   Traffic:	72.87
Indicator   Drinking Water Contaminants:	10.37
Indicator   Lead in Housing:	7.50
Effects   Cleanup Sites:	48.24
Effects   Groundwater Threats:	51.30
Effects   Hazardous Waste:	93.99
Effects   Impaired Water:	72.39
Effects   Solid Waste:	53.12
<b>Sensitive Population</b>	<b>Weighted Percentile</b>
<b>... Percentile</b>	<b>12.09</b>
Population   Asthma:	3.14
Population   Low Birth Weight:	15.55
Population   Cardiovascular Disease:	9.52
Population   Education:	38.26
Population   Linguistic Isolation:	44.40
Population   Poverty:	29.60
Population   Unemployment:	42.72
Population   Housing Burden:	25.46

- 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 Carlsbad General Plan contains a hazard mitigation plan for potential fire, flooding and earthquakes. The affected territory lies within a moderate wildfire hazard area as well as a medium-low earthquake hazard area.

**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.**

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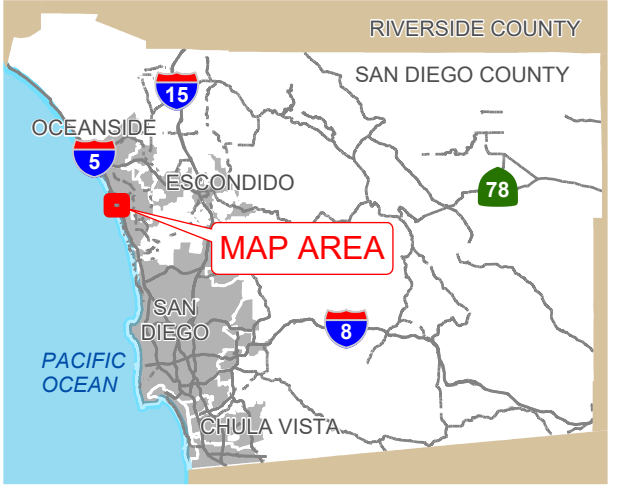
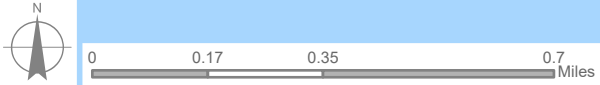
Approval of the change of organization would be in the best interest of the current and future landowners and/or visitors of the affected territory. Specifically, approval would eliminate an existing boundary overlap between Carlsbad and Leucadia WD and in doing so make explicit Carlsbad shall be responsible for providing public wastewater to the affected territory now and going forward.






# Map 1: Proposal Area 1

Camino de Las Ondas

Agenda Item No. 6a | Attachment One



CO23-09 "CITY OF CARLSBAD CHANGE OF ORGANIZATION" | DETACHMENT FROM LEUCADIA WASTEWATER DISTRICT AND CONCURRENT SPHERE OF INFLUENCE ACTION

-  Leucadia WD SOI
-  Proposal Area
-  Leucadia WD

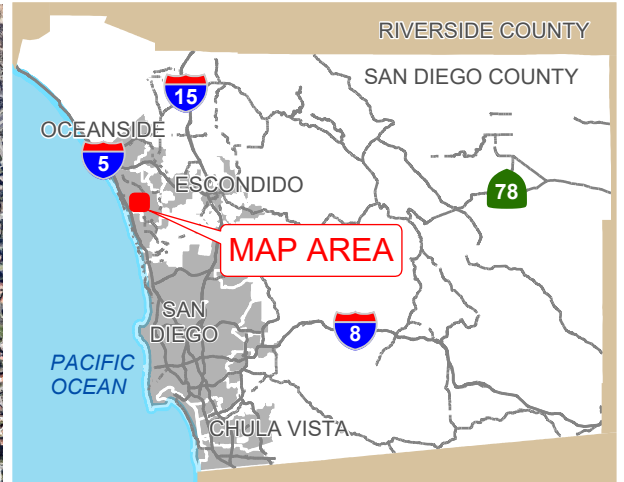
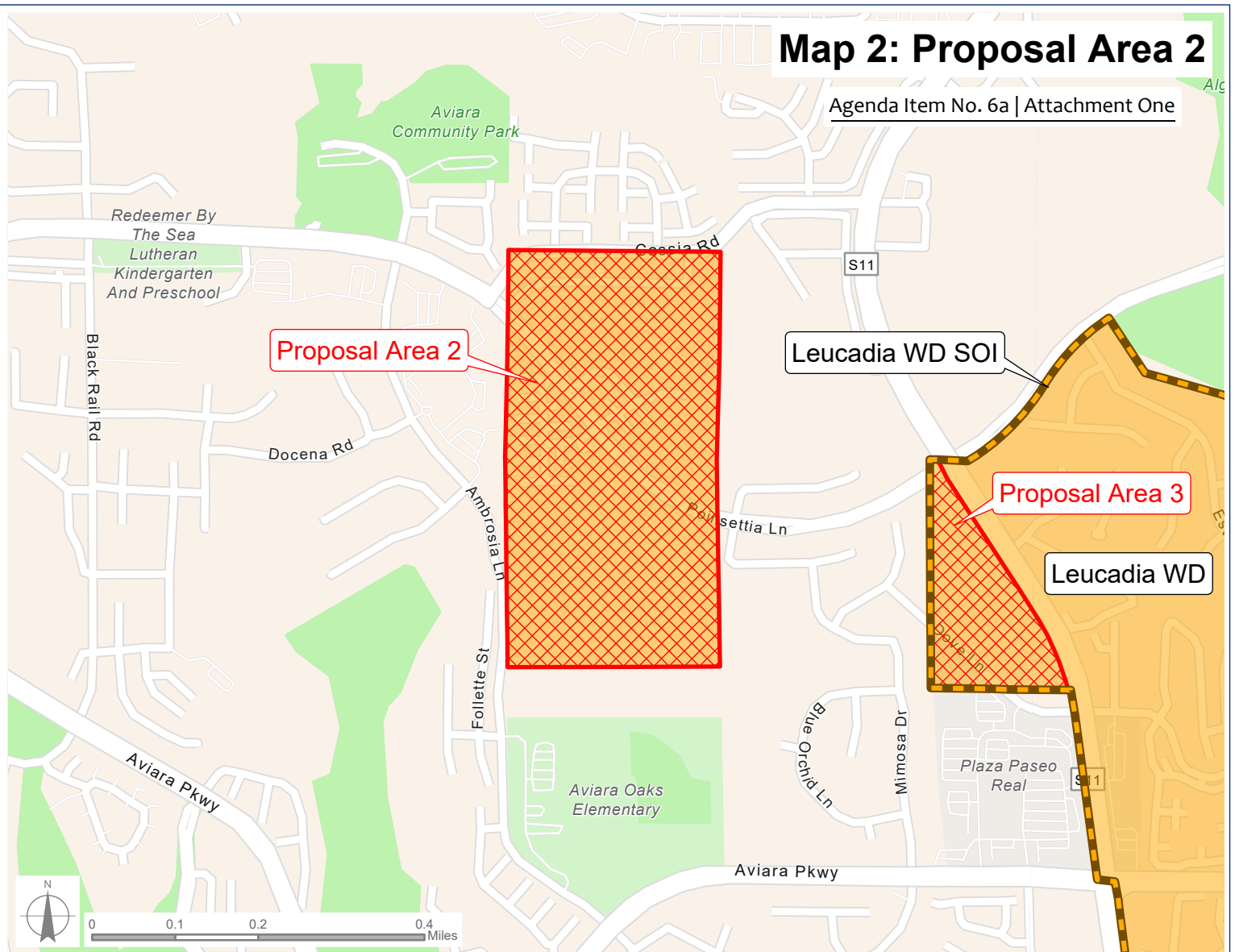
SOI = Sphere of Influence

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# Map 2: Proposal Area 2

Agenda Item No. 6a | Attachment One



CO23-09

## "CITY OF CARLSBAD CHANGE OF ORGANIZATION" | DETACHMENT FROM LEUCADIA WASTEWATER DISTRICT AND CONCURRENT SPHERE OF INFLUENCE ACTION

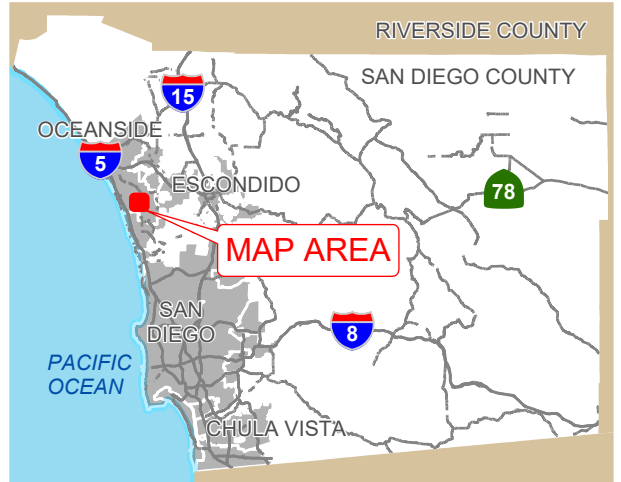
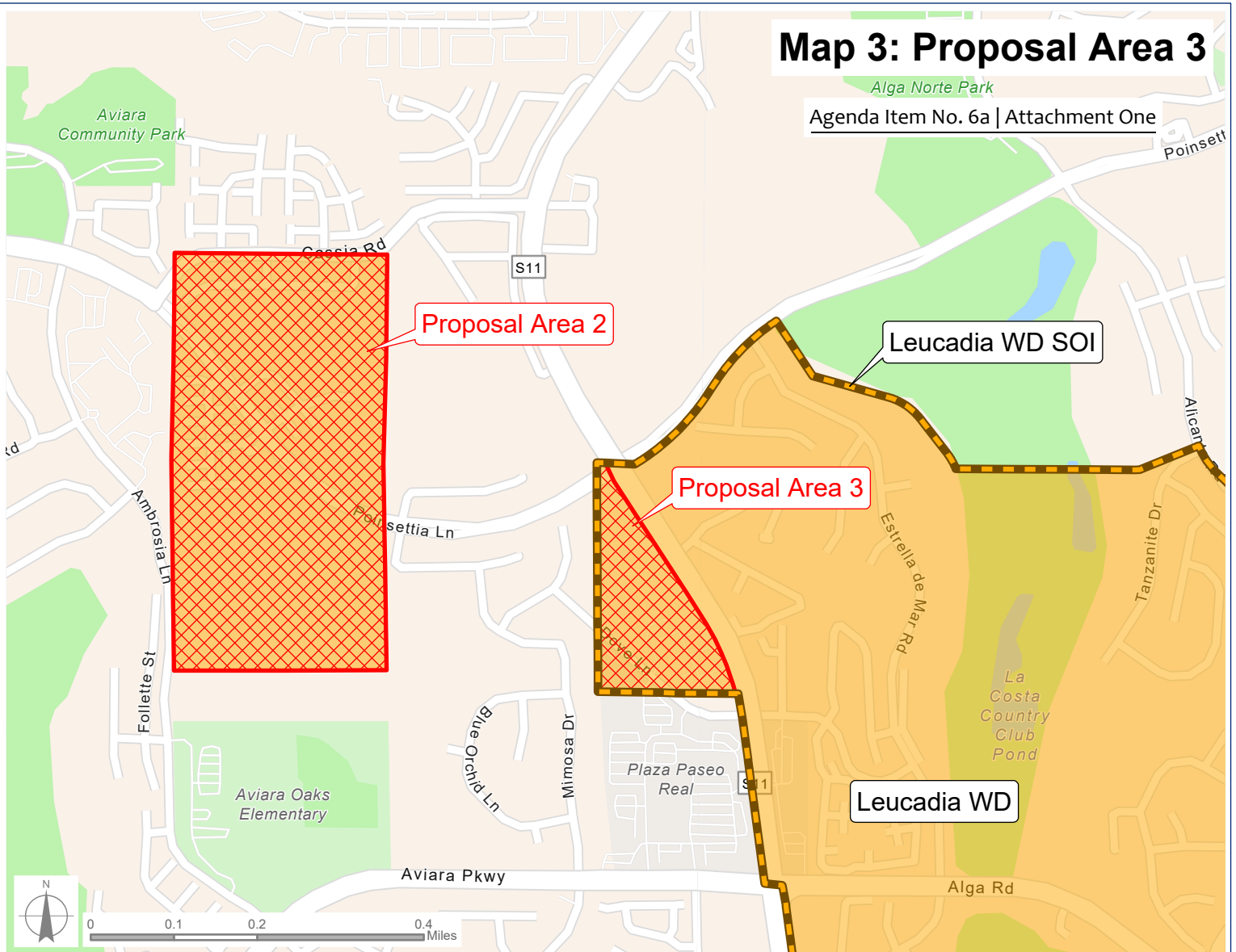
-  Leucadia WD SOI
  -  Proposal Area
  -  Leucadia WD
- SOI = Sphere of Influence

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# Map 3: Proposal Area 3




Alga Norte Park

Agenda Item No. 6a | Attachment One



CO23-09

## "CITY OF CARLSBAD CHANGE OF ORGANIZATION" | DETACHMENT FROM LEUCADIA WASTEWATER DISTRICT AND CONCURRENT SPHERE OF INFLUENCE ACTION

-  Leucadia WD SOI
  -  Proposal Area
  -  Leucadia WD
- SOI = Sphere of Influence



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

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

SAN DIEGO COUNTY LOCAL AGENCY FORMATION COMMISSION

MAKING DETERMINATIONS and APPROVING A CHANGE OF ORGANIZATION

“CITY OF CARLSBAD CHANGE OF ORGANIZATION”  
DETACHMENT FROM THE LEUCADIA WASTEWATER DISTRICT AND  
CONCURRENT SPHERE OF INFLUENCE ACTION  
LAFCO FILE NO. CO23-09

**WHEREAS**, on July 17, 2023, the City of Carlsbad filed a resolution to initiate proceedings and an application with the San Diego County Local Agency Formation Commission, hereinafter referred to as “Commission,” pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000; and

**WHEREAS**, the application seeks approval of a change of organization to detach three non-contiguous areas totally approximately 202 acres of combined incorporated territory within the City of Carlsbad from the Leucadia Wastewater District; and

**WHEREAS**, the affected territory as proposed includes a combined total of 50 legal parcels that are developed with multiple residential and mixed commercial units as well as certain open space; and

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

**WHEREAS**, the proposed change of organization necessitates the Commission consider a certain conforming sphere of influence amendment to accommodate the jurisdictional change; and

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

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

**WHEREAS**, the Commission heard and fully considered all the evidence presented at a noticed public meeting on the proposal on February 5, 2024; and

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



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

1. The public hearing was held on the date set therefore, and due notice of said meeting was given in the manner required by law.
2. At the public 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 is tasked under the California Environmental Quality Act (CEQA) in considering the potential impacts of the proposal as it separately relates to the (a) accommodating sphere of influence amendment and (b) change of organization itself. The Commission's findings follow.
  - a) San Diego LAFCO serves as lead agency under CEQA for the conforming sphere of influence action associated with accommodating the change of organization. It is recommended the Commission find this action – and specifically the amendment of the Leucadia WD's sphere to exclude "Area 3" of the affected territory – is 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 that spheres are planning policies and any associated actions (establishment, update, or amendment) in and of itself does not change the environment or authorize any new uses or services.
  - b) Carlsbad serves as lead agency under CEQA for considering the physical effects of the change of organization as the initiating party. In this role as lead agency, Carlsbad has determined the change of organization – and specifically the detachment of the affected territory from Leucadia WD – is a project under CEQA but exempt from further review under State CEQA Guidelines Section 15319(a) given the proposed change of organization involves the annexation of private public structures that are consistent with the City's General Plan and there is no additional planned development associated with the affected territory. Staff independently believes this is a reasonable determination and as responsible agency, concur with Carlsbad's finding.
4. The Commission CONDITIONALLY APPROVES the sphere of influence amendment for Leucadia Wastewater District to accommodate and otherwise match the change of organization as shown in the vicinity map provided as Exhibit A.
  - a) Approval includes the Commission making findings under Government Code Section 56425 consistent with the statements provided in the accompanying Executive Officer's written report.
  - b) Approval is contingent upon the approval and related issuance of a Certificate of Completion for the change of organization.

5. The Commission APPROVES the change of organization without modifications as described below and subject to conditions as provided. Approval involves all of the following:
  - a) Detachment of the affected territory from the Leucadia WD is shown in “Exhibit B” and described in “Exhibit C.”
6. The Commission CONDITIONS all approvals on the following terms being satisfied by February 5, 2025 unless an extension is requested in writing and approved by the Executive Officer:
  - a) Completion of the 30-day reconsideration period provided under Government Code Section 56895.
  - b) Submittal to the Commission of final map and geographic description of the affected territory as approved by the Commission conforming to the requirements of the State Board of Equalization – Tax Services Division.
  - c) Submittal to the Commission of the following payments:
    - A check made payable to LAFCO in the amount of \$100.00 for the County of San Diego-Clerk Recorder to reimburse for filing a CEQA Notice of Exemptions consistent with the findings in the resolution.
    - A check made payable to the State Board of Equalization for processing fees in the amount of \$2,000.00.
    - A check made payable to LAFCO to reimburse for the actual costs of noticing the proposal for both the public hearing and protest hearing in the San Diego Union Tribune
7. The Commission waives L-106 and the otherwise provision to prepare a municipal service review to inform the associated sphere of influence amendment authorized as part of this proposal.
8. The Commission assigns the proposal the following short-term designation:

“City of Carlsbad Change of Organization”
9. The affected territory as designated by the Commission is inhabited as defined in Government Code Section 56046.
10. The Commission delegates conducting authority proceedings under Government Code Section 56662 to the Executive Officer.
11. The Leucadia Wastewater District is a registered-voter districts.

12. The Leucadia Wastewater District all utilize the County of San Diego assessment roll.
13. The affected territory will be liable for any existing bonds, contracts, and/or obligations of the City of Carlsbad as provided under Government Section 57328.
14. The effective date of the approval shall be the date of recordation but not before the completion of a 30-day reconsideration period and conducting authority proceedings and only after all terms have been completed as attested by the Executive Officer.
15. As allowed under Government Code Section 56107, the Commission authorizes the Executive Officer to make non-substantive corrections to this resolution to address any technical defects, errors, irregularities, or omissions.
16. The Executive Officer is hereby authorized and directed to transmit copies of this resolution as provided in Sections 56880-56882 of the Government Code.
17. 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 5<sup>th</sup> of February, 2024 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\*\*

Attest:

---

Keene Simonds  
Executive Officer



**EXHIBIT A**  
**VICINITY MAP OF THE AFFECTED TERRITORY**  
**SPHERE OF INFLUENCE AMENDMENT**

-Placeholder-

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**EXHIBIT B**  
**MAP OF THE AFFECTED TERRITORY**

-Placeholder-

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**EXHIBIT C**  
**DESCRIPTION OF THE AFFECTED TERRITORY**

-Placeholder-

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**RESOLUTION NO. 2023-143**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA, REQUESTING THE SAN DIEGO COUNTY LOCAL AGENCY FORMATION COMMISSION TO HOLD PROCEEDINGS FOR THE LEUCADIA WASTEWATER DISTRICT CHANGE OF ORGANIZATION DETACHMENT AND DELEGATING AUTHORITY TO THE CITY MANAGER OR DESIGNEE TO SIGN THE APPLICATION AND OTHER DOCUMENTS NECESSARY TO COMPLETE THE CHANGE OF ORGANIZATION

WHEREAS, the City Council of the City of Carlsbad, California has determined that it desires to initiate proceedings pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, California Government Code Section 56000 *et seq.*, for a proposed Change of Organization for detachment of certain areas within city limits from the Leucadia Wastewater District, or Leucadia, wastewater service area; and

WHEREAS, those areas are indicated along with the application in Attachment A; and

WHEREAS, in some cases, service areas were established before development needs were known; and

WHEREAS, as development in parts of the City of Carlsbad has occurred, the city has provided wastewater collection services within the Leucadia Wastewater District service area due to the city's existing infrastructure; and

WHEREAS, Leucadia Wastewater District has no plans to extend wastewater collection facilities to serve these areas and supports the detachment in order to revise the approved service area boundary; and

WHEREAS, the San Diego County Local Agency Formation Commission, or LAFCO, is authorized to initiate proceedings for this proposed Change of Organization without a petition of landowners or registered voters upon approval by the City Council and certified Resolution approving the LAFCO application; and

WHEREAS, the City Planner has reviewed this proposed Change of Organization under the California Environmental Quality Act, or CEQA, and has determined it to be categorically exempt from CEQA pursuant to Section 15319 (a) because the annexation of existing private structures is consistent with the city's General Plan and there is no planned development in the subject areas inconsistent with the city's General Plan; and

WHEREAS, a copy of the CEQA exemption will be retained in the Utilities Department file and filed with the San Diego County to serve as verification of the City Planner's evaluation and the record of the CEQA environmental determination.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Carlsbad, California, as follows:

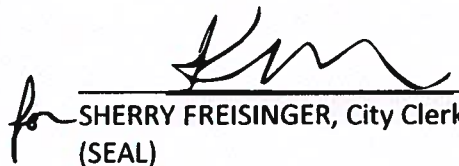
1. That the above recitations are true and correct.
2. That the San Diego County Local Agency Formation Commission is requested to start proceedings for the proposed Change of Organization that includes the territories described in Attachment A, according to the terms and conditions stated above and, in a manner, provided by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.
3. That the City Manager or designee is delegated authority to sign the application and other documents necessary to complete the Change of Organization.

PASSED, APPROVED AND ADOPTED at a Regular Meeting of the City Council of the City of Carlsbad on the 6th day of June, 2023, by the following vote, to wit:

AYES: Bhat-Patel, Acosta, Burkholder, Luna.  
NAYS: None.  
ABSTAIN: Blackburn.  
ABSENT: None.



\_\_\_\_\_  
KEITH BLACKBURN, Mayor



\_\_\_\_\_  
for SHERRY FREISINGER, City Clerk  
(SEAL)







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

**7a**

**AGENDA REPORT**  
 Business | Action

February 5, 2024

**TO:** Commissioners

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

**SUBJECT:** **Proposed “Garcia - Curtis Drive Out-of-Agency Wastewater Services” | City of Vista (OAS23-14)**

**SUMMARY**

The San Diego County Local Agency Formation Commission (LAFCO) will consider a request by the City of Vista to provide new out-of-agency wastewater services to an unincorporated parcel located north of the City and within its sphere of influence. The affected territory and its lone subject parcel is 2.8 acres in size and developed with a single-family residence at 211 Curtis Drive. The purpose of the request is to make available public wastewater to accommodate the construction of an accessory dwelling unit (ADU) that would otherwise be prohibited given the limitations on the existing septic system. Staff recommends approval authorizing service to the existing single-family residence and planned ADU; any additional future uses are prohibited. Standard terms are also recommended. Staff is relatedly recommending the Commission dispense with the otherwise special condition commonly applied to require the landowner to file an annexation proposal with LAFCO for future processing given local conditions as detailed. A categorical exemption applies.

<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>Mami 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>Vacant</b>          General Public</p> <p><b>Harry Mathis, Alt.</b>          General Public</p>
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## BACKGROUND

### Out-of-Agency Services: Statute and Local Policies

Government Code Section 56133 prohibits cities or special districts from providing new or extended services by contracts outside of their jurisdictional boundaries without prior LAFCO review and approval less certain and limited exemptions. In addition, cities or districts may only provide services by contract outside of their boundaries and within their spheres of influence in anticipation of later annexations. If the affected territory lies outside the subject agencies’ spheres, outside-of-agency services may only be extended in response to documented threats to public health and/or safety as determined by LAFCO.

San Diego LAFCO’s current policies authorize the Executive Officer to approve outside-of-agency services in response to documented health, safety, or welfare impacts.<sup>1</sup> Otherwise, all out-of-agency approvals require formal Commission action.

### Applicant Request

San Diego LAFCO received a request from the City of Vista in December 2023 for approval to provide new wastewater services outside its jurisdictional boundary by contract with a landowner (Michael Garcia) involving an approximate 2.8-acre unincorporated parcel. The subject parcel is developed with a 1,908 square-foot single-family residence, which was built in 1980 with a situs of 2111 Curtis Drive (171-150-10). The subject parcel lies immediately adjacent to the existing Vista boundary and within its sphere of influence. The request is premised on accommodating the planned development of an ADU.

A map showing the affected territory is provided as Attachment One.

## DISCUSSION

This item is for San Diego LAFCO to consider approving the City of Vista’s request under Government Code Section 56133 to provide new out-of-agency wastewater services (collection, treatment, and disposal classes) to the subject parcel at 2111 Curtis Drive. The Commission maintains discretion to approve the request with or without terms so long as the latter does not directly regulate land use, property development, or subdivision requirements. Additional discussion on proposal purpose, land use policies, and Commission focus follows.

### Proposal Purpose

The purpose of the proposal and the request to establish out-of-agency wastewater service to the affected territory is to accommodate the landowner’s interest to develop an ADU that would otherwise be prohibited due to limitations with the existing septic system.

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<sup>1</sup> These policies also delegate discretion to the Executive Officer in determining whether public health, safety, or welfare threats exists on a case-by-case basis. Reference to Rule No. 1.8.

## Current and Planned Land Uses

The affected territory’s lone subject parcel is currently developed with a single-family residence built in 1980. The County of San Diego designates the subject parcel as Semi Residential with a zoning assignment of Rural Residential, which sets the minimum lot density to 1.0 acres. The City of Vista similarly designates the subject parcel as Rural Residential without a current rezoning assignment.

## Commission Focus

Staff has identified two central and sequential policy items for San Diego LAFCO in considering the merits of the requested approval for the City of Vista to provide new out-of-agency wastewater services to the affected territory. These items involve the stand-alone merits of the (a) timing of the requested service extension itself and (b) whether discretionary terms are appropriate. The Commission must also consider other relevant statutes as detailed

## ANALYSIS

The following analysis address the two policy considerations outlined in the preceding section most relevant to San Diego LAFCO consideration of the requested authorized – timing of the out-of-agency service and whether terms are appropriate.

### Policy Consideration | Timing of the Out-of-Agency Wastewater Service

The City of Vista is requesting approval from San Diego LAFCO to establish new out-of-agency wastewater services to the affected territory at 211 Curtis Drive on behalf of the landowner and their interest to construct an ADU. Underlying the Commission’s consideration of the request is the timing and whether the membership believes the extension of municipal wastewater service is merited and – if yes – whether it is readily available. Should the preceding determinations be in the affirmative the Commission is tasked with proceeding to consider most appropriate delivery means, annexation or outside service extension. Staff’s analysis of these two related factors follows.

- Need and Availability of Service

The affected territory consists of an existing single-family residence within a developing unincorporated area that is becoming decreasingly affiliated with Bonsal. Existing County policies allow for additional intensification of the affected territory to include an ADU. Accommodating an ADU – however – exceeds the capacity of the aging onsite septic system less significant improvements. Alternatively, the extension of Vista’s wastewater service to the affected territory is readily accessible via a wastewater main and corresponding public-right-of-way easement located directly along the east side of the entire property line. It is projected the maximum average day wastewater demand generated within the affected territory is 348.5 gallons based on accommodating the existing single-family residence and planned ADU. This

projected amount can be readily accommodated without adverse impacts given it represents less than 0.05% of the existing available capacity of the wastewater system.

- **Out-of-Agency Service v. Annexation**

Annexations are the preferred method under LAFCO law to use boundary changes to memorialize the relationship between land and service providers unless local conditions suggest otherwise. Annexation of the affected territory is readily permissible in statute given its existing common border. However, local conditions sufficiently justify an out-of-agency service extension as the most responsive means to provide wastewater services to the affected territory given annexation would not be orderly or efficient at this time. Most notably, access to the affected territory from Vista does not currently exist. Access is currently limited to traveling through the unincorporated area via two County roadways – Barsby Street and Curtis Drive. Given “cherry-stem annexations” are no longer permissible, annexation of the affected territory without adding other neighboring parcels does not appear practical without causing a boundary disconnect with respect to accessibility.

### Policy Consideration | Potential Terms

The application of standard approval terms appears sufficient. This includes the applicant paying any outstanding fees necessary to complete the approval per the San Diego LAFCO fee schedule. Separately, consideration has been given consistent with practice to require the landowner to file an annexation proposal with LAFCO for future processing in conjunction with expediting the anticipated annexation under statute. Staff believes it is appropriate to proceed without this term given local condition. This is marked by recognizing the associated actions needed to facilitate an orderly annexation requires considerable Vista planning resources – and specifically taking ownership and maintenance of County roads – and unlikely to materialize within the immediate future.

### RECOMMENDATION

It is recommended San Diego LAFCO approve the requested out-of-agency wastewater service authorization allowing the City of Vista to serve the affected territory specific to the existing single-family residence and planned ADU with terms as specified above. This recommendation is consistent with Alternative One outlined below.

### ALTERNATIVES FOR ACTION

The following alternative actions are available to San Diego LAFCO and can be accomplished through a single-approved motion.

Alternative One (recommended):

- (a) Approve the requested out-of-agency wastewater service authorization between the City of Vista and the landowner of the affected territory at 211 Curtis Drive subject to the scope and terms as provided in preceding sections.
  
- (b) Authorize the Executive Officer to file a Notice of Exemption consistent with the finding the request qualifies as a “project” under the California Environmental Quality Act but exempt from further review under State Guidelines Section 15303(a). This exemption appropriately applies given its accommodation of new construction of single-family residence, or a second dwelling unit in a residential zone.

Alternative Two:

Continue item to a future meeting.

Alternative Three:

Disapprove the request.

**PROCEDURES**

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

- 1) Receive verbal report from staff unless waived.
- 2) Discuss item and consider recommendation.

On behalf of the Executive Officer,



Carolanne Ieromnimon  
Analyst II

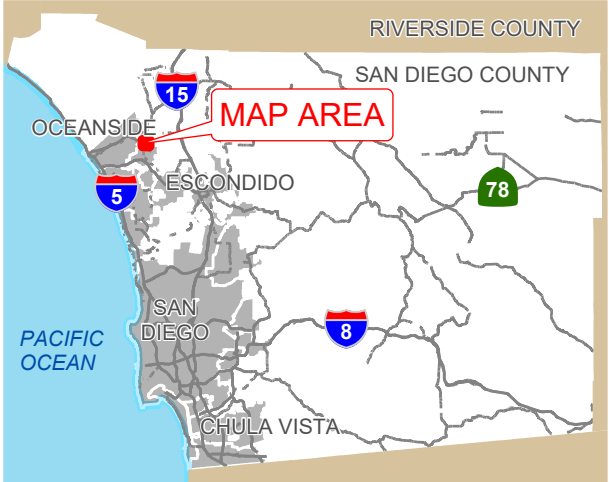
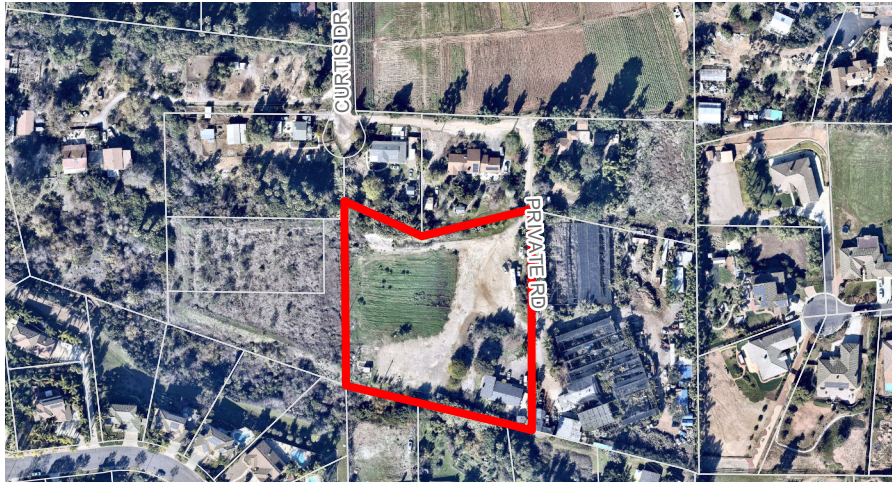
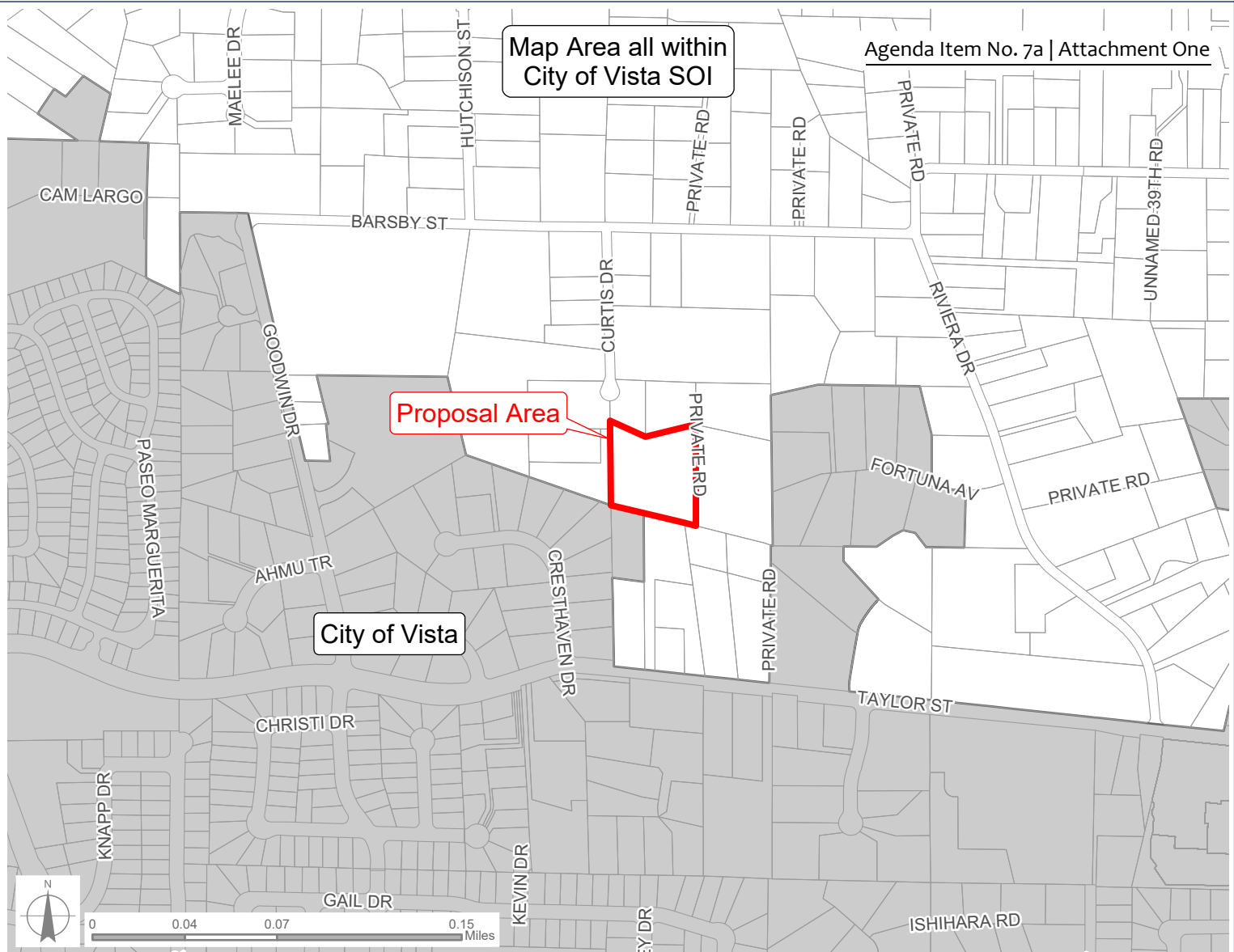
Attachments:

- 1) Map of the Affected Territory
- 2) Related Requested Documents

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Map Area all within City of Vista SOI



OAS23-14

# "GARCIA - CURTIS DRIVE OUTSIDE-OF-AGENCY WASTEWATER SERVICES" | CITY OF VISTA

- Proposal Area
- City of Vista

SOI = Sphere of Influence



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

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November 30, 2023

San Diego County LAFCO  
Attn: Keene Simonds  
2550 Fifth Avenue, Suite 725  
San Diego, California 92103

Re: Out of Agency Wastewater Service Request - 2111 Curtis Dr.

Dear Mr. Simonds,

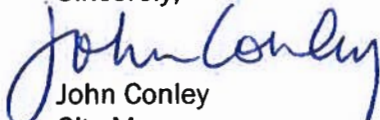
The City of Vista is requesting approval from San Diego LAFCO to provide wastewater services to the property located at 2111 Curtis Dr. (APN 171-150-10-00) which is outside of the City of Vista municipal boundary. Though the property is located within the city's Sphere of Influence, annexation is not supported at this time due to the lack of access from a city owned and maintained street which is a requirement of the city's General Plan.

City of Vista public sewer infrastructure is readily available and has adequate capacity to provide service to the property. Due to health and safety concerns associated with the existing aging septic system, the City is amenable to offering out-of-agency sewer service to the property. The agreement will be memorialized with an Out-of-Area Sewer Service Agreement, recorded in the office of the County Recorder.

Pursuant to direction received from your office, a check for \$1,921.50 is included with this request.

I appreciate your consideration in this manner. Please feel free to reach out to me at 760-643-5201 or [jconley@ci.vista.ca.us](mailto:jconley@ci.vista.ca.us), or Steve Nowak at 760-643-5403 or [snowak@ci.vista.ca.us](mailto:snowak@ci.vista.ca.us) with any questions you may have.

Sincerely,

  
John Conley  
City Manager

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DEC 21 2023

SAN DIEGO LAFCO

RECORDING REQUESTED BY:  
**CITY OF VISTA**

WHEN RECORDED MAIL TO:

**CITY OF VISTA  
200 CIVIC CENTER DRIVE  
VISTA, CA 92084-6275  
ATTN: CITY CLERK**

**Fee Exempt: Government Code Section 27383**

**APN: apn**

**IRREVOCABLE OFFER OF ANNEXATION TO THE CITY OF VISTA,  
AGREEMENT TO PAY FUTURE ANNEXATION FEES, AND  
OUT OF AREA SEWER SERVICE AGREEMENT  
address**

THIS AGREEMENT is entered into as of **date** ("Agreement Date"), by and between the **CITY OF VISTA**, a chartered municipal corporation, ("City") and, **NAME1 [and NAME2]**, status ("Owner/Developer").

**RECITALS**

1. Owner/Developer has applied to City for sewer service for the real property hereinafter described ("Property") now under Owner/Developer's ownership.
2. The Property is within the Local Agency Formation Commission ("LAFCO") sphere of influence for City, but the Property is not within the City limits.
3. It has been determined to be in the public interest to provide sewer service to this Property.
4. An irrevocable offer of annexation of the Property to the City is a requirement for the provision of sewer service by the City.

**NOW, THEREFORE, IT IS HEREBY AGREED AS FOLLOWS:**

**SECTION 1.** Owner/Developer makes an irrevocable offer to annex the Property to the City and to take all actions necessary to accomplish that annexation upon request by City. For purposes of calculating any votes or protests, this Agreement shall constitute and shall be counted as a written approval or consent to an annexation application initiated by the City or which has received the written support of the Vista City Manager or Vista City Council. Additionally, Owner/Developer agrees to pay all applicable annexation fees (including City fees, LAFCO fees, and State Board of Equalization fees) at the time the annexation is initiated by the Vista City Council, or at such other time as shall be authorized by the City in advance of the annexation of the Property. These fees, without limitation, include all application fees, processing fees, and "deficit offset" payments described in that certain Codicil to the Master Property Tax Agreement, dated February 27, 2004, which supplements the Master Property Tax Agreement of November 20, 1984 between the City and the County of San Diego, as shall be amended from time to time ("Property Agreement"). A copy of the Property Agreement is on file with the City Clerk of the City. Owner/Developer agrees and accepts that the payment of such fees, unless waived by the City, constitutes a precondition to the annexation of the Property.

**SECTION 2.** Owner/Developer shall acquire any necessary off-site easements, shall construct the mainline sewer and lateral to a point on the Property as determined by City's Department of Engineering, and shall be

**Irrevocable Offer of Annexation to City of Vista, Agreement to Pay Future Annexation Fees, and Out-of-Area Sewer Service Agreement**

address

APN: apn

Page 2

responsible for all costs including engineering, permits, inspection and any other costs related to the physical construction of the sewer. Owner/Developer shall comply will all rules, regulations, ordinances or statutes currently in effect or as may be amended from time to time. Owner/Developer agrees to indemnify, defend and hold harmless City for any loss, damage, or claim of damage resulting from an alleged or actual failure of the domestic sewer lateral or the City sewer main.

**SECTION 3.** Owner/Developer shall pay sewer capacity fees, sewer service fees, and permit fees to City as required by City from time to time. Sewer service charges will be billed as determined by City, and shall be paid within thirty (30) days of the billing date. If within that 30 day period, such charges have not been paid, Owner/Developer and its successors in interest hereby authorize the filing of a law suit in a court of competent jurisdiction by City. Parties refusing to pay their sewer service charge within the specified time shall, in addition be liable for any and all cost of suit and reasonable attorney's fees incurred by City in initiating any legal action pursuant to the terms of this Agreement.

**SECTION 4.** Owner/Developer irrevocably agrees to grant to City, without compensation, an on-site sanitary sewer easement, if necessary in the sole discretion of City, for the future extension of the sewer.

**SECTION 5.** Subdivision and/or development shall be compatible with City's General Plan and shall be in conformance with City development standards, including City review and approval of the site development plan and payment of any development fees not required by the County but required by City, such as drainage fees and traffic mitigation fees.

**SECTION 6.** City will provide sewer service upon satisfaction of the conditions set forth in this Agreement, applicable law, and other requirements which are standard preconditions to the provision of sewer service.

**SECTION 7.** A description of the Property upon which said irrevocable offer of annexation is imposed is described in Exhibit A, attached hereto and incorporated herein by reference.

**SECTION 8.** The obligations of this Agreement shall constitute covenants or servitudes which shall run with the land comprising the Property and shall be binding on the successors and assigns of Owner/Developer, including all estates and interests in the Property. Notwithstanding the foregoing, the decision to initiate or support an application for annexation to the Local Agency Formation Commission ("LAFCO") is reserved to the sole discretion of City, and this Agreement does not contain any representation or commitment that City will initiate or support such an application in the future. LAFCO must approve any annexation to City.

**SECTION 9.** This Agreement shall continue in effect until such time as the Property is annexed to the City or this Agreement is terminated as hereinafter specified, whichever occurs first.

**SECTION 10.** This Agreement may be terminated by the City by giving Owner/Developer, its heirs, successors or assigns, five (5) days advance written notice if [1] Owner/Developer fails to pay the fees described in paragraphs One (1), Two (2), Three (3) or Five (5) above, or [2] the annexation is not approved for any reason.

[Continued on page 3.]

**Irrevocable Offer of Annexation to City of Vista, Agreement to Pay Future Annexation Fees, and Out-of-Area Sewer Service Agreement**

address

APN: apn

Page 3

SECTION 11. This Agreement is subject to the LAFCO review and approval. It shall be effective following execution by the parties and upon approval by LAFCO. Should LAFCO fail to approve this Agreement it shall be of no further force or effect.

SECTION 12. This Agreement contains the entire agreement between the parties, and neither party relies upon any warranty or representation made by either party if not contained in this Agreement.

**IN WITNESS, WHEREOF,** the parties hereto have executed this Agreement as of the Agreement Date.

“CITY”

“OWNER/DEVELOPER”

CITY OF VISTA, a chartered municipal corporation

NAME1 [and NAME2], status

By: \_\_\_\_\_  
JOHN CONLEY, CITY MANAGER

By: \_\_\_\_\_

\_\_\_\_\_  
NAME/TITLE

BY: \_\_\_\_\_

\_\_\_\_\_  
Name/Title

(When signing as Corporation necessary signatures are  
President OR Vice President AND Secretary OR  
Assistant Secretary.)

*NOTE: A CALIFORNIA ALL PURPOSE NOTARY ACKNOWLEDGMENT MUST BE ATTACHED FOR ALL SIGNATURES ABOVE*

ATTEST:

KATHY VALDEZ, CITY CLERK

By: \_\_\_\_\_

APPROVED AS TO FORM:

WALTER CHUNG, CITY ATTORNEY

By: \_\_\_\_\_

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DEC 21 2023

SAN DIEGO LAFCO

**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: Steve Nowak - City of Vista

Property Address: 2111 Curtis Dr., Vista, CA 92084

Phone #: 760-643-5403 Date: 12-21-23

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? Sewer
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. Not consistent with General Plan requirement for property to be served by city owned street.
4. Are there any jurisdictional issues associated with the  YES  NO  
(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

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

**7b**

**AGENDA REPORT**  
 Business | Information

February 5, 2024

**TO:** Commissioners

**FROM:** Carol Ieromnimon, Analyst II  
 Chris Cate, LAFCO Consultant  
 Adam Wilson, LAFCO Consultant

**SUBJECT: Quarterly Progress Report |  
 Municipal Service Review on Wholesale Water Agencies: San Diego County  
 Water Authority and Metropolitan Water District of Southern California**

**SUMMARY**

The San Diego County Local Agency Formation Commission (LAFCO) will receive a verbal presentation as part of a planned quarterly report advising on the progress in preparing the scheduled municipal service review (MSR) on wholesale water agencies operating in San Diego County. This includes a comprehensive review of the San Diego County Water Authority and a proportional review of the Metropolitan Water District of Southern California. The presentation follows an earlier request by the Commission and covers activities since the initiation of the MSR in August and its priority placement in the adopted workplan. The quarterly report is for information with the opportunity to provide general feedback.

**BACKGROUND**

**Adopted Workplan &  
 MSR on Wholesale Water Agencies**

San Diego LAFCO’s current fiscal year workplan includes 30 projects and is divided into two distinct categories – statutory and administrative – along with priority assignments set by the

<p><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</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 Drake, Alt.</b>          Rincon del Diablo</p>	<p><b>Vacant</b>          General Public</p> <p><b>Harry Mathis, Alt.</b>          General Public</p>
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Commission. A scheduled MSR covering wholesale water agencies tops the priority list and covers LAFCO’s statutory responsibility to perform an independent review of the San Diego County Water Authority and – albeit proportionally to its role in San Diego County – the Metropolitan Water District of Southern California. Specific statutory factors required under the MSR statute (Government Code 56430) include the following:

- Growth and Population Projections
- Present and Planned Service Capacities
- Adequacy of Services Relative to Community Needs
- Financial Standing
- Opportunities for Shared Facilities
- Accountability of Governmental Structure and Alternatives

**DISCUSSION**

This item is for San Diego LAFCO to receive a verbal presentation as part of a planned quarterly report on advancing the scheduled MSR on wholesale water agencies operating in San Diego County – and specifically County Water Authority and Metropolitan Water District of Southern California. The presentation will be made by lead consultants Chris Cate and Adam Wilson. It follows Commission action in August 2023 to direct staff to regularly provide updates on the MSR and in doing so provide opportunities in real-time for Commissioners and the public to provide feedback on current and pending activities.

**ANALYSIS**

None.

**RECOMMENDATION**

This item is presented to San Diego LAFCO for information.

**ALTERNATIVES FOR ACTION**

None.

(continued)



## PROCEDURES FOR CONSIDERATION

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

- 1) Receive verbal presentation from staff unless waived.
- 2) Invite comments from interested audience members if any.
- 3) Discuss and provided general feedback as needed.

On behalf of the Consultant Team,



Carol Ieromnimon

Local Government Analyst II

Attachments: none

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

**7c**

**AGENDA REPORT**  
 Business | Action

February 5, 2024

**TO:** Commissioners

**FROM:** Keene Simonds, Executive Officer  
 Erica Sellen, Commission Clerk

**SUBJECT: Appointment Options for the Regular Public Member Position**

**SUMMARY**

The San Diego County Local Agency Formation Commission (LAFCO) will consider options and preferences therein in filling the vacated term of the regular public member position. The position became vacated in mid-January with the resignation of Andy Vanderlaan. The unexpired term extends through April 2025. Staff requests direction from the Commission in scheduling an appointment at a future meeting with or without an open recruitment process as well as with or without action to create an advisory committee.

**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.

<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	<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>Krista 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>Vacant</b> General Public  <b>Harry Mathis, Alt.</b> General Public
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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.

## Resignation of Public Member Andy Vanderlaan

San Diego LAFCO received written notice from Andy Vanderlaan on January 19, 2024 of his immediate resignation as regular public member on the Commission. Mr. Vanderlaan has served on the Commission since 1996 with the current four-year term extending through April 2025. A copy of Mr. Vanderlaan's resignation letter is provided as Attachment One.

## DISCUSSION

This item is for San Diego LAFCO to consider options and providing related direction to staff in making a future appointment to fill the unexpired term of the regular public member through April 2025. Appointment options contemplated by staff range from holding an open or closed recruitment as well as the ancillary feature of creating an advisory committee.

## ANALYSIS

San Diego LAFCO has broad discretion in statute and policy in how it chooses to appoint a public member. Statue only requires the appointment follow basic noticing, the appointee be a resident of San Diego County and not be an employee or officer of a member agency (i.e., the County, cities, or special districts), and an affirmative vote is achieved by all appointing categories on the Commission. Materially, this provision means a successful appointee must receive an affirmative vote by the lone City of San Diego voting member on the Commission. Further, the Commission has no local policies to prescribe the appointment process.

Basic noticing for a public member appointment is 21 days and can be satisfied ahead of the next regular meeting set for March 4, 2024.

## RECOMMENDATION

It is recommended San Diego LAFCO consider its options and preferences and provide related direction to staff in making a future appointment to fill the unexpired term of the regular public member through April 2025.

## ALTERNATIVES FOR ACTION

The following alternatives are available to San Diego LAFCO:

### Alternative One:

Provide direction to San Diego LAFCO staff on preferences in making a future appointment to fill the regular public member term through April 2025 – including, but not limited to – creating an advisory committee.

### 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.

Respectfully,



Keene Simonds  
Executive Officer

### Attachment:

- 1) Andy Vanderlaan Resignation Letter – January 19, 2024

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# Andrew L. Vanderlaan



P.O. Box 921  
Bonsall, CA 92003

Home Phone/Fax 760 726-8913

January 19, 2024

Dear Supervisor Desmond, LAFCO Commissioners and LAFCO Staff,

Please accept this letter as my formal resignation from my role as LAFCO Commissioner, Public Member, effective immediately.

I would like to take this opportunity to express my gratitude for the opportunity to serve the people of San Diego County these past 28 years. I am very grateful for the time I have spent with all those who have served on the LAFCO Commission and the excellent staff that has worked tirelessly. It's been my pleasure to serve in this capacity.

I look forward to following the important work done by LAFCO. I encourage the Commissioners, EO Keene and staff to continue to seek excellence for San Diego County. You are a diligent and dedicated team that serves as a beacon for other governmental agencies on how to work together for the good. Thank you for allowing me to "play" in your "sandbox".

Gratefully and Respectfully,

A handwritten signature in cursive script that reads "Andrew L. Vanderlaan".

Andrew L. Vanderlaan

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

**7d**

**AGENDA REPORT**  
 Business | Action

February 5, 2024

**TO:** Commissioners  
**FROM:** Erica Sellen, Commission Clerk  
**SUBJECT:** Chair and Vice Chair Appointments

**SUMMARY**

The San Diego Local Agency Formation Commission (LAFCO) will consider making officer appointments and select a chair and vice chair consistent with adopted policy. The appointees will serve the balance of 2024 consistent with policy unless otherwise specified.

**BACKGROUND**

San Diego LAFCO’s policies direct the Commission to annually appoint a chair and vice chair. Terms are one year unless otherwise specified with no restrictions on reappointments. The Commission has relatedly established practices to rotate the appointments between its five membership categories – County, Cities, San Diego, Special Districts, and Public – whenever possible. Recent appointments follow.

Recent Appointments				
Year	Chair	Category	Vice Chair	Category
2017	Sam Abed	Cities	Jo MacKenzie	Special Districts
2018	Jo MacKenzie	Special Districts	Ed Sprague	Special Districts
2019	Jo MacKenzie	Special Districts	Dianne Jacob	County
2020	Dianne Jacob	County	Andy Vanderlaan	Public
2021	Andy Vanderlaan	Public	Jim Desmond	County
2022	Jim Desmond	County	Paul McNamara	Cities
2023	Jim Desmond	County	Stephen Whitburn	San Diego

<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	Chair Jim Desmond	Kristi Becker	Vice Chair Stephen Whitburn	Jo MacKenzie	Vacant
	County of San Diego	City of Solana Beach	City of San Diego	Vista Irrigation	General Public
	Joel Anderson	Dane White	Marni von Wilpert, Alt.	Barry Willis	Harry Mathis, Alt.
County of San Diego	City of Escondido	City of San Diego	Alpine Fire Protection	General Public	
Nora Vargas, Alt.	John McCann, Alt.		David Drake, Alt.		
County of San Diego	City of Chula Vista		Rincon del Diablo		

## DISCUSSION

This item is for San Diego LAFCO to appoint a Chair and Vice Chair for the balance of 2024. These appointees actively work with the Executive Officer throughout the calendar year and provide feedback on various administrative items and headlined by setting meeting agendas. The Chair also serves as supervisor for the Executive Officer and Commission Counsel.

## ANALYSIS

None.

## RECOMMENDATION

It is recommended San Diego LAFCO consider its preferences and proceed accordingly in selecting a Chair and Vice Chair.

## ALTERNATIVES FOR ACTION

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

Alternative One (recommended):

Make appointments to the Chair and Vice Chair positions as appropriate.

Alternative Two:

Continue the item to a future meeting and provide direction to staff with respect to any additional analysis or information requested.

## PROCEDURES

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

- 1) Receive verbal report from staff unless waived.
- 2) Discuss item and consider recommendation.

Respectfully,



Erica Sellen  
Commission Clerk

Attachments: none