



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

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AGENDA REPORT
 Business | Action

February 7, 2022

TO: Commissioners

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

SUBJECT: **Proposed Policy on Environmental Justice**

SUMMARY

The San Diego County Local Agency Formation Commission (LAFCO) will consider a proposed policy establishing baseline standards with respect to addressing environmental justice as part of its regulatory and planning activities. This includes expanding the scope of municipal service reviews to disclose existing pollution burdens and proximity to disadvantaged communities and relatedly informing the evaluation of subsequent jurisdictional changes. Staff recommends approval of the proposed policy with any desired revisions.

BACKGROUND

Current Workplan & Direction to Establish Policy on Environmental Justice

San Diego LAFCO’s current workplan was adopted at a noticed public hearing in May 2021 and includes 30 specific projects for the fiscal year. All projects are further categorized by the Commission as high, moderate, or low priorities. One of the high priority projects involves establishing a new policy to guide the Commission’s regulatory and planning activities to address environmental justice given – and among other reasons – the existing prompt in statute required of the Commission anytime it reviews jurisdictional changes.

<p>Administration Keene Simonds, Executive Officer 2550 Fifth Avenue, Suite 725 San Diego, California 92103 T 619.321.3380 www.sdlafco.org</p>	<p>Vice Chair Jim Desmond County of San Diego</p> <p>Joel Anderson County of San Diego</p> <p>Nora Vargas, Alt. County of San Diego</p>	<p>Paul McNamara City of Escondido</p> <p>Mary Casillas Salas City of Chula Vista</p> <p>Kristi Becker, Alt. City of Solana Beach</p>	<p>Chris Cate City of San Diego</p> <p>Marni von Wilpert, Alt. City of San Diego</p>	<p>Jo MacKenzie Vista Irrigation</p> <p>Barry Willis Alpine Fire Protection</p> <p>David Drake, Alt. Rincon del Diablo</p>	<p>Chair Andy Vanderlaan General Public</p> <p>Harry Mathis, Alt. General Public</p>
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DISCUSSION

This item is for San Diego LAFCO to consider a proposed policy to address environmental justice in fulfilling the Commission’s regulatory and planning service activities. The proposed policy responds to direction in the adopted workplan and is premised on a value statement that all residents in San Diego County merit equal access to safe and reliable municipal services as well as protection from pollution burdens and their economic impacts. The proposed policy is provided as Attachment One and includes the following central provisions:

- Explicitly ties into and expands the function of municipal service reviews to now document pollution burdens and proximity/impact to disadvantaged communities.
- Defines disadvantaged communities to include any of the following criteria:
 - Any area comprising a distinct census measurement where the residents’ median household incomes are 80% or more below the overall county average.
 - Any area currently designated as a disadvantaged by the State of California Office of Environmental Health Hazard Assessment.
 - Any tribal lands.
- Directs the Commission to draw on the baseline information on pollution burdens documented in municipal service reviews in drilling down on specific issues when evaluating individual jurisdictional changes.
- Contemplates coordination with the County of San Diego’s newly created Office of Environmental and Climate Justice.

ANALYSIS

The proposed policy before San Diego LAFCO appropriately – albeit belatedly – responds on the Commission’s existing prompt in statute to consider environmental justice in deliberating on jurisdictional changes. This includes addressing environmental justice as part of the Commission’s municipal service review program and in doing so, ensuring a regular process to independently track pollution burdens and their associated economic impacts. The proposed policy similarly adds value to the municipal service review process and helps to readily focus additional analysis on pollution burdens in reviewing subsequent jurisdictional changes. The proposed policy also readily accommodates coordination with the County’s new Office of Environmental Climate Justice with the latter potentially (and ideally) serving as a resource in connecting with stakeholders and assessing best practices.

RECOMMENDATION

It is recommended San Diego LAFCO approve the proposed policy on environmental justice for reasons detailed in the preceding section. This recommendation would be accommodated by taking the actions outlined in the proceeding section as Alternative One.

ALTERNATIVES FOR ACTION

The following alternatives are available to San Diego LAFCO:

Alternative One (recommended):

- a) Approve the proposed policy on environmental justice as provided as Attachment One with any desired changes as well as authorize the Commission Clerk to assign it as next in order under legislation policies.
- b) Set the effective date of the policy for 60 days unless specified otherwise.

Alternative Two:

Continue consideration of the item to a future meeting and provide direction to staff for more information and/or outreach as needed.

Alternative Three:

Take no action.

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.

- 1) Receive verbal report from staff unless waived.
- 2) Commission discussion.
- 3) Consider the staff recommendation.

Respectfully,



Keene Simonds
Executive Officer

Attachments:

- 1) Proposed Policy on Environmental Justice
- 2) Communication to County of San Diego on Potential OECJ Tasks

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Subject:

ENVIRONMENTAL JUSTICE

Purpose:

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

Background:

State law directs San Diego LAFCO to address several factors anytime the Commission considers jurisdictional changes. The current listing of factors is codified in Government Code Section 56668 and includes considering whether proposed jurisdictional changes will promote environmental justice. This factor was added to statute beginning on January 1, 2008 and defined to mean the fair treatment of people of all races, cultures, and incomes with respect to the location of public facilities and the provision of public services.

Policy:

It is the policy of San Diego LAFCO:

1. All residents in San Diego County – irrespective of race, culture, income, and citizenship – merit equal access to safe and reliable municipal services as well as protection from pollution burdens and their economic impacts.
2. The values outlined in the preceding policy statement serve as the Commission's foundation in practicing environmental justice in all regulatory and planning activities.
3. The Commission attests environmental justice inseparably ties to climate change given the latter's disproportionate effects on disadvantaged communities and their residents' physical and mental well-being.
4. The Commission recognizes environmental justice as a critical element in making effective and equitable decisions and extends beyond addressing jurisdictional changes to include all aspects of its regulatory and planning responsibilities.
5. The Commission directs the Executive Officer to ensure an appropriate level of analysis is performed in all municipal service reviews to disclose existing pollution burdens and proximity on disadvantaged communities.
 - a) Sources of key pollution burdens include – but not limited to – air quality, solid waste collection centers, hazardous waste facilities and operations, impaired water bodies, pesticide use sites, and high vehicle traffic routes. Air quality shall be used as a metric in coordination with the San Diego Air Quality Control District

to identify impacted communities with respect to air particles, mobile air toxics, and other air toxics that are not from mobile (vehicular) sources.

- b) Disadvantaged communities are defined for purposes of this policy to meet any of the following criteria.
 - i. Any area comprising a distinct census measurement (tract or block) where the residents' median household incomes are 80% or more below the overall county average. The Executive Officer shall retain discretion in determining the appropriate census measurement under this provision.
 - ii. Any area currently designated as a disadvantaged by the State of California Office of Environmental Health Hazard Assessment.
 - iii. Any tribal lands.

6. RESERVED |

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

- 7. As authorized under statute, the Commission shall require an additional determination to be made in municipal service reviews to address environmental justice issues in the affected region and/or among the affected agencies.
- 8. The Commission will draw – and expand as appropriate – on the baseline information on pollution burdens addressed in municipal service reviews when considering jurisdictional changes to determine if the proposed actions sufficiently promote environmental justice.
 - a) As part of the administrative review on proposed jurisdictional changes, LAFCO shall provide a notice of the application to the County of San Diego's Office of Environmental and Climate Justice for their review and comment.
- 9. The Commission shall exercise its authority in statute to condition jurisdictional changes as warranted to further promote environmental justice specific to mitigating and/or avoiding pollution burdens and their associated economic impacts.

Simonds,Keene

From: Simonds,Keene
Sent: Thursday, December 23, 2021 10:55 AM
To: OECJ@sdcounty.ca.gov
Cc: Demorest, Erin; Olascoaga, Rosa; Kulis, Michael; McDonald, Hunter
Subject: SD LAFCO Comment | Draft Roadmap on Office of Environmental and Climate Justice

Office of Environmental and Climate Justice,

Thank you for providing an opportunity to comment on the pending implementation of the new Office of Environmental and Climate Justice within the County of San Diego. San Diego LAFCO commends the County for proactively prioritizing environmental justice and the purposeful syncing of its decision-making to help ensure the fair treatment of all persons in mitigating pollution burdens. Similar to the County, LAFCO is also interested in syncing our decision-making in overseeing cities and special districts' jurisdictional boundaries and service areas to thoughtfully address environmental justice. LAFCO's resources and expertise in addressing environmental justice issues – however – is limited.

With the preceding context in mind, and in my role as LAFCO Executive Officer, I respectfully suggest a valuable role available to the Office that is absent in the referenced Draft Roadmap document involves serving as a resource to other local agencies in assisting in the review of projects and the extent to which the underlying activities promote environmental justice. This envisioned role includes – pertinently – serving as a clearinghouse for other local agencies in reviewing projects and advising of resources and other best practices in effectuating environmental justice as well as centralizing notices to interested community organizations. I know LAFCO would utilize this service on a regular basis should it be available.

Thank you for considering the above comment.

Keene

Keene Simonds, Executive Officer

San Diego County

Local Agency Formation Commission (LAFCO)

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