



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

5h

AGENDA REPORT
 Consent | Action

August 1, 2022

TO: Commissioners

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

**SUBJECT: Protest Hearing Results |
 “Fallbrook PUD Latent Powers Activation”
 Parks and Recreation, Street Lighting, and Roads & Streets Service Functions**

SUMMARY

The San Diego County Local Agency Formation Commission (LAFCO) will receive the results of the protest hearing held for the reorganization proposal filed by Fallbrook Public Utility District (PUD) to activate additional service functions. This proposal was conditionally approved by the Commission in April 2022 and involves the activation of parks and recreation, street lighting, and roads and streets service functions. The noticed protest hearing was held by staff on May 31, 2022 and continued to June 14, 2022 without generating sufficient opposition as detailed and the proposal will now be ordered once all other conditions have been satisfied. The protest results are being presented to the Commission to receive and file.

BACKGROUND

Proposal Request

In November 2019, the Fallbrook PUD filed a proposal with San Diego LAFCO requesting approval to activate three new service functions allowed under the PUD principal act (“Public Utility District Act”) involving parks and recreation, street lighting, and roads and streets. The affected territory as submitted comprises Fallbrook PUD’s entire 28,193-acre unincorporated

<p>Administration Keene Simonds, Executive Officer 2550 Fifth Avenue, Suite 725 San Diego, California 92103-6624 T 619.321.3380 F 619.404.6508 www.sdlafco.org lafco@sdcounty.ca.gov</p>	<p>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>Vice Chair 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 A. Drake, Alt. Rincon del Diablo</p>	<p>Andy Vanderlaan General Public</p> <p>Harry Mathis, Alt. General Public</p>
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jurisdictional boundary with an estimated resident population of 36,759. The requested activations would add to Fallbrook PUD’s existing functions involving water, wastewater, and recycled water with the latter two geographically limited.

Commission Action

On April 4, 2022, and immediately preceding the completion of an associated municipal service review, San Diego LAFCO held a noticed public hearing to consider the proposal filed by the Fallbrook PUD. The Commission proceeded to conditionally approve the reorganization without modifications. Terms are marked by requiring Fallbrook PUD proceed first with a successful reallocation of unrestricted secured property taxes as part of a future rate setting process conducted pursuant to Proposition 218 to recover the amount of property taxes to be reallocated from the water function to the new functions of parks and recreation, street lighting, and streets and roads. The Commission also delegated protest hearings to the Executive Officer as allowed under policy.

DISCUSSION

This item is for San Diego LAFCO to receive the results of the protest hearing delegated to the Executive Officer involving the Commission’s earlier approval of the activation of three latent powers for the Fallbrook PUD, as required under policy. The protest hearing was held on May 31, 2022 and continued to June 14, 2022 at the Fallbrook PUD administrative office and produced the following results within the two distinct categories – landowners and registered voters – prescribed under statute.

- **Landowner Protests**

There are 10,669 total legal parcels within the affected territory at the time of the Commission’s action on April 4th with a combined assessed land value of \$4.078 billion (excludes improvements). At the conclusion of the protest hearing, 39 of these legal parcels’ owners representing a cumulative assessed land value of \$7.3 million filed protests subsequently validated by the County Assessor’s Office. These validated amounts represent 0.18% of the respective total and are below the 25.0% threshold to require an election and the 50.0% threshold to terminate the proceedings.

- **Registered Voter Protests**

There are 20,807 total registered voters within the affected territory at the time of the Commission’s action on April 4th. At the conclusion of the protest hearing, 48 of these registered voters filed protests and only 33 were subsequently validated by the County Registrar of Voters’ Office. These validated amounts represent 0.16% of the affected territory total and below the 25.0% threshold to require an election and the 50.0% threshold to terminate the proceedings.

With the preceding results in mind, a confirming resolution ordering the reorganization has been executed by the Executive Officer, and the proceedings will become final once the applicant satisfies all remaining terms.

ANALYSIS

The activation of three latent powers for the Fallbrook PUD has cleared its last substantive threshold. All remaining actions necessary to record and enact the formation are ministerial.¹

RECOMMENDATION

It is recommended San Diego LAFCO formally receive the results of the protest hearing held on the reorganization consistent with Alternative One in the proceeding section.

ALTERNATIVES FOR ACTION

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

Alternative One (recommended):

Receive and file the protest results for the “Fallbrook PUD Latent Powers Activation” as presented.

Alternative Two:

Continue the item to a future meeting and provide related direction to staff as needed.

PROCEDURES

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

On behalf of the Executive Officer,



Priscilla Mumpower
Analyst II

Attachments:

- 1) Landowner Protest Results as Validated by the Assessor
- 2) Voter Protest Results as Validated by the Registrar of Voters

¹ San Diego LAFCO policy directs the Executive Officer to proceed and issue an ordering resolution at the conclusion of the protest hearing process so long as the results do not require the proposal to be terminated or confirmed by an election. The Executive Officer is also responsible for informing the Commission of the protest results resulting in an action being ordered at the next regular meeting. [Policy on Conducting Protest Hearings Section 4(h)].

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LAFCO File No. LP(A)19-27		
PETITION STATUS DESCRIPTION	COUNT	AGGREGATE ASSESSED LAND VALUE
1 All ownership and address information matches the petition	17	\$3,265,751
2 Ownership held in trust; otherwise address and ownership names match	<u>22</u>	\$4,009,720
Subtotal - Valid	39	
3 Protests Voided:		
No APN Provided on Petition	9	
Ownership doesn't match	<u>1</u>	
Subtotal - Invalid:	10	
Total Protests Verified:	49	

~ Leeanna Kirby

Division Chief – Mapping Division
 Office of Ernest J. Dronenburg, Jr.
 San Diego County Assessor/Recorder/County Clerk
 1600 Pacific Highway, Room 103
 San Diego, CA 92101
 Phone: 619-531-6468
 Email: Leeanna.Kirby@sdcounty.ca.gov

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County of San Diego

REGISTRAR OF VOTERS

County Operations Center Campus

5600 Overland Avenue, Suite 100, San Diego, California 92123-1278

Telephone: (858) 565-5800 Toll-free: 1 (800) 696-0136 TTY / TDD: (800) 735-2929

Facsimile: (858) 505-7294 Web Address: www.sdvote.com

CYNTHIA L. PAES
Registrar of Voters

ANDREW MCDONALD
Assistant Registrar of Voters

July 1, 2022

Keene Simonds, Executive Officer
San Diego Local Area Formation Commission
9335 Hazard Way, Suite 200
San Diego, CA 92123

Re: Fallbrook Public Utility District Latent Powers Activation

LAFCO Protests regarding Fallbrook Public Utility District Latent Powers Activation LAFCO File No. LP(A)19-27 was filed with the Registrar of Voters on June 23, 2022. As directed by your office, the Registrar of Voters conducted a verification of 100 percent of the 48 signatures submitted. **Of this number, a total of 33 signatures have been verified to be valid.** Results of the verification process are as follows:

CERTIFICATION OF RESULTS:

- Number of sections submitted..... 29
- Number of signatures submitted..... 48
- Number of signatures verified (100%)..... 48
- Number of signatures found to be valid 33
- Number of signatures found not to be valid (includes 0 duplicates)..... 15
- Number of signatures required for qualification 4,381

If you have questions, please contact me at (858) 505-7201 or Javier De Anda at (858) 505-7302.

CYNTHIA L. PAES
Registrar of Voters

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