



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

7C

AGENDA REPORT
 Business | Action

December 5, 2022

TO: Commissioners

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

SUBJECT: **Fee Waiver Request and Related Actions |**
“Proposed Borrego Springs Fire Protection District Reorganization”

SUMMARY

The San Diego County Local Agency Formation Commission (LAFCO) will consider a request from Borrego Springs Fire Protection District (FPD) to waive all fees associated with its recent proposal filing to dissolve and transfer fire protection and emergency medical service responsibilities via annexation to the San Diego County FPD. The total monetary value of the fee waiver is \$24,563 assuming any potential Commission approval is not subject to voter approval. Accordingly, and consistent with policy and practice, staff recommends approval of the fee waiver along with authorizing a corresponding transfer of assigned monies from the fund balance.

BACKGROUND

Adopted Fee Schedule |
Fee Waivers and Reductions

San Diego LAFCO’s fee schedule outlines applicant costs for processing various jurisdictional changes and related requests under the authority of the Commission. Most of the fee schedule assigns fixed and non-refundable charges based on a predetermined number of

<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>
---	--	--	--	---	--

allocated staff hours. The fee schedule also provides the Commission discretion to reduce or waive fees if a financial hardship is demonstrated and/or if the underlying action is consistent with an earlier LAFCO recommendation.

DISCUSSION

This item is for San Diego LAFCO to consider a request by Borrego Springs FPD to waive all fees tied to its proposal to dissolve and transfer its active fire protection and emergency medical service functions via annexation to the San Diego County FPD as the successor agency. Borrego Springs FPD's justification for the full fee waiver is based on the nature of the proposal to dissolve and the recognition therein of the District's inability to fund adequate service levels. Borrego Springs FPD attributes its financial hardship to the rural and expansive characteristics of the affected territory and to the challenges of recruiting and retaining firefighters. A copy of the fee waiver request is provided as Attachment One.

This item is limited to San Diego LAFCO considering the merits of the requested fee waiver. Consideration of the associated proposal is subject to a future hearing.

ANALYSIS

The fee waiver request before San Diego LAFCO is reasonable and consistent with past fee waivers approved by the Commission to accommodate similar proposals seeking the streamlining of fire protection and emergency medical services in the unincorporated area. The most recent example involves the March 2022 fee waiver approval for Ramona Municipal Water District (MWD) to divest and transfer fire protection and emergency medical service functions to the San Diego County FPD. Justification also ties to the affected territory qualifying as a disadvantaged unincorporated community. The immediate value of the fee waiver is \$24,563 and can be covered by drawing on the \$62,500 balance in assigned monies within the fund balance to cover special legal and/or proposal expenses – including fee waivers. An additional \$35,000 to \$50,000 in costs would also apply if the proposal is approved but successfully protested and necessitates a special election. County FPD has agreed to participate in the funding of any election.

RECOMMENDATION

It is recommended San Diego LAFCO approve the fee waiver request for reasons detailed in the preceding section along with a corresponding fund balance transfer. This recommendation would be accommodated by taking the actions outlined in the preceding section as Alternative One.

ALTERNATIVES FOR ACTION

The following alternatives are available to San Diego LAFCO:

Alternative One (recommended):

- (a) Approve the requested fee waiver to cover all LAFCO costs in processing the reorganization proposal up to a Commission hearing. Any additional costs generated during conducting authority proceedings – should they apply – will be subject to a funding agreement with San Diego County FPD.
- (b) Authorize the Executive Officer to transfer \$24,563 in assigned monies within the fund balance (Account No. 46727) to application fees (Account No. 46234).

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:

Deny 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, accordingly, are recommended.

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

Respectfully on behalf of the Executive Officer,



Carolanne Ieromnimon
Analyst I

Attachments:

- 1) Fee Waiver Request from Borrego Springs FPD

Blank For Photocopying

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

Keene Simonds
San Diego LAFCO
2550 Fifth Avenue, Suite 725
San Diego, CA 92103

November 3, 2022

Request for Fee Waiver Associated with the Proposed Dissolution of the Borrego Springs Fire Protection District and Concurrent Annexation of the Territory and Transfer of Fire Protection and Emergency Medical Services to the San Diego County Fire Protection District

Dear Mr. Simonds,

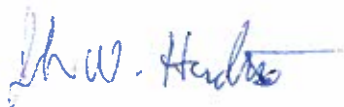
Due to the small population and rural area, the Borrego Springs Fire Protection District (BSFPD) has been unable to provide the same level of services to its residents as other areas of the County. This includes a reduced number of staff on engines and outdated medical equipment. In addition, the community of Borrego Springs has been designated as a disadvantaged unincorporated community.

As a result, on August 25, 2022, the Board of Directors of the BSFPD took action to adopt a resolution to initiate proceedings with the San Diego Local Agency Formation Commission (LAFCO) for the dissolution of the BSFPD and concurrent annexation of the territory, including the transfer of responsibility for fire protection and emergency medical services, to the San Diego County Fire Protection District (SDCFPD).

With the preceding in mind, and in consultation with the SDCFPD, the BSFPD requests the San Diego LAFCO consider waiving all fees associated with the above referenced proposal to mitigate additional financial hardship to the BSFPD and allow the SDCFPD to preserve and direct its own resources in providing administrative and operational support to the BSFPD.

Thank you for your consideration of this request. Should you have any questions, please contact me by email at jhardcastle@borrego-fire.org.

Respectfully,



John W. Hardcastle
Fire Chief
Borrego Springs Fire Protection District

Cc: Carol Ieromnimon, San Diego LAFCO
Jeff Collins, San Diego County Fire

Blank for Photocopying