



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

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AGENDA REPORT
 Consent | Information

June 2, 2025

TO: Chair Whitburn and Commissioners

FROM: Keene Simonds, Executive Officer
 Michaela Peters, Analyst II

SUBJECT: **Update on La Jolla Incorporation Proposal**

SUMMARY

San Diego LAFCO will receive an update on the proposed “City of La Jolla Special Reorganization” and concurrent request by proponents to detach the community of La Jolla from the City of San Diego and incorporate it as an independent municipality. As previously reported, the Executive Officer issued a Certificate of Sufficiency on April 29, 2025 confirming the proponents’ petition satisfies the statutory requirement by exceeding the 25% threshold of registered voters within the proposed incorporation boundary. This update addresses two key developments involving a recent action by the City Council to initiate litigation as well as the status of a conflict waiver for Commission Counsel. Item is for information only.

BACKGROUND

Applicant

The Association for the City of La Jolla is a 501(c)(6) nonprofit and serves as the applicant for the proposed special reorganization. A five-member Board of Directors governs the Association with Trace Wilson and Diane Kane serving as President and Vice President, respectively. The other Board members are Mary Munk, Sharon Wampler, and Ed Witt. Legal services are provided by Paula de Sousa with Best Best and Kreiger.

<p>Administration 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>Joel Anderson County of San Diego</p> <p>Jim Desmond County of San Diego</p> <p>Vacant, Alt. County of San Diego</p>	<p>Kristi Becker City of Solana Beach</p> <p>Dane White City of Escondido</p> <p>John McCann Alt. City of Chula Vista</p>	<p>Chair Stephen Whitburn City of San Diego</p> <p>Marni von Wilpert, Alt. City of San Diego</p>	<p>Vice Chair Barry Willis Alpine Fire Protection</p> <p>Jo MacKenzie Vista Irrigation</p> <p>David Drake, Alt. Rincon del Diablo</p>	<p>Vacant General Public</p> <p>Brigitte Browning, Alt. General Public</p>
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Certificate of Sufficiency

San Diego LAFCO's Executive Officer issued a Certificate of Sufficiency to the proponents of the proposed City of La Jolla incorporation on April 29, 2025. This action affirms the submitted petition filed with LAFCO satisfies the statutory requirement for voter support with valid signatures exceeding the minimum threshold necessary to initiate formal processing.

Initiation of Administrative Review

With the petition deemed sufficient, San Diego LAFCO staff has initiated the administrative review of the proposed special reorganization. As part of this phase, staff is developing a Request for Qualifications to retain a qualified consultant to prepare the required Comprehensive Fiscal Analysis. This analysis – both in draft and final form – will evaluate the financial feasibility of the proposed incorporation in accordance with applicable statutory requirements.

DISCUSSION

This agenda item provides a formal update to San Diego LAFCO on the status of the proposed incorporation of the City of La Jolla following the commencement of the administrative review process. The update focuses on two key developments that – and among other things – explain why a closed session item has not been scheduled at this time:

- **Recent Action by the San Diego City Council**

At its meeting on May 12, 2025, the San Diego City Council announced in open session it had authorized the initiation of litigation against LAFCO regarding the Executive Officer's issuance of the Certificate of Sufficiency. Councilmembers Whitburn and von Wilpert recused themselves from the item. The Mayor's Office concurrently issued a public statement on the decision to initiate litigation, which is attached along with a statement by LAFCO. As of the date of this update, no legal action has been filed.

- **Status of Conflict Waiver for Commission Counsel**

Commission Counsel has recently confirmed their firm is representing the City of San Diego in two unrelated legal matters. In response, the Executive Officer consulted with Vice Chair Willis and proceeded to issue a waiver permitting dual representation on May 15th.¹ The Attorney's Office has indicated it will present the waiver to the City Council for formal consideration at its next scheduled meeting on June 2, 2025.²

ANALYSIS

None.

¹ Chair Whitburn deferred the waiver request by Commission Counsel to Vice Chair Willis out of an abundance of caution given the involvement of the City of San Diego.

² City of San Diego policy now requires all legal waivers to be considered by the Mayor or Council.

RECOMMENDATION

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

ALTERNATIVES FOR ACTION

None.

PROCEDURES

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

On behalf of the Executive Officer,



Michaela Peters
Analyst II

Attachments:

- 1) Media Release by Mayor Gloria, May 12, 2025
- 2) LAFCO Statement on Initiation of Litigation by City of San Diego

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Mayor Todd Gloria Issues Statement on Vote to Initiate Litigation Against LAFCO

CITY TO CHALLENGE LAFCO'S DECISION TO OVERRIDE REGISTRAR OF VOTERS ON LA JOLLA SECESSION PETITION

FOR IMMEDIATE RELEASE

Monday, May 12, 2025

CONTACT:

MayorPress@sandiego.gov

SAN DIEGO – Mayor Todd Gloria issued the following statement today announcing the City Council's authorization to initiate litigation against the San Diego County Local Agency Formation Commission (LAFCO) over its objectionable handling of the signature-verification process related to the proposed secession of La Jolla from the City of San Diego:

"This morning, the City Council authorized the City Attorney's Office to file litigation against LAFCO for its handling of the petition for La Jolla's secession from the City of San Diego.

"From the outset, I've made it clear that the City of San Diego has serious concerns about LAFCO's exceptionally broad and questionable interpretations that led them to overturn the County Registrar of Voters' official determination that the La Jolla secession petition was insufficient. The decision by LAFCO to overrule the Registrar undermines public confidence in the integrity of this signature-verification process and sets a troubling precedent. This litigation aims to provide San Diegans with the transparency they deserve, hold LAFCO accountable for its arbitrary and capricious decisions, and affirm the Registrar's original certification of insufficiency."

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OFFICIAL STATEMENT ON CITY OF SAN DIEGO'S INTENT TO INITIATE LITIGATION REGARDING PROPOSED LA JOLLA INCORPORATION

May 13, 2025

Yesterday we were made aware that the City of San Diego has decided to initiate litigation against San Diego LAFCO. While we have yet to see the lawsuit, we believe we addressed the City's concerns in our [May 2nd correspondence](#), and at our [May 5th Commission hearing](#).

We have, and will continue to remain, open and transparent with the LAFCO Commission, the City, applicants, and the public regarding the process and status of this proposal. We remain committed to fulfilling the obligations and responsibilities outlined to San Diego LAFCO in state law, which grants LAFCO with the authority to be inclusive in enfranchising residents, rather than disenfranchising them.

We look forward to continuing our efforts in reviewing this proposal, and working with all parties on next steps.

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