



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

7a

AGENDA REPORT
 Business | Discussion

April 6, 2026

TO: Chair Becker and Commissioners

FROM: Keene Simonds, Executive Officer
 Priscilla Mumpower, Assistant Executive Officer
 Michaela Peters, Analyst II

SUBJECT: Lower Sweetwater Fire Protection District Request for Commission Review of Administrative Determination Regarding LAFCO Policy L-107

SUMMARY

The San Diego County Local Agency Formation Commission (LAFCO) will review Policy L-107, which establishes procedures for early consultation with affected agencies and interested parties regarding proposed changes of organization or reorganization. At the request of the Lower Sweetwater Fire Protection District, the Chair has asked for this agenda item to review the policy and LAFCO staff’s administrative determination in connection with a pending reorganization proposal to the City of National City (“Delgado-Andrade – 24th Street Outside-of-Agency Service Agreement”). This item provides the Commission an opportunity to review Policy L-107, consider staff’s implementation in the context of the District’s correspondence, and provide feedback, as appropriate.

BACKGROUND

LAFCO Policy L-107

LAFCO Policy L-107 establishes a consultation process intended to promote early coordination among affected agencies and interested parties for proposals involving a

<p>Administration 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>Paloma Aguirre County of San Diego</p> <p>Joel Anderson County of San Diego</p> <p>Nora Vargas, Alt. County of San Diego</p>	<p>Chair Kristi Becker City of Solana Beach</p> <p>Dane White City of Escondido</p> <p>John McCann Alt. City of Chula Vista</p>	<p>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>Brigitte Browning General Public</p> <p>Eileen Delaney, Alt. General Public</p>
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change of organization or reorganization.¹ The policy is intended to encourage the applicants' early disclosure, discussion, and potential resolution of jurisdictional disputes before consideration by the Commission. The policy further provides that the Executive Officer may waive the consultation procedure "when it can be determined" that there will be no reasonable possibility that the subject proposal will result in identified and unresolved jurisdictional issues.

A copy of Policy L-107, along with the current consultation form included in LAFCO's application materials, is provided as Attachment One.

Lower Sweetwater Fire Protection District Request

On November 26, 2025, and again on February 4, 2026, the Lower Sweetwater Fire Protection District (District) submitted requests for Commission review of Policy L-107.

- In its initial letter, the District asserted that staff's practice of deferring jurisdictional consultation until an application is deemed complete and funded is inconsistent with Policy L-107, which contemplates consultation prior to application filing. The District requested the Commission reaffirm L-107, direct staff to align current practices with policy, and clarify procedures to ensure consistent and transparent implementation.
- In its follow-up letter, the District reiterated its position that Policy L-107 contains no exemption for proposals filed pursuant to a LAFCO-imposed condition, any waiver of consultation should be supported by a documented determination, and statutory noticing does not replace Policy L-107's pre-application consultation requirements. The District renewed its request that the Commission reaffirm L-107 and direct staff to bring its practices into alignment with policy.

The District's correspondence concerns a pending reorganization proposal for the affected territory at 2616 East 24th Street in Lincoln Acres (File No. OAS24-12). The proposal arises directly from a condition imposed by LAFCO in connection with its administrative authorization of an emergency out-of-agency wastewater service extension to the affected territory – rather than a discretionary filing. Authorization was issued pursuant to Government Code Section 56133 and LAFCO's adopted policies in response to a documented public health and safety concern – specifically, failure of the property's existing onsite septic system – and as an alternative to rehabilitation of the septic system by the landowner. The Commission ratified the administrative approval in November 2024 and, consistent with statute and longstanding practice, conditioned the service authorization on the property owners filing an annexation application to the City of National City as the permanent means of formalizing service responsibilities for the affected territory.

Correspondence between the District and staff are provided as Attachment Two.

¹ An alteration of government structure including: city incorporation, district formation, annexation to, or detachment from a city or district, city disincorporation, district dissolution, city or district consolidation, or merger or establishment of a subsidiary district.

DISCUSSION

This item is for San Diego LAFCO to review staff's implementation of Policy L-107 in the context of Lower Sweetwater Fire Protection District's correspondence and the anticipated reorganization proposal associated with File No. OAS24-12. Staff appreciates the District's engagement with LAFCO process and its interest in ensuring consistent application of Commission policies. The following discussion addresses the specific concerns raised and explains the basis for staff's determination.

Staff Interpretation and Application of Policy L-107

As described above, Policy L-107 establishes a pre-application consultation process with an express waiver provision. LAFCO staff believes the pre-application consultation requirements under L-107 do not readily apply to this matter for two independent reasons:

- First, the anticipated annexation filing is not a voluntary, independently initiated proposal of the type Policy L-107 was principally designed to address. Instead, it is a compliance obligation imposed by the Commission itself as a condition of a prior administrative approval. Requiring the applicant – who is filing at LAFCO's direction – to organize and fund a pre-application consultation process with third parties would be inconsistent with the policy's purpose and impose a procedural and financial burden on the landowners.
- Second, the Commission has already established the relevant jurisdictional framework for the affected territory through its adopted sphere of influence determinations. The affected territory lies within the City of National City's sphere of influence, reflecting the Commission's determination that the City is the appropriate long-term service provider. The Commission has also assigned a zero sphere of influence to the Lower Sweetwater Fire Protection District, reflecting the Commission's policy interest in the District's eventual dissolution. Together, these determinations resolve the core jurisdictional question that Policy L-107 is intended to identify and address at the outset.

Executive Officer Waiver

While staff maintains Policy L-107 did not require pre-application consultation for this proposal, the Executive Officer nonetheless exercised the waiver authority expressly provided and formally waived the pre-application consultation procedure for the anticipated reorganization proposal associated with File No. OAS24-12 in correspondence dated February 12, 2026. Key considerations supporting the waiver include:

- The Commission-imposed nature of the anticipated filing.
- The Commission's existing sphere of influence determinations – specifically including the affected territory within National City's sphere and excluding the affected territory from the District.

- The District’s continued ability to fully participate in the administrative review process as an affected agency.

Further, the waiver has no bearing on the Commission’s ultimate consideration of any annexation proposal if and when it is formally filed. Annexation to the City of National City – and, by extension, detachment from the District – remains a discretionary action under statute, and the District will retain the opportunity to review the proposal, submit comments, and address the Commission directly before any final action is taken. Staff has also encouraged the District to work directly with the City of National City regarding any service-related concerns, consistent with the existing service arrangement and the policy’s underlying intent to promote early coordination among affected agencies.

ANALYSIS

Staff recognizes the District’s interest in early coordination and shares the policy’s underlying goal of identifying jurisdictional issues at the earliest practicable stage. At the same time, staff believes its implementation of Policy L-107 in this instance is reasonable and consistent with the intent of the policy. The anticipated reorganization filing is distinguishable from the type of independently initiated proposal L-107 was principally designed to address; the Commission has already established the jurisdictional framework for the affected territory through its adopted sphere of influence determinations; and the Executive Officer has exercised the policy’s express waiver authority to clarify the record. Importantly, the District’s procedural rights remain fully preserved through the formal application and noticing process.

RECOMMENDATION

Receive the report and provide feedback, as appropriate.

ALTERNATIVES FOR ACTION

None.

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.

On behalf of the Executive Officer,

A handwritten signature in black ink, appearing to read "Priscilla Mumpower". The signature is fluid and cursive, with the first name being more prominent than the last.

Priscilla Mumpower
Assistant Executive Officer

Attachments:

- 1) Consultation Form + Policy L-107 (Full Text)
- 2) District + Staff Correspondence

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SAN DIEGO LAFCO JURISDICTIONAL CONSULTATION Policy L-107 Form

Completion of this Jurisdictional Consultation Form is necessary if there are jurisdictional issues associated with a pending or future LAFCO application. The purpose of the jurisdictional consultation procedure is to encourage the early identification and resolution of jurisdictional issues and concerns. To assist LAFCO staff in the review of your LAFCO application and to determine whether adequate measures have been taken to identify and resolve issues, please respond to the following questions.

1. What jurisdictional issues pertain to the LAFCO proposal or pending LAFCO action?

- a. Differing development standards between existing and proposed service providers or jurisdictions;
- b. Existing and/or planned land uses and zoning, including densities, community character, and appropriate jurisdictional transition areas;
- c. Existing and/or planned provision of governmental services, including any potential impacts to service levels or financial ability to sustain service levels;

2. What parties (local agencies or organizations) are opposed to the proposed LAFCO action? _____

3. Are there any other local community or governmental concerns associated with the LAFCO proposal or pending LAFCO action: Yes No

Please specify: _____

4. Respond to the following for efforts that have been taken to resolve jurisdictional issues:

a. List the dates of any meetings/discussions held to resolve jurisdictional issues: _____

b. List the jurisdictions and organizations that participated in the meetings/discussions: _____

c. What was the outcome of the meetings/discussions: _____

5. If the jurisdictional issues were not resolved, discuss whether additional consultation is needed and a preferred outcome: _____

6. If the parties resolved the issues associated with the pending or future LAFCO action, then sign the statement (below) and return this form and any applicable agreements that have been reached.

As a representative/proponent of the proposed LAFCO action (e.g., annexation, detachment, sphere change, etc.), I believe the jurisdictional issues associated with this LAFCO proposal:

- have been resolved
- have not been resolved

Attached is a copy of the related agreement or other document demonstrating that jurisdictional issues have been satisfactorily resolved.

Signature of proponent

Print name

Telephone

Date

**San Diego Local Agency Formation Commission
2550 Fifth Avenue, Suite 725
San Diego, CA 92103
(619) 321-3380**

Subject

JURISDICTIONAL ISSUES ASSOCIATED WITH PROPOSED OR PENDING CHANGES OF ORGANIZATION OR REORGANIZATION

Purpose

To establish a procedure for cities, special districts, the County of San Diego, and other interested parties and organizations to identify and discuss potential jurisdictional issues associated with proposed or pending LAFCO discretionary actions.

Background

Proposed changes of organization or reorganization may involve issues of concern for affected local residents, property owners, registered voters, interested parties, and organizations, as well as potential jurisdictional issues for affected cities, special districts, counties, and other public agencies.

While LAFCO is prohibited by State Law from directly regulating land use density or intensity, property development, or subdivision requirements [Government Code § 56375(a)(6)], LAFCO is required to consider a number of factors in the review of a proposal, including: the effects of a proposal on adjacent areas (Government Code § 56668(c); the proposal’s consistency with city or county general and specific plans (Government Code § 56668(h); the comments of any affected local agency or other public agency (Government Code § 56668(j); any information or comments from the landowner or owners, voters, or residents of the affected territory (Government Code § 56668(n); and, any information relating to existing land use designations (Government Code § 56668(o).

When there are potential jurisdictional issues associated with proposed or pending jurisdictional changes, LAFCO staff has historically encouraged the lead agency and applicant to consult with all affected jurisdictions and interested parties to identify, discuss, and resolve the jurisdictional issues prior to LAFCO submittal. Proposal-related jurisdictional issues may involve questions about community character and/or cohesion; the ability of an agency to extend public services; potential environmental impacts; appropriate transitional areas between jurisdictions; special district detachment issues; or other local community or governmental concerns.

Therefore, the following policy has been adopted to encourage and facilitate early identification, discussion and potential resolution of any jurisdictional issues associated with proposed or pending LAFCO changes of organization of reorganization. While the identified jurisdictional issues may not be ultimately resolved to the satisfaction of all interested parties, the policy requires the proposal applicant or proponent to engage the interested parties and/or jurisdictions, to address the concerns associated with the proposal, and to determine if the identified issues have been resolved, or if additional discussions would allow for resolution.

Policy

It is the policy of the San Diego Local Agency Formation Commission that:

1. Prior to submission of a proposal requesting LAFCO consideration of a change of organization or reorganization, the proposal applicant and representatives from affected public agencies, interested parties, and/or organizations, shall meet at the earliest possible stage for the purpose of identifying and attempting to resolve any issues associated with the proposed jurisdictional change(s). The Executive Officer may waive the consultation procedure outlined in this provision when it can be determined with certainty that there will be no possibility that the proposal in question will result in identified and unresolved jurisdictional issues.
2. The consultation process described in provision no. 1 should identify any jurisdictional issues or concerns related to:
 - a. Differing development standards;
 - b. Existing and/or planned land uses and zoning, including densities, community character, and appropriate jurisdictional transition areas;
 - c. Existing and/or planned provision of governmental services, including any potential impacts to service levels or financial ability to sustain service levels; and,
 - d. Any other local community or governmental concerns.

3. If an agreement is reached regarding provision no. 2, the subject proposal's LAFCO application shall include signed confirmation by representatives of the agencies or interested parties. LAFCO applications shall include signature confirmation forms documenting the agreement.
4. The Commission shall consider the agreement in its evaluation of the proposed jurisdictional change(s) to the extent that it is consistent with State Law and San Diego LAFCO policies and procedures.
5. If the parties have consulted in accordance with this policy and are unable to reach agreement, the parties shall, in writing, inform the Executive Officer of the areas in which they are unable to reach agreement and the desired outcome. Thereafter, the proposal shall proceed in accordance with State Law and applicable San Diego LAFCO policies and procedures.
6. Affected local agencies shall be encouraged to explore additional methods to improve future inter- and intra-departmental and jurisdictional communications for the purpose of discussing and commenting on proposed or pending jurisdictional changes at the earliest possible stage.

Adopted: May 3, 2010
Revised: April 4, 2016

Cross-reference:

SAN DIEGO LAFCO POLICY:

- L-100 CITY ANNEXATION OF UNINCORPORATED TERRITORY WITHIN SPECIAL DISTRICTS
- L-103 RECOGNITION OF UNINCORPORATED COMMUNITIES

SAN DIEGO LAFCO PROCEDURES:

- SPHERES OF INFLUENCE
- LAFCO-INITIATED PROPOSALS

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From: Kurt Worden <lsfpdistrict@gmail.com>
Sent: Wednesday, November 26, 2025 11:52 AM
To: Sellen, Erica A <Erica.Sellen@sdcounty.ca.gov>
Cc: Delatorre, Marianne <Marianne.Delatorre@sdcounty.ca.gov>; Traynor, Meghan C <MeghanC.Traynor@sdcounty.ca.gov>
Subject: [External] Transmittal – Resolution No. 25/26-006 and Policy Alignment Letter

Dear Mr. Simonds,

Attached are Resolution No. 25/26-006 and a companion letter from the Lower Sweetwater Fire Protection District regarding Policy L-107. These documents call for LAFCO to align current practice with the adopted policy to ensure consistent, transparent, and policy-compliant processes.

Sincerely,
Kurt Worden,
President, Lower Sweetwater Fire Protection District.



FIRE PROTECTION IS EVERYONE'S BUSINESS

LOWER SWEETWATER FIRE PROTECTION DISTRICT

2725-B Granger Avenue, Lincoln Acres, CA 91950

Keene Simonds, Executive Officer
San Diego Local Agency Formation Commission (LAFCO)
2550 Fifth Avenue, Suite 725
San Diego, CA 92103

Subject: Policy Compliance – LAFCO Practice vs. Policy L-107

Dear Mr. Simonds,

On behalf of the Lower Sweetwater Fire Protection District, I am writing to formally address a matter of policy compliance regarding LAFCO's current practice under Policy L-107 (Jurisdictional Consultation).

As outlined in the brief provided by Meghan Traynor, Project Manager for RO24-12, LAFCO's current practice is to defer jurisdictional consultation until an application is deemed complete and funded. This approach, however, is inconsistent with the language and intent of Policy L-107, which requires consultation ****prior to the filing of a formal application****. The purpose of this policy is to ensure early identification and resolution of jurisdictional issues, thereby preventing procedural defects and avoiding unnecessary disputes.

Deferring consultation until after funding undermines the policy's effectiveness and risks allowing defective applications to proceed. The recent RO24-12 matter illustrates how misidentifications and unresolved service responsibilities can enter the record when consultation is delayed. While RO24-12 is only one example, the broader concern is that LAFCO's practice does not align with its adopted policy, creating systemic risks for applicants and affected communities.

We respectfully request that LAFCO:

- **Reaffirm Policy L-107** and direct staff to conduct jurisdictional consultation prior to application completion and funding, consistent with the adopted policy language.
- **Report back to the Commission** on how current practices will be aligned with Policy L-107.

- **Clarify procedures** to ensure applicants and affected agencies can rely on consistent, transparent, and policy-compliant processes.

Our District believes that aligning practice with policy is essential to maintaining public trust, ensuring procedural integrity, and upholding LAFCO's role as a fair and transparent governance body.

Thank you for your attention to this matter. We look forward to LAFCO's response and to working collaboratively to ensure that policies are applied consistently and effectively.

Respectfully,

A handwritten signature in black ink that reads "Kurt Worden". The signature is written in a cursive style with a large initial 'K'.

Kurt Worden

Board President

Lower Sweetwater Fire Protection District



FIRE PROTECTION IS EVERYONE'S BUSINESS
THE COLLECTION OF RATES AND FEES

Lower Sweetwater Fire Protection District

2725-B Granger Avenue, Lincoln Acres, CA 91950

Resolution No. 25/26-006

A Resolution of the Board of Directors of the Lower Sweetwater Fire Protection District Calling on the San Diego Local Agency Formation Commission (LAFCO) to Align Its Practices with Adopted Policy L-107

WHEREAS, the San Diego Local Agency Formation Commission (LAFCO) has adopted Policy L-107, requiring jurisdictional consultation prior to the filing of a formal application, in order to ensure early identification and resolution of jurisdictional issues; and

WHEREAS, current LAFCO practice, as outlined by Project Manager Meghan Traynor, defers jurisdictional consultation until an application is deemed complete and funded, which is inconsistent with the language and intent of Policy L-107; and

WHEREAS, this inconsistency undermines the effectiveness of Policy L-107, risks allowing defective applications to proceed, and erodes public trust in the transparency and integrity of LAFCO's processes; and

WHEREAS, the District recognizes that the RO24-12 matter illustrates how delayed consultation can result in misidentifications and unresolved service responsibilities entering the record, but emphasizes that the broader issue is systemic and not limited to a single case;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Lower Sweetwater Fire Protection District hereby calls on LAFCO to:

1. Reaffirm Policy L-107 and direct staff to conduct jurisdictional consultation prior to application completion and funding, consistent with the adopted policy language;
2. Report back to the Commission on how current practices will be aligned with Policy L-107; and
3. Clarify procedures to ensure applicants and affected agencies can rely on consistent, transparent, and policy-compliant processes.

PASSED AND ADOPTED by the Board of Directors of the Lower Sweetwater Fire Protection District on this 25 November, by the following vote:

AYES:

- Worden
- Gonzalez
- Escamilla
- O'Quin

NOES: -

ABSENT:

- Coniff

Attest:



Yolanda R. Escamilla, Board Secretary

Approved:



Kurt Worden, Board President

From: Kurt Worden <lsfpdistrict@gmail.com>

Sent: Thursday, November 27, 2025 9:42 AM

To: Sellen, Erica A <Erica.Sellen@sdcounty.ca.gov>

Subject: [External] Escalation – CPRA Non-Compliance by City of National City (Request No. 25-800)

Dear Commissioners,

Attached please find formal letter from the Lower Sweetwater Fire Protection District regarding the City of National City's non-compliance with the California Public Records Act (CPRA Request No. 25-800).

The District respectfully requests your oversight and assistance to ensure transparency and statutory compliance concerning annexation and out-of-area sewer service records for 2616 East 24th Street (APN 564-010-12-00).

Thank you for your prompt attention to this matter.

Sincerely,

Kurt Worden,

President, Lower Sweetwater Fire Protection District.



LOWER SWEETWATER FIRE PROTECTION DISTRICT

November 27, 2025

To:

San Diego Local Agency Formation Commission (LAFCO)
2550 Fifth Avenue, Suite 725,
San Diego, CA 921033

Re: CPRA Non-Compliance by City of National City - Annexation and Sewer Service
Records (Request No. 25-800)

Dear Commissioners:

On October 21, 2025, the Lower Sweetwater Fire Protection District submitted a Public Records Act request to the City of National City seeking records related to the annexation and out-of-area sewer service for 2616 East 24th Street (APN 564-010-12-00).

The City invoked a 14-day extension on October 30, 2025, which expired on November 13, 2025. On November 18, 2025, the City Clerk promised production of records or a determination no later than November 26, 2025. That deadline has now passed without compliance.

The District considers this a violation of the California Public Records Act (Gov. Code §§ 7922.535, 7922.540). Because the request concerns annexation and out-of-area service agreements, the District respectfully requests LAFCO's oversight and intervention to ensure transparency and statutory compliance.

Sincerely,

A handwritten signature in cursive script that reads "Kurt Worden". The signature is written in black ink and is positioned above the typed name.

Kurt Worden, Board President
Lower Sweetwater Fire Protection District
lsfpdistrict@gmail.com • 619-245-4550

From: Simonds,Keene <Keene.Simonds@sdcountry.ca.gov>
Sent: Monday, December 1, 2025 7:33 AM
To: lsfpdistrict@gmail.com
Cc: Sellen, Erica A <Erica.Sellen@sdcountry.ca.gov>; Mumpower, Priscilla <Priscilla.Mumpower@sdcountry.ca.gov>; Ngu, Dieu <Dieu.Ngu@sdcountry.ca.gov>
Subject: Follow up to November 27, 2025 Communication

Hi Kurt –

Thank you for reaching out. I understand the frustration of not receiving a timely response from the City of National City regarding your Public Records Act request (attached).

As a general matter, LAFCO does not typically become involved in disputes between the agencies we oversee concerning PRA requests or related communication issues. While I sympathize with the delay you are experiencing, this is an area where we rely on the agencies themselves to work through the process.

At this point, I encourage Lower Sweetwater FPD to allow the PRA process a bit more time and to continue documenting your outreach efforts with the City. Maintaining a clear record of communication will be helpful should further follow-up be needed.

Please keep us posted if anything changes, but for now I believe it's best for the agencies to continue working together directly.

Keene

Keene Simonds
Executive Officer

On Jan 6, 2026, at 18:30, Mumpower, Priscilla <Priscilla.Mumpower@sdcounty.ca.gov> wrote:

Dear Mr. Worden,

Please find attached our correspondence in response to the Lower Sweetwater Fire Protection District's letter regarding Policy L-107.

I'm happy to discuss further if helpful.

Best regards,
Priscilla

Priscilla Mumpower

Assistant Executive Officer

San Diego Local Agency Formation Commission (LAFCO)
Subdivision of the State of California | Regional Service Planning
(858) 276-9414
2550 Fifth Avenue, Suite 725
San Diego, California 92103-6624



San Diego County

Local Agency Formation Commission

Regional Service Planning | Subdivision of the State of California

January 6, 2026

Delivered by Electronic Mail:

Kurt Worden, Board President
Lower Sweetwater Fire Protection District
2725-B Granger Avenue
National City, CA 91950
lsfpdistrict@gmail.com

SUBJECT: Response to Letter from Lower Sweetwater Fire Protection District | Re: Policy Compliance - LAFCO Practice vs Policy L-107

Dear Mr. Worden,

Thank you for your letter regarding Policy L-107 and LAFCO's administrative approval of out-of-agency wastewater service for the property at 2616 East 24th Street (LAFCO File No. OAS24-12). We appreciate the District's interest and the opportunity to clarify LAFCO's process.

The out-of-agency service authorization for OAS24-12 was issued pursuant to Government Code Section 56133 and LAFCO's adopted policies allowing the Executive Officer to act in response to documented public health and safety concerns. In this case, the record reflected a failing onsite wastewater treatment system, including confirmation from the County Department of Environmental Health and Quality that continued reliance on septic service posed a hazard. Staff also confirmed that the subject parcel lies entirely within the City of National City's sphere of influence and that municipal sewer service is available through the City. Based on these factors, the administrative approval for the City of National City to serve the existing single-family residence was issued to address an immediate health and safety concern and was limited to wastewater service for the existing residence only, with no authorization for additional development.

Additionally, and consistent with statute and Commission practice, the authorization was conditioned on the property owner filing an annexation application as the permanent means for municipal service provision. Conditioning out-of-agency

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

Paloma Aguirre
County of San Diego

Joel Anderson
County of San Diego

Monica M. Steppe, Alt.
County of San Diego

Kristi Becker
City of Solana Beach

Dane White
City of Escondido

John McCann Alt.
City of Chula Vista

Chair Stephen Whitburn
City of San Diego

Marni von Wilpert, Alt.
City of San Diego

Vice Chair Barry Willis
Alpine Fire Protection

Jo MacKenzie
Vista Irrigation

David Drake, Alt.
Rincon del Diablo

Brigitte Browning
General Public

Eileen Delaney, Alt.
General Public

services on annexation within a city's sphere of influence reflects LAFCO's policies and role in promoting orderly governance and long-term service delivery.

As noted in your letter, Policy L-107 establishes a pre-application consultation process intended to occur prior to submission of a proposal – by petition or resolution of application – requesting LAFCO consideration of a change of organization or reorganization. In this instance, the applicant would be submitting an annexation application in response to a condition imposed by the Commission. As such, the pre-application consultation provisions of Policy L-107 are not applicable. Further, Policy L-107 provides that the Executive Officer may waive the consultation procedure where it can be determined with certainty that the proposal will not result in identified and unresolved jurisdictional issues.

At this time, LAFCO has not received a complete annexation application associated with the subject property. Staff does not begin substantive review or interagency consultation until all required materials and fees are received. Should a complete annexation application be submitted and accepted, affected agencies, including the Lower Sweetwater Fire Protection District, will be formally noticed and provided an opportunity to participate consistent with state law and San Diego LAFCO policies.

We appreciate the District's engagement and its interest in ensuring the transparent and consistent application of LAFCO policies. Should the Lower Sweetwater Fire Protection District wish to further discuss OAS24-12, please let me know.

Respectfully,

Priscilla Mumpower

Assistant Executive Officer

cc:

Keene Simonds, LAFCO Executive Officer

Meghan Traynor, LAFCO Analyst

Joelle Burila, LAFCO Analyst

Kyle LaVelle, County of San Diego, District 1 Legislative Assistant

Attachment:

- 1) Letter from Lower Sweetwater Fire Protection District re: Policy Compliance - LAFCO Practice vs Policy L-107

From: Kurt Worden <lsfpdistrict@gmail.com>

Sent: Wednesday, January 7, 2026 4:21 AM

To: Mumpower, Priscilla <Priscilla.Mumpower@sdcounty.ca.gov>

Cc: Simonds,Keene <Keene.Simonds@sdcounty.ca.gov>; Burila, Joelle

<Joelle.Burila@sdcounty.ca.gov>; Traynor, Meghan C

<[MeghanC.Traynor@sdcounty.ca.gov](mailto: MeghanC.Traynor@sdcounty.ca.gov)>; LaVelle, Kyle <Kyle.LaVelle@sdcounty.ca.gov>;

Delatorre, Marianne <Marianne.Delatorre@sdcounty.ca.gov>

Subject: [External] Re: SD LAFCO | Response re: Policy L-107

Dear Ms. Mumpower,

Attached please find the District's follow-up correspondence regarding Policy L-107 and the alignment of LAFCO's current practices with the Commission's adopted policy.

We appreciate your January 6 response and have provided clarifications to ensure the record accurately reflects the District's concerns and the specific policy issues at hand.

We respectfully request that LAFCO review the attached letter and advise on next steps toward ensuring consistent, policy-compliant procedures.

Please feel free to contact me if further discussion would be helpful.

Sincerely,

Kurt Worden,

President, Lower Sweetwater Fire Protection District.



FIRE PROTECTION IS EVERYONE'S BUSINESS

LOWER SWEETWATER FIRE PROTECTION DISTRICT

2725-B Granger Avenue, Lincoln Acres, CA 91950

Priscilla Mumpower
Assistant Executive Officer
San Diego Local Agency Formation Commission
2550 Fifth Avenue, Suite 725
San Diego, CA 92103

Subject: Follow-Up Regarding Policy Compliance — LAFCO Practice vs. Policy L-107

Dear Ms. Mumpower,

Thank you for your January 6 response to the District's letter regarding Policy L-107. We appreciate the clarification provided regarding the out-of-agency service authorization for OAS24-12. However, your response does not address the core issue raised by the District: **the inconsistency between LAFCO's adopted Policy L-107 and LAFCO staff's current practice.**

To ensure the record is clear, the District offers the following clarifications.

1. The District did not challenge the Executive Officer's authority under Government Code §56133.

Our concern is not the health and safety determination for OAS24-12.

Our concern is policy compliance, specifically the requirement in Policy L-107 for jurisdictional consultation prior to the filing of a formal application. The health and safety justification does not exempt LAFCO from following its own adopted policies.

2. Policy L-107 contains no exemption for "conditioned annexations."

Your letter states that L-107 does not apply because the annexation application will be submitted in response to a condition imposed by LAFCO.

Respectfully, this interpretation is not supported by the policy text.

Policy L-107 applies to any proposal for a change of organization or reorganization.

It does not distinguish between:

- voluntary applications,

- applications by resolution,
- applications by petition, or
- applications submitted pursuant to a condition of approval.

If LAFCO intends to exempt conditioned annexations from L-107, such an exemption would require a formal policy amendment, not an informal practice.

3. The Executive Officer's waiver authority requires a documented determination.

L-107 allows the Executive Officer to waive consultation only when it can be determined with certainty that the proposal will not result in identified and unresolved jurisdictional issues.

Your response does not indicate that:

- a waiver determination was made,
- findings were documented, or
- affected agencies were notified of a waiver.

Moreover, the OAS24-12 record contained multiple misidentifications and unresolved service responsibility issues—demonstrating that the criteria for a waiver were not met.

4. LAFCO's stated practice of delaying consultation until after application completeness conflicts with L-107.

Your letter confirms that staff does not begin substantive review or interagency consultation until all required materials and fees are received.

This is precisely the practice the District identified as inconsistent with Policy L-107.

L-107 requires consultation before an application is filed, not after it is deemed complete and funded.

5. Statutory noticing under Government Code §56658 is not a substitute for Policy L-107.

Your response references post-application noticing requirements.

These statutory requirements do not replace the pre-application consultation mandated by L-107.

The two processes serve different purposes and occur at different stages.

Request for Action

The District respectfully renews its original request that LAFCO:

Reaffirm Policy L-107 as written, without informal exemptions.


Direct staff to align practice with the adopted policy, including conducting jurisdictional consultation prior to application filing.

Report back to the Commission on how staff practices will be brought into compliance with L-107.

These steps are essential to ensuring procedural integrity, transparency, and consistent application of LAFCO policy across all jurisdictions.

The District values its working relationship with LAFCO and looks forward to resolving this matter constructively and in alignment with the Commission's adopted policies.

Respectfully,



Kurt Worden

Board President

Lower Sweetwater Fire Protection District

cc:

Keene Simonds, Executive Officer

Meghan Traynor, LAFCO Analyst

Joelle Burila, LAFCO Analyst

Kyle LaVelle, County of San Diego, District 1

From: Mumpower, Priscilla

Sent: Thursday, January 8, 2026 9:48 AM

To: Kurt Worden <lsfpdistrict@gmail.com>

Cc: Simonds,Keene <Keene.Simonds@sdcountry.ca.gov>; Burila, Joelle

<Joelle.Burila@sdcountry.ca.gov>; Traynor, Meghan C

<MeghanC.Traynor@sdcountry.ca.gov>; LaVelle, Kyle <Kyle.LaVelle@sdcountry.ca.gov>;

Delatorre, Marianne <Marianne.Delatorre@sdcountry.ca.gov>

Subject: RE: [External] Re: SD LAFCO | Response re: Policy L-107

Dear Mr. Worden,

Thank you for your follow-up.

Policy L-107 requires that the proposal applicant engage affected agencies and interested parties at the earliest possible stage to identify and attempt to resolve issues associated with a proposed jurisdictional change. We appreciate the District's engagement in communicating early concerns with the anticipated annexation application.

As noted in LAFCO's January 6 correspondence, the annexation application is a condition of approval imposed pursuant to Commission policy and statute following the administrative out-of-agency service authorization issued in response to documented local circumstances. Importantly, the condition reflects a determination that the proposed jurisdictional change merits consideration, subject to the filing and processing of a complete application.

In terms of next steps, staff notes Lower Sweetwater Fire Protection District currently provides fire protection and emergency medical services through a contractual arrangement with the City of National City. Given this existing service relationship, together with the applicable sphere of influence designations, the District is encouraged to engage directly with the City of National City to address any service responsibility concerns and to keep LAFCO staff informed of those discussions.

Respectfully,

Priscilla

Priscilla Mumpower

Assistant Executive Officer

From: Kurt Worden <lsfpdistrict@gmail.com>
Sent: Monday, February 2, 2026 6:51 AM
To: Sellen, Erica A <Erica.Sellen@sdcounty.ca.gov>
Cc: ERNESTO CASTANEDA <ernesto.castaneda@asm.ca.gov>; Barry Willis <btwillis9@gmail.com>; Delatorre, Marianne <Marianne.Delatorre@sdcounty.ca.gov>
Subject: [External] Submission of Agenda Request Packet for March 2 Commission Meeting

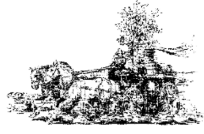
Dear Ms Sellen,

Attached is the Lower Sweetwater Fire Protection District's full agenda-request packet for consideration at the Commission's March 2, 2026 meeting. The packet includes the Issue Summary and Exhibits A through F.

A hard-copy set of the same materials is also being mailed to your office for your records.

Please let me know if any additional information or formatting adjustments are needed.
Thank you for confirming receipt of this submission.

Respectfully,
Kurt Worden,
President, Lower Sweetwater Fire Protection District.



FIRE PROTECTION IS EVERYONE'S BUSINESS
FIRE PROTECTION IS EVERYONE'S BUSINESS

Lower Sweetwater Fire Protection District

2725-B Granger Avenue, Lincoln Acres, CA 91950

Date: February 4, 2026

To: Keene Simonds, Executive Officer
San Diego Local Agency Formation Commission
2550 Fifth Avenue, Suite 725
San Diego, CA 92103

From: Lower Sweetwater Fire Protection District

Subject: Request for Agenda Item – Review of LAFCO Policy L-107 Implementation

Dear Executive Officer Simonds,

On behalf of the Lower Sweetwater Fire Protection District, I respectfully request placement of an item on the **March 2, 2026** San Diego LAFCO agenda to consider the implementation of **Policy L-107: Jurisdictional Coordination and Early Consultation**.

This request follows documented instances in which L-107's early-consultation requirements were not applied as written, including reorganizations in 2005 and 2019 and the more recent processing of OAS24-12. These examples indicate a divergence between the adopted policy and current staff practice, including the introduction of exemptions not contained in the policy.

On **January 30, 2026**, representatives of the District met with **Assemblymember David Alvarez** to brief him on this matter as a **statewide policy-consistency issue**. During that meeting, the Assemblymember asked the District to revise its request to his office so that **his office may determine and report on whether Policy L-107 is being applied consistently**. His office has designated **Ernesto Castaneda** as the point of contact for follow-up.

In alignment with that direction, the District is requesting that the Commission place this item on the March 2 agenda so that the Commission may review the implementation of Policy L-107 and provide clarity regarding current practice.

We will provide supporting materials in advance of the staff deadline and are available to assist with any clarifications needed.

Thank you for your consideration.

Respectfully,
Kurt Worden
President
Lower Sweetwater Fire Protection District

CC: Erica Sellen (LAFCO Clerk)
Ernesto Castañeda (Assm Alvarez)
Barry Willis (Vice Chair San Diego LAFCO)

ISSUE SUMMARY

Purpose of the Agenda Item

The Lower Sweetwater Fire Protection District requests that the Commission review the implementation of **Policy L-107**, which governs early jurisdictional consultation for boundary-change proposals. The District seeks clarity regarding the alignment between the adopted policy and current staff practice.

Background

Policy L-107 requires that affected agencies be notified and consulted **before** an application is filed. This ensures that all service providers can evaluate impacts early in the process.

However, San Diego LAFCO staff has adopted a practice that diverges from the policy:

- Consultation is delayed until after an application is deemed complete and funded.
- Staff asserts that “conditioned annexations” are exempt from L-107 — an exemption not found in the policy.
- No Commission action has been taken to amend or clarify the policy.

Documented Examples

The District has identified multiple reorganizations where L-107 was not applied as written:

- **RO05-07 (2005)**: LSFPD detached without consultation or waiver.
- **RO19-16 (2019)**: A 50.5-acre detachment proceeded without consultation, without the required DUC survey, and without notice until after recordation.
- **OAS24-12 (2024–25)**: LSFPD did not become aware of the proposal until mid-2025, long after processing had begun.

These examples demonstrate a pattern of policy-practice divergence.

Additional details regarding staff’s verbal description of current consultation practices are provided in Exhibit C.

Statewide Context

On January 30, 2026, the District briefed Assemblymember Alvarez. He agreed that this is a **statewide policy-consistency matter** and asked the District to revise its request to his office so that **his office may determine and report on whether L-107 is being applied consistently**.

This elevates the importance of a clear Commission-level review.

Requested Commission Action

The District requests that the Commission:

- 1. Review the implementation of Policy L-107**, including early-consultation requirements.
- 2. Clarify whether current staff practice aligns with the adopted policy language.**
- 3. Provide direction to staff as appropriate.**

This review will support transparency, consistency, and alignment with statewide expectations.

3. FACTUAL TIMELINE OF DOCUMENTED NON-COMPLIANCE

2005 – RO05-07

- LSFPD detached without early consultation.
- No waiver findings issued.
- No Commission discussion of L-107 compliance.

2019 – RO19-16 (50.5 acres)

- No L-107 consultation.
- No DUC community survey.
- LSFPD notified only after annexation was recorded.
- Created a County island.

2024–2025 – OAS24-12

- LSFPD first learns of the proposal in mid-2025.
- No early consultation.
- No waiver findings.
- Staff asserts “conditioned annexation” exemption not found in policy.

Late 2025

- LSFPD requests clarification from LAFCO staff.
- Staff maintains its practice despite policy language.

January 30, 2026

- LSFPD briefs Assemblymember Alvarez.
- Assemblymember requests LSFPD revise its ask so **his office** may determine and report on L-107 consistency.
- Ernesto Castaneda designated as POC.

March 2, 2026

- Requested Commission review of L-107 implementation.

4. PROPOSED COMMISSION ACTION

The District respectfully requests that the Commission take the following action:

Direct staff to review the implementation of Policy L-107, including its early-consultation requirements, and report back to the Commission regarding the alignment between the adopted policy and current practice.

This action does **not** imply legislative direction — it simply ensures clarity and transparency.

5. EXHIBIT LIST

The following exhibits will be attached to the packet:

Exhibit A – Policy L-107 (Full Text)

Highlighting early-consultation requirements.

Exhibit B – LSFPD Correspondence to LAFCO Staff

Requests for clarification regarding L-107 implementation.

Exhibit C – Staff Statements Regarding “Conditioned Annexation” Exemption

Documentation of staff’s interpretation not found in policy.

Exhibit D – RO19-16 Documentation

Record showing lack of consultation and post-recording notice.

Exhibit E – OAS24-12 Timeline Documentation

Emails and notices showing LSFPD first learned of the proposal mid-2025.

Exhibit F – Summary of January 30 Meeting with Assemblymember Alvarez

Including designation of Ernesto Castaneda as POC.



FIRE PROTECTION IS EVERYONE'S BUSINESS

LOWER SWEETWATER FIRE PROTECTION DISTRICT

2725-B Granger Avenue, Lincoln Acres, CA 91950

Keene Simonds, Executive Officer
San Diego Local Agency Formation Commission (LAFCO)
2550 Fifth Avenue, Suite 725
San Diego, CA 92103

Subject: Policy Compliance – LAFCO Practice vs. Policy L-107

Dear Mr. Simonds,

On behalf of the Lower Sweetwater Fire Protection District, I am writing to formally address a matter of policy compliance regarding LAFCO's current practice under Policy L-107 (Jurisdictional Consultation).

As outlined in the brief provided by Meghan Traynor, Project Manager for RO24-12, LAFCO's current practice is to defer jurisdictional consultation until an application is deemed complete and funded. This approach, however, is inconsistent with the language and intent of Policy L-107, which requires consultation ****prior to the filing of a formal application****. The purpose of this policy is to ensure early identification and resolution of jurisdictional issues, thereby preventing procedural defects and avoiding unnecessary disputes.

Deferring consultation until after funding undermines the policy's effectiveness and risks allowing defective applications to proceed. The recent RO24-12 matter illustrates how misidentifications and unresolved service responsibilities can enter the record when consultation is delayed. While RO24-12 is only one example, the broader concern is that LAFCO's practice does not align with its adopted policy, creating systemic risks for applicants and affected communities.

We respectfully request that LAFCO:


- **Reaffirm Policy L-107** and direct staff to conduct jurisdictional consultation prior to application completion and funding, consistent with the adopted policy language.
- **Report back to the Commission** on how current practices will be aligned with Policy L-107.

- **Clarify procedures** to ensure applicants and affected agencies can rely on consistent, transparent, and policy-compliant processes.

Our District believes that aligning practice with policy is essential to maintaining public trust, ensuring procedural integrity, and upholding LAFCO's role as a fair and transparent governance body.

Thank you for your attention to this matter. We look forward to LAFCO's response and to working collaboratively to ensure that policies are applied consistently and effectively.

Respectfully,

A handwritten signature in black ink that reads "Kurt Worden". The signature is written in a cursive style with a large initial 'K'.

Kurt Worden

Board President

Lower Sweetwater Fire Protection District



FIRE PROTECTION IS EVERYONE'S BUSINESS

LOWER SWEETWATER FIRE PROTECTION DISTRICT

2725-B Granger Avenue, Lincoln Acres, CA 91950

Priscilla Mumpower
Assistant Executive Officer
San Diego Local Agency Formation Commission
2550 Fifth Avenue, Suite 725
San Diego, CA 92103

Subject: Follow-Up Regarding Policy Compliance — LAFCO Practice vs. Policy L-107

Dear Ms. Mumpower,

Thank you for your January 6 response to the District's letter regarding Policy L-107. We appreciate the clarification provided regarding the out-of-agency service authorization for OAS24-12. However, your response does not address the core issue raised by the District: **the inconsistency between LAFCO's adopted Policy L-107 and LAFCO staff's current practice.**

To ensure the record is clear, the District offers the following clarifications.

1. The District did not challenge the Executive Officer's authority under Government Code §56133.

Our concern is not the health and safety determination for OAS24-12.

Our concern is policy compliance, specifically the requirement in Policy L-107 for jurisdictional consultation prior to the filing of a formal application. The health and safety justification does not exempt LAFCO from following its own adopted policies.

2. Policy L-107 contains no exemption for "conditioned annexations."

Your letter states that L-107 does not apply because the annexation application will be submitted in response to a condition imposed by LAFCO.

Respectfully, this interpretation is not supported by the policy text.

Policy L-107 applies to any proposal for a change of organization or reorganization.

It does not distinguish between:

- voluntary applications,

- applications by resolution,
- applications by petition, or
- applications submitted pursuant to a condition of approval.

If LAFCO intends to exempt conditioned annexations from L-107, such an exemption would require a formal policy amendment, not an informal practice.

3. The Executive Officer's waiver authority requires a documented determination.

L-107 allows the Executive Officer to waive consultation only when it can be determined with certainty that the proposal will not result in identified and unresolved jurisdictional issues.

Your response does not indicate that:

- a waiver determination was made,
- findings were documented, or
- affected agencies were notified of a waiver.

Moreover, the OAS24-12 record contained multiple misidentifications and unresolved service responsibility issues—demonstrating that the criteria for a waiver were not met.

4. LAFCO's stated practice of delaying consultation until after application completeness conflicts with L-107.

Your letter confirms that staff does not begin substantive review or interagency consultation until all required materials and fees are received.

This is precisely the practice the District identified as inconsistent with Policy L-107.

L-107 requires consultation before an application is filed, not after it is deemed complete and funded.

5. Statutory noticing under Government Code §56658 is not a substitute for Policy L-107.

Your response references post-application noticing requirements.

These statutory requirements do not replace the pre-application consultation mandated by L-107.

The two processes serve different purposes and occur at different stages.

Request for Action

The District respectfully renews its original request that LAFCO:

Reaffirm Policy L-107 as written, without informal exemptions.


Direct staff to align practice with the adopted policy, including conducting jurisdictional consultation prior to application filing.

Report back to the Commission on how staff practices will be brought into compliance with L-107.

These steps are essential to ensuring procedural integrity, transparency, and consistent application of LAFCO policy across all jurisdictions.

The District values its working relationship with LAFCO and looks forward to resolving this matter constructively and in alignment with the Commission's adopted policies.

Respectfully,



Kurt Worden

Board President

Lower Sweetwater Fire Protection District

cc:

Keene Simonds, Executive Officer

Meghan Traynor, LAFCO Analyst

Joelle Burila, LAFCO Analyst

Kyle LaVelle, County of San Diego, District 1

Exhibit C – Summary of LAFCO Video Call (Unrecorded)

(Prepared to document verbal statements referenced in Exhibit B and in LSFPD’s January public comments)

Date of Call: 21 November, 2025

Format: Video call (unrecorded at LAFCO’s direction)

Participants:

- Meghan Traynor**, LAFCO Project Manager
- Kurt Worden**, Board President, Lower Sweetwater Fire Protection District
- Alisha Morrison**, Lincoln Acres Resident
- Luis Sainz**, Lincoln Acres Resident
- Doyle Morrison**, Lincoln Acres Resident

Purpose of Call

To discuss jurisdictional consultation requirements under Policy L-107 and the processing of OAS24-12.

Recording Request and LAFCO Response

- LSFPD recommended that the call be **recorded** for accuracy and transparency.
- LAFCO staff member **Meghan Traynor declined**, stating that:
 - The meeting was **not a public meeting**,
 - She was “meeting with constituents,” and
 - Recorded notes were not required.**

This clarification is included to ensure the Commission understands why no recording exists.

Summary of Key Statements Made by LAFCO Staff

During the call, LAFCO staff stated:

- Jurisdictional consultation is not initiated until an application is deemed complete and funded.**
- “Conditioned annexations” are exempt from Policy L-107**, and therefore early consultation was not required for OAS24-12.
- Statutory noticing under Government Code §56658 satisfies the requirement to notify affected agencies.**
- No documented waiver determination** under Policy L-107 was identified for OAS24-12.

These statements were later referenced in LSFPD's written correspondence (Exhibit B) and in LSFPD's public comments at the January Commission meeting.

2019 Annexation Summary (50.5 Acres – Lincoln Acres)

Overview

On December 2, 2019, San Diego LAFCO approved the annexation of approximately 50.5 acres of unincorporated territory adjacent to National City. The annexation was recorded on February 14, 2020. The Lower Sweetwater Fire Protection District (LSFPD) was not notified of the proposal prior to approval and became aware of the annexation only after it was recorded. This annexation created a County island and raised significant questions about compliance with LAFCO's adopted policies and the Cortese-Knox-Hertzberg (CKH) Act.

Key Procedural Issues

1. No L-107 Consultation Occurred

Policy L-107 requires:

- **Early consultation prior to filing**
- **Engagement with affected agencies**
- **Identification and resolution of jurisdictional issues**

In 2019:

- LSFPD was not consulted at any stage.
- No meeting occurred between the applicant, National City, County staff, or LSFPD.
- No waiver findings were issued by the Executive Officer.
- No documentation exists showing any attempt to comply with L-107.

Result: The annexation proceeded without the required early-stage coordination.

2. No D.U.C. Community Survey Was Conducted

Under the CKH Act, annexations involving:

- **10 or more acres**, and
- **Disadvantaged Unincorporated Communities (D.U.C.s)** with
- **12 or more registered voters**
- require a **community survey** to assess resident perspectives.

In 2019:

- Lincoln Acres met the statutory definition of a D.U.C.
- The annexation exceeded 10 acres.
- No survey was conducted.
- Residents were not notified and therefore they were unaware of an opportunity to comment.

Result: Statutory community-engagement requirements were not followed.

“Under the CKH Act, annexations involving 10 or more acres that include a Disadvantaged Unincorporated Community (DUC) with 12 or more registered voters require a community survey...”

3. Annexation Created a County Island

County staff correspondence in June 2019 acknowledged that the annexation would create a **County island**.

- This is a significant jurisdictional issue under L-107.
- No consultation occurred to address service impacts, boundary coherence, or transitional issues.

Result: A foreseeable jurisdictional issue was not evaluated with affected agencies.

4. No Notice to LSFPD Prior to Approval or Recording

- LSFPD did not receive pre-filing notice.
- LSFPD did not receive notice prior to the December 2, 2019 hearing.
- LSFPD learned of the annexation after it was recorded on February 14, 2020.

Result: LSFPD had no opportunity to participate in the process or raise service-delivery concerns.

Relevance to Current Policy-Compliance Concerns

The 2019 annexation demonstrates a documented pattern of bypassing L-107 consultation, lack of notice to affected agencies, and absence of required waiver documentation. Similar issues have re-emerged in recent jurisdictional filings, where consultation has not occurred at the earliest possible stage and staff interpretations have diverged from the adopted policy. This pattern underscores the need for consistent statewide adherence to L-107. The 2019 annexation is therefore a documented example of L-107 not being implemented as adopted.

Statewide Implications

The 2019 annexation illustrates why policy compliance matters, especially as academic institutions such as UC Berkeley study expanded LAFCO authority over water-district consolidation.

If LAFCO authority is broadened, ensuring consistent adherence to existing policies becomes even more critical.

Exhibit E – OAS24-12 Timeline Documentation

(NOTIFICATION HISTORY AND INITIAL AWARENESS)

Overview

This exhibit documents how the Lower Sweetwater Fire Protection District first became aware of the OAS24-12 out-of-agency service authorization and subsequent annexation requirement. The District received no notice from LAFCO, the County of San Diego, or the applicant at any stage prior to late 2025.

Timeline of Awareness

23 September 2025 – Resident Testimony at LSFPD Board Meeting

The District first became aware of OAS24-12 on 23 September 2025, when Lincoln Acres residents Alisha Morrison and Luis Sainz attended an LSFPD Board meeting and verbally informed the Board of the proposal and associated jurisdictional concerns.

The September 23, 2025 LSFPD Board minutes reflect resident attendance and a general reference to an upcoming LAFCO meeting, but contain no notice or information from LAFCO regarding OAS24-12.

- No notice was provided to LSFPD by LAFCO.
- No notice was provided by the County of San Diego.
- No notice was provided by the applicant or any involved agency.
- No early consultation occurred under Policy L-107.

This resident testimony was the first and only notification received by the District prior to LSFPD's subsequent inquiries.

Absence of Required Notifications

Based on District records:

- LSFPD did not receive pre-filing notice.
- LSFPD did not receive notice of the out-of-agency service authorization.
- LSFPD did not receive notice of any pending annexation requirement.
- LSFPD did not receive any L-107 consultation request or waiver determination.

This absence of notice is consistent with the pattern documented in Exhibit D (RO19-16).

Relevance to Policy L-107

Policy L-107 requires:

- Early consultation prior to submission of a proposal
- Engagement with affected agencies
- Identification of jurisdictional issues at the earliest possible stage

The District's lack of notice and lack of consultation for OAS24-12 demonstrates that L-107 was not implemented as adopted, and that staff practice diverges from the policy's plain language.

Exhibit F – Summary of January 30, 2026 Meeting with Assemblymember Alvarez

(LEGISLATIVE CONTEXT AND RELEVANCE TO POLICY L-107)

Overview

On January 30, 2026, representatives of the Lower Sweetwater Fire Protection District and members of the Lincoln Acres community met with Assemblymember David Alvarez to brief him on concerns regarding the implementation of San Diego LAFCO Policy L-107. The discussion focused on the alignment between the adopted policy and current staff practice, as well as the broader implications for statewide consistency.

Meeting Participants

Assemblymember's Office

- Assemblymember David Alvarez, California State Assembly, District 80
- Ernesto Castañeda, District Office Representative (designated point of contact)

Lower Sweetwater Fire Protection District

- Kurt Worden, Board President
- Rodolfo Gonzalez, Director

Lincoln Acres Residents

- Alisha Morrison, Resident
 - Luis Sainz, Resident
 - Doyle Morrison, Resident
 - Pat Sainz, Resident
-

Summary of Discussion

1. Purpose of the Briefing

LSFPD and Lincoln Acres residents provided an overview of concerns regarding:

- The requirement in Policy L-107 for early jurisdictional consultation prior to application filing
- The divergence between the policy text and current LAFCO staff practice
- The procedural impacts on affected agencies and the Lincoln Acres community

2. Assemblymember's Response

Assemblymember Alvarez:

- Recognized that the concerns raised relate to statewide policy consistency, not a single jurisdiction
- Requested that LSFPD revise its request to his office so his staff may determine whether Policy L-107 is being applied consistently across counties
- Designated Ernesto Castañeda as the point of contact for follow-up communication

3. No Legislative Direction Was Requested or Provided

The meeting was informational.

No legislative action was requested by LSFPD, and none was offered or implied by the Assemblymember.

Relevance to the Commission's Review

The January 30 briefing underscores:

- The importance of clear, consistent implementation of Policy L-107
- The statewide interest in ensuring that LAFCO policies are applied as adopted
- The need for a Commission-level review to confirm alignment between policy and practice

This exhibit is provided to document the legislative context and the Assemblymember's request for clarity regarding statewide consistency.

Exhibit Packet — Policy L-107 Implementation Review

Lower Sweetwater Fire Protection District

Submitted to the San Diego Local Agency Formation Commission

Purpose of Exhibits

The following exhibits provide factual documentation relevant to the District’s request for a Commission-level review of the implementation of Policy L-107, which governs early jurisdictional consultation for boundary-change proposals. Each exhibit contains source materials, timelines, or summaries demonstrating how current staff practice diverges from the adopted policy language.

These materials are provided to support transparency, consistency, and alignment with statewide expectations.

Exhibit Index

Exhibit A — Policy L-107 (Full Text)

Highlights the early-consultation requirements adopted by the Commission.

Exhibit B — LSFPD Correspondence to LAFCO Staff

Documents LSFPD’s requests for clarification regarding L-107 implementation.

Exhibit C — Summary of LAFCO Staff Video Call (Unrecorded)

Summarizes staff’s verbal description of current consultation practices, including statements regarding “conditioned annexation” and consultation timing.

Exhibit D — RO19-16 Documentation (2019 Annexation)

Provides a factual record of the 50.5-acre annexation in which no L-107 consultation occurred, no DUC survey was conducted, and LSFPD received no notice prior to recordation.

Exhibit E — OAS24-12 Timeline Documentation

Shows that LSFPD received no notice of the proposal and first became aware of it only through resident testimony at the September 23, 2025 LSFPD Board meeting.

Exhibit F — Summary of January 30, 2026 Meeting with Assemblymember Alvarez

Documents the legislative briefing, the Assemblymember’s request for clarity regarding statewide consistency, and the designation of a point of contact.

Submission Statement

These exhibits are submitted in support of the District’s request that the Commission review the implementation of Policy L-107 and determine whether current staff practice aligns with the adopted policy.

From: Sellen, Erica A <Erica.Sellen@sdcounty.ca.gov>

Sent: Thursday, February 12, 2026 2:01 PM

To: Kurt Worden <lsfpdistrict@gmail.com>

Cc: Simonds,Keene <Keene.Simonds@sdcounty.ca.gov>; Mumpower, Priscilla <Priscilla.Mumpower@sdcounty.ca.gov>; Aleks R. Giragosian <agiragosian@chwlaw.us>; ernesto.castaneda@asm.ca.gov; LaVelle, Kyle <Kyle.LaVelle@sdcounty.ca.gov>

Subject: RE: [External] Submission of Agenda Request Packet for March 2 Commission Meeting

Good afternoon Mr. Worden,

On behalf of the Executive Officer, please see attached response to your request.

Our Chair & Vice Chair are being notified as well (bcc).

If you have any questions, please let us know.

Thank you,

Erica A. Sellen

Commission Clerk

San Diego County LAFCO

2550 Fifth Avenue, Suite 725

San Diego, CA 92103



Main Line: (619) 321-3380



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

February 12, 2026

Delivered by Electronic Mail

Kurt Worden, Board President
 Lower Sweetwater Fire Protection District
 2725-B Granger Avenue
 Lincoln Acres, California 91950

SUBJECT: Response to Request for Agenda Placement |
 Applying Policy L-107 and its Jurisdictional Coordination and Early Consultation Process for LAFCO File No. OAS-24-12 (2616 E 24th Street)

Dear Mr. Worden,

Thank you for your letter dated February 4, 2026, requesting placement of an item on an upcoming agenda regarding implementation of Policy L-107: Jurisdictional Coordination and Early Consultation. I acknowledge the accompanying issue summary and supporting materials submitted by Lower Sweetwater Fire Protection District (FPD), as well as the reference to the agency’s recent meeting with Assemblymember Alvarez.

As you note in your letter, LAFCO staff responded to the FPD’s inquiries on this matter on January 6, 2026, explaining our administrative position regarding the applicability of Policy L-107 to the pending annexation associated with the affected territory at 2616 East 24th Street in Lincoln Acres (File No. OAS24-12). This letter builds on the earlier response and, with the benefit of additional review, provides a formal determination.

Context and Procedural Background

The pending annexation proposal is not a discretionary filing initiated independently by the property owners or by National City. Instead, the pending annexation arises directly from a condition imposed by LAFCO in connection with its administrative authorization of an emergency out-of-agency service extension for wastewater service to the affected territory. This earlier authorization was issued pursuant to Government

<p>Administration 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>Paloma Aguirre County of San Diego</p> <p>Joel Anderson County of San Diego</p> <p>Monica M. Steppe, Alt. County of San Diego</p>	<p>Chair Kristi Becker City of Solana Beach</p> <p>Dane White City of Escondido</p> <p>John McCann Alt. City of Chula Vista</p>	<p>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>Brigitte Browning General Public</p> <p>Eileen Delaney, Alt. General Public</p>
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Code Section 56133 and LAFCO's adopted policies in response to a documented public health and safety concern – specifically, the failure of the property's existing onsite septic system, and as an alternative to the landowner rehabilitating the septic system. The Commission ratified this administrative approval in November 2024 and – consistent with statute and longstanding practice – conditioned the service authorization on the property owners filing an annexation application as the permanent means of memorializing service responsibilities to the affected territory.

Application of Policy L-107

Policy L-107 establishes a pre-application consultation process to facilitate early identification and resolution of jurisdictional issues associated with proposed changes of organization or reorganization. The operative provision (Section 1) directs that "prior to submission of a proposal requesting LAFCO consideration of a change of organization or reorganization, the proposal applicant and representatives from affected public agencies... shall meet at the earliest possible stage." The policy further provides the Executive Officer may waive the consultation procedure "when it can be determined with certainty that there will be no possibility that the proposal in question will result in identified and unresolved jurisdictional issues."

LAFCO staff has consistently maintained – and I affirm in this communication – L-107's pre-application consultation requirements do not readily apply to this proposal for two independent reasons.

- First, the annexation filing is not a voluntary, independently initiated proposal of the type L-107 was designed to address. Instead, it is a compliance obligation imposed by the Commission itself. Requiring the applicant – who is filing at LAFCO's direction – to organize and fund a pre-application consultation process with third parties would be inconsistent with the policy's intent and would impose an unreasonable procedural burden on property owners who are complying with a LAFCO directive.
- Second, the Commission has already made the foundational jurisdictional determinations relevant to this territory through its adopted sphere of influence designations, and in doing so effectively resolving any jurisdictional questions L-107 is intended to proactively mitigate. Pertinently, the affected territory lies within National City's sphere of influence, reflecting the Commission's determination the City is the appropriate long-term service provider. LAFCO also designates a "zero" sphere for the FPD – signaling the Commission's policy interest in the FPD's eventual dissolution. These sphere determinations effectively resolve the core jurisdictional question L-107's pre-submittal consultation is designed to address.

Formal Determination

Based on the foregoing and exercising the discretion expressly vested in the Executive Officer under Section 1 of Policy L-107, I am formally waiving the pre-application consultation procedure for the pending annexation proposal associated with OAS24-12. This determination is grounded in the following factors:

1. The proposal originates from a LAFCO-imposed condition on an emergency service authorization and is not a voluntary application subject to L-107's pre-application consultation framework.
2. The Commission's existing sphere of influence designations for National City and FPD establish the jurisdictional framework for the affected territory, and the proposal is not expected to result in unresolved jurisdictional issues within the meaning of the policy.
3. The annexation proposal, when filed, will necessitate consideration of concurrent detachment of the subject territory from FPD consistent with the Commission's adopted sphere determinations, statutory requirements, and existing precedent.
4. FPD will be formally noticed and provided with a full opportunity to participate in the administrative review process as an affected agency consistent with state law and LAFCO's adopted procedures.

Notwithstanding all of the above, it is important to be clear the waiver of L-107's pre-application consultation process carries no bearing on the Commission's ultimate disposition of the annexation proposal itself once it is formally filed. Annexation to National City – and by extension, detachment from FPD – remains a fully discretionary action under statute. FPD will have the opportunity to address the Commission directly and make the case for why the proposed reorganization should not proceed.

Response to Agenda Placement Request

With respect to FPD's request to place this matter on the March 2, 2026 Commission agenda, I respectfully note the application of Policy L-107 to individual proposals is an administrative function within the Executive Officer's delegated authority. The determination provided in this letter represents a final staff-level decision on the applicability of L-107 to OAS24-12. Accordingly, staff does not intend to place this item on the agenda. However, consistent with your request, I have forwarded the matter to Chair Becker with the opportunity for her to redirect as appropriate.

San Diego LAFCO

Letter to Kurt Worden, Lower Sweetwater FPD
Response to Request for Agenda Placement: L107 and 2616 E. 24th Street
February 12, 2026

We appreciate FPD's continued engagement with LAFCO's process. Should you wish to discuss this matter further, please do not hesitate to contact me or Assistant Executive Officer Priscilla Mumpower.

Respectfully,



Keene Simonds
Executive Officer

Attachment:

- 1) Lower Sweetwater FPD February 4, 2026 Request

cc:

Chair Kristi Becker, San Diego LAFCO
Vice Chair Barry Willis, San Diego LAFCO
Priscilla Mumpower, AEO, San Diego LAFCO
Aleks Giragosian, Counsel, San Diego LAFCO
Ernesto Castaneda, Assemblymember David Alvarez's Office
Kyle LaVelle, Supervisor Paloma Aguirre's Office

From: Kurt Worden <lsfpdistrict@gmail.com>

Sent: Friday, February 13, 2026 4:32 PM

To: Sellen, Erica A <Erica.Sellen@sdcounty.ca.gov>

Cc: Barry Willis <>; Delatorre, Marianne <Marianne.Delatorre@sdcounty.ca.gov>;

ERNESTO CASTANEDA <ernesto.castaneda@asm.ca.gov>

Subject: [External] Transmittal of Follow-Up Letter to Chair Becker

Dear Ms. Sellen,

Attached is the District's follow-up letter to Chair Becker regarding our February 4 agenda-request packet and the implementation of Policy L-107. I am forwarding this for inclusion in the administrative record and for distribution to the Chair.

A hard-copy version of the same letter will also be mailed to the LAFCO office.

Please confirm receipt at your convenience. Thank you for your assistance.

Sincerely,

Kurt Worden,

President, Lower Sweetwater Fire Protection District.



LOWER SWEETWATER FIRE PROTECTION DISTRICT

February 13, 2026

To:
Chair Kristi Becker
San Diego Local Agency Formation Commission
2550 Fifth Avenue, Suite 725
San Diego, CA 92103

Re: Request for Commission-Level Review of Policy L-107 Implementation

Dear Chair Becker,

Thank you for receiving the Lower Sweetwater Fire Protection District's February 4 agenda-request packet regarding the implementation of Policy L-107: Jurisdictional Coordination and Early Consultation.

I am writing to respectfully follow up after receiving the Executive Officer's February 12 response. While we appreciate staff's perspective, the District's request was directed to the Commission because **Policy L-107 is a Commission-adopted policy**, and only the Commission may interpret, amend, or clarify its application.

The District's request is not about the merits of any individual proposal. It concerns the **alignment between the adopted policy language and current administrative practice**, including:

- The timing of jurisdictional consultation
- The introduction of exemptions not contained in the policy
- The absence of waiver findings in cases where consultation did not occur
- The statewide consistency implications identified during our January 30 meeting with Assemblymember Alvarez

These matters fall squarely within the Commission's policy-setting authority.

At the request of local residents, I attended a meeting on February 13 with Assistant Executive Officer Mumpower and Communications Associate Sainz. The discussion focused on resident understanding of the annexation process under the **Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. Policy L-107 was not addressed**, and nothing in that discussion alters the District's request for Commission-level review.

For this reason, we respectfully renew our request that the Commission place this item on an upcoming agenda so that Commissioners may review the implementation of Policy L-107 and provide direction as appropriate. The District believes that a Commission-level discussion will support transparency, consistency, and alignment with statewide expectations.

Thank you for your consideration, and we appreciate your leadership on this matter.

Sincerely,

A handwritten signature in cursive script that reads "Kurt Worden".

Kurt Worden, Board President
Lower Sweetwater Fire Protection District
lsfpdistrict@gmail.com • 619-245-4550

CC:
Vice Chair Barry Willis
Commissioners
Executive Officer Simonds
Assistant Executive Officer Mumpower

2725-B GRANGER AVENUE, LINCOLN ACRES, CA 91950