

April 11, 2012  
Agenda Item 15a1

2012  
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30 March 2012

The Honorable Henry T. Perea  
California State Assembly  
State Capitol, Room 4112  
Sacramento, CA 95814

RE: **AB 2238 (Perea) – LAFCo MSR Studies – OPPOSE**

Dear Assembly Member Perea:

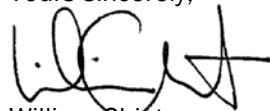
On behalf of the California Association of Local Agency Formation Commissions, I write to respectfully express our opposition to your bill, AB 2238, which would add significant and unfunded research responsibilities to local agency formation commissions (LAFCo). While we continue to support efforts to improve service delivery to disadvantaged unincorporated communities, the LAFCo-related elements of this bill will result in the expenditure of significant unfunded resources and is not likely to improve services for any disadvantaged community which could not be achieved under existing law.

We appreciate the recent amendments which limit the scope for LAFCo; however they still include an unfunded and new research mandate to LAFCo that is unlikely to result in any improvement in service. Nearly half of the thousands of Municipal Service Reviews conducted by LAFCo include water or wastewater agencies. LAFCos do not have the resources or expertise to study reorganizations in all of these cases and would require the retention of consultants. There is no funding for these studies and therefore the costs would be passed on to all counties, cities and special districts. More importantly, since LAFCo is powerless to implement any study, our experience is that the affected agencies will resist any consolidation suggestion. Allowing a LAFCo to make a determination to not conduct a study opens the LAFCo to legal action by those wishing a reorganization. In either case very limited local resources are expended over a study that has no likelihood of implementation.

LAFCo works best when it is able to collaboratively interact with affected agencies in finding mutually agreeable reorganization solutions. Current law allows LAFCo to include such a review and recommendation when it is likely such recommendation will be implemented. We believe current law is sufficient to meet the desired goals of this bill.

Because AB 2238 creates an unfunded and unproductive requirement for studies, we must regrettably oppose this legislation. Were the provision to require LAFCo to conduct these studies amended out of the bill, and other wording changes considered, we could remove our opposition. Thank you for your consideration of our comments

Yours sincerely,



William Chiat,  
Executive Director

c: Chair Smyth, Assembly Local Government Committee  
Debbie Michael, Consultant, Assembly Local Government Committee  
William Weber, Consultant, Assembly Republican Caucus

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