



Lou Ann Teixeira
Executive Officer

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City Member

**July 12, 2023
Agenda Item 8**

July 12, 2023

Contra Costa Local Agency Formation Commission
40 Muir Road, 1st Floor
Martinez, CA 94553

Legislative Update

Dear Members of the Commission:

CALAFCO sponsored its annual omnibus bill (AB 1753) which was introduced on March 2, 2023 and approved by the Governor and chaptered on June 29, 2023.

CALAFCO is working on others legislative matters including amendments to Gov. Code section 56133 (out of agency service) and indemnification. These items will be discussed at the July 14, 2023 CALAFCO Board meeting.

CALAFCO continues to follow a number of Priority 2 and Priority 3 bills, many of which failed to meet the deadline and are now two-year bills that cannot be acted upon until January 2024. CALAFCO is also watching the open meetings and validations bills.

On June 28, 2023, CALAFCO submitted a letter opposing **AB 399** which conflicts with LAFCO law and minimizes local control and self-determination by disenfranchising those most effected by a potential detachment. **AB 399** deviates from LAFCO law by requiring a second election to be held in addition to the standard election as provided in LAFCO law. Attached please find a draft letter from Contra Costa LAFCO opposing **AB 399**.

Finally, CALAFCO recently issued a call for legislative proposals. Proposals are due by July 20, 2023. The next CALACO Legislative Committee meeting is scheduled for July 28, 2023.

RECOMMENDATION – Authorize the LAFCO Chair to sign and submit the attached letter opposing AB 399.

Sincerely,

LOU ANN TEXEIRA
EXECUTIVE OFFICER

Attached – Draft Letter Opposing AB 399



CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION

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July 12, 2023

Senator Anna Caballero, Chair
Senate Governance and Finance Committee
California State Senate
1021 O Street, Ste. 7620
Sacramento, CA 95814

RE: AB 399, AS AMENDED JUNE 14, 2023 – OPPOSE

Dear Chair Caballero and Committee Members:

The Contra Costa Local Agency Formation Commissions (LAFCo) respectfully opposes **Assembly Bill 399**, which seeks to change the way detachment elections are conducted under provisions contained within the uncodified statutes of the County Water Authority Act of 1943 (CWAA). While **AB 399** appears at first glance to be defining an existing procedure, its effect will change the procedure in a way that conflicts with LAFCo law, while effectively minimizing local control and self-determination by disenfranchising those most affected by a potential detachment.

Currently, CWAA provides that the territory of a public agency that is contained within the boundary of a larger county water authority can be detached by a vote of those living within the boundary of the detaching public agency. This existing process is essentially consistent with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH) under which LAFCos operate.

AB 399 deviates by requiring a second election to be held in addition to the above election. However, this second election will be held among all of the voters within the territory of the larger county water authority, which is not consistent with existing CKH law.

Requiring an additional election from among the entire voting base within the larger county water authority boundary skews the LAFCo process by diminishing the voices of those within the area proposed for detachment who will directly feel the impacts. By doing so, the bill will, in effect, remove local control and self-determination because the voices of the residents within the detaching territory will be diluted among those of the entire water authority.

On its face, **AB 399** also appears to cast aside the “one person, one vote” doctrine by requiring the residents of the detaching districts to vote in two separate elections on the same issue. (Once as a resident within the boundary of the detaching public agency, and a second time as a resident within the boundary of the larger water authority). These dual elections can only result in confusion.

Finally, **AB 399** is being requested as an urgency statute to take effect immediately should it be passed. However, the urgency provision also poses a problem as its timing would affect ongoing LAFCo applications that were filed in good faith, and which have been proceeding for some time under existing laws.

Through the years, California has earned the laudable reputation of being a forward-looking state by implementing innovative, well-considered, and thoroughly vetted laws. Hastily amending little known and hard-to-find uncodified statutes, such as the CWAA, in ways that not only disenfranchise people but conflict with existing generally applied laws is not only problematic on many fronts but is also poor policy. Thus, while Contra Costa LAFCo appreciates and sympathizes with the gravity of the underlying issues driving **AB 399**, we must respectfully oppose it for all of the above reasons.

Please contact us if you have any questions.

Sincerely,

Federal Glover, Chair
Contra Costa LAFCo

cc: Members and Consultants, Senate Governance and Finance Committee
The Honorable Tasha Boerner, California State Assembly