



Lou Ann Teixeira  
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June 11, 2025

**June 11, 2025**  
**Agenda Item 8**

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

## **CALAFCO Updates and Legislative Position Letter**

Dear Members of the Commission:

CALAFCO is pleased to announce they now have full staffing including a LAFCO Executive Officer, three Deputy Executive Officers, and Legal Counsel (Best Best Krieger). In addition, CALAFCO has several consultants including Pamela Miller - Miller Management & Consulting Group and Jean Hurst, Legislative Consultant. Also, CALAFCO recently posted on their website the Final CALAFCO *Revised Policies and Bylaws* available to members only.

CALAFCO is also developing a six to nine month action plan including immediate and future actions including hiring a new CALAFCO Interim Executive Director, reestablishing CALAFCO U, and conducting focus groups. The action plan also includes future 2025 and 2026 CALAFCO activities.

The 2025 annual CALAFCO conference will be held October 22-24 in San Diego. Additional details are forthcoming.

Regarding legislation, CALAFCO recently reached out to all LAFCOs noting concern regarding SB 777 (Richardson) which is now on the Senate floor. CALAFCO requests letters of concern or opposition unless amended.

SB 777 would require LAFCOs to direct local agencies to assume responsibility for abandoned privately-operated cemeteries. SB 777 could potentially add significant responsibilities to LAFCOs and also provides no direction to LAFCOs as to how to assess which local agency is best suited to assume such responsibility which will likely burden the local agency with additional fiscal and liability risks.

LAFCOs are subject to the *Cortese-Knox-Hertzberg Act Local Government Reorganization Act of 2000* or “CKH Act”. In creating this statutory structure, the Legislature delegated the power to LAFCOs to regulate boundaries and services of local government agencies. LAFCOs are statutorily tasked with discouraging urban sprawl, preserving open space and prime agricultural

lands, encouraging the orderly formation and development of local agencies, and ensuring the efficient delivery of government services on the state's behalf.

While we are sympathetic to situations where private cemeteries were abandoned and left vulnerable to vandalism and decay, especially for those family members who are interred, LAFCO staff has concerns regarding SB 777.

Most local governments do not currently provide cemetery services. For a LAFCO to direct an entity to take responsibility for an abandoned private enterprise – especially one that may not have expertise that would lend itself to operating a cemetery – is inconsistent with LAFCOs' statutory role and historic practice. LAFCOs do not force service obligations on local agencies. Instead, LAFCOs engage in a deliberative process that incorporates publicly noticed hearings, engagement of local agencies, and opportunity for public comment.

SB 777 offers no specific direction as to how LAFCO is to proceed under the proposed legislation. Rather, it places the LAFCO in the unenviable position of trying to make an assessment without any guidance as to procedure or priorities from the legislature.

Finally, we are unaware of any adequate funding mechanisms that would accompany the transfer of responsibility for managing an abandoned cemetery and making the challenge of taking on the task even more difficult and less desirable for a local agency. We are concerned that taxpayers of a local agency would be concerned taking on additional fiscal and liability responsibilities of a private enterprise, especially when that enterprise does not serve the public at large.

**RECOMMENDATION:** 1) Send letter of opposition/concern.

Sincerely,

*Lou Ann Texeira*

LOU ANN TEXEIRA  
EXECUTIVE OFFICER

Attachments

CALAFCO Update  
Draft Letter of Opposition/Concern



Lou Ann Teixeira  
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June 11, 2025

The Honorable Laura Richardson  
California State Senate  
1021 O Street, Suite 7340  
Sacramento, CA 95814

Re: **SB 777 (Richardson): Abandoned endowment care cemeteries: local agency possession and responsibility**  
**As amended 3/26/25 – CONCERNS/OPPOSE UNLESS AMENDED**  
**Assembly Appropriations Committee Suspense File**

Dear Senator Richardson:

On behalf of the Contra Costa Local Agency Formation Commission (LAFCO), we write to express our concerns regarding SB 777, a measure which would require LAFCOs to direct local agencies to assume responsibility for abandoned privately-operated cemeteries. SB 777 could potentially add significant responsibilities to LAFCOs and also provides no direction to LAFCOs as to how to assess which local agency is best suited to assume such responsibility which will likely burden the local agency with additional fiscal and liability risks.

LAFCOs are subject to the *Cortese-Knox-Hertzberg Act Local Government Reorganization Act of 2000* or “CKH Act”. In creating this statutory structure, the Legislature delegated the power to LAFCOs to regulate boundaries and services of local government agencies. LAFCOs are statutorily tasked with discouraging urban sprawl, preserving open space and prime agricultural lands, encouraging the orderly formation and development of local agencies, and ensuring the efficient delivery of government services on the state’s behalf.

We are sympathetic to situations where private cemeteries were abandoned and left vulnerable to vandalism and decay, especially for those family members who are interred. However, most local governments do not currently provide cemetery services. For a LAFCO to direct an entity to take responsibility for an abandoned private enterprise – especially one that may not have expertise that would lend itself to operating a cemetery – is inconsistent with LAFCOs’ statutory role and historic practice. LAFCOs do not force service obligations on local agencies. Instead, LAFCOs engage in a deliberative process that incorporates publicly noticed hearings, engagement of local agencies, and opportunity for public comment.

SB 777 offers no specific direction as to how LAFCO is to proceed under the proposed legislation. Rather, it places the LAFCO in the unenviable position of trying to make an assessment without any guidance as to procedure or priorities from the legislature.

Finally, we are unaware of an adequate funding mechanism that would accompany the transfer of responsibility for managing an abandoned cemetery, making the challenge of taking on the task even more difficult and less desirable for a local agency. We are concerned that taxpayers of a local agency will not appreciate taking on additional fiscal and liability responsibilities of a private enterprise, especially when that enterprise does not serve the public at large.

Consequently, Contra Costa LAFCO has concerns and cannot support SB 777. Please contact us with any questions regarding our concerns.

Sincerely,

Mike McGill, Chair  
Contra Costa LAFCO

cc: The Honorable Anna Caballero, Chair, Senate Appropriations Committee  
Members and Consultants, Senate Appropriations Committee