

May 6, 2013

TO: Local Agency Formation Commission  
FROM: Executive Officer  
Director, Legislative Research  
SUBJECT: May 2013 Legislative Status Report

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This is the monthly Legislative Report for May, 2013, designed to keep the Commission informed about legislation in the first year of the 2013-14 Legislative Session. As reported at the April 2013 meeting, over 2,000 bills have been introduced for possible action during the 2013-14 Session.

While a number of bills have been introduced that directly impact Local Agency Formation Commissions, staff identified several for tracking and action. Generally, staff designates a position on each bill in one of three main categories: **Support, Watch or Oppose** and if appropriate, conditioned on possible resolution with amendments. As reported in April, staff recommended and the Commission approved positions on six (6) bills as follows:

**AB 453** (*Mullin*) *Sustainable Communities Grants*: This bill would provide a Local Agency Formation Commission the ability to apply for Sustainable Community planning grant funds under the Strategic Growth Council oversight program. Position approved - **Support; Letter sent to Author.**

**AB 743** (*Logue*) *Cortese-Knox-Hertzberg Act Island Annexation Sunset*: Current law provides for a process for cities to petition a commission to annex qualified territory of up to 150 acres and waive protest proceedings entirely under certain circumstances, until the sunset date of January 1, 2014. Amendments have been made to remove the 300 acre size and to retain the 150 acre limit. Since stakeholders have differing views on the merits of the program, staff proposed that a position of Watch be authorized in order to allow for continued dialogue and negotiations within CALAFCO and legislators, etc. Position approved – **Watch.**

**SB 181, SB 182 and SB183** (*Committee on Governance and Finance*): These are three annual validation bills that document the authority of public agencies and territories, etc. These bills are routine but essential for passage each year. Position approved – **Support**.

**SB 772** (*Emmerson*) *Mutual and Private Water Companies*: This bill would require the State Department of Public Health or an applicable local health agency to provide information to the Public Utilities Commission and LAFCO for each public water system and private water system. It would also require a commission to include a review of all such systems in sphere of influence studies and municipal service reviews each five years. The bill has been held by the author and is expected to be a two-year bill. Position approved – **Oppose unless amended; Letter sent to Author**.

**New Legislation:**

Staff reported that the Assembly Omnibus Bill, AB 1427, has been introduced that makes non-controversial changes to the Cortese-Knox-Hertzberg Act and Government Code. Staff have reviewed the bill and provided input on it. A copy is attached to this report. Staff recommendation – **Support**.

Staff will be providing an update on actions for each of the bills in the attached Tracking Report and any activity on bills affecting the commission at the May 6, 2013 meeting.

Therefore, it is:

**RECOMMENDED:** That your Commission

Receive, discuss, and provide direction, as necessary, on the May 6, 2013 Legislative Status Report and authorize staff to inform authors of each bill of the approved position in the form of appropriate letters and testimony.

Respectfully Submitted,

MICHAEL D. OTT  
Executive Officer

HARRY EHRLICH  
Director, Legislative Research

MDO:HE:trl

**Attachments**

Legislative Tracking Report  
AB 1427 Assembly Omnibus Bill Report  
AB 453 Support Letter  
SB 772 Oppose unless amended Letter

**SAN DIEGO LAFCO**  
**LEGISLATIVE TRACKING REPORT**  
**MAY 6, 2013**

**AB 115 (Perea): Safe Drinking Water State Revolving Fund; Grants to Small Water Systems**

**Introduced:** 1/14/2013

**Status:** 4/11/2013-Second Reading in Assembly; On Consent Calendar for Action 4/28/2013.

**Summary:** Would authorize the State Department of Public Health to fund projects, by grant, loan, or a combination of the two, where multiple water systems apply for funding as a single applicant for the purpose of consolidating water systems or extending services to households relying on private wells, as specified. The bill would authorize funding of a project to benefit a disadvantaged community that is not the applying agency. By authorizing the use of a continuously appropriated fund for new purposes, this bill would make an appropriation. This bill contains other existing laws. Appears to address a problem of encouraging small agencies to develop water improvement projects together and consolidate agencies.

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**AB 168 (Wilk): Local government finance: vehicle license fee revenues: allocations**

**Introduced:** 1/24/2013

**Status:** 1/25/2013-Failed to be heard by Committee; dead for this year.

**Summary:** Under existing law, the Controller is required to allocate vehicle license fee revenues in the Motor Vehicle License Fee Account according to a specified order, with moneys allocated on or after July 1, 2004, but before July 1, 2011, first to the County of Orange, next to each city and county meeting specified criteria, and on or after July 1, 2011, to the Local Law Enforcement Services Account in the Local Revenue Fund, for allocation to cities, counties, and cities and counties. This bill would make technical, nonsubstantive changes to these provisions. This bill appears to be a spot bill to be amended at a later time.

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**AB 194 (Campos): Open Meetings: protections for public criticism**

**Introduced:** 1/28/2013

**Status:** 4/24/2013-Hearing set in Committee on Local GOV.

**Summary:** Would make it a misdemeanor for a member of a legislative body, while acting as the chairperson of a legislative body of a local agency, to prohibit public criticism protected under the Ralph M. Brown Act. This bill would authorize a district attorney or any interested person to commence an action for the purpose of obtaining a judicial determination that an action taken by a legislative body of a local agency in violation of the protection for public criticism is null and void, as specified. This bill contains other related provisions and other existing laws.

**AB 262 (Waldron): Local government: organization**

**Introduced:** 2/7/2013

**Status:** 2/8/2013- Failed to be heard by Committee; bill dead for this year.

**Summary:** The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 makes certain findings and declarations relating to local government organization, including, among other things, that it is the policy of the state to encourage orderly growth and development, and recognition that the logical formation and determination of the boundaries of local agencies is an important factor in promoting orderly development, as specified. This bill would make technical, nonsubstantive changes to these provisions. This appears to be a spot bill to be amended at a later time.

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**AB 453 (Mullin): Sustainable Communities Grants**

**Introduced:** 2/19/2- Referred to committee on Local Governance

**Status:** Passed Committee on Local Government; held 4/17/2013 on Appropriations Committee Suspense File.

**Summary:** The Strategic Growth Council is required to manager and award grants and loans to a council of governments and other planning organizations for the purpose of developing regional plans to support the development of sustainable communities. This bill would make a local agency formation commission eligible for the award of financial assistance for those planning purposes.

**San Diego LAFCO Position: Support and Letter Sent**

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**AB 678: (Gordon): Health Care Districts: community health needs assessment**

**Introduced:** 2/21/2013

**Amended:** 4/15/2013

**Status:** 4/24/2013-Hearing set in Committee on Local Government

**Summary:** Would require that each health care district that leases its facilities for operations conduct an assessment, every 5 years, of the community's health needs and provide opportunities for public input. Also would require that a copy of the annual report on progress toward meeting the service needs in the district be provided to a local agency formation commission.

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**AB 753 (Logue) Cortese-Knox-Hertzberg Act Island Annexation Sunset**

**Introduced:** 2/21/2013

**Amended:** 4/3/2013

**Status:** 4/17/2013-Passed Committee on Local Government

**Summary:** The Cortese-Knox-Hertzberg Act in Section 56434 authorizes a local agency formation commission, until January 1, 2014, to approve, after notice and hearing, a petition of a city to annex territory constituting an island as defined in the Act of up to 150 acres and to waive protest proceedings if certain requirements are met. This bill would repeal the January 1, 2013 sunset date. The bill contains other related provisions to implement this change. Amendments made on 4/3/2013 to revise the limit of territory to remain at a maximum of 150 acres.

**San Diego LAFCO Position: Watch**

**SB 56 (Roth): Local government finance, cities**

**Introduced:** 1/7/2013;

**Amended:** 3/4/2013

**Status:** Hearing: 4/17/2013 in Senate Governance and Finance Committee delayed by Author

**Summary:** Would restore funding to cities that either were incorporated or annexed territory after 2004 utilizing a sliding scale of funding over the next four years.

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**SB 181, SB 182 and SB 183: (Committee on Governance and Finance) Validations**

**Introduced:** 2/6/2013

**Status:** Passed Senate; now in Assembly

**Summary:** These three Validating Act bills would validate the boundaries, organization, acts and proceedings of the state, counties, cities and specified districts for 2013. These are routine but required acts to continue authority and operations of various agencies of government.

**San Diego LAFCO Position:** Support

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**SB 772 (Emmerson): Mutual and Private Water Companies**

**Introduced:** 2/22/2013

**Status:** Hearing in Senate Governance and Finance Committee on 4/10/2013 Cancelled at request of Author. Bill now expected to be a two-year bill to consider input from stakeholders.

**Summary:** Would require the State Department of Public Health or the local health agency to annually provide the address and telephone number for each public and state small water system to the Public Utilities Commission and as prescribed to a local agency formation commission; adds requirements for a commission to study all mutual and private water providers when undertaking a municipal service review of retail water services and to document service areas and spheres of influence of all providers, etc. The bill provides no additional authority to implement or funding for these required activities.

**San Diego LAFCO Position:** Oppose unless Amended – Letter Sent

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**AB 1427 (Committee on Local Government): Omnibus Bill on Cortese-Knox-Hertzberg Act**

**Introduced:** 4/1/2013

**Status:** Hearing Set for 5/8/2013 in Committee on Local Government

**Summary:** This is the annual Assembly Omnibus Bill that updates the Cortese-Knox-Hertzberg Act to make non-controversial changes to clarify the Act and revise definitions, etc. Proposed changes include clarifying definition of independent special district and designation of special district elected officials for nomination of special district representatives on a commission or advisory committee. The proposed bill has been reviewed by local government stakeholders prior to being introduced.

**San Diego LAFCO Proposed Position:** Support and Send Letter to Committee

INTRODUCED BY Committee on Local Government (Achadjian (Chair),  
Levine (Vice Chair), Alejo, Bradford, Gordon, Melendez, Mullin, and  
Waldron)

APRIL 1, 2013

An act to amend Sections 56044, 56048, 56332, 56757, 56866, 56870,  
57026, and 57118 of the Government Code, relating to local  
government.

LEGISLATIVE COUNSEL'S DIGEST

AB 1427, as introduced, Committee on Local Government.  
Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

Existing law, the Cortese-Knox-Hertzberg Local Government  
Reorganization Act of 2000 (act), provides the sole and exclusive  
authority and procedure for the initiation, conduct, and completion  
of changes of organization and reorganization for cities and  
districts.

For purposes of the act, existing law defines an independent  
district or independent special district to include any special  
district having a legislative body all of whose members are elected  
by registered voters and landowners within the district, or whose  
members are appointed to fixed terms.

This bill would specify that the definition excludes any  
independent special district having a legislative body consisting, in  
whole or in part, of ex officio members who are officers of a county  
or another local agency or who are appointees of those officers  
other than those who are appointed to fixed terms.

The act specifies the procedures for selecting members for a local  
agency formation commission in each county. Existing law requires  
the independent special district selection committee to appoint 2  
regular members and one alternate member to the commission. Existing  
law requires the appointed members to be elected or special district  
officers residing within the county.

This bill would require the appointed members to be elected or  
appointed members of the legislative body of an independent special  
district residing within the county.

The act prohibits a local agency formation commission from  
reviewing a reorganization that includes an annexation to any city in  
Santa Clara County of unincorporated territory that is within the  
urban service area of the city if the reorganization is initiated by  
resolution of the legislative body of the city and instead appoints  
the city council of that city as the conducting authority for the  
reorganization.

This bill would specify that these provisions apply to an  
annexation or a reorganization proposal.

The act requires petitions for a merger of a district which  
overlaps a city, or for the establishment of the district as a  
subsidiary district of the city, to be signed in a specified manner

for a resident voter district. Existing law requires petitions for the dissolution of a district to be signed in a specified manner for a resident voter district.

This bill would instead prescribe the manner of signatures for a registered voter district.

The act requires the executive officer of the commission to give specified notice of the protest hearing to be held for a district formation. Existing law requires the notice to contain specified information including a statement of the time, date, and place of the protest hearing on the proposed change of organization or reorganization and requires the protest hearing to be held on a specific date if the uninhabited territory is proposed to be annexed to a city with specified residents and population.

This bill would delete the requirement that a protest hearing be held on a specific date for such an uninhabited territory and would otherwise make that uninhabited territory subject to the existing non-specific date requirement.

This bill would also make other technical and conforming changes and correct erroneous references.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 56044 of the Government Code is amended to read:

56044. "Independent district" or "independent special district" includes any special district having a legislative body all of whose members are elected by registered voters or landowners within the district, or whose members are appointed to fixed terms , and excludes any special district having a legislative body consisting, in whole or in part, of ex officio members who are officers of a county or another local agency or who are appointees of those officers other than those who are appointed to fixed terms . "Independent special district" does not include any district excluded from the definition of district contained in Sections 56036 and 56036.6.

SEC. 2. Section 56048 of the Government Code is amended to read:

56048. ~~-(a)-~~ - "Landowner" or "owner of land" means any of the following:

(a) Each person shown as the owner of land on the last equalized assessment roll prepared by the county at the time the determination is required to be made pursuant to the requirements of this division. Where that person is no longer the owner, the landowner or owner of land is any person entitled to be shown as the owner of land on the next equalized assessment roll.

(b) Where land is subject to a recorded written agreement of sale, any person shown in the agreement as the purchaser.

(c) Any public agency owning land other than highways, rights-of-way, easements, waterways, or canals.

SEC. 3. Section 56332 of the Government Code is amended to read:

56332. (a) The independent special district selection committee shall consist of the presiding officer of the legislative body of each independent special district. However, if the presiding officer of an independent special district is unable to attend a meeting of the independent special district selection committee, the legislative

body of the district may appoint one of its members to attend the meeting of the selection committee in the presiding officer's place. Those districts shall include districts located wholly within the county and those containing territory within the county representing 50 percent or more of the assessed value of taxable property of the district, as shown on the last equalized county assessment roll. Each member of the committee shall be entitled to one vote for each independent special district of which he or she is the presiding officer. Members representing a majority of the eligible districts shall constitute a quorum.

(b) The executive officer shall call and give written notice of all meetings of the members of the selection committee. A meeting shall be called and held under one of the following circumstances:

(1) Whenever the executive officer anticipates that a vacancy will occur within the next 90 days among the members or alternate member representing independent special districts on the committee.

(2) Whenever a vacancy exists among the members or alternate member representing independent special districts upon the commission.

(3) Upon receipt of a written request by one or more members of the selection committee representing districts having 10 percent or more of the assessed value of taxable property within the county, as shown on the last equalized county assessment roll.

(c) (1) If the executive officer determines that a meeting of the special district selection committee, for the purpose of selecting the special district representatives or for filling a vacancy, is not feasible, the executive officer may conduct the business of the committee in writing, as provided in this subdivision. The executive officer may call for nominations to be submitted in writing within 30 days. At the end of the nominating period, the executive officer shall prepare and deliver, or send by certified mail, to each independent special district one ballot and voting instructions. If only one candidate is nominated for a vacant seat, that candidate shall be deemed selected, with no further proceedings.

(2) As an alternative to the delivery by certified mail, the executive officer, with the prior concurrence of the district, may transmit the ballot and voting instructions by electronic mail, provided that the executive officer shall retain written evidence of the receipt of that material.

(3) The ballot shall include the names of all nominees and the office for which each was nominated. The districts shall return the ballots to the executive officer by the date specified in the voting instructions, which date shall be at least 30 days from the date on which the executive officer mailed the ballots to the districts.

(4) If the executive officer has transmitted the ballot and voting instructions by electronic mail, the districts may return the ballots to the executive officer by electronic mail, provided that the executive officer retains written evidence of the receipt of the ballot.

(5) Any ballot received by the executive officer after the specified date is invalid. The executive officer shall announce the results of the election within seven days of the specified date.

(d) The selection committee shall appoint two regular members and one alternate member to the commission. The members so appointed shall be elected or appointed *members of the legislative body of an independent special district* ~~officers~~ residing within the county but shall not be members of the



legislative body of a city or county. If one of the regular district members is absent from a commission meeting or disqualifies himself or herself from participating in a meeting, the alternate district member may serve and vote in place of the regular district member for that meeting. ~~The representation Service on the commission by a regular district member who is a special district officer~~ shall not disqualify, or be cause for disqualification of, the member from acting on ~~a proposal~~ proposals affecting the special district on whose legislative body the member serves . The special district selection committee may, at the time it appoints a member or alternate, provide that the member or alternate is disqualified from voting on proposals affecting the district of which the member is a representative on whose legislative body the member serves .

(e) If the office of a regular district member becomes vacant, the alternate member may serve and vote in place of the former regular district member until the appointment and qualification of a regular district member to fill the vacancy.

(f) For purposes of this section, "executive officer" means the executive officer or designee as authorized by the commission.

SEC. 4. Section 56757 of the Government Code is amended to read:

56757. (a) The commission shall not review an annexation or a reorganization proposal that includes an annexation to any city in Santa Clara County of unincorporated territory that is within the urban service area of the city if the annexation or reorganization proposal is initiated by resolution of the legislative body of the city.

(b) The city council shall be the conducting authority for the annexation or reorganization proposal and the proceedings for the annexation or reorganization proposal shall be initiated and conducted as nearly as may be practicable in accordance with Part 4 (commencing with Section 57000).

(c) The city council, in adopting the resolution approving the annexation or reorganization proposal , shall make all of the following findings:

(1) That the unincorporated territory is within the urban service area of the city as adopted by the commission.

(2) That the county surveyor has determined the boundaries of the proposal to be definite and certain, and in compliance with the road annexation policies of the commission. The city shall reimburse the county for the actual costs incurred by the county surveyor in making this determination.

(3) That the proposal does not split lines of assessment or ownership.

(4) That the proposal does not create islands or areas in which it would be difficult to provide municipal services.

(5) That the proposal is consistent with the adopted general plan of the city.

(6) That the territory is contiguous to existing city limits.

(7) That the city has complied with all conditions imposed by the commission for inclusion of the territory in the urban service area of the city.

(d) All annexations or reorganizations which involve territory for which the land use designation in the general plan of the city has changed from the time that the urban service area of the

city was last adopted by the commission, and which are processed by a city pursuant to this section shall be subject to an appeal to the commission upon submission of a petition of appeal, signed by at least 50 registered voters in the county.

(e) An appeal to the commission may also be made by submission of a resolution of appeal adopted by the legislative body of a special district solely for the purpose of determining whether some or all of the territory contained in the *annexation or* reorganization proposal should also be annexed or detached from that special district.

(f) Any petition submitted under subdivision (d) or resolution submitted under subdivision (e) shall be submitted to the executive officer within 15 days of the adoption by the city council of the resolution approving the annexation. The executive officer shall schedule the hearing for the next regular meeting of the commission as is practicable. The commission may set a reasonable appeal fee.

SEC. 5. Section 56866 of the Government Code is amended to read:

56866. Petitions for a merger of a district which overlaps a city, or for the establishment of the district as a subsidiary district of the city, shall be signed as follows:

(a) For a ~~resident~~ registered voter district, by either of the following:

(1) Five percent of the registered voters of the district.

(2) Five percent of the registered voters residing within the territory of the city outside the boundaries of the district.

(b) For a landowner-voter district, by either of the following:

(1) Five percent of the number of landowner-voters within the district who also own not less than 5 percent of assessed value of land within the district.

(2) Five percent of the registered voters residing within the territory of the city outside the boundaries of the district.

SEC. 6. Section 56870 of the Government Code is amended to read:

56870. Except as otherwise provided in Section 56871, petitions for the dissolution of a district shall be signed as follows:

(a) For ~~resident~~ registered voter districts, by either of the following:

(1) Not less than 10 percent of the registered voters within the district.

(2) Not less than 10 percent of the number of landowners within the district who also own not less than 10 percent of the assessed value of land within the district.

(b) For landowner-voter districts, by not less than 10 percent of the number of landowner-voters within the district who also own not less than 10 percent of the assessed value of land within the district.

SEC. 7. Section 57026 of the Government Code is amended to read:

57026. The notice required to be given by Section 57025 shall contain all of the following information:

(a) A statement of the distinctive short form designation assigned by the commission to the proposal.

(b) A statement of the manner in which, and by whom, proceedings were initiated. However, a reference to the proponents, if any, shall be sufficient where proceedings were initiated by a petition.

(c) A description of the exterior boundaries of the subject territory.

(d) A description of the particular change or changes of organization proposed for each of the subject districts or cities and

new districts or new cities proposed to be formed, and any terms and conditions to be applicable. The description may include a reference to the commission's resolution making determinations for a full and complete description of the change of organization or reorganization, and the terms and conditions.

(e) A statement of the reason or reasons for the change of organization or reorganization as set forth in the proposal submitted to the commission.

(f) ~~(1) - Except as otherwise provided in paragraph (2), a~~ A statement of the time, date, and place of the protest hearing on the proposed change of organization or reorganization.

~~(2) Notwithstanding paragraph (1), if inhabited territory is proposed to be annexed to a city with more than 100,000 residents which is located in a county with a population of over 4,000,000 the date shall be at least 90 days, but not more than 105 days, after the date of adoption of the resolution initiating the proceedings. The resolution shall specify a date 90 days prior to the hearing when registered voters may begin to file protests.~~

(g) If the subject territory is inhabited and the change of organization or reorganization provides for the submission of written protests, a statement that any owner of land within the territory, or any registered voter residing within the territory, may file a written protest against the proposal with the executive officer of the commission at any time prior to the conclusion of the hearing by the commission on the proposal.

(h) If the subject territory is uninhabited and the change of organization or reorganization provides for submission of written protests, a statement that any owner of land within the territory may file a written protest against the proposal with the executive officer of the commission at any time prior to the conclusion of the hearing by the commission on the proposal.

SEC. 8. Section 57118 of the Government Code is amended to read:

57118. In any resolution ordering a change of organization or reorganization subject to the confirmation of the voters, the commission shall determine that an election will be held:

(a) Within the territory of each city or district ordered to be incorporated, formed, disincorporated, dissolved or consolidated.

(b) Within the entire territory of each district ordered to be merged with or established as a subsidiary district of a city, or both within the district and within the entire territory of the city outside the boundaries of the district.

(c) If the executive officer certifies a petition pursuant to Section 57108 or 57109, within the territory of the district ordered to be merged with or established as a subsidiary district of a city.

(d) Within the territory ordered to be annexed or detached.

(e) If ordered by the commission pursuant to Section 56876 or 56759, both within the territory ordered to be annexed or detached and within all or the part of the city or district which is outside of the territory.

(f) If the election is required by Section ~~57114~~ subdivision (b) of Section 57077.4, separately within the territory of each affected district that has filed a petition meeting the requirements of subdivision (b) of Section ~~57114~~ 57077.4.

## Chairman

Andrew L. Vanderlaan  
Public Member

April 9, 2013

## Vice Chairman

John Ingalls  
Santa Fe  
Irrigation District

The Honorable Assemblyman Kevin Mullin  
P.O. Box 942849  
Sacramento, CA 94249-0022

## Members

Bill Horn  
County Board of  
Supervisors

RE: SUPPORT (Assembly Bill 453 )

Dianne Jacob  
County Board of  
Supervisors

Dear Assemblyman Mullin:

Bud Pocklington  
South Bay  
Irrigation District

The San Diego Local Agency Commission (LAFCO) wishes to state our Support of Assembly Bill 453 (Mullin) that proposes to make Local Agency Formation Commissions qualified to apply for Sustainability Grants under the Strategic Growth Council administration. The San Diego LAFCO supports opportunities for regional collaboration and teamwork to solve issues that can improve communities and the efficient delivery of essential services.

Mark Lewis  
Mayor  
City of El Cajon

As proposed, LAFCO would be added to the list of regional entities that may apply for grant funding made available from Proposition 84 bond funds. These funds are relatively limited in availability and we believe that all levels of governance should be qualified to apply for these funds to improve the sustainability of our communities.

Lorie Zapf  
Councilmember  
City of San Diego

Jim Janney  
Mayor  
City of Imperial Beach

## Alternate Members

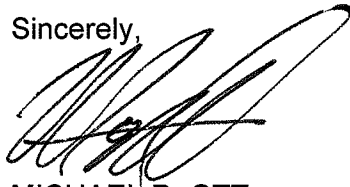
Greg Cox  
County Board of  
Supervisors

The San Diego Local Agency Formation Commission believes that it would be most productive for commissions to work in cooperation with other regional planning and service agencies to implement important community improvements. As part of the planning process, commissions conduct regional service reviews. We believe that this grant process may be helpful in expanding the scope of regional service delivery improvement. Therefore, we support AB 453. Please feel free to contact our staff or use this letter of support as the bill is considered.

Sherri Lightner  
Councilmember  
City of San Diego

Sam Abed  
Mayor  
City of Escondido

Sincerely,



Jo MacKenzie  
Vista Irrigation District

MICHAEL D. OTT  
Executive Officer

Harry Mathis  
Public Member

## Executive Officer

MDO:ra

Michael D. Ott

CC: Members, Assembly Local Governance Committee  
Pamela Miller, CALAFCO

## Counsel

Thomas Bosworth

## Chairman

Andrew L. Vanderlaan  
Public Member

April 9, 2013

## Vice Chairman

John Ingalls  
Santa Fe  
Irrigation District

The Honorable Senator Bill Emmerson  
State Capitol Building, Room 5082  
P. O. Box 942849  
Sacramento, CA 95814

## Members

Bill Horn  
County Board of  
Supervisors

Dianne Jacob  
County Board of  
Supervisors

Bud Pocklington  
South Bay  
Irrigation District

Mark Lewis  
Mayor  
City of El Cajon

Lorie Zapf  
Councilmember  
City of San Diego

Jim Janney  
Mayor  
City of Imperial Beach

## Alternate Members

Greg Cox  
County Board of  
Supervisors

Sherri Lightner  
Councilmember  
City of San Diego

Sam Abed  
Mayor  
City of Escondido

Jo MacKenzie  
Vista Irrigation District

Harry Mathis  
Public Member

## Executive Officer

Michael D. Ott

## Counsel

Thomas Bosworth

RE: OPPOSE Unless Amended (Senate Bill 772)

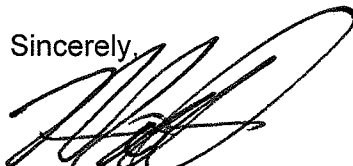
Dear Senator Emmerson:

The San Diego Local Agency Commission is Opposed to Senate Bill 772 (Emmerson). While we agree that there may be serious problems involving service delivery capabilities of some of these private water providers, we believe that it is not the responsibility of LAFCO to oversee or evaluate the structure or service methods of private water companies.

As presently drafted, including draft amendments that are being considered, SB 772 would require increased oversight of private water companies related to local government activities and service systems but these entities are not subject to LAFCO authority. Rather, the Public Utilities Commission or Department of Public Health, etc., should regulate these private water companies. These existing state agencies should be directed to implement the desired oversight and correction of deficiencies as part of their state regulatory responsibilities. The bottom line of this legislation would add new requirements to LAFCO with little or no capability to undertake the work and no additional funding resources to support such endeavors.

The San Diego LAFCO believes that it would be most productive for the legislative effort to focus upon the PUC and DPH to take steps to bring all private water companies into compliance with State Law and to enhance their service delivery methods as part of a coordinated water supply system throughout the state. Please feel free to contact our staff or to use this letter for any reference to our concern as the bill is considered or amended.

Sincerely,



MICHAEL D. OTT  
Executive Officer

MDO:ra

cc: Members, Senate Local Governance & Finance Committee  
Pamela Miller, CALAFCO