

January 5, 2011

Bill Chiat
Executive Director
California Association of Local Agency Formation Commissions
1215 K Street, Suite 1650
Sacramento, CA 95814

Re: Proposed Changes to Government Code Section 56133

Dear Bill:

The CALAFCO Legislative Committee has asked for feedback, from LAFCOs on the proposed revision of Government Code Section 56133, prior to determining whether to seek a legislative sponsor. Sonoma LAFCO Commissioners discussed the proposal at their December 7, 2011, meeting, after receiving written and oral reports from staff and an oral presentation from Keene Simonds, Executive Officer of Napa LAFCO. The Commission generally *supports* the efforts of the Committee regarding the proposed modifications but has a few comments and concerns about the proposal. The Commission was particularly pleased to see CALAFCO's proactive approach to refining existing legislation rather than adding new.

The Commission believes that the proposed revisions to §56133 would definitely affect how LAFCOs handle the authorization of the extension of services outside an agency's boundaries. It would appear that each Commission would have total discretion and authority regarding this section as it is proposed. As long as a Commission abides by the requirements in the revised code, it could institute policy allowing development that might not only be discouraged or prohibited by a LAFCO in an adjacent county but it could also create policy that, from Sonoma LAFCO's perspective, could be contrary to, and could weaken, LAFCO's core precepts of protecting agriculture and open space and preventing urban sprawl. While uniqueness and autonomy are valuable traits for each LAFCO, the binding agent is the state statute. The current law establishes, statewide, certain thresholds beyond which extension of services can be considered. Sonoma LAFCO believes this foundation is important no matter where one lives or the level of environmental sensitivity in the area and finds that the proposed revision gives too much discretion to individual LAFCOs to chip away at that foundation.

The clauses "adverse impacts on open space or agricultural lands" and "adverse growth inducing impacts," as referred to in (c)(2)(B) of the proposed revision, are not defined or referenced. In addition, the basis on which a change of organization would not be "feasible or desirable," as referred to in (c)(2)(C) of the proposed revision, is not defined. It is the Sonoma Commission's belief that the statute should include definitions or references.

Beyond this, Sonoma LAFCO requests that the Legislative Committee review the criteria requiring a potential extension of service to be covered in a Municipal Service Review. The Commission believes that public agencies, such as fire and school districts, should be treated differently from a private party. The threshold for approving a water or sewer connection to a new or replacement fire station or school should be lower and less cumbersome than that for a private developer. In Sonoma County, we have had requests for the extension of water and sewer service to fire stations and schools that were being relocated or reconstructed; under the current law, the Commission could not consider or approve them. Although the proposed revision to 56133 would allow for approval of these types of requests, the Commission would prefer to waive the requirement for a new Municipal Service Review or an amendment to an existing Municipal Service Review when public agencies are involved.

If you have any questions, please feel welcome to contact me at 707-565-3765.

Sincerely,

Richard Bottarini
Executive Officer

c: Keene Simonds