

EL DORADO LAFCO

LOCAL AGENCY FORMATION COMMISSION

AGENDA OF JANUARY 24, 2018

REGULAR MEETING

TO: Shiva Frentzen, Chair, and
Members of the El Dorado County Local Agency Formation
Commission

FROM: José C. Henríquez, Executive Officer

AGENDA ITEM #12D: OTHER BUSINESS - EXECUTIVE OFFICER'S REPORT

RECOMMENDATION

None. This is an informational item for the Commission.

REASON FOR RECOMMENDED ACTION AND BACKGROUND

With the holiday season, there is little to report to the Commission except for a few minor items. The position of Assistant Policy Analyst was re-circulated shortly before the application deadline of December 31st. The new applicant deadline is March 16th.

Staff has been assisting EID staff on its policies regarding the out of agency service agreements. There have been a couple of developers with a misguided interpretation of Government Code 56133 (which contains the provisions for out agency service contracts). EID's policies seek to tighten the conditions under which EID would entertain entering into such contracts.

Senator Bob Hertzberg has apparently taken up the cause of providing water to disadvantaged communities where former Senator Lois Wolk left it a year ago. If the Commission recalls, the proposal is to freeze annexations to cities and special districts until all disadvantaged communities have access to reliable municipal water. This proposal is sponsored by a group from the Central Valley that seeks to rectify the well-known issue of insufficient and inadequate water that some communities experience. The problems with this proposal are two-fold.

- First, the bill fails to specify a funding source for the proposal. The sponsor's idea that "developers will pay for it" is unconstitutional.
- Second, the onus to "enforce" such a proposal is placed on LAFCOs, not on land use agencies. It is far too late in the process for the issue of inadequate water to be addressed at the LAFCO level. It should occur much earlier.

Last year I was part of a group mobilized by CALAFCO to inform and educate the sponsors and Senator Wolk's staff on the problems listed above. Our group also came up with alternative language that addressed the problems of inadequate and insufficient water in a more realistic and feasible manner. Luckily the senator and her staff were very reasonable and open to suggestions. While Senator Wolk was convinced of our approach, the sponsors were not. Ultimately, Senator Wolk dropped the proposal because of the sponsors' intransigence.

I volunteered to be part of the working group again because of this past experience. It is too early to tell where this will go, but CALAFCO believes that Senator Hertzberg will be a more formidable force on this.