



**LOCAL AGENCY FORMATION COMMISSION**  
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July 27, 2022

Honorable Vicki Ashworth  
Presiding Judge of the El Dorado County Superior Court  
459 Main Street  
Placerville, CA 95667

SUBJECT: Grand Jury Case #21-10: Timeliness of Municipal Service Reviews

Dear Judge Ashworth,

The El Dorado Local Agency Formation Commission has received the June 27, 2022 Grand Jury Report, titled "Timeliness of Municipal Service Reviews," Grand Jury Case No. 21-10. On behalf of this Commission, I thank you for the opportunity to comment.

El Dorado LAFCO has carefully considered the report, the methodology, its findings and each of the recommendations submitted by the Grand Jury. The report specifically requests that LAFCO respond to all findings and recommendations. Therefore, LAFCO respectfully submits the following responses:

#### Findings

F1. State law requires El Dorado LAFCO to prepare an MSR of a local agency in its jurisdiction when updating the government agency's SOI.

*Response: El Dorado LAFCO agrees with this finding.*

F2. Preparation of an MSR is important for the effective and efficient delivery of municipal services to the residents of El Dorado County.

*Response: El Dorado LAFCO agrees with this finding.*

F3. In violation of its policy and guidelines, El Dorado LAFCO has not made MSR preparation a priority and has not completed MSRs as required by State law and its project plan.

*Response: El Dorado LAFCO agrees with this finding.*

*Explanation: El Dorado LAFCO is behind on its current MSR Project Plan for 2013-2021. Government Code Section 56425(g) states, "On or before January 1, 2008, and every five years thereafter, the commission shall, as necessary, review and update each sphere of influence" [emphasis added]. El Dorado LAFCO Policy 5.3 states, "LAFCO shall complete service reviews for all municipal services provided*

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by agencies with SOIs by January 1, 2008. After that date, service reviews shall be completed as necessary prior to, or concurrent with, SOI formations, updates, or substantial amendments (§56430)” [emphasis added]. Each LAFCO interprets the “as necessary” portion of State law according to local policies and circumstances.

- F4. El Dorado LAFCO changed the cycle for MSR preparation from five to eight years.

*Response: El Dorado LAFCO agrees with this finding.*

*Explanation: At its February 27, 2013 meeting, the Commission adopted an eight-year MSR Project Plan for its Third MSR Cycle (2013-2021).*

- F5. There is no status chart specifying the timeframe for MSR preparation of each agency.

*Response: El Dorado LAFCO agrees with this finding.*

*Explanation: Each agency under LAFCO’s jurisdiction has a page on the LAFCO website that shows the dates and links to all previous MSRs for the agency; however, this page does not give an explicit date for the next scheduled MSR.*

- F6. El Dorado LAFCO has been without a permanent Executive Officer since July 6, 2021.

*Response: El Dorado LAFCO agrees with this finding.*

- F7. El Dorado LAFCO has four budgeted positions. Currently, only two and a half of the positions are filled, leaving one and a half positions vacant. This has had a direct negative effect on its ability to complete MSRs.

*Response: El Dorado LAFCO agrees with this finding.*

*Explanation: El Dorado LAFCO currently has three and a half budgeted positions, two and a half of which are currently filled, leaving one position currently vacant.*

### Recommendations

- R1. El Dorado LAFCO staff should present to the Commissioners a plan for the timely completion of MSRs and SOIs for the next cycle. The plan should be presented at a regular Commissioners’ meeting by December 31, 2022.

*Response: This recommendation has not been implemented but will be implemented by December 31, 2022.*

- R2. El Dorado LAFCO should complete all MSRs that are delinquent by June 30, 2023.

*Response: This recommendation has not been implemented but will be implemented by June 30, 2023.*

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R3. El Dorado LAFCO should return to its MSR preparation cycle of five years.

*Response: This recommendation has not been implemented but will be implemented by December 31, 2022.*

R4. El Dorado LAFCO should have an updated MSR status report on its website by December 31, 2022, that specifies when the last MSR for each agency was completed and when the next one is due.

*Response: This recommendation has not been implemented but will be implemented by December 31, 2022.*

R5. El Dorado LAFCO should make hiring a new Executive Officer a high priority.

*Response: This recommendation has been implemented and is expected to be completed before December 31, 2022.*

R6. El Dorado LAFCO should hire staff for current and future vacant positions as quickly as possible.

*Response: This recommendation has not been implemented but will be implemented by June 30, 2023.*

We thank the Grand Jury for its time and attention to this matter.

Regards,

John Hidahl  
Chair