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10 June 2009

Honorable Anna Caballero, Chair
Assembly Local Government Committee
P.O. Box 942849
Sacramento, CA 94249-0028

OPPOSE SB 211 (Simitian)

Dear Assembly Member Caballero:

The California Association of Local Agency Formation Commissions respectfully must oppose SB 211 which would allow the Santa Cruz Board of Supervisors to form a regional open space district.

As a matter of policy the CALAFCO Board of Directors opposes legislation which circumvents the objectives and intent of the Cortese Knox Hertzberg Local Government Reorganization Act of 2000. Under that law the legislature authorized the local agency formation commission (LAFCo) to be the conducting authority for the formation of special districts.

Two LAFCo principles in the formation of new agencies are to ensure that affected stakeholders have a voice in the process and that the new agency is fiscally feasible to provide the authorized services. This legislation allows the formation of a new agency with no funding source. During these difficult financial times LAFCos are seeing local agencies in fiscal crises that are impacting their ability to provide services. There are several bills that have been introduced this year to give direction and/or authority to LAFCos to address failing local agencies. It seems inappropriate to create a new agency without a funding source. The LAFCo process includes a review of the fiscal viability of the proposed agency and allows the creation of a new agency conditioned on the passage of the financing vehicle. If the vehicle fails the agency is not created.

Under existing law proponents can petition LAFCo to create the district. Alternatively this bill could be amended to allow the Board of Supervisors to apply to LAFCo by resolution for the formation, and bypass the petition process. LAFCo can then ensure that stakeholders are involved in the process and that the formation of the district is conditioned on the approval of a funding source.

Because SB 211 circumvents existing law and creates an unfunded local agency, CALAFCO must oppose this bill.

Yours sincerely,



William Chiat,
Executive Director

1215 K Street, Suite 1650
Sacramento, CA 95814

Voice 916-442-6536
Fax 916-442-6535

www.calafco.org

c: Members, Assembly Local Government Committee
Senator Joe Simitian
Katie Kolitsos, Senior Consultant, Assembly Local Government Committee
William Weber, Assembly Republican Caucus