

19 April 2012

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The Honorable Bob Wieckowski, Chair
Assembly Environmental Safety and Toxic Materials Committee
State Capitol, Room 4162
Sacramento, CA 95814

RE: AB 2238 (Perea) – LAFCo MSR Studies – OPPOSE (as amended 11 April 2012)

Dear Assembly Member Wieckowski:

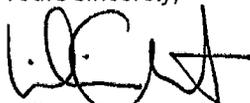
On behalf of the California Association of Local Agency Formation Commissions, I write to respectfully express our opposition to Assembly Bill 2238, which would add significant and unfunded research responsibilities to local agency formation commissions (LAFCo). While we continue to support efforts to improve service delivery to disadvantaged unincorporated communities, the LAFCo-related elements of this bill will result in the expenditure of significant unfunded resources and is not likely to improve any services for disadvantaged communities which could not be achieved under existing law.

We appreciate the willingness of the Author to work with us on our concerns, and the recent amendments help limit the scope for LAFCo. However the bill still includes a new, unfunded research mandate for LAFCo that is unlikely to result in any improvement in services. Nearly half of the thousands of Municipal Service Reviews conducted by LAFCo include water or wastewater agencies. LAFCos do not have the resources or expertise to study alternative delivery options in all of these cases and would require the retention of consultants. With no funding for these studies the costs would be passed on to all counties, cities and special districts. More importantly, LAFCo is powerless to implement recommendations, and – based on our experience – it is highly unlikely the affected agencies would implement them. Cumulatively this new requirement would cost local agencies millions of limited local dollars for studies, and distract LAFCo from its other responsibilities, with little likelihood of implementation.

LAFCo works best when it is able to collaboratively interact with affected agencies to find effective solutions for efficient delivery of services. Current law allows LAFCo to include such a review and recommendations when it is appropriate or likely such recommendations would be implemented. Current law is sufficient to meet the desired goals of this bill, and we therefore respectfully request the bill be amended to eliminate Section 2.

Because AB 2238 creates an unfunded and unproductive requirement for studies, we must regrettably oppose this legislation unless amended. Thank you for your consideration of our comments and we look forward to continuing to work on the bill.

Yours sincerely,



William Chiat,
Executive Director

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c: The Honorable Henry Perea
Bob Fredenburg, Chief Consultant
John Kennedy, Consultant, Assembly Republican Caucus