

**CALAFCO Letter Dated June 4, 2014 on AB  
1739 (Dickenson ACWA Amendments)**

**Attachment 2**

2013-2014  
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4 June 2014

Mr. Dave Bolland  
Ms. Whitnie Wiley  
Association of CA Water Agencies

RE: AB 1739 (Dickinson) – ACWA Proposed Amendments dated June 5, 2014

Dear Dave and Whitnie;

Thank you for sharing your proposed amendments to AB 1739 yesterday with CALAFCO, we appreciate the opportunity to share our thoughts and comments with you as you continue to craft language to present to the author.

We continue to have concerns about some of what is being proposed, in particular the desire to have LAFCos “expedite” the processing of the petition to form a new agency. We believe we understand the intent – and that is given the urgent nature of needing to manage groundwater in these basis/sub-basins, to get entities or agencies formed as expeditiously as possible (my understanding based on the legislation is that they need to be formed by 1/1/17). And, it seems as though you are wanting to give the LAFCo the authority to do just that, which does not exist today.

The legislation that governs how a LAFCo operates is found in the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH). There is a process defined that LAFCo follows when considering the formation of a new agency or district. Part of that is dependent upon the principal act under which the new agency or district is formed. Based on this, there are a number of factors that have yet to be considered.

1. It needs to be determined under which principal act these new groundwater management agencies shall be formed.
2. It is not enough to amend the water code to give LAFCo authority outside its current scope – we must also update CKH as well as any other sections that may apply.
3. LAFCos review in great detail the proposals for the formation of new districts (as well as all others they receive). The current language appears to give them a “rubber stamp” even if they deem the proposal incomplete. By declaring the LAFCo “*shall issue the necessary resolution creating the new agency within 180 days of the submission of an application*”, it requires the LAFCo to approve something that they deem not appropriate to approve.
4. Should the new agency be formed as a special district, we must consider if there will a sphere of influence for each agency; will there be inclusion into Municipal Service Reviews; what happens in the case of an adjudicated

basin where there have been judgments and other contractual obligations. As you can see, there is much to consider.

5. Those that choose to form as a JPA will not be subject to any kind of LAFCo approval, so formation and oversight of these entities will be inconsistent.
6. There seems to be no clear definition of groundwater management agency. We strongly suggest one be created and included in all of the appropriate code sections, including CKH.

While this in no way addresses all of our concerns, given the short timeline with which you requested a response, we offer these comments as a starting point for further discussion. In addition, we offer the suggested amendment below to 10725.1(c) (found on page 12 of your document). This is more aligned with what exists today in CKH.

10725.1. Additional Authorities

(c) A groundwater management agency may enter into a joint powers authority, participate in a memorandum of understanding among existing agencies, participate in an integrated regional water management planning group, any of which may include a locally authorized watermaster, or establish another form of appropriate local or regional government agency.

In the event that a groundwater management agency seeks to establish a new public agency to manage groundwater, the local agency formation commission with jurisdiction shall expedite the processing of the petition for such a new agency, and if approved, shall serve as the conducting authority for such formation, and, within 180 days of issuing a certificate of filing, shall order the formation of ~~issue the necessary resolution creating the new agency or order the formation of the new agency subject to confirmation of the voters. within 180 days of the submission of an application.~~

Thank you again. I look forward to continuing to work with you and the other stakeholders in crafting a piece of legislation that works for all involved.

Sincerely,



Pamela Miller  
Executive Director