



CCL Coalition of California LAFCOs

12 Civic Center Plaza, Room 235, Santa Ana, CA 92701
(714) 834-2556 FAX (714) 832-2643

September 27, 2011

Andrew Vanderlaan
Chair
Public Member
San Diego LAFCO

The Honorable Jerry Brown
Governor, State of California
State Capital Building
Sacramento, CA 95814

James V. Curatalo
Vice Chair
Special District Member
San Bernardino LAFCO

SUBJECT: SB 244 (Wolk) – Request to Veto

Dear Governor Brown:

Peter Herzog
Secretary
City Member
Orange LAFCO

The Coalition of California Local Agency Formation Commissions (CCL) respectfully requests that you **veto SB 244 (Wolk)**. We have previously communicated our concerns to the author regarding the unfunded mandate this bill will establish. Additionally, with the recent passage of SB 89 impacting discretionary funding to cities, we have serious new concerns related to underfunding services to annexed areas of cities, especially to disadvantaged communities.

Stephen J.
Tomanelli
Treasurer
Public Member
Riverside LAFCO

The primary concern with SB 244 is the bill's creation of a new unfunded program and mandate. The legislation, as amended, will require new studies and processing during the consideration of sphere of influence amendments or annexation of territory to a city or special district. This new requirement comes at a time when local government is already financially impacted with reduced budgets and staffing. LAFCOs are like other governmental agencies in that we are making efforts to live within diminishing revenues and are seeking ways to be more efficient. SB 244 complicates matters unnecessarily. Without a new source of funding, adding these SB 244 requirements is ill-timed. We accordingly request a veto of the bill.

Carolyn Emery
Executive Officer
Orange LAFCO

George Spiliotis
Deputy Executive
Officer
Riverside LAFCO

The change brought about by the recent passage of SB 89 will further impact funding for cities and any newly annexed areas including disadvantaged communities. The reduction of funding to cities caused by SB 89 and then adding the potential requirement to annex areas with lower levels of improvements or services without new funding will exacerbate a bad situation. We recommend that these issues be further considered before a new mandate is included in yet another new law. Existing cities cannot afford new requirements without new revenues.

Letter – Governor Brown
SB 244-Request to Veto
September 27, 2011
Page 2

Based upon the above concerns, we respectfully request your **VETO OF SB 244**. You may contact the undersigned, Mr. Harry Ehrlich, Director of Legislative Research, at (760) 415-6148, if you have questions regarding the concerns of the Coalition.

Sincerely,



Harry Ehrlich
Director, Legislative Research

cc: William Chiat, Executive Director, CALAFCO
Senator Lois Wolk
CCL Members

HE



**COUNTY OF
SAN BERNARDINO**

BOARD OF SUPERVISORS

**COUNTY ADMINISTRATIVE
OFFICE**

Brad Mitzelfelt, Vice-Chairman*First District*
Janice Rutherford*Second District*
Neil Derry.....*Third District*
Gary C. Oviatt.....*Fourth District*
Josie Gonzales, Chair*Fifth District*

LEGISLATIVE AFFAIRS
385 North Arrowhead Avenue
San Bernardino, CA 92415-0110
(909) 387-4821

GREGORY C. DEVEREAUX
Chief Executive Officer

September 16, 2011

The Honorable Edmund G. Brown, Jr.
Governor of California
State Capitol Building
Sacramento, CA 95814

RE: SB 244 (Wolk) – REQUEST FOR VETO

Dear Governor Brown:

The County of San Bernardino respectfully requests that you veto SB 244, legislation that would require a city or county to review and update the land use element of its general plan to include an analysis of the presence of island, fringe, or legacy unincorporated communities.

This bill would also require the city or county planning agency, after the initial revision and update of the general plan, to review, and if necessary amend the general plan to update the information, goals, and program of action relating to these communities therein.

SB 244 imposes costs on cities and counties to identify, map, and describe every disadvantaged unincorporated community within the sphere of influence and perform an analysis of water, wastewater, stormwater drainage and structural fire protection needs. The bill further requires an analysis of possible financing alternatives to make the improved infrastructure and services feasible. This bill creates exceptional challenge to the County of San Bernardino as the largest County in the contiguous United States, spanning over 20,000 square miles. By adding to the duties of city and county officials, this bill would impose a state-mandated local program.

For these reasons, the County of San Bernardino respectfully request that you veto SB 244. If you have any questions, please contact Josh Candelaria, Deputy Director of Legislative Affairs, at (909) 387-4280.

Sincerely,

JOSIE GONZALES, CHAIR
Board of Supervisors

The mission of the government of the County of San Bernardino is to satisfy its customers by providing service that promotes the health, safety, well being, and quality of life of its residents according to the County Charter, general laws, and the will of the people it serves.



LOCAL AGENCY FORMATION COMMISSION

215 North "D" Street, Suite 204 • San Bernardino, CA 92415-0490

(909) 383-9900 • Fax (909) 383-9901

E-mail: lafco@lafco.sbcounty.gov • www.sbclafco.org

Established by the State of California to serve the Citizens, Cities, Special Districts and the County of San Bernardino

September 12, 2011

COMMISSIONERS

JIM BAGLEY
Public Member

GINGER COLEMAN
City Member

KIMBERLY COX
Special District

JAMES V. CURATALO, Vice Chair
Special District

LARRY McCALLON
City Member

BRAD MITZELFELT, Chair
Board of Supervisors

JANICE RUTHERFORD
Board of Supervisors

ALTERNATES

BOB COLVEN
Public Member

NEIL DERRY
Board of Supervisors

ROBERT W. SMITH
Special District

DIANE WILLIAMS
City Member

STAFF

KATHLEEN ROLLINGS-McDONALD
Executive Officer

SAMUEL MARTINEZ
Senior LAFCO Analyst

MICHAEL TUERPE
LAFCO Analyst

Vacant
Clerk to the Commission

ANGELA M. SCHELL
Deputy Clerk to the Commission

REBECCA LOWERY
Deputy Clerk to the Commission

LEGAL COUNSEL

CLARK H. ALSOP

The Honorable Jerry Brown
Governor, State of California
State Capitol, Suite 1173
Sacramento, CA 95814

SUBJECT: SB 244 – REQUEST FOR VETO

Dear Governor Brown:

The Local Agency Formation Commission (LAFCO) for San Bernardino County wishes to request your veto of SB 244 as presented to you for signing. Our reasons for this request are generally summarized below. The concern related to SB 244 being an unfunded mandate has been conveyed to the author during this process. However, with the passage of SB 89, new concerns have arisen not previously conveyed to the author by San Bernardino LAFCO:

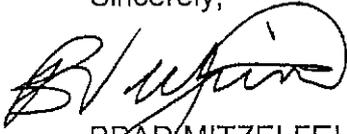
- **QUESTION OF SUSTAINABILITY:** The inclusion of the changes to Government Code Section 56375 requiring the submission of an application for annexation of disadvantaged unincorporated communities as a companion proposal to a development application, even with the amendments of late, is not sustainable. Through the signing of SB 89, the primary discretionary funding for disadvantaged unincorporated communities has been removed and the annexation to the neighboring city will not be sustainable without increases in taxes, fees and/or special charges. Based upon their very identification as disadvantaged, these are the areas least able to provide for or accept an increase in taxes to provide for payment of the costs for increased services.
- **UNFUNDED MANDATE:** The primary concern identified by San Bernardino LAFCO during the processing of the legislation is the bill's status as a new unfunded mandate. The legislation, as amended, will require LAFCOs to include new studies and preparation of new types of reports for the consideration of any sphere of influence amendment, review, or update. This requirement is proposed at a time when many LAFCOs, including San Bernardino LAFCO, are looking at cutting

SEPTEMBER 12, 2011

staffing, reducing apportionments required by Government Code Section 56381 due to the perilous local economy, and identifying all economies in processing to maintain existing programs. Unless there is a clearly identified source for funding these new requirements through payment by the State or a grant program specifically addressing the requirement, we request that you veto this legislation. It is our opinion that signing this legislation will add significant new study responsibilities, potential delays, and costs with no expected actual provision of these services.

Thank you for your consideration of our concerns related to this bill and it is our hope that you will veto this measure. Please contact Kathleen Rollings-McDonald, Executive Officer of San Bernardino LAFCO, at the address listed above or at (909) 383-9900 should you wish to further discuss the Commission's position on this issue.

Sincerely,



BRAD MITZELFELT
Chairman

cc: William Chiat, Executive Director, CALAFCO
Josh Candelaria, Director, Legislative Affairs, San Bernardino County
Senator Lois Wolk
Peter Detwiler, Chief Consultant, Senate Local Government and Finance Committee
San Bernardino County Legislators:
Senator Robert Dutton
Senator Jean Fuller
Senator Bob Huff
Senator Gloria Negrete-McLeod
Senator Sharon Runner
Assemblywoman Wilmer A. Carter
Assemblywoman Connie Conway
Assemblyman Paul Cook
Assemblyman Tim Donnelly
Assemblywoman Shannon Grove
Assemblyman Curt Hagman
Assemblyman Steve Knight
Assemblyman Mike Morrell
Assemblywoman Norma Torres