



San Diego County Local Agency Formation Commission

Regional Service Planning | Subdivision of the State of California

May 25, 2023

DELIVERED BY ELECTRONIC MAIL

Assemblymember Tasha Boerner
State of California
77th Assembly District
c/o Robert Charles, Chief of Staff
robert.charles@asm.ca.gov

SUBJECT: Concerns with Assembly Bill (AB) 530

Honorable Assemblymember Boerner:

As the Executive Officer of the San Diego County Local Agency Formation Commission (LAFCO), I am writing to express concerns regarding your proposed AB 530, and the amendments that were introduced on May 15th. The amendments to a previously unrelated bill involving the reduction of methane emissions seek to revise the County Water Authority Act to require expanded voter confirmations of any LAFCO approved detachments. The San Diego County Water Authority is the only agency organized under this principal act. The amended bill, accordingly, would require any member agency of the County Water Authority to receive majority confirmation among registered voters throughout the entirety of the Authority's jurisdictional boundary as a condition to detachment.

As amended, AB 530 generates significant concerns in terms of timing and content.

- With respect to timing, the amended bill comes at the end of a prolonged administrative review process that began in April 2020 in which San Diego LAFCO has expended considerable public resources in evaluating Fallbrook Public Utility District (PUD) and Rainbow Municipal Water District's (MWD) applications to detach from the County Water Authority. This includes staff holding more than a dozen publicly noticed meetings with three different advisory committees as well as employing multiple outside experts. LAFCO staff has recently capitalized on this extensive administrative review and the 4,000 plus pages of documents therein in issuing a final

Administration Keene Simonds, Executive Officer 2550 Fifth Avenue, Suite 725 San Diego, California 92103 T 619.321.3380 www.sdlafco.org lafco@sdcounty.ca.gov	Chair Jim Desmond County of San Diego Joel Anderson County of San Diego Nora Vargas, Alt. County of San Diego	Kristi Becker City of Solana Beach Dane White City of Escondido John McCann Alt. City of Chula Vista	Vice Chair Stephen Whitburn City of San Diego Marni von Wilpert, Alt. City of San Diego	Jo MacKenzie Vista Irrigation Barry Willis Alpine Fire Protection David Drake, Alt. Rincon del Diablo	Andy Vanderlaan General Public Harry Mathis, Alt. General Public
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report with recommendations on April 26, 2023 with a public hearing set for June 5th. Further, one of the merited options evaluated and available to the Commission involves administratively pausing action on the proposals in favor of completing a comprehensive municipal service review on the County Water Authority, which would likely take 18-24 months to complete. This option now appears impractical with the potential chaptering of the amended bill.

- With respect to content, the amended bill would establish a defacto prohibition on member agency detachments from the County Water Authority given the unfavorable odds for any single agency in receiving majority approval from the entire Authority electorate, which presently tallies 1.9 million registered voters. As the current proposals filed by Fallbrook PUD and Rainbow MWD indicate, there may be unique and locally meritorious reasons for member agencies to seek future detachments that would be otherwise mooted from consideration should the amended bill proceed into law. Similarly, I am not aware of any existing provision – certainly not in LAFCO statute and presumably not in any other principal act – that provides special district voters the approval power over proposed detachments. Accordingly, the precedent setting nature of the amended bill and potential for unintended consequences should not be dismissed. Similarly, the amended bill’s sidestepping of the Legislature’s long-standing delegation to LAFCOs to independently consider jurisdictional changes and term any approvals as appropriate should not be dismissed given its own precedent setting nature.

San Diego LAFCO staff and counsel have made a series of decisions and determinations to guide its review of the Fallbrook PUD and Rainbow MWD detachment proposals in step with forwarding recommendations to the Commission ahead of a June 5th public hearing. The amended bill introduces an additional layer of uncertainty and influence at the 11th hour and negatively impacts our ability to provide clear and reasonable guidelines and answers to Commissioners. The precedent setting nature of the bill is equally concerning as detailed.

I appreciate your consideration of my letter. I would also welcome any opportunity to further discuss the amended bill with you and/or your staff and will make myself available to accommodate your schedules. I am available by telephone at 619-321-3380 or email at keene.simonds@sdcountry.ca.gov.

Respectfully,



Keene Simonds
Executive Officer

cc:

San Diego LAFCO Commissioners
Honorable Mayor Todd Gloria of the City of San Diego
Holly Whatley, Commission Counsel
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Priscilla Mumpower, Analyst II
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Tom Kennedy, Rainbow MWD General Manager
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