

June 14, 2023

The Honorable Jim Desmond, Chair
San Diego Local Agency Formation Commission
c/o Keene Simonds, Executive Officer
Via email to: keene.simonds@sdcounty.ca.gov

RE: AB 530 (Boerner) – County Water Authority Act: exclusion of territory: procedure

Dear Chair Desmond and Commissioners,

This is in response to a request from Keene Simonds seeking feedback regarding CALAFCO's position on **AB 530**. As a late breaking gut and amend, **AB 530** will not be considered by the CALAFCO Legislative Committee until Friday, June 16, 2023. However, at that time, I plan to recommend an Oppose position.

That recommendation will be based primarily on the fact that the County Water Authority Act is an arcane, uncodified statute dating back to 1943. While that statute may still exist it was, for all practical purposes, supplanted by the implementation of the statutes that created Local Agency Formation Commissions (LAFCoS) in 1963.

As an uncodified statute, the County Water Authority Act is an esoteric piece of legislation that is not readily known and which cannot be readily accessed by the public – the latter being severely at odds with the transparency that is now expected from our state regulations. However, more important to this discussion is the fact that it severely conflicts with the **Cortese – Knox – Hertzberg Local Government Reorganization Act of 2000**, as your situation in San Diego clearly illustrates.

LAFCoS, as we all know, were established to elevate decision-making regarding local resources and services. The result was consistent, orderly, logical, and data-based determinations which provided the basis for today's equitable and sustainable infrastructure. In my opinion, leaning on the unknown statutes from 1943 that caused the initial problems is inviting a return to the pandemonium of those disastrous early days. While I cannot speak for the CALAFCO Legislative Committee at this time, I will be recommending a position of opposition on **AB 530** as it would be in the best interests of the public as well as all 58 LAFCoS.

Please feel free to reach out to me should you have any questions.

Sincerely,



René LaRoche
Executive Director