

YOLO  
LOCAL  
AGENCY  
FORMATION  
COMMISSION



March 1, 2022

COMMISSION  
CHAIR  
OLIN WOODS  
Public Member

Honorable Robert Hertzberg  
California State Senate  
1021 O Street, Room 8610  
Sacramento, CA 95814

VICE CHAIR  
DON SAYLOR  
Supervisor – 2<sup>nd</sup> District

RE: *Support of SB 938: The Cortese-Knox-Hertzberg Local Government  
Reorganization Act of 2000: protest proceedings: procedural consolidation*

NORMA ALCALA  
Councilmember  
City of West Sacramento

Dear Senator Hertzberg:

GARY SANDY  
Supervisor – 3<sup>rd</sup> District

The Yolo Local Agency Formation Commission (LAFCo) is pleased to join the California Association of Local Agency Formation Commissions (CALAFCO) in support of your bill, SB 938, which makes changes to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (The Act). SB 938 represents a collaborative three-year effort led by CALAFCO to clean up, consolidate, and clarify existing statutory provisions associated with consolidations and dissolutions, as well as codify the conditions under which LAFCo may initiate dissolution of a district at the 25% protest threshold (the latter of which are proposed and pending amendments).

TOM STALLARD  
Councilmember  
City of Woodland

ALTERNATES  
ANGEL BARAJAS  
Supervisor – 5<sup>th</sup> District

WADE COWAN  
Mayor  
City of Winters

RICHARD DELIBERTY  
Public Member

The statutes related to protest provisions and the disparate protest thresholds established for LAFCo-initiated actions (10%) and all other initiated actions (25%) make addressing necessary and appropriate special district consolidations and dissolutions considerably more difficult when initiated by a LAFCo. Further, they serve as a deterrent for LAFCo to initiate action, even if meaningful efficiencies in the provision of public services could be achieved or if a district is failing to meet its statutory requirements.

STAFF

CHRISTINE M. CRAWFORD, AICP  
Executive Officer

TERRI TUCK  
Administrative Specialist/Clerk

MARK KRUMMENACKER  
Financial Analyst

COUNSEL  
ERIC MAY

As introduced, the bill represents the redraft of existing protest statutes with some minor technical clarifications added. The pending proposed amendments from CALAFCO allow LAFCos to initiate dissolution of a district at the 25% protest threshold under specific circumstances. All of this work is in response to a recommendation made in the 2017 Little Hoover Commission report after a year-long study (*Special Districts: Improving Oversight and Transparency*) and the formation of a working group by CALAFCO of stakeholders in early 2019. The intent was to examine the protest process for consolidations and dissolutions of special districts, and after three years of work (delayed due to the pandemic), the working group came to consensus on the redraft of existing protest statutes (representative of SB 938 as introduced) and a new process that allows LAFCos to initiate dissolution of a district at the 25% protest threshold under specific circumstances (pending amendment into SB 938).

The overarching goal of these changes is to ensure that LAFCos have the tools we need to carry out our statutory obligations to ensure orderly and functioning

625 Court Street, Suite 107  
Woodland CA 95695

(530) 666-8048  
lafco@yolocounty.org


www.yololafco.org

local government services and to create greater consistency in the statute. The specific circumstances under which a dissolution may be initiated are more than reasonable and the subsequent process includes three noticed public hearings, a minimum 12-month remediation period, and a 60-day protest period, all of which are extremely practical. Additionally, the proposed process for LAFCo-initiated actions at the 25% protest threshold applies only to dissolutions, making the scope of use exceptionally narrow.

SB 938 makes much needed and long-awaited improvements to The Act through the restructure and clarification of existing protest provisions, and addition of a fair and appropriate process that offers LAFCos additional tools necessary to effectively fulfill their statutory obligations.

We thank you for your authorship of this critical legislation and for continuing your long support of the work of LAFCos. For all these reasons, we are pleased to support your bill SB 938.

Yours sincerely,

A handwritten signature in blue ink that reads "Don Saylor".

Don Saylor, Vice Chair  
Yolo Local Agency Formation Commission

cc: Members, Senate Governance and Finance Committee  
Anton Favorini-Csorba, Consultant, Senate Governance and Finance Committee  
Ryan Eisberg, Consultant, Senate Republican Caucus  
Rene LaRoche, Executive Director, California Association of Local Agency Formation  
Commissions