



**Local Agency Formation Commission of Napa County**  
Subdivision of the State of California

1754 Second Street, Suite C  
Napa, California 94559  
Phone: (707) 259-8645  
[www.napa.lafco.ca.gov](http://www.napa.lafco.ca.gov)

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*We Manage Local Government Boundaries, Evaluate Municipal Services, and Protect Agriculture*

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**Agenda Item 5d (Consent/Information)**

**TO:** Local Agency Formation Commission

**PREPARED BY:** Brendon Freeman, Executive Officer *BF*

**MEETING DATE:** October 2, 2023

**SUBJECT:** Legislative Report

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**SUMMARY**

This is a consent item for information purposes only. Accordingly, if interested, the Commission is invited to pull this item for additional discussion with the concurrence of the Chair. No formal action will be taken as part of this item.

On August 7, 2023, the Commission directed staff to submit a letter to the Legislature opposing Assembly Bill (AB) 399.

AB 399 eventually entered engrossing, prompting the California Association of LAFCOs (CALAFCO) to request each individual LAFCO submit a letter to the Governor requesting the bill be vetoed.

On September 15, 2023, staff submitted a letter to the Governor.

Consistent with local policy, the two letters related to AB 399 are included on today's agenda for information purposes as Attachments One and Two.

**ATTACHMENTS**

- 1) AB 399 Oppose Letter to Legislature
- 2) AB 399 Letter Requesting Governor Veto

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Margie Mohler, Chair  
Councilmember, Town of Yountville

Beth Painter, Commissioner  
Councilmember, City of Napa

Mariam Aboudamous, Alternate Commissioner  
Councilmember, City of American Canyon

Anne Cottrell, Vice Chair  
County of Napa Supervisor, 3rd District

Belia Ramos, Commissioner  
County of Napa Supervisor, 5th District

Joelle Gallagher, Alternate Commissioner  
County of Napa Supervisor, 1st District

Kenneth Leary, Commissioner  
Representative of the General Public

Eve Kahn, Alternate Commissioner  
Representative of the General Public

Brendon Freeman  
*Executive Officer*



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August 8, 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](mailto:robert.charles@asm.ca.gov)

**SUBJECT: Opposition to Assembly Bill (AB) 399**

Honorable Assemblymember Boerner:

On behalf of the Local Agency Formation Commission (LAFCO) of Napa County, I respectfully write to communicate our opposition this session to AB 399 as amended on June 14th. The proposed legislation seeks an affirmative vote of the entire San Diego County Water Authority electorate via its principal act as a statutory condition to any member agency receiving San Diego LAFCO's approval to detach. The proposed legislation also includes an urgency clause to enact the provisions immediately.

The amended bill – which had been initially placed in AB 530 through its own comprehensive amendment process on May 15<sup>th</sup> – generates substantive concerns with respect to timing and content. These concerns are collectively marked by disenfranchising Fallbrook Public Utility District and Rainbow Municipal Water District given their current proposal filings with San Diego LAFCO by establishing new and inconsistent thresholds in statute for special district detachments.

Notably, the amended bill could set a dangerous precedent for similar legislative actions to occur in the future that could undermine the authority of LAFCOs throughout the state.

Should you or your staff have any questions, please contact LAFCO Executive Officer Brendon Freeman by telephone at 707-259-8645 or e-mail at [bfreeman@napa.lafco.ca.gov](mailto:bfreeman@napa.lafco.ca.gov).

Respectfully,

Brendon Freeman  
 Executive Officer

cc: Members, Senate Governance and Finance Committee  
 Anton Favorini-Csorba, Consultant, Senate Governance & Finance Committee  
 Ryan Eisberg, Consultant, Senate Republican Caucus  
 René LaRoche, Executive Director, CALAFCO  
 Keene Simonds, Executive Officer, San Diego LAFCO

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Margie Mohler, Chair  
 Councilmember, Town of Yountville

Beth Painter, Commissioner  
 Councilmember, City of Napa

Mariam Aboudamous, Alternate Commissioner  
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Anne Cottrell, Vice Chair  
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 Representative of the General Public

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Attachment Two

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September 15, 2023

The Honorable Gavin Newsom  
Governor, State of California  
1021 O Street, Suite 9000  
Sacramento, CA 95814

**Re: AB 399 Veto Request**

Dear Governor Newsom,

The Local Agency Formation Commission (LAFCO) of Napa County respectfully requests your **VETO** of **AB 399**, also known as the Water Ratepayers Protections Act of 2023. This bill seeks to amend the County Water Authority Act of 1945 (CWAA) by introducing a dual election requirement for member agencies seeking to detach from a county water authority.

Currently, CWAA mandates a vote of approval from the residents of a detaching agency, aligning with the principles governing how LAFCOs operate. However, AB 399 introduces an additional election among the residents of the larger county water authority, deviating from established LAFCO law.

Proponents of AB 399 have erroneously drawn parallels to the San Fernando Rule in LAFCO law, which necessitates city-wide approval when a part of a city is detached. This procedure makes sense in the context of city incorporation, where the same voting base approves the city's formation. In contrast, AB 399 treats the collective of public entities forming a county water authority as a single entity, granting residents of partner entities a say in detachment decisions, a departure from LAFCO law.

AB 399, a gut and amend bill, lacks comprehensive vetting in its legislative process. Consequently, it deviates from established LAFCO laws, which prioritize self-determination. The bill's requirement for a second election not only imposes an undue burden on detaching residents by necessitating two votes on the same issue but also disenfranchises them, directly contradicting LAFCO intent. Notably, the amended bill could set a dangerous precedent for similar legislative actions to occur in the future that could undermine the authority of LAFCOs throughout the state.

For the above reasons and more, LAFCO of Napa County respectfully requests that you **VETO 399**. Should you or your staff have any questions, please contact LAFCO Executive Officer Brendon Freeman by telephone at 707-259-8645 or e-mail at [bfreeman@napa.lafco.ca.gov](mailto:bfreeman@napa.lafco.ca.gov).

Respectfully,

Brendon Freeman, Executive Officer

cc: Rob Charles, Chief of Staff, Assemblymember Tasha Boerner

René LaRoche, Executive Director, California Assn. of Local Agency Formation Commissions

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Councilmember, Town of Yountville

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