



May 29, 2024

The Honorable Juan Carrillo
Chair, Assembly Local Government Committee
1021 O Street, Room 4320
Sacramento, CA 95814

RE: SB 1209 (Cortese) – OPPOSE

Dear Assemblymember Carrillo,

On behalf of the California Association of Resource Conservation Districts (CARCD), I write to oppose SB 1209 (Cortese), a bill that seeks to expand Local Agency Formation Commissions (LAFCOs) authority in the requirements imposed on applicants seeking a LAFCO decision. The bill would enable LAFCOs to require applicants to defend, indemnify, or hold harmless a LAFCO from any claim, action, or proceeding against the LAFCO arising from or relating to an action or determination by the LAFCO.

California is home to 95 Resource Conservation Districts (RCDs) that serve rural, urban, and suburban populations throughout the state. CARCD represents the network of RCDs comprised of conservation professionals and local experts committed to conserving the state's natural resources and restoring the biodiversity of California. RCDs employ and contract with conservation professionals and local experts to implement programs and projects on and provide technical assistance and education to landowners of public and private natural, working, and urban lands.

RCDs are special districts created by Division 9 of the Public Resources Code in which the Legislature declared RCDs legal subdivisions of the state. The services provided by RCDs are largely funded by state and/or federal grants, which also serve as the main fund source for RCDs' basic administration costs. Most RCDs receive little to no local tax dollars to support RCD functions and the indemnification and defense requirements that may be imposed by SB 1209 are simply financially infeasible for most RCDs. Accordingly, many RCDs would be incapable of seeking sphere of influence changes or latent power activations that may be necessary to implement critical climate resilience and adaptation projects.

CARCD is aligned with the LAFCO mission to discourage urban sprawl, preserve open space and prime agricultural lands and we appreciate that LAFCOs are being requested to approve requests that are antithetical to this mission. We agree with the intent of SB 1209 to shield LAFCO decision-making from lawsuits, or the threat of lawsuits, that would force LAFCOs into approving projects that allow for new developments on lands that should be protected or restored. However, we strongly disagree with the premise of SB 1209 being applied to RCDs.

We believe the intentions of SB 1209 have some merit but apply too broadly and will cause serious harm to RCDs across the state. Accordingly, we respectfully oppose SB 1209 and request your no vote.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Gomez", with a stylized flourish extending to the right.

Rick Gomez
Chair of the Board

cc: The Honorable Members of the Assembly Local Government Committee
The Honorable Dave Cortese