

Mayor  
Willard Rodarmel  
Mayor Pro Tem  
John Flourde  
Council Members  
John Gordon  
John Murray  
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Mayor

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September 20, 2011

The Honorable Jerry Brown  
Governor, State of California  
State Capitol Building, 1<sup>st</sup> Floor  
Sacramento, CA 95814  
FAX# (916) 558-3177

**RE: SB 244 (Wolk). Land use: general plan: disadvantaged communities – Request For Veto**

Dear Governor Brown:

The City of Lemoore respectfully opposes SB 244 and requests that you veto SB 244, which would require cities or counties to update elements of the general plan to address the presence of island, fringe, or legacy unincorporated communities, upon the next revision of the housing element. Our concerns are based on the following issues:

- *Need more flexibility-* Several amendments have been requested, including the removal of the requirement that LAFCO deny any application to annex a proposed area contiguous to a disadvantaged community, unless a second application to annex the disadvantaged community is submitted. Rather than updating the general plan by the next revision of the housing element, it is important that there be more flexibility to allow the update either before the update of the housing element, or the next update of the general plan, or before January 1, 2020. Instead of requiring cities to review before every revision of the housing element, the bill should require a periodic review as deemed appropriate.
- *The effect of SB 89 on SB 244-* A provision in SB 89 stripped \$190 million from the Vehicle License Fee (VLF), part of which had been used to assist cities with the significant costs associated with annexing or incorporating new territory. With the loss of these funds, cities no longer have a major source of funding for annexing disadvantaged inhabited territories and providing services, which is one of the main goals of SB 244. As a result of the passage of SB 89, amendments alone no longer remove the opposition to SB 244. Instead, the Legislature should repeal SB 89 and restore the VLF funding so that local funding sources can be rightfully returned. Without this solution, cities cannot be tasked with more responsibilities without the appropriate funding.
- *Fee disclaimer-* This bill contains a local fee disclaimer, but local agencies in fact do not have the legal authority to impose fees to recover those costs. Proposition 26 recently reiterated that cities cannot charge current residents of the city for the costs associated with the considerable analysis called for in SB 244 since the residents of the city are not being provided a service. The Department of Finance believes that the general plan requirements in this bill “constitute a reimbursable mandate linked to the state-required housing element update cycle. Costs are likely to be several million per year based on the claimed cost for the Regional Housing Needs Association Mandate. The bill contains a disclaimer of mandate cost based on a theory that fees can be charged for this work. The bill provides no such fee authority and we are not aware of any fee authority which is specifically authorized for updating local general plan elements.”

For these reasons, the City of Lemoore respectfully opposes SB 244 and respectfully requests your veto of this bill. Thank you for your consideration on the important issue.

Sincerely,

Willard J. Rodarmel, Mayor

cc: Senator Michael Rubio  
Assembly Member David Valadao  
Senator Lois Wolk  
Dan Carrigg, League of California Cities  
Hilary Baird, Regional Representative, League of California Cities  
Steve Samuelian, California Consulting