

August 27, 2024

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

Re: SB 1209 (Cortese): Local agency formation commission: indemnification - **REQUEST FOR SIGNATURE**

Dear Governor Newsom,

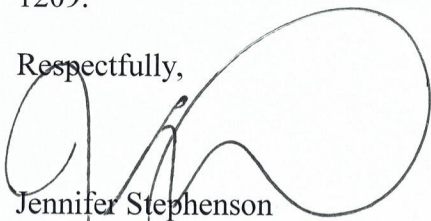
The Plumas County Local Agency Formation Commission (LAFCO) respectfully requests your signature on SB 1209, which would authorize a Local Agency Formation Commission (LAFCO) to require an applicant to indemnify the LAFCO, its agents, officers, and employees from and against any claim, action, or proceeding that may stem from a LAFCO decision to approve an application.

Specifically, SB 1209 adds new language to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (The Act) that authorizes LAFCOs to enter into indemnification agreements with applicants. Counties and cities are already empowered to enter into, and require, indemnification and routinely do so with respect to discretionary land-use approvals. SB 1209 will provide LAFCOs with a similar authority in this situation.

This bill is in response to a 2022 decision of the Second District Court of Appeals, which found that existing State law does not provide LAFCOs with the explicit authority needed to require indemnification. Absent an indemnification authority - and because LAFCO funding is statutorily required from the county, cities, and special districts within a county - any costs to defend litigation end up being absorbed by a LAFCO's funding agencies. Consequently, SB 1209 will allow LAFCOs to use indemnification agreements which, in turn, will ensure they can meet their statutory obligations and make decisions without being hindered by the potential costs of defending lawsuits.

Thus, for the above reasons, Plumas County LAFCO respectfully requests that you sign SB 1209.

Respectfully,

A handwritten signature in black ink, appearing to read "Jennifer Stephenson", written over a large, loopy, circular flourish.

Executive Officer, Plumas County LAFCO

cc: Honorable Dave Cortese, California State Senate

Brady Borcharding, Deputy Legislative Secretary to the Governor