

SACRAMENTO LOCAL AGENCY FORMATION COMMISSION
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June 6, 2007

TO: Sacramento Local Agency Formation Commission

FROM: Peter Brundage, Executive Officer **PB**

RE: Legislative Update

CONTACT: Don Lockhart, AICP, Assistant Executive Officer (916) 874-2937

RECOMMENDATION

Information only, no action is recommended. This is a status report on 2007-08 LAFCo related legislation. *The position and level of priority information reflects action taken by the CALAFCo Board of Directors.*

SUMMARY

This memo is part of the ongoing effort to keep your Commission informed regarding various legislative matters. An ad-hoc committee appointed by the CALAFCo Board of Directors has considered and adopted positions on several bills. Staff will continue to track the bills, in collaboration with CALAFCo, and report back to your Commission.

LEGISLATION

AB 745(Silva) Local agency formation commissions.

Last Amend: 05/02/2007

Status: 05/17/2007-Referred to Com. on L.GOV.

Location: 05/17/2007-S L. GOV.

Calendar: 06/20/07 9:30 a.m. - Room 112 SEN LOCAL GOVERNMENT

Summary: The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 requires specified procedures to be followed for the submission of a proposal for a change of organization or reorganization to the local agency formation commission. Existing law requires the disclosure of expenditures for political purposes related to a change of organization or reorganization proposal that has been submitted to a local agency commission, and contributions in support of or in opposition to those measures . This bill would also require the disclosure of expenditures for political purposes made in

connection with petitions not yet submitted to a local agency commission .

Attachments:

CALAFCo Support Letter with Amendment Request

Position: Support **Priority:** 1

Notes: While this bill is significantly different than originally proposed, it is supported by CALAFCO. It adds "petitions that have not yet been filed" to the disclosure requirements. CALAFCO is proposing that the term "petitions" be changed to "proposals", and that the language in 56700.1 also be changed to give a commission the ability to adopt local policies regarding disclosure.

AB 1262(Caballero) Spheres of Influence.

Last Amend:

Status: 05/23/2007-Referred to Com. on L.GOV.

Location: 05/23/2007-S L. GOV.

Calendar: 06/20/07 9:30 a.m. - Room 112 SEN LOCAL GOVERNMENT

Summary: Existing law requires a commission to develop and determine the sphere of influence of each local governmental agency within the county. Existing law requires, until January 1, 2008, that at least 30 days prior to submitting an application to the commission for a determination of a new sphere of influence or to update an existing sphere of influence for a city, representatives from the city meet with county representatives to discuss the proposed sphere and its boundaries, and to explore methods to reach agreement on the boundaries, development standards, and zoning requirements within the sphere, as specified. If an agreement is reached, it is required to be submitted to the commission, which shall give it great weight in the final determination of the city's sphere of influence. If no agreement is reached, the commission shall consider the applicant city's sphere of influence consistent with specified policies of the commission. This bill would delete the January 1, 2008, limitation provision and make the existing requirements permanent. This bill contains other related provisions and other existing laws.

Attachments:

CALAFCo Letter of Support

Position: Support **Priority:** 1

Notes: The current bill only removes the sunset provision, with no other changes to the city/county meeting or process. By removing the sunset, this provision will become a permanent CKH requirement.

AB 1263(Caballero) Local agency formation commissions: statement.

Last Amend: 05/21/2007

Status: 05/21/2007-From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on L.GOV.

Location: 05/21/2007-S L. GOV.

Calendar: 06/20/07 9:30 a.m. - Room 112 SEN LOCAL GOVERNMENT

Summary: This bill will implement the changes recommended by the Legislative Committee, based on the survey and discussions among member LAFCoS.

Attachments:

CALAFCo Support Letter

Request to remove OPR Guideline requirement

Position: Sponsor **Priority:** 1

Notes: This bill is sponsored by CALAFCO and contains all the recommended changes to MSR/SOI determinations. The changes were based on several surveys of LAFCoS and a number of workshops and discussions with LAFCo staff and commissioners around the state. CALAFCO and OPR are seeking an amendment which would eliminate the requirement for OPR to prepare MSR Guidelines.

AB 1744(Committee on Local Government) Local government reorganization.

Last Amend: 05/07/2007

Status: 05/23/2007-Referred to Com. on L.GOV.

Location: 05/23/2007-S L. GOV.

Calendar: 06/20/07 9:30 a.m. - Room 112 SEN LOCAL GOVERNMENT

Summary: Existing law, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, defines "prime agricultural land" to mean an area of land that has not been developed for a use other than an agricultural use, and that, among other qualifications, supports livestock used for the production of food and fiber, and that has an annual carrying capacity equivalent to at least one animal unit per acre, as defined in the United States Department of Agriculture in the National Handbook on Range and Related Grazing Lands, July 1967. This bill would instead use the National Range and Pasture Handbook, Revision 1, December 2003, to provide at least one animal unit per acre, as specified. It would also make various technical, nonsubstantive changes to the act. This bill contains other related provisions and other existing laws.

Position: Support **Priority:** 1

Notes: This is the Assembly Omnibus Bill for 2007, which contains technical, non-controversial changes to Cortese-Knox-Hertzberg. All of these items (to date) were submitted by the CALAFCO Legislative Committee. Only those items which receive a consensus of various stakeholders (outside of CALAFCO) will appear in the bill. CALAFCO has submitted 14 potential items. Items will be amended into the bill at Senate Local Government as they clear stakeholder review.

SB 162(Negrete McLeod) Local government: organization.

Last Amend: 03/05/2007

Status: 05/17/2007-To Com. on L. GOV.

Location: 05/17/2007-A L. GOV.

Calendar: 06/27/07 1:30 p.m. - Room 447 ASM LOCAL GOVERNMENT

Summary: Existing law, the Cortese-Knox-Hertzberg Act, specifies the factors that a local agency formation commission is required to consider in the review of a proposal for a change of organization or reorganization including the comments of any affected local agency and information or comments from the landowner or owners, as specified. This

bill would also require a local agency formation commission to consider information or comments from voters or residents of the affected territory and the extent that the proposal will promote environmental justice, as defined, thus creating a state-mandated local program. This bill contains other related provisions and other existing laws.

Attachments:

CALAFCO letter requesting amendment

Position: Watch **Priority:** 1

Notes: The CALAFCO Board has taken a watch position on this bill and requested that it be amended from "promote environmental justice" to "affect environmental justice."

SB 167(Negrete McLeod) General plans: planning grants and incentives.

Last Amend: 05/15/2007

Status: 05/25/2007-Set for hearing May 31.

Location: 05/21/2007-S APPR. SUSPENSE FILE

Calendar: 05/31/07 1:30 p.m. or upon call of the Chair – Room 4203 SEN APPROPRIATIONS SUSPENSE

Summary: (1) The Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 allocates \$580,000,000 for revitalizing communities and making them more sustainable and livable by investing in sound land use planning, local parks, and urban greening, and specifically authorizes \$90,000,000 for planning grants and incentives, as specified, to encourage, among other things, the development of specified regional and local land use plans. The act also requires that these funds be made available upon appropriation by the Legislature. This bill would require the Governor's to administer multiple programs, as specified, to award (1) grants and loans to cities and counties to prepare and adopt general plans, including, among other things, a preference for a grant or loan if one or more criteria are met, (2) loans to cities and counties to prepare and adopt programs to implement city and county general plans, including specific plans, habitat conservation plans, zoning ordinances, and design standards, (3) grants to counties and the cities, if any, in those counties to prepare collaborative strategic growth plans, subject to specified criteria , and (4) grants and loans to local agency formation commissions to prepare and adopt municipal service reviews and spheres of influence. The bill would also provide that the funding for the programs under (1), (2), and (4) includes the costs of complying with the California Environmental Quality Act . The bill would require the office to prepare and adopt regulations for this purpose that meet specified criteria and would require the office to cooperate with the Secretary of the Resources Agency in any independent audits of expenditures pursuant to these provisions. This bill contains other related provisions and other existing laws.

Attachments:

CALAFCO request for amendment

Position: None at this time **Priority:** 1

SB 301(Romero) Local governments: cities.

Last Amend:

Status: 05/14/2007-Failed Deadline pursuant to Rule 61(a)(3). Last location was RLS.
Location: 05/14/2007-S 2 YEAR

Summary: Existing law governs the organization and reorganization of local governments. This bill would express the intent of the Legislature to enact legislation that would provide a resource to interested residents who want to commission a study on the logistics and costs of incorporating a city.

Position: Watch **Priority:** 1

SB 819(Hollingsworth) Local government: consolidation.

Last Amend: 05/15/2007

Status: 05/15/2007-Read second time. Amended. To third reading.

Location: 05/15/2007-S THIRD READING

Calendar: 05/29/07 50 SEN THIRD READING FILE

Summary: Existing law, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, establishes procedures for the organization and reorganization of cities and special districts. With respect to the consolidation of special districts, until January 1, 2005, the law required all of the districts to have been formed pursuant to the same principal act. Existing law, until July 1, 2008, permits the consolidation of 2 or more special districts not formed pursuant to the same principal act if certain procedures are followed. This bill would delete that July 1, 2008, expiration date on the authorization to consolidate 2 or more special districts not formed pursuant to the same principal act. This bill contains other related provisions and other existing laws.

Attachments:

CALAFCO Letter of Sponsorship and Support

Position: Sponsor **Priority:** 1

Notes: This bill is sponsored by CALAFCO. It removes the sunset on AB 2067 (Harman) that gave LAFCo the authority to consolidate districts formed under different statutes. That authority is currently sunsets on 1 July 2008. This bill will make the statute a permanent provision of Cortese-Knox-Hertzberg. This bill also provides LAFCo with a new authority to initiate a proposal to form a successor district. The bill is expected to be amended soon to list Senator Kehoe as a principle author, and several other legislators as co-authors.

AB 503(Swanson) Public agencies: overtime: notice.

Last Amend: 04/19/2007

Status: 05/10/2007-In committee: Set, first hearing. Referred to APPR. suspense file.

Location: 05/10/2007-A APPR. SUSPENSE FILE

Calendar: 05/31/07 Upon call of the Chair - ROOM 4202 ASM APPROPRIATIONS
SUSPENSE

Summary: Existing law generally regulates the working hours of public and private employees. Existing law provides that 8 hours constitutes a day's work, except as

specified. This bill would prohibit a state or local agency, as defined, from requiring any employee entitled to receive overtime compensation pursuant to any federal statute or regulation to perform services outside the employee's normal work schedule unless a minimum of 8 hours' written notice of that work assignment has been provided to the employee. The bill would provide that this notice requirement shall not apply in the event of an operational emergency, and would allow a state or local agency to adopt a reasonable rule defining operational emergency. The bill would provide that these provisions shall not affect any rule in effect prior to January 1, 2008, or any negotiated memorandum of understanding, that provides for a notice of overtime assignments.

Position: Watch **Priority:** 2

Notes: This bill will affect those LAFCo's who contract with a county or city to staff the LAFCo and the employees are city or county employees.

AB 1019(Blakeslee) Land use: annexation: housing.

Last Amend: 05/10/2007

Status: 05/23/2007-Referred to Com. on T. & H.

Location: 05/23/2007-S T. & H.

Summary: The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 authorizes local governments to annex portions of territory to other local governments, as specified. This bill would authorize a similar mutually acceptable agreement on a revised determination of regional housing needs if an annexation of unincorporated land to a city occurs after the council of governments, or the department for areas with no council of governments, has made its final allocation. This bill contains other existing laws.

Position: Watch **Priority:** 2

Notes: This bill was introduced at the request of Santa Barbara County to address a housing number allocation issue.

SB 303(Ducheny) Local government: land use planning.

Last Amend: 05/02/2007

Status: 05/29/2007-From APPR.: To APPR. SUSPENSE

Location: 05/29/2007-S APPR. SUSPENSE

Calendar: 05/29/07 10 a.m. - John L. Burton Hearing Room 4203 SEN
APPROPRIATIONS

Summary: (1) The Planning and Zoning Law requires a city, county, or city and county to adopt a comprehensive, long-term general plan for the physical development of the city, county, or city and county that addresses a number of elements, including, among other things, a housing and an open-space element. Existing law provides that the general plan may be adopted as a single document or as a group of documents relating to subjects or geographic segments of the planning area. This bill would require the general plan, and each of its elements to encompass a planning and projection period of at least 20 years, except for the housing and open-space elements, and would require each element, except for the housing and open-space elements, to be updated at least every five years. This bill would require the housing element to be updated, as specified, and would require the conservation element and the open-space element to be updated

concurrently with the housing element . This bill contains other related provisions and other existing laws. **Position:** Watch **Priority:** 2

SB 343(Negrete McLeod) Local agencies: open meetings: documents.

Last Amend: 05/25/2007

Status: 05/29/2007-From SECOND READING: Read second time. To THIRD READING

Location: 05/29/2007-S THIRD READING

Calendar: 05/29/07 3 SEN SECOND READING FILE

Summary: The Ralph M. Brown Act requires that any meeting of a legislative body of a local agency be open and public and all persons be permitted to attend. The act requires the body to post an agenda at least 72 hours before a regular meeting and provides that agendas and any other writings, when distributed to all, or a majority of all, of the members of a legislative body of a local agency by any person in connection with a matter subject to discussion or consideration at a meeting of the body are public records subject to the public disclosure requirements of the California Public Records Act . This bill would provide that if a writing that is a public record under these provisions, and that relates to an agenda item for an open session of a regular meeting of the legislative body of a local agency, is distributed less than 72 hours prior to that meeting, the writing shall be made available for public inspection either at a designated public office or location or by posting it on the agency's Internet Web site. This bill also would require each local agency to designate a public office or location where writings that are distributed to members less than 72 hours before a regular meeting will be available for public inspection and to list the address of this office or location on the agendas for all meetings of the legislative body of that agency. It would make these provisions effective on July 1, 2008 .

Position: Watch **Priority:** 2

Notes: This bill will prevent a LAFCo from considering an item on its agenda UNLESS ALL THE WRITINGS AND DOCUMENTATIONS were available at the time of agenda posting.

SB 558(Cogdill) Public utilities: lease, sale, or transfer of public utilities.

Last Amend: 05/02/2007

Status: 05/17/2007-In Assembly. Read first time. Held at Desk.

Location: 05/17/2007-A DESK

Summary: Existing law sets forth the procedures by which a municipal corporation, as defined, may lease, sell, or transfer a public utility owned and operated by it. Existing law, the Cortese-Knox-Herzberg Act Local Government Reorganization Act, prescribes requirements for the orderly transition of a reorganization in governmental facilities and finances. This bill would express the findings and declarations of the Legislature that these procedures do not apply to the lease, sale, or transfer of public utilities by a municipal corporation to another local agency pursuant to the act.

Position: None at this time **Priority:** 2

SB 964(Romero) Local agencies.

Last Amend: 05/10/2007

Status: 05/29/2007-From THIRD READING: Passed SENATE. To ASSEMBLY

Location: 05/29/2007-S ASSEMBLY

Calendar: 05/29/07 42 SEN THIRD READING FILE

Summary: The Ralph M. Brown Act requires that all meetings of a legislative body of a local agency be open and public and all persons be permitted to attend unless a closed session is authorized. The act prohibits any use of direct communication, personal intermediaries, or technological devices that is employed by a majority of the members of the legislative body to develop a collective concurrence as to action to be taken on an item, with an exception for an authorized teleconference. An appellate court in Wolfe v. City of Fremont (2006) 144 Cal.App.4th 533 held that a violation of this prohibition occurs only if a series of meetings by members of a body results in a collective concurrence. This bill would instead prohibit a majority of members of a legislative body of a local agency from using a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the legislative body. It also would state the Legislature's declaration that it disapproves the holding of the court in the case named above to the extent it construes the prohibition on serial meetings and would state its intention that the changes made by this bill supersede that holding. This bill contains other related provisions and other existing laws.

Position: Watch **Priority:** 2

SB 1046(Committee on Environmental Quality) California Environmental Quality Act: fees and notices.

Last Amend:

Status: 05/24/2007-To Com. on NAT. RES.

Location: 05/24/2007-A NAT. RES.

Summary: Existing law requires the Department of Fish and Game to impose and collect filing fees, in prescribed amounts, to defray the costs of managing and protecting fish and wildlife trust resources, including, consulting with other public agencies, reviewing environmental documents, recommending mitigation measures, developing monitoring requirements for purposes of the California Environmental Quality Act (CEQA), consulting, and other activities protecting specified trust resources. Existing law requires a local agency to pay a filing fee for a project for which it prepares a negative declaration pursuant to CEQA, or for a project with an environmental impact report (EIR) pursuant to CEQA, to the county clerk at the time of filing a notice of determination. Existing law requires a state agency to pay a filing fee for a project for which it prepares a negative declaration, or for a project with an EIR, to the Office of Planning and Research at the time of filing a notice of determination. This bill would require a local agency, upon collecting a filing fee from the project applicant, to remit it to the county clerk at the time of filing a notice of determination. The bill would require a state agency

to collect and remit the filing fee to the office at the time of filing a notice of determination. This bill contains other related provisions and other existing laws.

Position: Watch **Priority:** 2

AB 5(Wolk) Flood protection.

Last Amend: 05/02/2007

Status: 05/23/2007-Set, first hearing. Referred to Appropriations suspense file.

Location: 05/03/2007-A APPR. SUSPENSE

Calendar: 05/31/07 Upon call of the Chair - ROOM 4202 ASM APPROPRIATIONS SUSPENSE

Summary: Existing law requires any person who intends to offer subdivided lands for sale or lease to file with the Department of Real Estate an application for a public report consisting of a notice of intention and a completed questionnaire. The notice of intention is required to contain certain information about the subdivided lands and the proposed offering. This bill would require, as to any subdivision located in a flood hazard zone, the notice of intention to include a specified statement related to the risk of flooding but for the protection provided by a levee. This bill contains other related provisions and other existing laws.

Position: Watch **Priority:** 3

AB 162(Wolk) Land use: water supply.

Last Amend:

Status: 05/10/2007-In committee: Set, first hearing. Referred to APPR. suspense file.

Location: 05/10/2007-A APPR. SUSPENSE FILE

Calendar: 05/31/07 Upon call of the Chair - ROOM 4202 ASM APPROPRIATIONS SUSPENSE

Summary: The Planning and Zoning Law requires a city or county general plan to include specified mandatory elements, including a land use element that designates the proposed general distribution and general location and extent of the uses of the land for various purposes and a conservation element that considers, among other things, the effect of development within the jurisdiction, as described in the land use element, on natural resources located on public lands, including military installations, and provides that the conservation element may also cover, among other things, flood control. The bill would require the land use element to identify and annually review those areas covered by the general plan that are subject to flooding as identified by floodplain mapping prepared by the Federal Emergency Management Agency or the Department of Water Resources and would require, upon the next revision of the housing element, on or after January 1, 2008, the conservation element of the general plan to identify rivers, creeks, streams, flood corridors, riparian habitat, and land that may accommodate floodwater for purposes of groundwater recharge and stormwater management. By imposing new duties on local public officials, the bill would create a state-mandated local program. This bill contains other related provisions and other existing laws.

Position: Watch **Priority:** 3

AB 224(Wolk) Water supply planning.

Last Amend: 04/25/2007

Status: 05/10/2007-In committee: Set, first hearing. Referred to APPR. suspense file.

Location: 05/10/2007-A APPR. SUSPENSE FILE

Calendar: 05/31/07 Upon call of the Chair - ROOM 4202 ASM APPROPRIATIONS
SUSPENSE

Summary: Under existing law, various state and local agencies engage in water resource planning. This bill would enact the Climate Change and Water Resource Protection Act of 2007. The bill would require the Department of Water Resources, as part of its statewide water resource management responsibilities, to include an analysis of the potential effects of climate change, to the extent applicable, in reports or plans that the department is required to prepare. The bill would prohibit the department from approving a request for a specified grant, submitted after January 1, 2009, unless certain requirements are met. The department would be required, by July 1, 2008, to identify available peer-reviewed information, or develop information, regarding climate change and water resources for the state and each of the state's hydrologic basins for specified uses. The bill would require an urban water supplier and an agricultural water supplier to take certain action relating to specified climate change information. This bill contains other related provisions.

Position: Watch **Priority:** 3

AB 424(Gaines) Wetlands: mitigation banking: notice.

Last Amend: 05/02/2007

Status: 05/29/2007-From CONSENT CALENDAR: Passed ASSEMBLY. To SENATE

Location: 05/29/2007-A SENATE

Calendar: 05/29/07 66 ASM CONSENT CALENDAR

Summary: (1) The Sacramento-San Joaquin Valley Wetlands Mitigation Bank Act of 1993 authorizes the Department of Fish and Game, until January 1, 2010, to qualify wetland mitigation bank sites, as defined, in the Sacramento-San Joaquin Valley, to create wetlands in areas where wetlands are removed or filled, or where there are discharges into wetlands, under specified federal permits. Other existing law requires the department to establish a database of all existing and operating wetlands mitigation banks that sell credits to the public in the state and to provide a report to the Legislature with a description and the status of each existing wetlands mitigation bank site. This bill would prohibit the department from approving a wetlands mitigation bank, unless the memorandum of understanding or other agreement for the bank site requires the department to send notice, within 60 days of the date of agreement, to specified local governmental entities, if the mitigation takes place in the entity's approved sphere of influence. This bill contains other related provisions and other existing laws.

Position: Watch **Priority:** 3

AB 665(DeSaulnier) Growth management.

Last Amend: 05/22/2007

Status: 05/23/2007-Read second time. To third reading.

Location: 05/23/2007-A THIRD READING

Calendar: 05/29/07 44 ASM THIRD READING FILE

Summary: Existing law provides that the Office of Planning and Research within the Governor's office serves as the state's comprehensive planning agency in the formulation, evaluation, and updating of, among other things, long-range goals and policies for land use, population growth and distribution, urban expansion, development, open space, resource preservation and utilization, air and water quality, and other factors that shape statewide development patterns and significantly influence the quality of the state's environment. This bill would require the office to review and provide comments on the most recently adopted regional transportation plan of each transportation planning agency, and to review and comment on each subsequent proposed plan, and to provide comments to the agency, as specified. This bill contains other related provisions.

Position: None at this time **Priority:** 3

AB 723(DeVore) Gambling establishments: signs.

Last Amend: 04/10/2007

Status: 05/14/2007-Failed Deadline pursuant to Rule 61(a)(3). Last location was G.O.

Location: 05/14/2007-A 2 YEAR

Summary: The Gambling Control Act provides for the licensure of certain individuals and establishments involved in various gambling activities, and for the regulation of those activities, by the California Gambling Control Commission. Existing law imposes certain requirements on owners of gambling enterprises relating to the conditions of operation of gambling establishments. This bill would require each owner of a gambling enterprise who is licensed by the commission to ensure that signs are posted in conspicuous locations on the gambling premises indicating the toll-free telephone number for immediate crisis management maintained by the Office of Problem and Pathological Gambling. This bill contains other existing laws.

Position: None at this time **Priority:** 3

SB 5(Machado) Flood management.

Last Amend: 04/25/2007

Status: 05/25/2007-Set for hearing May 31.

Location: 05/21/2007-S APPR. SUSPENSE FILE

Calendar: 05/31/07 1:30 p.m. or upon call of the Chair – Room 4203 SEN APPROPRIATIONS SUSPENSE

Summary: The existing Disaster Preparedness and Flood Prevention Bond Act of 2006, approved by the voters at the November 7, 2006, statewide general election, authorizes the issuance and sale of bonds in the amount of \$4,090,000,000 for the purposes of financing disaster preparedness and flood prevention projects. That existing act requires the compilation of a state plan of flood control. This bill would make legislative findings

and declarations regarding the necessity of developing a comprehensive integrated flood policy and flood management program that addresses all aspects of flood management, clarifying the roles and responsibilities of the state, local flood management agencies, cities and counties, developers, and property owners as part of an integrated flood policy, and integrating the flood-related funding authorized by those bond acts with the integrated flood policy and flood management program. This bill contains other related provisions and other existing laws.

Position: Placeholder – monitor **Priority:** 3

SB 17(Florez) Flood protection.

Last Amend:

Status: 05/25/2007-Set for hearing May 31.

Location: 05/07/2007-S APPR. SUSPENSE FILE

Calendar: 05/31/07 1:30 p.m. or upon call of the Chair – Room 4203 SEN
APPROPRIATIONS SUSPENSE

Summary: Existing law establishes the 7-member Reclamation Board in the Department of Water Resources. Existing law requires the board members to be appointed and to serve at the pleasure of the Governor. Existing law prescribes compensation for each board member for time spent attending meetings of the board in the amount of \$100, except as specified. Existing law requires the board to elect one of its members as president. Existing law requires the board to appoint a secretary, who may be a board member, and authorizes the board to appoint a general manager, a chief engineer, and an assistant secretary. Existing law authorizes the board to employ certain other employees. This bill would rename the Reclamation Board the Central Valley Flood Protection Board. The bill would require the board to act independently of the department. The bill would prohibit the department from overturning any action or decision by the board. The bill would increase the membership of the board from 7 to 9 members. The bill would require 7 members to be appointed by the Governor, subject to Senate confirmation, 4 of whom would be required to meet specified eligibility requirements and 3 of whom would be designated as public members. The bill would require one board member to be appointed by the Senate Committee on Rules and one board member to be appointed by the Speaker of the Assembly and would designate those 2 members as public members. The bill, with a certain exception, would require the board members to serve 4-year terms. The bill would require the board members to receive a salary identical to that received by members of the State Air Resources Board. The bill would require the Governor to select one of the board members as president. The bill would repeal provisions relating to the appointment or employment of specified personnel and, instead, authorize the board to appoint an executive officer and chief engineer and to employ legal counsel and other necessary staff. This bill contains other related provisions and other existing laws.

Position: Watch **Priority:** 3

SB 144(Committee on Local Government) Local Government Omnibus Act of 2007.

Last Amend: 03/26/2007

Status: 05/17/2007-To Com. on L. GOV.

Location: 05/17/2007-A L. GOV.

Calendar: 07/11/07 1:30 p.m. - Room 447 ASM LOCAL GOVERNMENT

Summary: Existing law authorizes 2 or more public agencies to enter into agreements to jointly exercise any power common to the contracting parties, as specified. Existing law requires specified notice to be filed with the Secretary of State when a joint powers agreement provides for the creation of an agency or entity that is separate from the parties to the agreement, as specified. Existing law also authorizes one or more persons to form a corporation, as specified, by executing and filing articles of incorporation with the Secretary of State. This bill would require a corporation that is created by a local elected agency, as specified, and an agency or entity formed pursuant to a joint powers agreement, as specified, to furnish an additional copy of its articles of incorporation, or notice of the agreement to the Secretary of State, and would require the Secretary of State to forward the extra copy to the Controller. This bill contains other related provisions and other existing laws.

Position: None at this time **Priority:** 3

Notes: None of the Senate Omnibus items appear to affect LAFCo.

SB 378(Steinberg) Disaster Preparedness and Flood Prevention Bond Act of 2006.

Last Amend: 04/17/2007

Status: 05/25/2007-Set for hearing May 31.

Location: 05/21/2007-S APPR. SUSPENSE FILE

Calendar: 05/31/07 1:30 p.m. or upon call of the Chair – Room 4203 SEN APPROPRIATIONS SUSPENSE

Summary: The Disaster Preparedness and Flood Prevention Bond Act of 2006, which was enacted by the Legislature and approved by the voters at the November 7, 2006, statewide general election, authorizes the expenditure of \$4,090,000,000 in bond funds for specified disaster preparedness and flood prevention projects. Those projects include projects for the evaluation, repair, rehabilitation, reconstruction, or replacement of levees, weirs, bypasses, and facilities of the State Plan of Flood Control; improving or adding facilities to the State Plan of Flood Control to increase levels of flood prevention for urban areas; reducing the risk of levee failure in the delta; and protection, creation, and enhancement of flood protection corridors and bypasses through specified actions. This bill would require expenditures for those projects to be deemed to be in response to an emergency, for purposes of the Public Contract Code, and would require all contracts for those projects to provide for the payment of extra compensation to the contractor, as a bonus for completion prior to the completion date specified by the contract. The bill would require the Department of Water Resources (department), when evaluating levees and facilities pursuant to a specified project, to include an evaluation of the risk of the levees and facilities failing due to a seismic event. In implementing the projects for the

protection, creation, and enhancement of flood protection corridors and bypasses through specified actions, the bill would require the department to give priority for projects and expenditures that result in a systemwide reduction of flood risks and for projects that address the needs of disadvantaged communities, as the bill would define that term. A grant program that would provide bond funds to rehabilitate, reconstruct, replace, or improve existing flood levees, or construct new flood levees, or other management facilities that are a part of the State Plan of Flood Control would be required to comply with specified requirements. This bill contains other related provisions and other existing laws.

Position: Watch **Priority:** 3

SB 634(Wiggins) Land use: Williamson Act: contracts.

Last Amend: 05/15/2007

Status: 05/23/2007-Read second time. To third reading.

Location: 05/23/2007-S THIRD READING

Calendar: 05/29/07 75 SEN THIRD READING FILE

Summary: The Williamson Act authorizes any city or county to enter into a contract with the owner of agricultural land for the purpose of preserving that land in accordance with the conditions established by the act and that contract. This bill would require, in the case of the proposed subdivision of land that is subject to a contract under the Williamson Act, that the legislative body of a city or county deny approval of a tentative map or parcel map for which a tentative map is not required unless it makes certain findings. This bill contains other related provisions and other existing laws.

Position: None at this time **Priority:** 3

SB 862(Kuehl) Water resources.

Last Amend: 04/25/2007

Status: 05/25/2007-Set for hearing May 31.

Location: 04/25/2007-S APPR. SUSPENSE FILE

Calendar: 05/31/07 1:30 p.m. or upon call of the Chair – Room 4203 SEN APPROPRIATIONS SUSPENSE

Summary: Under existing law, the Department of Water Resources operates the State Water Project, which includes state water facilities, as defined. This bill would require the department, commencing in 2009, and every 2 years thereafter, to prepare and deliver to all State Water Project contractors, all city and county planning departments, and all regional and metropolitan planning departments within the project service area a report that accurately sets forth, under a range of hydrologic conditions, the then-existing overall delivery capability of the project facilities and the allocation of that capacity to each contractor. This bill contains other related provisions and other existing laws.

Position: Watch **Priority:** 3

SB 934(Lowenthal) Housing and infrastructure zones.

Last Amend: 05/01/2007

Status: 05/25/2007-Set for hearing May 31.

Location: 05/14/2007-S APPR. SUSPENSE FILE

Calendar: 05/31/07 1:30 p.m. or upon call of the Chair – Room 4203 SEN
APPROPRIATIONS SUSPENSE

Summary: The Community Services District Law identifies the procedures for district formation and specifies the services that a district may provide. Among those services are the acquisition, construction, improvement, maintenance, and operation of recreation facilities, including parks and open space, and community facilities, including libraries, and child care facilities; supplying water for any beneficial use; the collection, treatment, or disposal of sewage, wastewater, recycled water, stormwater, and solid waste; and the acquisition, construction, improvement, and maintenance of streets, roads, rights-of-way, bridges, culverts, drains, curbs, gutters, sidewalks, and any incidental works. This bill would establish a pilot project allowing for the formation, under criteria developed by specified councils of governments and the Secretary of Business, Transportation and Housing, of 100 housing and infrastructure zones in the state. A city or county would be eligible to apply to its council of governments or the agency, as applicable, in order to establish a housing and infrastructure zone, subject to approval by the bank, and specified reporting requirements. By requiring local governments to perform certain duties with respect to the selection and establishment of zones, the bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

Position: Watch **Priority:** 3

William S. Chiat
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16 May 2007

Assembly Member Jim Silva
P.O. Box 942849
State Capitol, Room 3149
Sacramento, CA 94249-0067

RE: SUPPORT of AB 745 (Silva): Disclosure of Expenses for Political Purposes

Dear Assembly Member Silva:

The California Association of Local Agency Formation Commissions is pleased to continue to support your bill, AB 745 as amended on 2 May 2007.

This legislation will contribute to increased transparency in local government by expanding the existing law requiring the reporting of contributions and expenditures to include proposals which have not yet been submitted to a local agency formation commission. Our members believe this legislation will assist commissioners and the public to better evaluate the merits of potential proposals before a commission.

The bill was significantly amended on 2 May 2007. After reviewing the amended language, we respectfully request that two additional amendments be considered.

1. In the amended language for §56700.1 we request that the word “petitions” be amended to “proposals.” Proposals is a broadly defined term in the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. It includes both petitions from registered voters or landowners and resolutions of application from a legislative body. Using the term “proposal” would make this section more complete in scope. It would also make the terminology in the amended section consistent with the existing language in the first half of the sentence. The suggest change is highlighted below:


56700.1. Expenditures for political purposes related to a change of organization or reorganization proposal that has been submitted to a commission, and contributions in support of or in opposition to those measures, *and expenditures for political purposes made in connection with petitions proposals not yet submitted to a commission*, shall be disclosed and reported to the same extent and subject to the same requirements as provided for local initiative measures to be presented to the electorate.

2. Language regarding disclosure of contributions is also found in §56300.c. This proposed language will clarify and make consistent the disclosure of contributions in §56300.c with amended language in AB 745 for §56700.1.

56300 (c) A commission may require, through the adoption of written policies and procedures, lobbying disclosure and reporting requirements for expenditures for political purposes related to a change of organization or reorganization proposal that has been submitted to a commission, and contributions in support of or in opposition to those measures, and expenditures for political purposes made in connection with ~~petitions proposals not yet submitted to a commission~~ persons who attempt to influence pending decisions by ~~commission members, staff, or consultants~~. Disclosure shall be made either to the commission's executive officer, in which case it shall be posted on the commission Web site, if applicable, or to the recorder, registrar of voters, or clerk of the board of supervisors of the county in which the commission is located. Each commission that on January 1, 2001, has a pending proposal, as defined in Section 56069 shall, by March 31, 2001, hold a public hearing to discuss the adoption of policies and procedures governing lobbying disclosure authorized by this subdivision. Reporting requirements adopted pursuant to this section shall be effective upon the date of adoption or on a later date specified in the resolution. Any commission that does not have a proposal pending on January 1, 2001, shall hold a public hearing to discuss the adoption of those policies and procedures within 90 days of submission of a proposal, or at any time prior to submission of a proposal.

The revised disclosure requirements are a valued improvement in the disclosure requirements for proposals before a local agency formation commission. We appreciate your support of this bill and the work of the commissions. Please feel free to contact me if I can provide additional information.

Yours sincerely,



William Chiat,
Executive Director

- c: Members, Assembly Local Government Committee
- Members, Senate Local Government Committee
- Peter Detwiler, Staff Director, Senate Local Government Committee
- Anya Lawler, Consultant, Assembly Local Government Committee
- Ryan Eisberg, Senate Republican Caucus
- William Weber, Assembly Republican Caucus
- Brent Jamison, Deputy Legislative Director, Office of Planning & Research
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17 May 2007

Assembly Member Anna Caballero
P.O. Box 942849
State Capitol, Room 3132
Sacramento, CA 94249-0028

**RE: SUPPORT of AB 1263 (Caballero) Amendment: Revision to
Municipal Service Review Determinations**

Dear Assembly Member Caballero:

The California Association of Local Agency Formation Commissions has been approached by the Governor's Office of Planning and Research (OPR) regarding an amendment to AB 1263. The proposed amendment would eliminate GC §56430.d which requires OPR to prepare guidelines for the preparation of municipal service reviews.

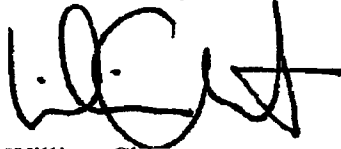
AB 1263 currently revises the language in §56430.a as proposed by CALAFCO to set a better context for the service reviews and bring the determinations into alignment with related elements of Cortese-Knox-Hertzberg. Further, it streamlines several sections by combining them and eliminates the difficult section on management efficiencies. An added subsection allows commissions to add other service delivery-related matters that are appropriate for local conditions.

The guidelines prepared by OPR in 2003 were intended to assist LAFCos in preparing their first municipal service reviews. LAFCos now have over six years of practical experience in preparing the reviews and sphere of influence studies. Therefore it is not anticipated that a revision of the guidelines would be of benefit to any commission, and agree with OPR that the language in §56430.d is outdated and unnecessary.

For these reasons, CALAFCO respectfully requests that the bill be amended to eliminate the guidelines language as proposed by OPR. Please see the attached language for the specific proposed amendment.

Thank you for your continued support of the work of local agency formation commissions.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'W. Chiat', with a horizontal line extending to the right.

William Chiat,
Executive Director

c: Members, Assembly Local Government Committee
Members, Senate Local Government Committee
Peter Detwiler, Staff Director, Senate Local Government Committee
Anya Lawler, Consultant, Assembly Local Government Committee
Ryan Eisberg, Senate Republican Caucus
William Weber, Assembly Republican Caucus
Brent Jamison, Deputy Legislative Director, Office of Planning & Research
CALAFCO Board of Directors

AMENDED IN ASSEMBLY APRIL 23, 2007
AMENDED IN ASSEMBLY APRIL 9, 2007
California legislature—2007–08 regular session

ASSEMBLY BILL No. 1263
Introduced by Assembly Member Caballero

The people of the State of California do enact as follows:

SECTION 1. Section 56430 of the Government Code is amended to read:

56430. (a) In order to prepare and to update spheres of influence in accordance with Section 56425, the commission shall conduct a service review of the municipal services provided in the county or other appropriate area designated by the commission. The commission shall include in the area designated for service review the county, the region, the subregion, or any other geographic area as is appropriate for an analysis of the service or services to be reviewed, and shall prepare a written statement of its determinations with respect to each of the following:

- (1) Growth and population projections for the affected area.
- (2) Present and planned capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide, including infrastructure needs or deficiencies.
- (3) Financial ability of agencies to provide services.
- (4) Status of, and opportunities for, shared facilities.
- (5) Accountability for community service needs, including governmental structure and operational efficiencies.
- (6) Any other matter related to effective or efficient service delivery as required by commission policy.

(b) In conducting a service review, the commission shall comprehensively review all of the agencies that provide the identified service or services within the designated geographic area.

(c) The commission shall conduct a service review before, or in conjunction with, but no later than the time it is considering an action to establish a sphere of influence in accordance with Section 56425 or Section 56426.5 or to update a sphere of influence pursuant to Section 56425.

~~(d) Not later than July 1, 2001, the Office of Planning and Research, in consultation with commissions, the California Association of Local Agency Formation Commissions, and other local governments, shall prepare guidelines for the service reviews to be conducted by commissions pursuant to this section.~~

SEC. 2. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

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17 May 2007

Senator Gloria Negrete McLeod
State Capitol, Room 2059
Sacramento, CA 95814

**RE: Amendment to SB 162 (Negrete McLeod): Environmental Justice in
Change of Organization or Reorganization Considerations**

Dear Senator Negrete McLeod:

The California Association of Local Agency Formation Commissions has been closely following your bill SB 162, which would add “environmental justice” to the existing 14 factors that a local agency formation commission must consider in reviewing change of organization or reorganization proposals. This has been widely discussed among our members and the Board of Directors. There is differing perspectives of this legislation among our members, and the Board has adopted a watch position.

Nonetheless, we respectfully request that you consider an amendment to the legislation. SB 162 requires a commission to consider the extent to which a proposal will promote environmental justice. We are concerned with the implication of the word “promote.” In the existing 14 factors, a commission is required to assess, evaluate, or determine the effect of the proposal on that factor. In no case, however, is a commission asked to determine how a proposal might promote that particular factor. Without any criteria on promotion of environmental justice, commissions are concerned how they would address this determination.

Local agency formation commission decisions often occur at the end of a long process initiated by the local land use or service agency. There is no legislative requirement for commissions to be involved at the beginning of the process. Further, there is no requirement for land use or service agencies to consider or promote environmental justice in their proposals. Therefore by the time a commission receives a proposal, the decisions such as boundaries, zoning and property tax exchanges – as well as most of the existing 14 factors a commission will consider – have already been agreed upon or reviewed in the process by the local agencies involved in the proposal. It is awkward at best that at the end of the

process, a commission must look at how a proposal will promote environmental justice; an entirely new factor not required to be considered previously in the processes.

At the same time, our members are aware that the decisions they make regarding changes in local agencies, particularly boundary changes, can impact access to local services. On that basis, some local commissions already consider environmental justice factors in their boundary decisions.

For the reasons of consistency, clarity, and practical view of how a commission can approach this factor, we respectfully request that the word "promote" be replaced with "affect." The specific language would be:

(o) The extent to which the proposal will ~~promote~~ affect environmental justice. As used in this subdivision, "environmental justice" means the fair treatment of people of all races, cultures, and incomes with respect to the location of public facilities and the provision of public services.

While many commissions remained concerned with how this determination will be made, we believe this change will significantly improve the legislation.

Thank you for your consideration of our proposal. Please feel free to contact me if I can provide additional information.

Yours sincerely,



William Chiat,
Executive Director

- c: Members, Senate Local Government Committee
- Members, Assembly Local Government Committee
- Peter Detwiler, Staff Director, Senate Local Government Committee
- Anya Lawler, Consultant, Assembly Local Government Committee
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Deputy Executive Officer

16 May 2007

Senator Gloria Negrete McLeod
State Capitol, Room 2059
Sacramento, CA 95814

RE: Amendment to SB 167 (Negrete McLeod): Planning Grants

Dear Senator Negrete McLeod:

The California Association of Local Agency Formation Commissions thanks you for your work on SB 167 which provides the opportunity for local agency formation commissions to receive grants and loans to prepare municipal service reviews and sphere of influence studies.

This legislation also directs the Governor's Office of Planning and Research (OPR) to conduct a study to determine the feasibility of integrating the data and analysis derived from municipal service reviews and sphere of influence studies conducted by commissions (§654314). Commissions have amassed a significant amount of data and information through the completion of municipal service reviews in every county. The CALAFCO Board of Directors has identified the compilation of a statewide summary such as you have proposed in this legislation as one of its key priorities.

CALAFCO has worked closely with its 57 member commissions on the municipal service reviews, and believes that it can be a valuable resource in conducting the feasibility study. Therefore we respectfully request that SB 167 be amended to include CALAFCO in the feasibility study process. Our proposed language for the amendment:

65314. (a) On or before October 1, 2008, the Office of Planning and Research and the California Association of Local Agency Formation Commissions shall conduct, or cause to be conducted, a study of the feasibility of integrating the data and analyses derived from the municipal service reviews and spheres of influence adopted by local agency formation commissions pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Division 3 (commencing with Section 56000) of Title 5).

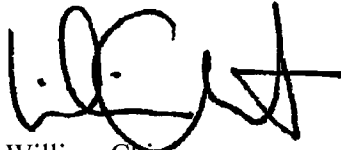
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Thank you for your consideration of our proposal. We appreciate all of your efforts in authoring this bill. Please feel free to contact me if I can provide additional information.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'W. Chiat', with a stylized flourish at the end.

William Chiat,
Executive Director

- c: Members, Senate Local Government Committee
- Members, Assembly Local Government Committee
- Peter Detwiler, Staff Director, Senate Local Government Committee
- Anya Lawler, Consultant, Assembly Local Government Committee
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