


SACRAMENTO LOCAL AGENCY FORMATION COMMISSION
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March 4, 2009

TO: Sacramento Local Agency Formation Commission

FROM: Peter Brundage, Executive Officer

RE: Legislative Update

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

Information only, no action is recommended.

SUMMARY

This memo is part of the ongoing effort to keep your Commission informed regarding various legislative matters. In light of the recent State Budget process, very few Bills have been introduced as yet. The deadline for submittal is February 27, 2009 - after this report has been prepared.

An ad-hoc committee appointed by the CALAFCO Board of Directors is reviewing several bills (see attached.) Staff will continue to track the bills, in collaboration with CALAFCO, and report back to the Commission in April.

**LAFCO Legislative Update
as of 2/27/2009**

1

SB 113 (Committee on Local Government) Local Government Omnibus Act of 2009.

Status: 02/09/2009-Set for hearing April 15.

Current Location: 02/05/2009-S L. GOV.

Dead/2YR	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered

Calendar Events: 04/15/09 9:30 a.m. - Room 112 SEN LOCAL GOVERNMENT
Existing law authorizes the board of supervisors of a county to acquire and convey property to the United States for use for any military purpose authorized by any law of the United States, as specified. This bill would repeal these provisions. This bill contains other related provisions and other existing laws.

Attachments:

CALAFCO Support Letter

Notes: The Senate Local Government Bill makes non substantial changes to local government laws other than CKH. CALAFCO has a number of items in the 2009 bill.

Position: Support

Priority: 1

SB 163 (Cox) Local government: reorganization.

Status: 02/15/2009-From print. May be acted upon on or after March 17.

Current Location: 02/14/2009-S PRINT

Dead/2YR	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered

Existing law, for purposes of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, makes various legislative findings and declarations regarding the use of local government reorganization. This bill would make a technical, nonsubstantive change to that provision.

Notes: This bill is likely a placeholder for a more substantial change to Cortese-Knox-Hertzberg

Position: Watch

Priority: 1

SB 215 (Wiggins) Local government: organization.

Status: 02/24/2009-From print. May be acted upon on or after March 26.

Current Location: 02/23/2009-S PRINT

Dead/2YR	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered

Existing law, the Cortese-Knox-Hertzberg Act, requires a local agency formation commission, when reviewing a proposal for a change of organization or reorganization, to consider specified factors, including the proposal's consistency with city or county general and specific plans. This bill would modify that factor so that a commission would be required to consider the proposal's consistency with city or county general and specific plans, and any applicable transportation plan, when reviewing a proposal for a change of organization or reorganization. This bill contains other related provisions and other existing laws.

Notes: Adds the SB 375 required "Sustainable Communities Strategy" and "Alternative Planning Strategy" to the factors a LAFCo must consider in reviewing applications in GC 56668 (g) and eliminates the now obsolete GC 56668.5 which allowed LAFCo to consider regional growth goals and policies.

Position: Watch

Priority: 1

2

AB 300 (Caballero) Subdivisions: water supply.

Status: 02/17/2009-Read first time. To print.

Current Location: 02/17/2009-A PRINT

Dead/2YR	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered

The Subdivision Map Act prohibits approval of a tentative map, or a parcel map for which a tentative map was not required, or a development agreement for a subdivision of property of more than 500 dwelling units, except as specified, including the design of the subdivision or the type of improvement, unless the legislative body of a city or county or the designated advisory agency provides written verification from the applicable public water system that a sufficient water supply is available or, in addition, a specified finding is made by the local agency that sufficient water supplies are, or will be, available prior to completion of the project. This bill would require, until January 1, 2020, the legislative body of a city or county or the designated advisory agency to approve or disapprove the subdivider's water savings projections attributable to voluntary demand management measures, as defined, after being reviewed by the retail water supplier and verified for accuracy, as specified, by the public water system or the local agency if there is no public water system. Water savings projections would be authorized to be calculated using the

water savings projections adopted by the California Urban Water Conservation Council. Water savings projections for measures for which the California Urban Water Conservation Council does not have adopted findings would be required to be based on substantial evidence in the record and included in the water supply assessment adopted by the water supplier. If a project applicant proposes to use a new voluntary water reduction demand management measure that is not based on water savings projections adopted by the California Urban Water Conservation Council, the legislative body of a city or county or the advisory agency would be required to have the project applicant enter into an agreement with the water utility to implement and monitor the actual water savings over time, as specified. The public water system would be required to prepare a written report of the projected water demand versus the actual water use 5 years after the project has been fully developed. By adding to the duties of the public water system, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

Notes: Requires the preparation of a water assessment report which requires consultation with affected agencies, including LAFCo.

Position: None at this time

Priority: 2

SB 101 (Committee on Local Government) Validations.

Status: 02/09/2009-Set for hearing March 4.

Current Location: 02/05/2009-S L. GOV.

Dead/2YR	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered

Calendar Events: 03/04/09 9:30 a.m. - Room 112 SEN LOCAL GOVERNMENT

This bill would enact the First Validating Act of 2009, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities. This bill contains other related provisions.

Attachments:

CALAFCO Support Letter

Notes: Annual bills which validate errors and omissions made by local officials, including the boundaries of all local agencies.

Position: Support

Priority: 2

SB 102 (Committee on Local Government) Validations.

Status: 02/09/2009-Set for hearing March 4.

Current Location: 02/05/2009-S L. GOV.

Dead/2YR	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered

Calendar Events: 03/04/09 9:30 a.m. - Room 112 SEN LOCAL GOVERNMENT

This bill would enact the Second Validating Act of 2009, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities. This bill contains other related provisions.

Attachments:

CALAFCO Support Letter

Notes: Annual bills which validate errors and omissions made by local officials, including the boundaries of all local agencies.

Position: Support

Priority: 2

SB 103 (Committee on Local Government) Validations.

Status: 02/09/2009-Set for hearing March 4.

Current Location: 02/05/2009-S L. GOV.

Dead/2YR	1st	1st	1st	1st	2nd	2nd	2nd	2nd	Conf./Conc.	Enrolled	Vetoed	Chaptered
	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor				

Calendar Events: 03/04/09 9:30 a.m. - Room 112 SEN LOCAL GOVERNMENT This bill would enact the Third Validating Act of 2009, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

Attachments:

CALAFCO Support Letter

Notes: Annual bills which validate errors and omissions made by local officials, including the boundaries of all local agencies.

Position: Support

Priority: 2

SB 162 (Cox) Local government: fire suppression.

Status: 02/15/2009-From print. May be acted upon on or after March 17.

Current Location: 02/14/2009-S PRINT

Dead/2YR	1st	1st	1st	1st	2nd	2nd	2nd	2nd	Conf./Conc.	Enrolled	Vetoed	Chaptered
	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor				

Existing law, for the purposes of assessments for fire suppression, defines fire suppression to mean firefighting and fire prevention, including, but not limited to, vegetation removal or management undertaken, in whole or in part, for the reduction of a fire hazard. This bill would make a technical, nonsubstantive change to this provision.

Notes: This is likely a placeholder for a more substantial change to fire agency law.

Position: Watch
Priority: 2

SB 170 (Florez) Agricultural lands: cancellation of Williamson Act contracts.

Status: 02/15/2009-From print. May be acted upon on or after March 17.

Current Location: 02/14/2009-S PRINT

Dead/2YR	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered

Existing law authorizes a landowner to petition a county board or supervisors or a city council for cancellation of any Williamson Act contract for all or part of the subject land. The board or council is authorized to grant tentative approval for cancellation of a contract if it finds that cancellation is in the public interest. For these purposes, the board or council is required to find that other public concerns substantially outweigh the objectives of the Williamson Act and that either there is no proximate noncontracted land that is both available and suitable for the use to which it is proposed the contracted land be put, or that development of the contracted land would provide more contiguous patterns of urban development than development of proximate noncontracted land. This bill would establish a rebuttable presumption that where a Native American tribe or tribal group has petitioned for a contract cancellation that tribal cultural centers, infrastructure, and housing are alternative uses that are public concerns that substantially outweigh the objectives of the act and that for tribal cultural centers, infrastructure, and housing, land contiguous to existing tribal land would provide more contiguous patterns of urban development than development of proximate noncontracted land.

Position: Watch
Priority: 2

3

AB 9 (John A. Perez) Political Reform Act of 1974: expenditures.

Status: 02/05/2009-Referred to Com. on E. & R.

Current Location: 02/05/2009-A E. & R.

Dead/2YR	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered

Under the Political Reform Act of 1974, an "expenditure" means a payment, a forgiveness of a loan, a payment of a loan by a 3rd party, or an enforceable promise to make a payment, unless it is clear from the surrounding circumstances that it is not made for political purposes. Under the act, a candidate or committee that makes an independent expenditure totaling \$1,000 or more in a calendar year to support or oppose a measure or qualification of a measure shall file a report of that disclosure with the Fair Political Practices Commission. This bill clarifies existing law that an expenditure includes the

payment of public moneys by a state agency or local government agency, or by an agent of that agency, for a communication to the electorate within the jurisdiction of that agency regarding a clearly identified measure, except if the communication constitutes a fair and impartial presentation of the facts relating to the measure or the communication is otherwise required by law.

Position: None at this time

Priority: 3

AB 155 (Mendoza) Local government: bankruptcy proceedings

Status: 01/26/2009-Read first time. To print.

Current Location: 01/26/2009-A PRINT

Dead/2YR	1st Desk	1st Poli cy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered

Under existing law, any taxing agency or instrumentality of the state may file a petition and prosecute to completion bankruptcy proceedings permitted under the laws of the United States. This bill would provide that a local public entity may only file under federal bankruptcy law with the approval of the Local Agency Bankruptcy Committee that would consist of the Controller, the Treasurer, and the Director of Finance, as specified.

Position: None at this time

Priority: 3

AB 466 (Coto) Santa Clara Valley Water District.

Status: 02/25/2009-From printer. May be heard in committee March 27.

Current Location: 02/24/2009-A PRINT

Dead/2YR	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered

The Santa Clara Valley Water District Act establishes the Santa Clara Valley Water District and specifies its powers and purposes relating to water supply and flood management. The act requires the board of the district, until January 1, 2010, to consist of 2 directors who are appointed and 5 directors who are elected in accordance with specified procedures. The act requires the board of directors, on and after January 1, 2010, to consist of 5 directors who are elected in accordance with specified procedures. This bill would repeal certain provisions of the act relating to the board of the district. The bill would revise the composition of the board of the district by requiring the board to transition to an all-elected board that consists, on and after noon on January 3, 2011, of 7 directors who are elected pursuant to specified requirements. The board also would be required to adopt a resolution establishing the boundaries of the 7 districts. By imposing

requirements on the district, the bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

Position: None at this time

Priority: 3

AB 494 (Caballero) Local planning: farmworker housing.

Status: 02/25/2009-From printer. May be heard in committee March 27.

Current Location: 02/24/2009-A PRINT

Dead/2YR	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered

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 that contract and the act. The act authorizes a landowner subject to a Williamson Act contract to subdivide not more than 5 acres of land under contract to be sold or leased to a nonprofit organization, a city, a county, a housing authority, or a state agency and used for farmworker housing for at least 30 years, as specified, and the parcel is within a city or is in an unincorporated territory or sphere of influence that is contiguous to one or more parcels that are already zoned residential, commercial, or industrial and developed with existing residential, commercial, or industrial uses. This bill instead would authorize a landowner subject to a Williamson Act contract to subdivide not more than 10 acres of land under a Williamson Act contract to be sold or leased to a nonprofit organization, a city, a county, a housing authority, or a state agency and used for farmworker housing for at least 30 years, as specified, and the parcel is within a city or in an unincorporated territory or sphere of influence that is contiguous to one or more parcels that are already zoned residential, commercial, or industrial and developed with existing residential, commercial, or industrial uses, or has access to existing water and sewer service. This bill contains other related provisions and other existing laws.

Position: None at this time

Priority: 3

ACA 9 (Huffman) Local government bonds: special taxes: voter approval.

Status: 02/10/2009-From printer. May be heard in committee March 9.

Current Location: 02/06/2009-A PRINT

Dead/2YR	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered

The California Constitution prohibits the ad valorem tax rate on real property from exceeding 1% of the full cash value of the property, subject to certain exceptions. This measure would create an additional exception to the 1% limit for a rate imposed by a city, county, or city and county to service bonded indebtedness, incurred to fund specified public improvements, facilities, and housing, and related costs, that is approved by 55%

of the voters of the city, county, or city and county, as applicable. This additional exception would apply only if the proposition approved by the voters results in bonded indebtedness that includes specified accountability requirements. This bill contains other related provisions and other existing laws.

Position: Watch

Priority: 3

SB 115 (Lowenthal) Public employment.

Status: 02/05/2009-To Com. on JUD.

Current Location: 02/05/2009-S JUD.

Dead/2 YR	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./ Conc.	Enrolled	Vetoed	Chaptered

The California Constitution requires Members of the Legislature, and all public officers and employees, to take and subscribe a specified oath of office. The California Constitution permits inferior officers and employees to be exempted by law from this requirement. This bill would require that a public employee or applicant seeking public employment be permitted to decline to take and subscribe the oath of office based on moral, ethical, or religious beliefs that conflict with his or her ability to take and subscribe the oath without mental reservation, if he or she is otherwise willing and able to uphold the United States Constitution and the constitution and laws of this state and to complete the duties of employment. The bill would require that person to take and subscribe a specified statement to that effect. The bill would except from these provisions a public officer, employee, or applicant for public employment who is elected or who serves at the pleasure of an elected official. The bill would also make conforming changes and make a related statement of legislative findings.

Position: Watch

Priority: 3

SB 211 (Simitian) Regional district: County of Santa Cruz.

Status: 02/24/2009-From print. May be acted upon on or after March 26.

Current Location: 02/23/2009-S PRINT

Dead/ 2YR	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./ Conc.	Enrolled	Vetoed	Chaptered

Existing law generally authorizes the formation of a district by a petition requesting the creation and maintenance of a district, describing the exterior boundaries, signed by at least 5,000 electors residing within the territory proposed to be included in the district, and presented to the board of supervisors of the county containing the largest area within the proposed district. This bill, in addition, would permit the formation of a regional district in the County of Santa Cruz to be initiated by a resolution of the county board of

supervisors, after a hearing noticed in accordance with specified procedures, in lieu of the petition and related proceedings required under the above provisions. This bill contains other existing laws.

Notes: Allows Santa Cruz Board of Supervisors to create a park and open space district outside of LAFCo process.

Position: None at this time

Priority: 3

SB 263 (Strickland) Local government: community service districts.

Status: 02/25/2009-From print. May be acted upon on or after March 27.

Current Location: 02/24/2009-S PRINT

Dead/2YR	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered

Existing law, the Community Services District Law, authorizes the establishment of community services districts to provide various services to the geographic area within each district, and further authorizes specified community services districts that own roads that are not formally dedicated to, or kept open for use by, the public for the purpose of vehicular travel, to limit access to those roads to the landowners and residents of that district. This bill would include the Santa Rita Hills Community Services District as one of the specified community services districts authorized to limit access to roads it owns to the landowners and residents of that district.

Position: None at this time

Priority: 3

Total rows: 17