

**SACRAMENTO LOCAL AGENCY FORMATION COMMISSION**  
**1112 I Street #100**  
**Sacramento, California 95814**  
**(916) 874-7458**

September 5, 2012

TO: Sacramento Local Agency Formation Commission

FROM: Peter Brundage, Executive Officer

RE: Legislative Update

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

**RECOMMENDATION**

No action is recommended.

**BACKGROUND**

This memo is part of the ongoing effort to keep your Commission informed regarding various legislative matters. Friday, August 31 was the end of the most recent legislative session, which was the second year of a two-year session. While bills may be amended or "gut and amended" throughout the session until the last day, currently there is a fairly clear understanding of proposed legislation.

An ad-hoc committee appointed by the CALAFCO Board of Directors has considered and adopted positions on several bills, as noted below.

**PENDING LEGISLATION**

[AB 2238](#) ([Perea](#) D) Public water systems: drinking water.

**Current Text:** Amended: 6/25/2012

**Introduced:** 2/24/2012

**Last Amended:** 6/25/2012

**Status:** 7/3/2012-From committee: Do pass and re-refer to Com. on APPR. (Ayes 7. Noes 0.) (July 2). Re-referred to Com. on APPR.

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
Dead	1st House				2nd House							

**Calendar:**

8/6/2012 11 a.m. - John L. Burton Hearing Room (4203)

SENATE APPROPRIATIONS, KEHOE, Chair

**Summary:**

Current law establishes the Emergency Clean Water Grant Fund (Grant Fund), which is continuously appropriated for the purpose of providing financial assistance to public water systems and funding emergency actions, as defined by the department, to ensure the availability of safe drinking water supplies. Current law requires the department to determine

the definition of what constitutes an emergency requiring an alternative or improved water supply. Current law authorizes the State Department of Public Health to expend funds from the Grant Fund for these purposes, including, but not limited to, the payment of specified actions. This bill would eliminate the requirement that the department develop a definition of what constitutes an emergency and would instead provide a definition of a public health emergency as an unexpected event that requires immediate action, as specified. This bill would authorize the department to expend the moneys from the Grant Fund if the department determines that a public health emergency has occurred and would list the provision of interim water treatment as one of the listed specified actions for which the department may provide payment. By revising and expanding the application of funds in the Grant Fund, the bill would make an appropriation. This bill would limit the provision of an alternative water supply to \$50,000 per public water system per public health emergency. This bill contains other related provisions and other current laws.

**Position:** Support

**Subject:** Water, Municipal Services

**CALAFCO Comments:** This bill has been significantly amended to address the concerns raised by CALAFCO. The requirements for LAFCo to conduct reorganization studies in all water and wastewater MSR has been entirely removed. There are no mandates or requirements for LAFCo in the June amended bill. The bill now would require local water agencies which receive grants for a feasibility study to consider reorganization and efficiency recommendations in a LAFCo MSR, SOI update or special study in that study. It also requires the Department of Public Health to consult with the LAFCo prior to issuing infrastructure grants to ensure alternative delivery options identified by a LAFCo were considered in the feasibility study.

**AB 2624** (**Smyth** R) Sustainable communities.

**Current Text:** Introduced: 2/24/2012

**Introduced:** 2/24/2012

**Status:** 6/25/2012-In committee: Placed on APPR. suspense file.

2 Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chapters
	1st House				2nd House				Conc.			

**Summary:**

The Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006, an initiative measure approved by the voters at the November 7, 2006, statewide general election makes about \$5,400,000,000 in bond funds available for safe drinking water, water quality and supply, flood control, natural resource protection, and park improvements. Current law establishes the Strategic Growth Council and appropriated \$500,000 from the funding provided by the initiative to the Natural Resources Agency to support the council and its activities. The council is required to manage and award grants and loans to a council of governments, metropolitan planning organization, regional transportation planning agency, city, county, or joint powers authority for the purpose of developing, adopting, and implementing a regional plan or other planning instrument to support the planning and development of sustainable communities. This bill would make a local agency formation commission eligible for the award of financial assistance for those planning purposes.

**Position:** Support

**Subject:** Sustainable Community Plans

**CALAFCO Comments:** Makes LAFCo an eligible agency to apply for Strategic Growth Council grants. Sponsored by CALAFCO.

**[AB 2698](#) (Committee on Local Government) Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.**

**Current Text:** Chaptered: 7/9/2012

**Introduced:** 3/21/2012

**Last Amended:** 6/6/2012

**Status:** 7/9/2012-Chaptered by the Secretary of State, Chapter Number 62, Statutes of 2012

2 Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
Dead	1st House			2nd House			Conc.					

**Summary:**

Current law, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, sets forth the powers and duties of a local agency formation commission, including, among others, the power to approve the annexation of a contiguous disadvantaged community, under specified circumstances. Current law provides that an application to annex a contiguous disadvantaged community is not required if a commission finds that a majority of the residents within the affected territory are opposed to annexation. This bill would provide that an application to annex a contiguous disadvantaged community is not required if the commission finds that a majority of the registered voters within the affected territory are opposed to annexation. This bill contains other related provisions and other current laws.

**Position:** Sponsor

**Subject:** CKH General Procedures

**CALAFCO Comments:** CALAFCO-sponsored annual CKH Omnibus bill. Amended on April 30th to include CALAFCO protest provision and waiver of notice and hearing language.