

SACRAMENTO LOCAL AGENCY FORMATION COMMISSION
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May 2, 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.

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:

Status: 04/25/2007-From L. GOV.: Do pass. To E. & R.

Location: 04/25/2007-A E. & R.

Summary: The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 declares the intent of the Legislature that each local agency formation commission establish written policies and procedures. Existing law authorizes a commission, through the adoption of the written policies and procedures, to require lobbying disclosure and reporting requirements for persons who attempt to influence pending decisions by commission members, staff, or consultants. This bill would extend this authority to also permit a commission to require lobbying disclosure and reporting requirements for persons who attempt to influence those who sign petitions or vote in elections called under the act or who otherwise attempt to influence proceedings held under the act.

CALAFCo Position: Support **Priority:** 1

Notes: This bill is substantially similar to the language proposed by CALAFCo. The use of these disclosure requirements is at the discretion of each commission through adoption of local policies.

AB 1262(Caballero) Spheres of influence.

Last Amend:

Status: 04/25/2007-From L. GOV.: Do pass. To APPR.

Location: 04/25/2007-A APPR.

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.

CALAFCo 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: 04/23/2007

Status: 04/25/2007-Do pass, to Consent Calendar.

Location: 04/25/2007-A CONSENT CALENDAR

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

CALAFCo 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.

AB 1646(DeSaulnier) Public health districts.

Last Amend:

Status: 04/18/2007-Set, first hearing. Hearing cancelled at the request of author. (Refers to 4/17/2007 hearing)

Location: 03/26/2007-A HEALTH

Summary: Existing law, the Local Health Care District Law, provides for the establishment of local hospital districts. This bill would authorize the formation of public health districts, as specified. By increasing the duties of local officials, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

CALAFCo Position: Watch **Priority:** 1

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

Last Amend:

Status: 03/29/2007-Referred to Com. on L. GOV.

Location: 03/29/2007-A L. GOV.

Calendar: 05/09/07 1:30 p.m. - Room 447 ASM LOCAL GOVERNMENT

Summary: The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 governs the procedures for the formation and change of organization of cities and special districts. In the case of a petition for an annexation, a detachment, or a reorganization consisting solely of annexations or detachments, or both, signed by all of the landowners in the territory affected by the proposal, the local agency formation commission may approve or disapprove the proposal without notice or hearing, if prescribed conditions are met. This bill would make a technical, nonsubstantive change to this provision.

CALAFCo 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 11 potential items. Items will be amended into the bill as they clear stakeholder review.

SB 162(Negrete McLeod) Local government: organization.

Last Amend: 03/05/2007

Status: 04/16/2007-In Assembly. Read first time. Held at Desk.

Location: 04/16/2007-S DESK

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.

CALAFCo Position: Watch **Priority:** 1

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

Last Amend: 03/12/2007

Status: 04/16/2007-Hearing postponed by committee. (Refers to 3/29/2007 hearing)

Location: 03/22/2007-S APPR.

Summary: 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 Office of Planning and Research 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 councils of governments to prepare regional blueprint projects, 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 (CEQA). The bill would require the OPR to prepare and adopt regulations for this purpose that meet specified criteria and would require the OPR 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.

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

SB 301(Romero) Local governments: cities.

Last Amend:

Status: 02/22/2007-To Com. on RLS.

Location: 02/22/2007-S RLS.

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.

CALAFCo Position: Watch **Priority:** 1

SB 819(Hollingsworth) Local government: consolidation.

Last Amend:

Status: 04/02/2007-Hearing postponed by committee. Set for hearing May 9. (Refers to 3/26/2007 hearing)

Location: 03/08/2007-S L. GOV.

Calendar: 05/09/07 9:30 a.m. - Room 112 SEN LOCAL GOVERNMENT

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.

CALAFCo 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 82(Evans) Local planning: regional housing needs: Napa County.

Last Amend: 04/10/2007

Status: 04/23/2007-In committee: Set, first hearing. Hearing canceled at the request of author.

Location: 04/12/2007-A H. & C.D.

Summary: Existing law requires each council of governments to allocate the region's housing needs to each local government, as specified. Existing law also authorizes Napa County to meet up to 15% of its existing share of the regional housing need for lower income households by committing funds for the purpose of constructing affordable housing units and constructing those units in one or more cities within the county, as specified. This bill would require the council of governments, when allocating the housing with Napa County, to allot one unit to the county for the unincorporated area for every 9 units allocated to the cities within the county for the incorporated areas. The bill would also authorize Napa County to transfer all or part of its housing assignment to a city within the county, with the consent of that city, as specified. This bill contains other related provisions.

CALAFCo Position: Watch Priority: 2

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

Last Amend: 04/19/2007

Status: 04/23/2007-Re-referred to Com. on APPR.

Location: 04/23/2007-A APPR.

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.

CALAFCo Position: Watch

Priority: 2

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

AB 665(DeSaulnier) Growth management.

Last Amend: 04/09/2007

Status: 04/25/2007-From L. GOV.: Do pass as amended. To APPR.

Location: 04/25/2007-A APPR.

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 produce an annual Smart Growth Management Information Report using key indicators of smart growth by region and would require the report to consist of specified criteria. The bill would also 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.

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

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

Last Amend: 04/12/2007

Status: 04/19/2007-From committee: Do pass, and re-refer to Com. on H. & C.D. Re-referred. (Ayes 7. Noes 0.) (April 18).

Location: 04/19/2007-A H. & C.D.

Calendar: 05/09/07 9 a.m. - Room 126 ASM HOUSING AND COMMUNITY DEVELOPMENT

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.

CALAFCo 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: housing.

Last Amend: 04/18/2007

Status: 04/24/2007-Set for hearing April 26 in E.Q. pending suspension of rules.

Location: 04/23/2007-S E.Q.

Calendar: 04/26/07 9 a.m. or upon adjournment of session - Room 113 SEN ENVIRONMENTAL QUALITY

Summary: Existing law, the Planning and Zoning Law, governs the authority for and scope of general plans for local governments. This bill would state the findings of the Legislature regarding the availability and cost of housing throughout the state. This bill contains other related provisions and other existing laws.

CALAFCo Position: Watch **Priority:** 2

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

Last Amend: 04/09/2007

Status: 04/26/2007-From SECOND READING: Read second time. To THIRD READING

Location: 04/26/2007-S THIRD READING **Calendar:** 04/26/07 5 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, requires that agendas and all writings distributed to a body be made available to the public, and prohibits action or discussion on any item not appearing on the posted agenda, with

specified exceptions. This bill would provide, notwithstanding any other provision of law, that no action or discussion shall be undertaken during an open and public regular meeting on any agenda item unless all writings that relate to that item that are included in the agenda packet prepared by the local agency or its employees or agents are made available to the public no later than the date the agency posts the agenda that includes that item.

CALAFCo 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) Local government: the City of Fresno.

Last Amend: 04/09/2007

Status: 04/16/2007-Set for hearing May 9.

Location: 04/12/2007-S L. GOV.

Calendar: 05/09/07 9:30 a.m. - Room 112 SEN LOCAL GOVERNMENT

Summary: Existing law, the Municipal Water District Law of 1911, authorizes local governments, under specified circumstances, to establish water districts to provide and finance water services. This bill would authorize the City of Fresno to establish the Fresno Municipal Water District, and would authorize the voters of the City of Fresno, and the voters of affected residents and businesses outside of the City of Fresno who receive services from the City of Fresno Department of Public Utilities, until January 1, 2013, to establish, at a regularly scheduled general election, the Fresno Municipal Water District, as specified. The bill would require the Fresno Department of Public Utilities, if the city council and the voters adopt such a measure, to transfer all assets, rights, liabilities, and limitations of the Department of Public Utilities to the Fresno Municipal Water District, and would authorize the Fresno Municipal Water District Board to manage the Fresno Municipal Water District and authorize the issuance of bonds. This bill contains other related provisions.

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

SB 964(Romero) Local agencies.

Last Amend: 04/09/2007

Status: 04/25/2007-Set for hearing May 9 in L.GOV. pending receipt.

Location: 04/09/2007-S L. GOV.

Calendar: 05/09/07 9:30 a.m. - Room 112 SEN LOCAL GOVERNMENT

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. This bill would prohibit any use of technological devices to conduct a meeting of a legislative body among members who are in different locations. It also would prohibit any use of substantive serial communications by members of a legislative body of a local agency, or by any officer, employee, consultant, or designee of the members of the legislative body or of the local agency, to conduct deliberations, as defined, by a majority of the members of that legislative body. This bill contains other related provisions and other existing laws.

CALAFCo Position: Watch Priority: 2

SB 1046(Committee on Environmental Quality) California Environmental Quality

Act: fees and notices.

Last Amend:

Status: 04/25/2007-Set for hearing May 7.

Location: 04/24/2007-S APPR.

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

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.

CALAFCo Position: Watch Priority: 2

AB 5(Wolk) Flood protection.

Last Amend: 04/17/2007

Status: 04/25/2007-From L. GOV.: Do pass as amended. To APPR.

Location: 04/25/2007-A APPR.

Summary: The Department of Water Resources performs various flood management activities through out the state. Existing law authorizes the Reclamation Board to engage in various flood management activities along the Sacramento River and the San Joaquin River, their tributaries, and related areas. This bill would require the department to

prepare, and submit to the Legislature no later than January 1, 2011, the Central Valley Flood Protection Plan for the Sacramento-San Joaquin Valley. The bill would require the department to transmit copies of the plan to local agencies in the Sacramento-San Joaquin Valley. The department would be required to update the plan every 5 years. The plan would be required to include a description of structural and nonstructural means for improving the performance and elimination of deficiencies of flood protection facilities, including the facilities of the State Plan of Flood Control, as defined. This bill contains other related provisions and other existing laws.

Position: Watch **Priority:** 3

AB 29(Hancock) Infill development: incentive grants.

Last Amend: 04/19/2007

Status: 04/23/2007-Re-referred to Com. on H. & C.D.

Location: 04/23/2007-A H. & C.D.

Summary: Existing law, the Housing and Emergency Shelter Trust Fund Act of 2006, authorizes the issuance of bonds in the amount of \$2,850,000,000 pursuant to the State General Obligation Bond Law. Proceeds from the sale of these bonds are required to be used to finance various existing housing programs, capital outlay related to infill development, brownfield cleanup that promotes infill development, and housing-related parks. This bill would require certain of those funds, upon appropriation, to be made available to the Department of Housing and Community Development for the purposes of making infrastructure grants for construction or acquisition of capital assets, as defined, to qualifying cities, counties, and cities and counties. The bill would require a project to meet certain, listed criteria in order to be eligible for grant funding.

CALAFCo Position: Watch **Priority:** 3

AB 162(Wolk) Land use: water supply.

Last Amend:

Status: 04/25/2007-From committee: Do pass, and re-refer to Com. on APPR. Re-referred. (Ayes 9. Noes 4.) (April 24).

Location: 04/25/2007-A APPR.

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.

CALAFCo Position: Watch **Priority:** 3

AB 224(Wolk) Water supply planning.

Last Amend: 04/25/2007

Status: 04/25/2007-Read second time and amended.

Location: 04/24/2007-A APPR.

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.

CALAFCo Position: Watch **Priority:** 3

AB 424(Gaines) Wetlands mitigation banking: notice.

Last Amend: 04/16/2007

Status: 04/24/2007-Do pass as amended and be re-referred to the Committee on Appropriations.

Location: 04/24/2007-A APPR.

Summary: 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.

CALAFCo Position: Watch **Priority:** 3

AB 723(DeVore) Gambling establishments: signs.

Last Amend: 04/10/2007

Status: 04/11/2007-Re-referred to Com. on G.O.

Location: 04/11/2007-A G.O.

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.

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

AB 842(Jones) Regional plans: traffic reduction.

Last Amend: 04/23/2007

Status: 04/24/2007-Re-referred to Com. on H. & C.D.

Location: 04/24/2007-A H. & C.D.

Summary: Existing law authorizes the California Transportation Commission to establish guidelines for the preparation of regional transportation plans. This bill would require the commission to update its guidelines for the preparation of regional transportation plans, including a requirement that each regional transportation plan provide for a 10% reduction in the growth increment of vehicle miles traveled. This bill contains other related provisions and other existing laws.

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

AB 1497(Niello) Local government: housing elements.

Last Amend:

Status: 04/12/2007-In committee: Set, first hearing. Hearing canceled at the request of author.

Location: 03/29/2007-A L. GOV.

Summary: Existing law requires local governments to adopt a general plan that consists of several elements, including the housing element. The housing element must contain, among other things, an inventory of land suitable for residential development. This bill would exempt from the inventory of land suitable for residential development, land that is

currently under a Williamson Act contract, if it meets specified criteria, and land that is owned by the state or the federal government, as specified. This bill contains other related provisions and other existing laws.

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

SB 5(Machado) Flood management.

Last Amend: 04/25/2007

Status: 04/25/2007-Read second time. Amended. Re-referred to Com. on RLS.

Location: 04/25/2007-S RLS.

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.

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

SB 17(Florez) Flood protection.

Last Amend:

Status: 04/25/2007-Set for hearing May 7.

Location: 04/24/2007-S APPR.

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

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.

CALAFCo Position: Watch **Priority:** 3

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

Last Amend: 03/26/2007

Status: 04/23/2007-In Assembly. Read first time. Held at Desk.

Location: 04/23/2007-S DESK

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.

CALAFCo 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: 04/25/2007-Set for hearing May 7.

Location: 04/24/2007-S APPR.

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

APPROPRIATIONS

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.

CALAFCo Position: Watch **Priority:** 3

SB 427(Harman) California Environmental Quality Act: short form environmental impact reports.

Last Amend:

Status: 02/28/2007-To Com. on E.Q.

Location: 02/28/2007-S E.Q.

Summary: The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared by contract, and certify the completion of, an environmental impact report on a project, as defined, that it proposes to carry out or approve that may have a significant effect on the environment, or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. This bill would authorize a lead agency to prepare a short form environmental impact report for a project subject to CEQA if the project meets specified criteria, including that the project is a qualified urban use, is within the an area designated in a qualified programmatic plan for the type of proposed development, is consistent with the land use designation for the area and applicable standards of population density and building intensity, provides housing or employment near specified areas, and incorporates specified mitigation measures. The bill would require that a short form environmental impact report include specified information, and comply with specified procedural requirements of CEQA for an environmental impact report.

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

SB 522(Dutton) Infill housing: incentives.

Last Amend: 04/19/2007

Status: 04/19/2007-From committee with author's amendments. Read second time. Amended. Re-referred to Com. on RLS.

Location: 04/19/2007-S RLS.

Summary: Existing law, the Housing and Emergency Shelter Trust Fund Act of 2006, authorizes the issuance of bonds in the amount of \$2,850,000,000 pursuant to the State General Obligation Bond Law. Proceeds from the sale of these bonds are required to be used to finance various existing housing programs, capital outlay related to infill development, brownfield cleanup that promotes infill development, and housing-related parks. The act establishes the Housing and Emergency Shelter Trust Fund of 2006 in the State Treasury, requires the sum of \$850,000,000 to be deposited in the Regional Planning, Housing, and Infill Incentive Account, which the act establishes in the fund, and makes the money in the account available, upon appropriation, for infill incentive grants for capital outlay related to infill housing development and other related infill development, and for brownfield cleanup that promotes infill housing development and other related infill development consistent with regional and local plans, subject to the conditions and criteria that the Legislature may provide in statute. This bill would authorize the Department of Housing and Community Development to administer a

program to provide grants to cities and counties with allocated bond funds for the construction or acquisition of capital assets, as defined, to qualifying cities, counties, and cities and counties. This bill would further set forth specific criteria upon which the department shall give preference for awarding a grant under this program.

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

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

Last Amend: 04/23/2007

Status: 04/23/2007-From committee with author's amendments. Read second time. Amended. Re-referred to Com. on L.GOV.

Location: 04/23/2007-S L. GOV.

Calendar: 05/09/07 9:30 a.m. - Room 112 SEN LOCAL GOVERNMENT

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 the division of land subject to a contract under the Williamson Act to comply with the Subdivision Map Act, and would require the legislative body of the local agency to make specified findings prior to the division of land subject to a contract. The bill would also require the land owner, or owners, prior to the construction of any housing facility, as specified, on land subject to a contract under the Williamson Act, to provide notice to the local government agency that is a party to the contract, and to receive approval for the construction, as specified. This bill contains other related provisions.

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

SB 862(Kuehl) Water resources.

Last Amend: 04/25/2007

Status: 04/25/2007-From committee with author's amendments. Read second time. Amended. Re-referred to Com. on APPR.

Location: 04/25/2007-S APPR.

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.

CALAFCo Position: Watch **Priority:** 3

SB 934(Lowenthal) Housing and infrastructure zones.

Last Amend:

Status: 04/24/2007-Do pass as amended, and re-refer to the Committee on Appropriations.

Location: 04/24/2007-S APPR.

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.

CALAFCo Position: Watch Priority: 3