

SACRAMENTO LOCAL AGENCY FORMATION COMMISSION

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June 4, 2008

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.

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 the Commission.

LEGISLATION

Please note: SB 301, if enacted into law, will have direct implications for the Arden Arcade Incorporation Proposal

SB 301(Romero) Local Government Finance.

Status: Passed Assembly.

Location: 04/29/2008-ASM L. GOV.

Calendar: 06/18/2008 ASM LOCAL GOVERNMENT

Summary: The Vehicle License Fee (VLF) Law establishes, in lieu of any ad valorem property tax upon vehicles, an annual license fee for any vehicle subject to registration in this state. Under existing law, the Controller is required to allocate VLF revenues in the Motor Vehicle License Fee Account in a specified order to, among others, each city that was incorporated from an unincorporated territory after August 5, 2004, but before July 1, 2009. Existing law also requires cities that were incorporated before August 5, 2004, be allocated additional VLF revenues in an amount determined pursuant to a specified formula. For purposes of this formula, existing law specifies that the population of a city that is incorporated before August 5, 2004, is that city's actual population, as defined, residing in areas annexed after August 5, 2004, but before July 1, 2009. This bill would require that cities that are incorporated from an unincorporated territory after August 5, 2004, but before July 1, 2014, be allocated VLF revenues. This bill would specify, for purposes of this formula used to determine additional VLF revenues for cities that were incorporated before August 5, 2004, that the city's actual population is the population residing in areas annexed after August 5, 2004. This bill contains other related provisions and other existing laws.

SUPPORT: (Verified 1/23/08)

Alamo Incorporation Movement
California Association of Local Agency Formation Commissions
East Los Angeles Residents Association
Eastvale Incorporation Committee
League of California Cities
Nahas Company, LLC
Orange County Local Agency Formation Commissions

Notes: This bill has been amended to remove the AB 1602 sunset on VLF subventions for annexations and to extend indefinitely the VLF subvention for incorporations

AB 1998(Silva) Political Reform Act of 1974: Local Agency Formation Commissions.

Status: 04/24/2008 Passed Assembly.

Location: 05/01/2008-Referred to Senate on E., R. & C.A.

Summary: Existing law provides for the existence, in each county, of a local agency formation commission (LAFCO), an administrative body vested with the authority and responsibility to control the process of municipal expansion by overseeing local agency boundary changes, including the incorporation, annexation, and reorganization of cities and special districts. The LAFCO for each county reviews and approves or disapproves proposed local government changes of organization; and, under specified circumstances, the determinations of the LAFCO are subject to voter approval through the circulation of a signature petition and a subsequent ballot measure. This bill would impose on a committee formed to support or oppose a LAFCO proposal, as defined, requirements regarding the filing of campaign statements. The bill would require the committee to file monthly campaign statements from the time circulation of a petition begins until a measure is placed on the ballot or the committee is terminated. After a LAFCO proposal measure is placed on the ballot, the bill would require a committee formed to support or oppose the proposal to file those campaign statements required of other committees formed to support or oppose ballot measures under the Political Reform Act of 1974. This bill contains other related provisions and other existing laws.

Notes: This bill will move the financial disclosure requirements from LAFCO to the FPPC. It is sponsored by CALAFCO.

AB 2046(Jones) Water Supply Assessments: Groundwater.

Status: 05/28/2008-Amended in Assembly.

Current Location: 05/28/2008-ASM L. GOV.

Summary: The Subdivision Map Act establishes a statewide regulatory framework for controlling the subdividing of land. The act generally requires a sub-divider to submit, and have approved by the city, county, or city and county in which the land is situated, a tentative map. The act requires the legislative body of a city or county or the advisory agency, to the extent that it is authorized by local ordinance to approve, conditionally approve, or disapprove the tentative map, to include as a condition in any tentative map that includes a subdivision a requirement that a sufficient water supply be available. The act authorizes the legislative body to request written verification of sufficient water supply, and, when the written verification relies on projected water supplies that are not currently available to the public water system to provide a sufficient water supply to the subdivision, requires that the written verification as to those projected water supplies be based on

prescribed elements. This bill would add to those written verification elements the status of specified groundwater treatment or remediation plans or other water management options.

AB 2484(Caballero) Local Government: Special Districts.

Status: 05/08/2008 Passed Assembly.

Location: 04/08/2008-SEN L. GOV.

Calendar: 06/04/08

Summary: This bill would require the commission to review and approve or disapprove proposals for the divestiture of the power to provide particular functions or class of services, within all or part of the jurisdictional boundaries of a special district, and would prohibit the approval of proposals where the commission has determined that the special district will not have sufficient revenues to carry out the proposed new or different functions or class of services, except as specified. This bill would require the commission to take the same actions with regard to written protests against a proposal for the exercise of new or different functions or class of services, or the divestiture of the power to provide particular functions or class of services, within all or part of the jurisdictional boundaries of a special district, in both a registered voter district or city, or a landowner-voter district.

Notes: This bill was prepared by the Legislative Committee and sponsored by CALAFCO.

AB 3047(Committee on Local Government) Local Agency Formation Commissions: Notice Requirements.

Status: 05/27/08 Passed Assembly.

Location: ASM L. GOV.

Calendar: 06/04/ ASM LOCAL GOVERNMENT

Summary: The Cortese-Knox-Hertzberg Act of 2000 requires the local agency formation commission in each county to review and approve or disapprove proposals for changes of organization or reorganization of cities and districts within the county. The legislative body of the affected local agency is authorized to adopt, by resolution, a proposal for a change of organization or reorganization. At least 20 days before the adoption of the resolution of application for organization or reorganization, the legislative body is authorized to give mailed notice of its intention to do so to the commission and to each interested agency and each subject agency. All provisions in the act governing the time within which an official or the commission is to act are required to be deemed directory, rather than mandatory, except for notice requirements and the specified requirements for conducting a hearing in relation to an application to initiate proceedings. This bill would instead authorize the legislative body to give mailed notice of its intention to adopt a resolution of application at least 21 days before the adoption of the resolution to the commission and to each interested agency and each subject agency. The bill also would make a conforming addition to the exceptions to the requirement that the time within which an official or the commission is to act is to be deemed directory, rather than mandatory, and would make other conforming changes. This bill contains other related provisions and other existing laws.

Notes: This is the annual CALAFCO Omnibus Bill that contains technical changes to the Cortese-Knox-Hertzberg Act. Additional items will be amended into the bill during the session.

SB 375 (Steinberg) Transportation Planning: Travel Demand Models:

Sustainable Communities Strategy: Environmental Review.

Status: Last Amend: 03/24/2008, 01/28/2008-From committee with author's amendments. Read second time. Amended. Re-referred to Com. on APPR.

Current Location: 03/24/2008-A APPR.

Existing law requires certain transportation planning activities by the Department of Transportation and by designated regional transportation planning agencies, including development of a regional transportation plan. Existing law authorizes the California Transportation Commission, in cooperation with the regional agencies, to prescribe study areas for analysis and evaluation. This bill would require the commission, by July 1, 2009, to adopt guidelines for travel demand models used in the development of regional transportation plans by certain transportation planning entities. The bill would require the Department of Transportation to assist the commission, on request, in this regard, and would impose other related requirements. This bill contains other related provisions and other existing laws. **Position:** Watch **Priority:** 1

SB 1191(Alquist) Local Government: Community Service Districts: Broadband Access.

Status: Passed Senate. Amended 05/15/2008

Location: 05/15/2008-ASM.

Calendar: 06/04/2008

Summary: Existing law authorizes a community services district to be formed to, among other things, provide fire protection services, organize, promote, conduct, and advertise programs of community recreation, provide transportation services, abate graffiti, and construct, maintain, and operate mailboxes. This bill would authorize a community services district to construct, own, improve, maintain, and operate broadband facilities and to provide broadband services, under specified circumstances, until a private person or entity is ready, willing, and able to acquire, construct, improve, maintain, and operate broadband facilities and to provide broadband services, and to sell those services at a comparable cost and quality of service to the district and its property owners, residents, and visitors.

Notes: This was a power discussed during the CSD rewrite. It was removed from the list of powers based on the strong objection from private broadband service providers.

SB 1458(Committee on Local Government) Local government: the County Service Area Law.

Status: Passed Senate. Read Second Time. Last Amend: 05/23/2008, -From committee with author's amendments. Read second time. Amended, Re-referred to Com. on L.GOV.

Location: 05/23/2008-ASM L. GOV.

Calendar: 06/04/2008 9:30 a.m. - Room 112 SEN LOCAL GOVERNMENT

Summary: The County Service Area Law authorizes the formation of county service areas to provide authorized services, as specified. This bill would revise and recast the County Services Area Law and make conforming changes.

Notes: This bill is the culmination of the work of the CSA Rewrite Work Group, of which CALAFCO was a participant. It significantly overhauls the CSA law and brings it into conformance with CKH.