

SACRAMENTO LOCAL AGENCY FORMATION COMMISSION
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November 4, 2009

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**
[Don.Lockhart@SacLAFCo.org]

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

“Highlights”

SB 215 (Wiggins) requires LAFCOs to consider regional transportation plans, including sustainable communities strategies, before they act on boundary changes. **Status: Signed; Chapter 570, Statutes of 2009.**

AB 528 (Silva) clarifies the reporting requirements for political contributions and spending on proposed boundary changes. **Status: Signed; Chapter 113, Statutes of 2009.**

AB 853 (Arambula) expedites city annexations of unincorporated fringe communities and unincorporated island communities. **Status: Senate Local Government Committee; two-year bill.**

AB 1582 (Assembly Local Government Committee) makes six changes to the state laws affecting LAFCOs. **Status: Signed; Chapter 155, Statutes of 2009.**

Disclosure
Requirements

CALAFCO Comments: This CALAFCO sponsored bill conforms C-K-H financial disclosure requirements with the provisions in the Political Reform Act that were signed into law last year from AB 1998, which CALAFCO also sponsored.

AB 853 (Arambula) Local government: organization.

Current Text: Amended: 5/18/2009 [pdf](#) [html](#)

Introduced: 2/26/2009

Last Amend: 5/18/2009

Status: 6/11/2009-Referred to Coms. on L. GOV. and RLS.

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

Summary: Would provide procedures for annexing unincorporated fringe communities and unincorporated island communities , as defined, to a city under specified circumstances, including provisions for a revenue neutrality agreement between the affected local government entities.

Attachments:

CALAFCO Letter of Concern

Position

Oppose
unless
amended

Subject

Special District
Consolidations

CALAFCO Comments: This bill provides a mechanism for residents to petition to a Board of Supervisors to be annexed to a city if they are within 1.5 miles of a boundary or within or adjacent to an existing city SOI. It requires the Board to send a resolution to LAFCo for the annexation and requires LAFCo to approve the annexation. It creates new definitions for "islands" and for "unincorporated fringe communities." It also prohibits affected districts from terminating the annexation. This bill is sponsored by California Rural Legal Assistance and is tied to their other bill, SB 194. CALAFCO has significant concerns and is working with the author and sponsor on language before taking a position.

AB 1109 (Blakeslee) The Cortese-Knox-Hertzberg Act of 2000.

Current Text: Amended: 4/13/2009 [pdf](#) [html](#)

Introduced: 2/27/2009

Last Amend: 4/13/2009

Status: 6/8/2009-Failed Deadline pursuant to Rule 61(a)(8). (Last location was L. GOV. on 4/14/2009)

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

Summary: Would authorize a commission to order the administration of nonperforming districts. The bill would require the commission to, upon placing a district under temporary administration, prepare a performance study, as specified.

Position

Watch

Subject

Financial
Viability of
Agencies,
CKH General
Procedures

CALAFCO Comments: This bill would create a category of nonperforming districts and

authorize LAFCo to assign the administration and operations to another local agency while a study is performed on the ultimate disposition of the district. Liabilities would remain with the district but the board would be eliminated. The author has agreed to make this a two-year bill while the details are negotiated with stakeholders.

AB 1582 (Committee on Local Government) Local agencies: spheres of influence.

Current Text: Chaptered: 8/6/2009 [pdf](#) [html](#)

Introduced: 3/31/2009

Last Amend: 6/10/2009

Status: 8/6/2009-Chaptered by Secretary of State - Chapter 155, Statutes of 2009.

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

Summary: Would authorize a commission, beginning January 1, 2010, to determine the sphere of influence for a proposed new district, when a commission approves a formation or reorganization that includes the formation of a district. The commission would be required to determine the sphere of influence for any newly formed district within one year of the effective date of formation. This bill contains other related provisions and other existing laws.

Position	Subject
Support	CKH General Procedures

CALAFCO Comments: This is the Assembly Omnibus bill which makes technical changes to CKH.

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

Current Text: Chaptered: 10/11/2009 [pdf](#) [html](#)

Introduced: 1/29/2009

Last Amend: 6/25/2009

Status: 10/11/2009-Chaptered by the Secretary of State, Chapter Number 332, Statutes of 2009

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

Summary: Would make various revisions to the provisions governing county law libraries. This bill contains other related provisions and other existing laws.

Position	Subject
Support	CKH General Procedures

CALAFCO Comments: 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.

SB 163 (Cox) Local government: reorganization.

Current Text: Introduced: 2/14/2009 [pdf](#) [html](#)

Introduced: 2/14/2009

Status: 6/8/2009-Failed Deadline pursuant to Rule 61(a)(8). (Last location was RLS. on 3/9/2009)

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

Position	Subject
Watch	CKH General Procedures

CALAFCO Comments: This bill is a placeholder for an unidentified change to Cortese-Knox-Hertzberg.

SB 194 (Flores) Community Equity Investment Act of 2009.

Current Text: Amended: 5/18/2009 [pdf](#) [html](#)

Introduced: 2/23/2009

Last Amend: 5/18/2009

Status: 6/2/2009-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 05/28/2009)

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

Summary: Would enact the Community Equity Investment Act of 2009 and declare the intent of the Legislature to create incentives for communities to engage in sustainable community planning that incorporates into each element of its general plan data and analysis, goals, policies and objectives, and feasible implementation measures addressing the presence of disadvantaged unincorporated communities in or near their boundaries, as specified. This bill contains other related provisions and other existing laws.

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Position	Subject
Watch	Municipal Services, Planning

CALAFCO Comments: This bill is intended to provide municipal services and infrastructure investment to disadvantaged unincorporated communities. Its intent, in part, is to address the role of regional agencies in addressing infrastructure deficits through changes to state agency funding programs with the intent to improve infrastructure in unincorporated communities. Language in this bill is tied to AB 853 which provides mechanisms for LAFCo to annex these communities to existing cities.

SB (Wiggins) Local government: organization.

215

Current Text: Chaptered: 10/11/2009 [pdf](#) [html](#)

Introduced: 2/23/2009

Last Amend: 6/22/2009

Status: 10/11/2009-Chaptered by the Secretary of State, Chapter Number 570, Statutes of 2009

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

Summary: Would modify that factor to require a commission 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, thus imposing a state mandate. This bill contains other related provisions and other existing laws.

Position
Support

Subject
Sustainable
Community
Plans, CKH
General
Procedures

CALAFCO Comments: Adds the SB 375 required Regional Transportation Plan (including the sustainable communities strategy or alternate) to the factors a LAFCo must consider in reviewing applications in GC 56668 (g).

AB 155 (Mendoza) Local government: bankruptcy proceedings.

Current Text: Amended: 7/1/2009 [pdf](#) [html](#)

Introduced: 1/26/2009

Last Amend: 7/1/2009

Status: 7/8/2009-In committee: Set, first hearing. Testimony taken. Further hearing to be set.

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

Summary: Would provide that a local public entity may only file under federal bankruptcy law with the approval of the California Debt and Investment Advisory Commission, as specified.

Position
None at this
time

Subject
Financial
Viability of
Agencies

CALAFCO Comments:

AB 494 (Caballero) Local planning: agricultural laborer housing.

Current Text: Chaptered: 10/11/2009 [pdf](#) [html](#)

Introduced: 2/24/2009

Last Amend: 7/14/2009

Status: 10/11/2009-Chaptered by the Secretary of State, Chapter Number 447, Statutes of 2009

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

Summary: Would provide that provisions concerning the filing of subdivision maps, which are part of the Planning and Zoning Law, are not applicable to leases of agriculturally zoned land to nonprofit organizations for the purpose of operating an agricultural labor housing project on the property if specified conditions apply.

Position
Watch

Subject
Housing, Ag
Preservation -
Williamson

CALAFCO Comments:

AB 711 (Calderon, Charles) Local agency formation commissions: cost of incorporation commissions.

Current Text: Amended: 8/25/2009 [pdf](#) [html](#)

Introduced: 2/26/2009

Last Amend: 8/25/2009

Status: 8/26/2009-Re-referred to Com. on APPR.

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

Summary: Would appropriate \$112,000 from the General Fund to the Controller for allocation to the Los Angeles County Local Agency Formation Commission for a loan to the East Los Angeles Residents Association, as specified. The bill would make findings and declarations regarding the need for a special statute. This bill contains other related provisions.

Position	Subject
Watch	Incorporation Proceedings

CALAFCO Comments: This would be the first time legislation has been introduced to provide funds for the State Controller to allocate to fund incorporation studies as provided in CKH. The legislation is specific that the process must be consistent with CKH law.

AB 1172 (Galgiani) Eastern San Joaquin County Water District.

Current Text: Chaptered: 10/11/2009 [pdf](#) [html](#)

Introduced: 2/27/2009

Last Amend: 6/23/2009

Status: 10/11/2009-Chaptered by the Secretary of State, Chapter Number 514, Statutes of 2009

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

Summary: Would specify the powers of the Eastern San Joaquin County Water District (district) to fix and collect specified charges, and to continue to collect specified charges and assessments, on and after the date on which the San Joaquin Local Agency Formation Commission approves the consolidation of the Stockton-East Water District and the Central San Joaquin Water Conservation District. The bill would state the findings and declarations of the Legislature concerning the need for special legislation. This bill contains other related provisions.

Position	Subject
Watch	Special District Principle Acts

CALAFCO Comments: This district is not yet formed. CALAFCO is watching this bill pending action by the San Joaquin LAFCo.

AB 1232 (Huffman) Local agency formation commissions: powers and duties.

Current Text: Chaptered: 10/11/2009 [pdf](#) [html](#)

Introduced: 2/27/2009

Last Amend: 6/24/2009

Status: 10/11/2009-Chaptered by the Secretary of State, Chapter Number 518, Statutes of 2009

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
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	1st House	2nd House				
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Summary: Would on and after January 1, 2011, authorize the Marin County Local Agency Formation Commission to initiate and approve the reorganization or consolidation of the Sewerage Agency of Southern Marin (SASM) and its member districts, and would also authorize the commission to require SASM and its member districts to pay the commission's costs associated with the reorganization or consolidation.

Position
Watch

Subject
Special District
Consolidations,
Service
Reviews/Spheres

CALAFCO Comments: This bill was intended to address the consolidation of a number of small wastewater agencies in Marin County that have continued to ignore Grand Jury, LAFCo MSR and regulator call to consolidate to improve efficiency, performance and regulatory compliance. These agencies have been responsible for multiple spills into the San Francisco Bay. The bill has been expanded, however, to include all Bay Area counties. CALAFCO continues to work with the author and stakeholder on language prior to taking a position.

AB 1436 (Portantino) Hospital districts.

Current Text: Introduced: 2/27/2009 [pdf](#) [html](#)

Introduced: 2/27/2009

Status: 6/8/2009-Failed Deadline pursuant to Rule 61(a)(8). (Last location was HEALTH on 4/2/2009)

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

Summary: Would provide that this power includes ownership and would revise the definition of health care facilities for purposes of this power to expressly include public hospitals, as defined.

Position
None at this
time

Subject
Special
District
Principle
Acts

CALAFCO Comments: Adds ownership of public hospitals to the powers of hospital districts.

SB 101 (Committee on Local Government) Validations.

Current Text: Chaptered: 5/6/2009 [pdf](#) [html](#)

Introduced: 1/27/2009

Status: 5/6/2009-Chaptered by Secretary of State - Chapter No. 2, Statutes of 2009

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

Summary: 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.

Position

Subject

Support

CKH General
Procedures

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

SB 102 (Committee on Local Government) Validations.

Current Text: Chaptered: 10/11/2009 [pdf](#) [html](#)

Introduced: 1/27/2009

Status: 10/11/2009-Chaptered by the Secretary of State, Chapter Number 163, Statutes of 2009

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

Summary: 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.

Position

Support

Subject

CKH General
Procedures

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

SB 103 (Committee on Local Government) Validations.

Current Text: Chaptered: 10/11/2009 [pdf](#) [html](#)

Introduced: 1/27/2009

Status: 10/11/2009-Chaptered by the Secretary of State, Chapter Number 164, Statutes of 2009

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

Summary: 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.

Position

Support

Subject

CKH General
Procedures

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

SB 162 (Cox) Local government: fire suppression.

Current Text: Introduced: 2/14/2009 [pdf](#) [html](#)

Introduced: 2/14/2009

Status: 6/8/2009-Failed Deadline pursuant to Rule 61(a)(8). (Last location was RLS. on 3/9/2009)

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

Summary: 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.

Position	Subject
Watch	Special District Principle Acts

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

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

Current Text: Chaptered: 7/2/2009 [pdf](#) [html](#)

Introduced: 2/24/2009

Status: 7/2/2009-Chaptered by Secretary of State - Chapter No. 11, Statutes of 2009

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

Summary: 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	Subject
Watch	Special District Principle Acts

CALAFCO Comments: Adds the as yet unformed Santa Rita Hills CSD as one of the specified community services districts authorized to limit access to roads it owns to the landowners and residents of that district. CALAFCO opposes the policy of adding additional districts to the limited number with authority to have gated roads that are publicly owned and/or operated.

SB 575 (Steinberg) Local planning: housing element.

Current Text: Chaptered: 10/11/2009 [pdf](#) [html](#)

Introduced: 2/27/2009

Last Amend: 8/17/2009

Status: 10/11/2009-Chaptered by the Secretary of State, Chapter Number 354, Statutes of 2009

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

Summary: Would instead provide that the purpose of the meeting or meetings is to discuss the sustainable communities strategy and alternative planning strategy, if any, including the key land use and planning assumptions, with the members of the board of supervisors and the city council members in that county and to solicit and consider their input and recommendations. The bill would require the Tahoe Metropolitan Planning Organization to use the Regional Plan for the Lake Tahoe Region as its sustainable communities strategy, if specified requirements are met. This bill contains other related provisions and other existing laws.

Position	Subject
None at this time	Climate Change

CALAFCO Comments: This is the clean-up bill for SB 375. A number of issues are being amended in the bill to address resolution of funding, timing of regional transportation plans and housing elements, and other open issues from SB 375. It also renames SB 375 as the "Sustainable Communities and Climate Protection Act of 2008."

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

Current Text: Chaptered: 10/11/2009 [pdf](#) [html](#)

Introduced: 12/1/2008

Last Amend: 6/24/2009

Status: 10/11/2009-Chaptered by the Secretary of State, Chapter Number 363, Statutes of 2009

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

Summary: Would provide that a contribution includes the payment of public moneys by a state or local governmental agency for a communication to the public which expressly advocates the election or defeat of a clearly identified candidate or the qualification, passage, or defeat of a clearly identified measure, or taken as a whole and in context, unambiguously urges a particular result in an election, and which is made at the behest of the affected candidate or committee. The bill would further provide that an independent expenditure includes the payment of public moneys by a state or local governmental agency. By placing administrative, civil, and criminal penalties on persons who violate this bill, the bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

Position
None at this time

Subject
Financial Disclosure Requirements

CALAFCO Comments: Adds that monies expended by a public agency to communicate information on a measure to the public must be reported to the FPPC.

AB 300 (Caballero) Subdivisions: water supply.

Current Text: Amended: 6/30/2009 [pdf](#) [html](#)

Introduced: 2/17/2009

Last Amend: 6/30/2009

Status: 7/7/2009-In committee: Set, first hearing. Testimony taken. Further hearing to be set.

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

Summary: Would require, until January 1, 2017, the public water system, or the local agency if there is no public water system, to review, verify for accuracy, and approve, as specified, the subdivider's water savings projections attributable to voluntary demand management measures, as defined. The public water system would be authorized to collect fees necessary to provide the additional analysis of the voluntary demand management measures. This bill would provide that a water supply assessment completed, as specified, satisfies the existing requirement of verifying sufficient water supply, unless the public water system receives specified new information. The public water system would be required to determine the projected water savings attributable to the voluntary demand management measures that will be incorporated into the subdivision. The projected water savings would be required to be calculated using specified data compiled or maintained by the public water system or the water

savings projections adopted by the California Urban Water Conservation Council. If a project applicant proposes to use a new voluntary water demand management measure for which neither the California Urban Water Conservation Council nor the public water system has adopted an estimate or method to calculate the projected water savings of the proposed voluntary demand management measure, the projected water savings would be required to be made based on documented methodologies or calculations submitted in the record. Five years after the project has been fully developed, the public water system would be required to include within its next urban water management plan a report on the monitoring and compliance of voluntary water demand management measures and to determine, if practicable based on readily available information, whether they have resulted in the water savings necessary to achieve the agreed upon water demand offsets. The bill would also require the public water system to document the measured annual water use of the subdivision in comparison to the projected demand associated with the subdivision, and to calculate the water savings attributable to the voluntary mitigation measures financed by the Voluntary Water Demand Mitigation Fund for the subdivision. If the public water system bases its written verification of a sufficient water supply for the subdivision, in whole or in part, on the use of voluntary demand management measures within the subdivision, the written verification would be required to be conditioned on the maintenance and operation of the voluntary demand management measures, or measures that are at least as water efficient, as agreed to by the applicant and the public water system, and the recordation as a covenant running with the land for the lots within the subdivision. The bill would provide that by acceptance of a deed to a lot, each purchaser would acknowledge the obligation to comply with the voluntary demand measures for the lot as described in the covenant. These covenants would be authorized to be enforced pursuant to the existing authority of a public water system. The bill would further require a builder, prior to the close of escrow, to give a purchaser information that would be required to be included in a maintenance manual that informs the purchaser of the existence of the home's unique water saving devices, including specified information. The bill would also encourage the public water system to commit to carrying out the water conservation measures funded by the Voluntary Water Demand Mitigation Fund within 24 months of the sale of the last unit of the proposed subdivision. The bill would require the public water system to choose water conservation measures that are the most cost-effective means to yield water savings. The bill would authorize expenditures from the fund to be made within the subdivision or elsewhere within the service area of the public water supplier, at its discretion. Not less than 40% of the proceeds from the voluntary water demand mitigation fund would be required to be directed to water conservation programs in any disadvantaged community, unless the public water system makes a specified finding. 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.

Position	Subject
None at this time	Service Reviews/Spheres, Water

CALAFCO Comments: Requires the preparation of a water assessment report for projects which reduce water consumption, which requires consultation with affected agencies, including LAFCo.

AB 588 (Cook) Local government finance.

Current Text: Introduced: 2/25/2009 [pdf](#) [html](#)

Introduced: 2/25/2009

Status: 6/8/2009-Failed Deadline pursuant to Rule 61(a)(8). (Last location was PRINT on 2/25/2009)

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

Summary: The Vehicle License Fee 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 vehicle license fee revenues in the Motor Vehicle License Fee Account in a specified order, as provided. This bill would make a technical, nonsubstantive change to that provision.

Position	Subject
None at this time	Tax Allocation

CALAFCO Comments: This is a placeholder bill that is focused on the local VLF allocation. May affect formulas for future annexations and incorporations.

ABX3 8 (Evans) State and local government.

Current Text: Amended: 2/15/2009 [pdf](#) [html](#)

Introduced: 1/5/2009

Last Amend: 2/15/2009

Status: 2/15/2009-Read third time, amended, and returned to third reading. Senate Rule 29.3 suspended. Read third time. Urgency clause refused adoption. Motion to reconsider made by Senator Florez. Reconsideration granted.

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

Summary: Would change the date the Controller is required to pay any eligible claim to October 15 or 60 days after the date the appropriation for the claim is effective, whichever date is later. This bill contains other related provisions and other existing laws.

Position	Subject
None at this time	Tax Allocation

CALAFCO Comments: Makes changes to the dates and formulas for tax allocations. Will be of interest to those LAFcos conducting fiscal studies for incorporations and annexations.

SB 115 (Lowenthal) Public employment.

Current Text: Vetoed: 10/11/2009 [pdf](#) [html](#)

Introduced: 1/29/2009

Last Amend: 3/24/2009

Status: 10/11/2009-Vetoed by the Governor

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

Summary: 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 sign a statement that he or she declines to take and subscribe the oath required pursuant to existing law, based on moral, ethical, or religious beliefs that conflict with his or her ability to take that oath, as specified, and to take and subscribe a specified alternate 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	Subject
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Watch

LAFCo
Administration

CALAFCO Comments:

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

Current Text: Amended: 4/13/2009 [pdf](#) [html](#)

Introduced: 2/14/2009

Last Amend: 4/13/2009

Status: 6/8/2009-Failed Deadline pursuant to Rule 61(a)(8). (Last location was L. GOV. on 4/15/2009)

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

Summary: Would establish a rebuttable presumption that where a federally recognized Indian tribe 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

Subject
Ag
Preservation -
Williamson

CALAFCO Comments: This bill would allow cancellation of Williamson contracts for land to be annexed to Tribal properties and used for tribal development.

SB 406 (DeSaulnier) Land use: environmental quality.

Current Text: Vetoed: 10/11/2009 [pdf](#) [html](#)

Introduced: 2/26/2009

Last Amend: 9/4/2009

Status: 10/11/2009-Vetoed by the Governor

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

Summary: Would change the designated membership, as specified, of the Planning Advisory and Assistance Council and would require that the council work with the Strategic Growth Council, regional agencies, and cities and counties to facilitate the implementation of regional blueprint plans. The bill would also require the council to develop and propose recommendations to specified state agencies to facilitate coordination between regional blueprint plans, state growth and infrastructure funding plans, and programs that facilitate the implementation of regional blueprint plans. The bill would further require the council to report to the Legislature on regional performance measures, as specified, and on the manner in which state agencies are implementing the 5-year infrastructure plan. The bill would require the council to begin to perform the above functions and duties when sufficient funding, as determined by the council, exists from the revenue transmitted to it by metropolitan planning organizations, councils of governments, or county transportation commissions and subregional councils of governments jointly preparing subregional sustainable communities strategies. This bill contains other related provisions and other existing laws.

Position
None at this
time

Subject
Climate
Change

CALAFCO Comments: This bill is sponsored by CALCOG and among other things begins to identify funding sources for SB 375 implementation.

2009

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7 May 2009

Assembly Member Juan Arambula
Honorable Anna Caballero, Chair
Assembly Local Government Committee
P.O. Box 942849
Sacramento, CA 94249-0028

RE: **AB 853 Letter of Concern**

Dear Assembly Member Arambula:

Thank you for the opportunity to work with you and the sponsors to improve the language in your legislation, Assembly Bill 853. We appreciate the efforts reflected in the 4 May amendments. We look forward to continue working with you and all involved to address issues which additional attention before we believe the intent of this legislation could be properly implement by local agency formation commissions.

There remains five key areas of concern for CALAFCO that we would like to continue working with you to resolve:

1. **Definitions.** The amended language eliminates the definition of islands; however it contains a different definition of "unincorporated fringe community" from SB 194. In 853 it is identified as an inhabited unincorporated area that is within 1.5 miles of a city or within or adjacent to a city's SOI. CALAFCO is concerned that this will contribute to leapfrog development and sprawl by allowing cities to extend services through uninhabited territories; increasing the likelihood that other development will occur in agricultural or open spaces. In addition, this compromises the LAFCo SOI process by allowing annexations outside of the sphere of influence. The language here should be consistent with SB 194.
2. **LAFCo Discretion.** AB 853 requires a LAFCo to approve the annexation unless it finds, based on a preponderance of evidence that the change of reorganization will not result in a net benefit to the public health of the communities. It specifically excludes financial impact as a consideration. Financial considerations are just one of the 15 factors a LAFCo must consider in evaluating an application (GC §56668). There may be other significant issues – including the financial ability of the annexing city to provide services – that a LAFCo should consider, and should have the discretion to deny the application if the annexation would significantly affect the delivery of local services or conflict with other legislative mandates in the Cortese-Knox-Hertzberg Local Government Reorganization Act.
3. **Prezoning.** AB 853 requires the city to amend its general plan after LAFCo approval, rather than the current requirements of prezoning prior to a LAFCo consideration of an application. As in any annexation application, prezoning should be a requirement.

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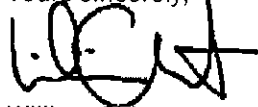
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www.calafco.org

4. **Affect on Special Districts.** The bill is silent about affected special districts. It is unclear what happens to districts that may be currently providing services that would be provided in the future by the city. Under the current language there is no opportunity for LAFCo to deny an application if the city does not have the capacity to provide water, sewer or other municipal service. In fact the bill does not address the preparation of a plan for services (i.e. what services would be provided by the city; whether a special district will remain to provide certain services, etc.). Typically that is a requirement of the application. In addition there is no opportunity to address the remaining special districts' ability to provide services to their territory that was not detached in the annexation. LAFCo should retain the discretion to deny an annexation if a plan for services has not been prepared which adequately assesses and addresses the ability of all affected local agencies to continue to provide efficient municipal services.
5. **No Protest Process.** The legislation refers to GC §57080(a) with the intent that the annexation would occur without protest. Therefore this bill essentially requires the annexation of inhabited territory based only on a petition of 25% of the registered voters. The majority of the residents never have an opportunity to be engaged in the decision. In addition, as currently written both the board of supervisors and LAFCo have very limited discretion in the decision. Perhaps there is a way to balance LAFCo discretion with a modified protest process. This is an important area for continued discussion.

Again, we appreciate your willingness to engage CALAFCO in the process and work to address our concerns. This will contribute to a law that conforms to existing law in Cortese-Knox-Hertzberg and contributes to streamlining the annexations that are the intent of your legislation. We look forward to continue working with you and the sponsors on the language.

Yours sincerely,



William Chiat

c: Members, Assembly Local Government Committee
Debbie Michael, Consultant, Assembly Local Government Committee
William Weber, Assembly Republican Caucus