

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

February 6, 2013

TO: Sacramento Local Agency Formation Commission

FROM: Peter Brundage, Executive Officer **PR**

RE: Legislative Update

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

**RECOMMENDATION**

Information only, no action is recommended.

**BACKGROUND**

This memo is part of the ongoing effort to keep your Commission informed regarding various legislative matters.

Friday, February 22, is the deadline for introducing new legislation for 2013, the first year of a two-year session. The exception is Committee bills which can be introduced through March. While bills can be amended or "gut and amended" throughout the session until August, currently there is a fairly clear understanding of proposed legislation.

An ad-hoc committee appointed by the CALAFCO Board of Directors will consider and adopt positions on several bills, which staff will report back on.

**SUMMARY**

There are several pieces of CALAFCO proposed legislation that may be of interest to your Commission.

Omnibus Proposals:

**1. Independent Special District Commissioner Definition**

A proposal to rewrite the GC section relating to the appointment of the "Independent Special District Commissioner and Alternate Commissioner" by the Special District Selection Committee. The intent is to clarify that the nominated and elected

commissioners are to be members of the legislative body of an independent special district.

Revise GC section 56332 (d) to read:

56332 (d) The selection committee shall appoint two regular members and one alternate member to the commission. The members so appointed shall be elected or appointed members of the legislative body of an independent special district officers residing within the county but shall not be members of the legislative body of a city or county. If one of the regular district members is absent from a commission meeting or disqualifies himself or herself from participating in a meeting, the alternate district member may serve and vote in place of the regular district member for that meeting. The Service on the commission representation by a regular district member who is a special district officer shall not disqualify, or be cause for disqualification of, the member from acting on a proposals affecting the special district on whose legislative body the member serves. The special district selection committee may, at the time it appoints a member or alternate, provide that the member or alternate is disqualified from voting on proposals affecting the district on whose legislative body the member serves of which the member is a representative.

## **2. Independent Special District Definition**

Amend (replace) the definition of "Independent district" or "Independent special district" in GC section 56044 with the prior definition from 2010 due to an unintended confusion between the revised definition of "dependent district" created in the 2011 change. No functional or policy change is proposed by this substitution and the result is intended to be a more concise delineation of the differences for purposes of the C-K-H Act.

**56044.** "Independent district" or "independent special district" includes any special district having a legislative body all of whose members are elected by registered voters or landowners within the district, or whose members are appointed to fixed terms. "Independent special district" does not include any district excluded from the definition of district contained in Sections 56036 and 56036.6. "Independent district" or "independent special district" includes any special district having a legislative body all of whose members are elected by registered voters or landowners within the district, or whose members are appointed to fixed terms, and excludes any special district having a legislative body consisting, in whole or in part, of ex officio members who are officers of a county or another local agency or who are appointees of those officers other than those who are appointed to fixed terms. "Independent special district" does not include any district excluded from the definition of district contained in Section 56036 or 56036.6.

## **3. Registered Voter District Wording**

*In GC sections §56866(a) and §56870, correct a typo wording for "resident voter district" that should read "registered voter district" to be correct.*

#### **4. Protest Provision Reference**

*Correct an oversight* in the revision of protest provision sections that missed changing a reference in GC section §57118(f) to reference §57077.4(b) rather than §57114.

#### **5. Santa Clara County Annexations**

*Amend GC section §56757.* §56757 allows certain proposals that include annexations to cities in Santa Clara County to be reviewed and approved by the city, rather than by LAFCO, if the annexation is within the urban service area of the city and the annexation is initiated by resolution of the legislative body of the city. However, the text in section §56757 refers specifically to reorganizations. Not all city annexations in Santa Clara County involve district actions, some of them are city annexations without corresponding district detachments. The proposed text revisions clarify that this provision applies to city annexations and reorganizations involving city annexations. Because the proposed text revisions are consistent with the intent of the law and reflect actual practice in Santa Clara County, it is recommended that these revisions be included in CALAFCO's Omnibus bill.

#### **6. AB 912 Re-Write**

*Dissolutions with Concurrent Annexation GC §57077.1(c)* In 2011, AB 912 streamlined the dissolution process for a district if the district was recommended for dissolution in a prior LAFCo action and if it met certain other criteria. However, that provision only covers a district dissolution process and does not cover a situation where the territory of a dissolved district is concurrently annexed to another district. This proposal addresses that.

#### **7. Reduce Public Protest Period in LA County**

*Delete Government Code Section 57026(f)(2).* GC Section 57026(f)(2) is a special provision which applies only to cities with more than 100,000 in counties of more than 4 million. Los Angeles is the only county in the State with a population of more than 4 million. The next closest counties by population are Orange and San Diego, each with a population slightly over 3 million. There are 14 cities in Los Angeles County with a population of more than 100,000. For the cities in question, this code section requires that the resolution approving a change of organization or reorganization must set a protest hearing that is at least 90 days, but not more than 105 days, after the Commission approves the resolution.

LA LAFCo's practice is to set protest hearings at least 30 days after the public hearing. This allows for a concurrent tolling of the reconsideration period. In effect, for those cities in Los Angeles County that have a population of more than 100,000, the protest period is 3 times longer than usual. LA LAFCo sees no current public policy purpose that is advanced by GC Section 57026(f)(2). This section was enacted years ago when multiple annexations were occurring in the northern area of the county. Most cities perform extensive outreach before proposing to annex unincorporated territory into their

city. For this reason, most of their city annexation proposals experience either no protest, or merely a handful. For two recent annexations—one in excess of 5,000 people, and one in excess of 10,000 people—LA LAFCo received a grand total of 4 written protests. LA LAFCo sees no opposition from any of the 14 cities.

### **8. Landowner Definition**

Clarifying the definition of “landowner” in GC Section §56048. *Text attached.* Regular Legislative Proposals:

### **9. Expand Protest Exemption for Island Annexations**

In 2004 the Legislature approved legislation (GC sections 56375.3 and 56375.4) to allow for cities to propose to annex islands of unincorporated territory up to 150 acres in size without the need for costly protests or elections in order to implement logical and efficient jurisdictional boundaries. A “sunset provision” of January 1, 2014 was included in the legislation. It is proposed to eliminate the sunset provision and increase the island eligibility size to 300 acres. Inconsistent development of urban type services and annexations to cities resulted in many relatively small areas in “islands” or pockets of often underserved properties in county areas substantially surrounded by city(s).

### **10. Adjust MSR/SOI Timeline**

It is proposed to conduct in-depth service reviews over a longer time period and then do so at the LAFCo’s discretion, when either a sphere change is merited and if an agency has the potential to contribute to sprawl. Many special districts, such as those providing resource conservation, library, health care, pest control, and cemetery services, do not generally contribute to sprawl. Their boundaries and spheres do not change often. Throughout the state, cities and counties have established urban growth boundaries (UGB) which limit their growth over 20-25-year periods; often spheres and the UGBs are coterminous. At this time, with LAFCo’s likely having completed at least one cycle of MSRs/SOI updates, it would be more advantageous for each LAFCO to be able to determine whether it needs to review specific agencies based on its own experience. It would also make sense to coordinate the cycle to be more in line with timing of when counties and cities do their Housing and General Plan updates which is in timeline of 2013 – 2015.

In considering spheres of agencies under LAFCO jurisdiction and in coordination with those agencies, LAFCo’s may determine that no change to a sphere is necessary. LAFCo’s should have authority by statute to confirm a sphere as it exists, without having to conduct a municipal service review. This would also lower costs of the Commission and, by extension, costs of funding agencies and costs of local agencies. Having a specific time period built into the statute, however, should be a signal to LAFCo’s that this responsibility for review of spheres is important and should not be ignored.

**11. Service Extension Outside Boundaries (Pending Before CALAFCO Board)**

Amend Government Code §56133 and its provisions governing LAFCo approval for cities and districts to provide new and extended services outside boundaries. Three key changes underlie this proposal. The first and most significant change expands LAFCo's existing authority to approve new and extended services beyond agencies' spheres of influence irrespective of public health and safety threats, so long as LAFCo can make three findings at noticed public hearings. These findings involve determining the extension: 1) was contemplated in a municipal service review; 2) will not result in adverse impacts on open-space and agricultural lands or growth; and 3) a later change of organization is not expected or desired based on local policies. The second change clarifies LAFCo's sole authority in determining the application of the statute. The third change deemphasizes the approval of contracts and emphasizes the approval of service extensions.