

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

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

