



## Solano Local Agency Formation Commission

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AGENDA  
ITEM  
7B

**February 11, 2013**

**Proposal:** Legislation Report Current as of January 28, 2013

### **Discussion:**

The legislature reconvened on January 7, 2013. During this session there appears to be some interest in modifying CEQA in this session. As you know as a result of *Bozung v LAFCO* in 1975, LAFCO decisions are subject to CEQA. To date two significant issues have been proposed.

- 1) Streamlining CEQA – A the Public Works Coalition consisting of twenty stakeholders are working with Senator Steinberg’s office to propose legislation to streamline CEQA. The concern of the group is that CEQA’s key requirements are fundamentally uncertain so that lead agencies could be subject to litigation or a threat of litigation that could be costly and delay or kill projects. The group is proposing modifications to clarify cumulative impacts review, make significance thresholds more predictable and rational, make categorical exemption determinations more reliable, and to prohibit 11<sup>th</sup> hour comments.
- 2) AB 37 (Parea) **Environmental quality: California Environmental Quality Act: record of proceedings.** This bill would allow project applicants who have reason to believe their project may be challenged under CEQA e.g. the project is big or controversial, to have the lead agency prepare the record of proceedings concurrently with the preparation of negative declarations, mitigated negative declarations, Environmental Impact Reports (EIRs), or other environmental documents for specific projects.

**Status:** 1/14/2013-Referred to Committee on Natural Resources

- 3) **SB 167 (Gaines R) Environmental quality: California Environmental Quality Act.** 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. This bill would make technical, nonsubstantive changes to those provisions.

**Status:** 2/4/2013-Introduced. Read first time. To Rules Committee.

Other proposed legislation includes one other piece of LAFCO related legislation regarding special taxes and another on the Brown Act.

- 4) **SCA 11 (Hancock D) Local government: special taxes: voter approval.** This measure would instead condition the imposition, extension, or increase of a special tax by a local government upon the approval of 55% of the voters voting on the proposition.

**Status:** 1/28/2013-Read first time.

- 5) **AB 194 (Campos D) Open meetings: protections for public criticism: penalties for violations.** This bill would make it a misdemeanor for a member of a legislative body, while acting as the chairperson of a legislative body of a local agency, to prohibit public criticism protected under the Ralph M. Brown Act.

**Status:** 1/29/2013-From printer. May be heard in committee February 28.

**Staff Recommendation:** That the Commission receive and file the legislation report.