



Solano Local Agency Formation Commission

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Staff Report

DATE: April 8, 2013
TO: Local Agency Formation Commission
FROM: Elliot Mulberg, Interim Executive Officer
SUBJECT: **Legislative Report**

RECOMMENDATION: That the Commission receive and file the legislation report and direct staff to prepare a letter of support for AB 453.

DISCUSSION:

The deadline for submitting legislation was February 22 and nearly 1000 bills were submitted that week. This staff report identifies legislation that is being tracked by CALAFCO. The first two bills AB 453 and AB 743 are supported by CALAFCO. AB 453 would allow LAFCO to apply for grants for regional studies. If successful it would reduce the cost of LAFCO to the county and the cities. CALAFCO has asked members to submit a letter of support, which I would be happy to do if directed by the Commission.

AB 743 removes the sunset clause for expediting island annexations and redefines an island as 300 acres or less as opposed to the current definition of 150 acres. There is some opposition from CSDA who objects primarily to expanding the definition to 300 acres. CALAFCO is working with CSDA to address their concerns.

The remainder of the bills listed are grouped according to subject area. There are a number of CEQA bills that were proposed. At the time of submittal it was thought Senator Rubio would push for CEQA reform but as you know he resigned. It is uncertain whether the new chair, Senator Jerry Hill, of the Environmental Quality Committee will be as aggressive in pushing for CEQA reform.

An additional bill of interest is AB 1235 (Gordon). It would require that any legislative body that receives a stipend or staff that receives reimbursement for expenses would be required to take four hours of Financial Management training in each term. This is similar to the law that requires ethics training each term.

Legislative Report Current as of 3/25/13

[AB 453](#) (Mullin D) Sustainable communities.

Status: 2/28/2013-Referred to Com. on L. GOV. Hearing on 4/3/13.

Summary:

The Strategic Growth Council is required to manage and award grants and loans to support the planning and development of sustainable communities. This bill would make a local agency formation commission eligible for the award of financial assistance for regional planning purposes.

Position: Sponsor

Subject: Sustainable Community Plans

[AB 743](#) (Logue R) The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

Current Text: Introduced: 2/21/2013 [pdf](#) [html](#)

Status: 3/4/2013-Referred to Com. on L. GOV. Hearing on 4/17.

Summary:

This bill would remove the sunset restriction on island annexations and allow annexing islands up to 300 acres.

Position: Sponsor

Subject: Annexation Proceedings, CKH General Procedures

[AB 823](#) (Eggman D) Environment: agricultural land: mitigation.

Status: 3/21/2013-In committee: Set, first hearing. Hearing canceled at the request of author.

Summary:

Would require a lead agency, for a project that converts agricultural lands for nonagricultural uses, to require mitigation measures consisting, at a minimum, of providing replacement acreage through specified mechanisms to ensure the availability of agricultural production capacity.

Position: Watch

[AB 1235](#) (Gordon D) Local agencies: financial management training.

Status: 3/11/2013-Referred to Com. on L. GOV

Summary:

Requires that if a local agency provides any type of compensation, salary, or stipend to, or reimburses the expenses of, a member of the legislative body, the member shall receive one-4 hour state mandated Financial Management training per term of office.

Position: None at this time

Subject: LAFCo Administration

[AB 1248](#) (Cooley D) Local agencies: internal control guidelines.

Current Text: Introduced: 2/22/2013 [pdf](#) [html](#)

Introduced: 2/22/2013

Status: 3/11/2013-Referred to Com. on L. GOV.

Summary:

Would require the Controller, on or before January 1, 2015, to develop internal control guidelines to prevent and detect financial errors and fraud, based on specified standards with input from any local agency.

Position: None at this time

Subject: LAFCo Administration

[SB 772](#) (Emmerson R) Drinking water.

Status: Set for hearing on April 3, 2013

Summary:

Requires LAFCos as part of a MSR, to request information from public or private entities that provide wholesale or retail supply of drinking water. Further requires LAFCos to provide a copy of the SOI review for retail private and public water suppliers to the Public Utilities Commission and the state department of Public Health.

Position: None at this time

Subject: Service Reviews/Spheres, LAFCo Administration

[AB 194](#) (Campos D) Open meetings: protections for public criticism: penalties for violations.

Status: 2/7/2013-Referred to Com. on L. GOV.

Summary:

Would make it a misdemeanor for the chairperson of a legislative body of a local agency, to prohibit public criticism protected under the Ralph M. Brown Act.

Position: Watch

Subject: LAFCo Administration

[AB 642](#) ([Rendon](#) D) Publication: newspaper of general circulation: Internet Web site.

Status: 3/11/2013-Referred to Com. on JUD .

Summary:

This bill would provide that a newspaper that is available on an Internet Web site may also qualify as a newspaper of general circulation, provided that newspaper meets certain criteria.

Position: None at this time

Subject: LAFCo Administration

[AB 37](#) ([Perea](#) D) Environmental quality: California Environmental Quality Act: record of proceedings.

Current Text: Introduced: 12/3/2012 [pdf](#) [html](#)

Introduced: 12/3/2012

Status: 3/19/2013-Re-referred to Com. on NAT. RES.

Summary:

Would require, until January 1, 2017, the lead agency, at the request of a project applicant, to prepare a record of proceedings concurrently with the preparation of negative declarations, mitigated negative declarations, EIRs, or other environmental documents for specified projects.

Position: Watch

Subject: CEQA

[AB 543](#) ([Campos](#) D) California Environmental Quality Act: translation.

Status: 3/20/2013-In committee: Set, first hearing. Hearing canceled at the request of author.

Summary:

Would require a lead agency to translate any notice, document, or executive summary required by the California Environmental Quality Act (CEQA) when the impacted community has a substantial number of non-English-speaking people, as specified.

Position: Watch

Subject: CEQA

[SB 617](#) ([Evans](#) D) California Environmental Quality Act.

Status: 3/11/2013-Referred to Com. on E.Q

Summary:

This bill (1)expands the definition of "environment" relating to an EIR such that the health and safety of people affected by the physical conditions at the location of a project must also be considered;(2)enhances the definition of "significant effect on the environment" by including exposure of people to substantial existing or reasonably foreseeable natural hazard or adverse condition of the environment;(3) requires concurrent online filing of notices in a database maintained by the Office of Planning and Research (OPR), and with the office of the County Clerk in which the project is located. (4) adds to the EIR a requirement to address any significant effects that may result from locating development near, or attracting people to, existing or reasonably foreseeable natural hazards or adverse environmental conditions.

Position: Watch

Subject: CEQA

[AB 380](#) ([Dickinson](#) D) California Environmental Quality Act: notice requirements

Status: Hearing 4/1/2013 ASSEMBLY NATURAL RESOURCES

Summary:

Would require the above mentioned notices to be filed with both the Office of Planning and Research and the county clerk and be posted by county clerk for public review for at least 30 days. The bill would require the Office of Planning and Research to post the notices on an online database for at least 30 days. The bill would authorize the office to charge an administrative fee not to exceed \$10 per notice filed.

Position: Watch

Subject: CEQA

[AB 515](#) ([Dickinson](#) D) Environmental quality: California Environmental Quality Act: judicial review.

Status: 3/12/2013-Re-referred to Com. on JUD.

Summary:

The bill would establish a 2 CEQA compliance court districts, consisting of at least 3 judges appointed by the Governor based upon their expertise in CEQA and related land use and environmental laws.

Position: Watch

Subject: CEQA

[SB 436](#) ([Jackson](#) D) California Environmental Quality Act: notice.

Status: 3/11/2013-Referred to Com. on E.Q .

Summary:

Requires lead agencies to conduct at least one public scoping meeting for proposed projects and increases notification requirements for lead agencies

Position: Watch

Subject: CEQA

[SB 633](#) ([Pavley D](#)) CEQA: environmental impact reports.

Status: 3/11/2013-Referred to Com. on RLS .

Summary:

The California Environmental Quality Act prohibits a lead agency or responsible agency from requiring a subsequent or supplemental environmental impact report (EIR) unless one or more of specified events occurs, including, new information that becomes available that was not known and could not have been known at the time the EIR was certified as complete.

Position: None at this time

Subject: CEQA

[SCA 11](#) ([Hancock D](#)) Local government: special taxes: voter approval.

Status: Set for hearing May 8. Senate Governance and Finance Committee

Summary:

The California Constitution currently requires the approval of 2/3 of the voters. 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.

Position: Watch

[AB 774](#) ([Donnelly R](#)) County service areas: zone dissolution.

Status: 3/20/2013-Re-referred to Com. on L. GOV.

Summary:

This bill would require the board of supervisors to post signs indicating which services and facilities are no longer provided within the zone and require the board to provide adequate maintenance to the signs. This bill would provide that, once the signs are posted the county and the dissolved zone shall not be held liable for death or injury resulting from the termination of services or facilities.

Position: Watch

[AB 792](#) ([Mullin D](#)) Local government: open meetings.

Status: Hearing 4/3/13 Assembly Local Government Committee

Summary:

For public agencies who post their meeting information on their website pursuant to the Ralph M. Brown Act. In the instances where they are unable to post the agenda on the website in the prescribed timeframe due to technology difficulties, the agency is required to post the meeting agenda and information on the website as soon as the technological difficulties are resolved.

Position: None at this time

Subject: Public Records Act

[AB 1237](#) ([Garcia D](#)) Local government finance.

Status: Hearing 4/10/13 Assembly Local Government Committee

Summary:

Establishes uniform accounting practices for special districts and cities.

Position: Watch

Subject: Financial Viability of Agencies

[SB 56](#) ([Roth D](#)) Local government finance: vehicle license fee adjustments.

Current Text: Amended: 3/4/2013 [pdf](#) [html](#)

Introduced: 1/7/2013

Status: 3/19/2013-Set for hearing April 17.

Summary: Would, for the 2013-14 fiscal year, provide for a new vehicle license fee adjustment amount, as specified.

Position: Watch

Subject: Financial Viability of Agencies, Tax Allocation

[SB 184](#) ([Committee on Governance and Finance](#)) Local government: omnibus bill.

Status: Hearing 4/17/13 Senate Governance and Finance.

Summary:

Current law, the Public Cemetery District Law, defines the term "family member", among others, as a person's spouse. This bill would additionally include within the definition of "family member" a person's domestic partner

Position: None at this time

