



Solano Local Agency Formation Commission

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Staff Report

DATE: June 10, 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.

DISCUSSION:

The Senate and Assembly Appropriations Committees cleared the suspense file the week before the Memorial Day Holiday. All of the bills we were following subject to approval by their respective appropriations committee passed. The next big hurdle is passing out of the house of origin by May 31. The following passed appropriations and are described later in the report:

[AB 37](#) ([Perea](#) D) Environmental quality: California Environmental Quality Act: record of proceedings.
[AB 380](#) ([Dickinson](#) D) California Environmental Quality Act: notice requirements
[AB 453](#) ([Mullin](#) D) Sustainable communities.
[AB 543](#) ([Campos](#) D) California Environmental Quality Act: translation.
[AB 1235](#) ([Gordon](#) D) Local agencies: financial management training.
[AB 1248](#) ([Cooley](#) D) Local agencies: internal control guidelines.
[SB 617](#) ([Evans](#) D) California Environmental Quality Act...
[SB 633](#) ([Pavley](#) D) CEQA: environmental impact reports.

CALAFCO is supporting three bills. 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. The bill has cleared appropriations and is being considered by the full Assembly.

The other bill CALAFCO is supporting, AB 743, would remove the sunset clause for expediting island annexations. The bill was amended to change the definition of an island back to 150 acres. This bill has passed the Assembly and was scheduled to be heard by the Senate Governance and Finance Committee on June 5. AB 743 is particularly relevant to Solano County since there are many islands.

A third bill, AB 1427, the CALAFCO omnibus bill, makes minor changes to Cortese-Knox-Hertzberg has also passed the Assembly. AB 1427 is in the Senate Rules Committee.

AB 1235 would require any legislative body that receives a stipend or staff that receives reimbursement for expenses to take four hours of Financial Management training in each term.

The bill was amended to include charter cities and counties. This bill is also being heard by the full Assembly.

Legislative Report Current as of 5/28/13

AB 453 (Mullin D) Sustainable communities.

Status: 5/24/2013-From committee: Do pass. (Ayes 16. Noes 0.) (May 24). Read second time. Ordered to third reading.

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

Status: Scheduled for a hearing on 6/5/2013 SENATE GOVERNANCE AND FINANCE, WOLK, Chair

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 1427 (Committee on Local Government) Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

Current Text: Amended: 4/30/2013

Status: 5/16/2013-In Senate. Read first time. To Com. on RLS. for assignment.

Summary:

For purposes of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, existing law defines an independent district or independent special district to include any special district having a legislative body all of whose members are elected by registered voters and landowners within the district, or whose members are appointed to fixed terms. This bill would specify that the definition excludes any independent 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. This bill contains other related provisions and other existing laws.

Position: Sponsor

Subject: CKH General Procedures

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

Status: 2 Year Bill

Summary:

Would require that all feasible mitigation of significant environmental impacts associated with the conversion of agricultural lands be completed by the project applicant and would require the lead agency to consider the permanent protection or replacement of agricultural land as mitigation for loss of agricultural land.

Position: None at this time

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

Status: 5/24/2013-From committee: Do pass as amended. (Ayes 13. Noes 5.) (May 24). Read second time and amended. Ordered to second reading.

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: Watch

Subject: LAFCo Administration

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

Current Text: Introduced: 2/22/2013

Introduced: 2/22/2013

Status: 5/24/2013-From committee: Do pass as amended. (Ayes 17. Noes 0.) (May 24). Read second time and amended. Ordered to second reading.

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: Hearing at Senate Governance and Finance canceled at the request of the author.

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 Year Bill

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: Hearing canceled by author

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

Introduced: 12/3/2012

Status: 5/24/2013-From committee: Do pass. (Ayes 17. Noes 0.) (May 24). Read second time. Ordered to third reading.

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: 5/24/2013-From committee: Do pass as amended. (Ayes 12. Noes 5.) . Read second time and amended. Ordered to second reading.

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: 5/24/2013-From committee: Do pass as amended. (Ayes 5. Noes 2.) (May 23).

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: 5/24/2013-From committee: Do pass as amended. (Ayes 12. Noes 5.) (May 24). Read second time and amended. Ordered to second reading.

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: Hearing canceled at the request of author.

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: 5/14/2013-Read second time. Ordered to third reading.

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: 5/24/2013-Read second time. Ordered to third reading.

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: 5/21/2013-Read second time and amended. Re-referred to Com. on E. & C.A.

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: Hearing canceled at request of the author.

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: 5/23/2013-Referred to Senate Com. on Governance. & Finance

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: Inactive

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

Introduced: 1/7/2013

Status: Hearing canceled at the request of the author.

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: 5/16/2013- Referred to Assembly Com. on Local Government.

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