

**Solano Local Agency Formation Commission**

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Staff Report

DATE: August 12, 2013
TO: Local Agency Formation Commission
FROM: Elliot Mulberg, Interim Executive Officer
SUBJECT: **Legislative Report**

RECOMMENDATION: That the Commission receive and file the legislative report.

DISCUSSION:

The Senate and Assembly have been on summer recess. Prior to the recess, AB 1427 the LAFCO omnibus bill passed both houses and will be forwarded to the Governor after the summer recess.

The other two bills that CALAFCO is sponsoring, AB 453 and AB 743 are progressing through the Senate. AB 453 would allow LAFCO to apply for grants for regional studies. If successful it would reduce the cost of LAFCO to its funding agencies. The other bill CALAFCO is sponsoring, 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 was amended by the Senate and has been returned to the Assembly. AB 743 is particularly relevant to Solano County since there are many islands.

Most of the CEQA legislation that was introduced early in the session has fallen by the wayside. The only major piece of legislation remaining is SB 731, dubbed the CEQA Modernization Act, makes a number of changes. Some of the key sections include the requirement that lead agencies prepare an annual mitigation and monitoring report, that lead agencies circulate draft CEQA findings at least 15 days prior to approval of the project, and the establishment of thresholds of significance for noise, transportation and parking for certain infill projects. The bill also requires OPR to update the CEQA Guidelines. There are many other changes and amendments are still being considered.

Also progressing through the Senate is AB 1235 which 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. The bill is scheduled to be heard in the Senate Appropriations Committee on August 12.

Ten other bills that we have been following are no longer viable. They are listed at the end of

this report along with a brief summary.

Legislative Report Current as of 7/25/13

Active Bills

AB 453 (Mullin D) Sustainable communities.

Current Text: Amended: 7/3/2013

Status: 8/12/2013 10 a.m. - John L. Burton Hearing Room (4203) SENATE APPROPRIATIONS, DE LEÓN, Chair

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: Amended 6/11/13

Status: 7/8/2013 - Read third time. Passed Senate. (Ayes 33. Noes 0. Page 1686.). Ordered to the Assembly.

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

Current Text: Amended: 7/1/2013

Status: 7/1/2013-Read second time and amended. Re-referred to Com. on APPR.

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: Amended: 5/24/2013

Status: Hearing 8/12/2013 10 a.m. - John L. Burton Hearing Room (4203) Senate Appropriations, DE LEÓN, Chair

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

AB 37 (Perea D) Integrated regional water management plans: funding: disadvantaged communities.

Current Text: Amended 6/20/13

Status: Senate Natural Resources and Water Committee

Summary: Bill was amended and changed from a CEQA related bill to support planning in disadvantaged communities. Would require in each integrated regional water management region that not less than 10% of any funding for regional water management planning be used to facilitate and support the participation of disadvantage communities in the process.

Position: Watch

Subject: Disadvantaged Communities

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

Status: Passed Assembly Appropriations Committee

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: Assembly Natural Resources Committee

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

SB 731 (Steinberg D) Environment: California Environmental Quality Act and sustainable communities strategy.

Current Text: Amended: 5/24/2013

Last Amended: 5/24/2013

Status: 7/1/2013-Do pass as amended and be re-referred to the Committee on Local Government.

Summary: Would provide that aesthetic impacts of a residential, mixed-use residential, or employment center project, as defined, within a transit priority area, as defined, shall not be considered significant impacts on the environment. The bill would require the office to prepare and propose, revisions to the guidelines for the implementation of CEQA establishing thresholds of significance for noise, and for the transportation and parking impacts of residential, mixed-use residential, or employment center projects within transit priority areas.

Position: Watch

Subject: CEQA

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

Status: Senate Appropriations 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

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

Current Text: Amended: 6/11/2013

Status: 6/19/2013-From committee: Do pass and re-refer to Com. on APPR. (Ayes 7. Noes 0. Page 1449.) (June 19). Re-referred to Com. on APPR.

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: Assembly consent calendar

Summary:

Current law requires any person who intends to offer subdivided lands within this state for sale or lease to file with the Department of Real Estate an application for a public report consisting of a notice of intention and a completed questionnaire, as specified. This bill would specify that a lot, parcel, or unit satisfies the requirement that it be improved with a completed residential structure if it is improved with a completed residential structure at the time it is conveyed by the subdivider. This bill contains other related provisions and other existing laws.

Position: None at this time

Enrolled Bills

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

Status: Enrolled

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.

Subject: CKH General Procedures

Inactive Bills

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

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.

SB 772 (Emmerson R) Drinking water.

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.

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

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.

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

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.

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

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.

SB 617 (Evans D) California Environmental Quality Act.

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.

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

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.

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

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.

AB 1237 (Garcia D) Local government finance.

Summary: Establishes uniform accounting practices for special districts and cities.

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

Summary: Would require an EIR and mitigated negative declaration to be filed with OPR and the county clerk, Would also require the county clerk to post notices within one business day of receipt and stamp the date when notices were posted.