



Solano Local Agency Formation Commission

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Staff Report

DATE: April 14, 2014
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:

This report includes a list of bills that CALAFCO is following that are relevant to Solano LAFCO. The discussion also includes CALAFCO's position. A few bills are of particular interest.

AB 1527 (Parea) was recently amended to allow consolidation of water agencies without going through the LAFCO process. CALAFCO has taken an Oppose Unless Amended position.

AB 1961 (Eggman) requires counties with 4% or more of its land zoned as agricultural to create a sustainable farmland strategy effective January 1, 2018, in consultation with cities and LAFCO. It would also add the sustainable farmland strategy to Government Code Section 56668 as a factor that the Commission must consider when reviewing an application.

AB 2156 (Achadjian) allows LAFCO to request information to initiate studies of joint powers agencies and joint powers authorities. This is similar to LAFCO's authority to study mutual water agencies.

AB 2762 (Committee on Local Government) is the CALAFCO omnibus bill. The bill includes minor changes to Cortese-Knox-Hertzberg. The proposed changes were discussed in the February Legislative Report.

Legislative Report Current as of 3/31/14

AB 1521 (Fox D) Local government finance: property tax revenue allocations: vehicle license fee adjustments.

Current Text: Introduced: 1/16/2014

Status: 2/6/2014-Referred to Com. on L. GOV.

Summary:

Beginning with the 2004-05 fiscal year, current law requires that each city, county, and city and county receive additional property tax revenues in the form of a vehicle license fee adjustment amount, as

defined, from a vehicle license fee property tax compensation fund that exists in each county treasury. Current law requires that these additional allocations be funded from ad valorem property tax revenues otherwise required to be allocated to educational entities. This bill would modify these reduction and transfer provisions, for the 2014-15 fiscal year and for each fiscal year thereafter, by providing for a vehicle license fee adjustment amount calculated on the basis of changes in assessed valuation.

Subject: Financial Viability of Agencies, Tax Allocation

CALAFCO Position: Support

AB 1527 (Perea D) Public water systems: drinking water.

Current Text: Introduced: 1/17/2014

Last Amended: 3/17/14

Status: 3/20/2014 Re-referred to Rules Committee

Summary:

Would authorize an assuming water system, as defined, to voluntarily consolidate with another water system. This bill would define "assuming water system" as a water system that will obtain legal ownership of another water system or systems, and that has a permit to operate from the State Department of Public Health, and would define "subsumed water system" as the water system that will transfer legal ownership to the assuming water system.

Subject: Disadvantaged Communities, Municipal Services, Service Reviews/Spheres, Sustainable Community Plans

CALAFCO Position: Oppose unless amended

CALAFCO Comments: As amended, this bill attempts to relieve the liability assumed by certain water agencies when consolidating with another water agency. In its current format, the consolidation process is noted as being done by the DPH and no mention of the LAFCo process and appears to be inclusive of all water systems, public, mutual and private. Furthermore the bill seems to give permission to only the "assuming" system/agency to be agreeable to the consolidation.

AB 1729 (Logue R) Local government: agricultural land.

Introduced: 2/14/2014

Last Amended: 3/20/14

Status: 3/24/2014-Re-referred to Com. on APPR.

Summary:

Would appropriate \$40,000,000 to the Controller from the General Fund for the 2014-15 fiscal year to make subvention payments to counties to reimburse counties for property tax revenues not received as a result of these contracts. The bill would make legislative findings and declarations related to the preservation of agricultural land.

Subject: Ag Preservation – Williamson

CALAFCO Position: Support

CALAFCO Comments: As amended, the bill will appropriate \$40 million from the General Fund in fiscal year 2014/2015 for subvention payments to counties for Williamson Act contracts.

AB 1961 (Eggman D) Land use: planning: Sustainable Farmland Strategy.

Introduced: 2/19/2014

Last Amended: 3/25/2014

Status: 4/2/14 1:30 P.M Coms. on L. GOV.

Summary:

Would require each county with significant agricultural land resources, as defined, to develop, on or before January 2, 2018, a sustainable farmland strategy. The bill would require the Sustainable Farmland Strategy to include, among other things, a map and inventory of all agriculturally zoned land within the county, a description of the goals, strategies, and related policies and ordinances, to retain agriculturally zoned land where practical and mitigate the loss of agriculturally zoned land to nonagricultural uses or zones, and a page on the county's Internet Web site with the relevant documentation for the goals, strategies, and related policies and ordinances, as specified.

Subject: Ag/Open Space Protection, LAFCo Administration

CALAFCO Position: Watch

CALAFCO Comments: As amended, the bill requires counties with 4% or more of its land zoned as agricultural to create a sustainable farmland strategy effective January 1, 2018, in consultation with cities and LAFCo, and to update the sustainable farmland strategy as necessary. The bill also requires OPR to create best practices that support ag land retention and mitigation and recommendations on the role of LAFCo in the preservation of ag zoned lands (when considering annexations and service extensions) in the next update of the General Plan.

In addition, the bill adds the s sustainable farmland strategy as a factor for LAFCo to consider (Sec. 56668) in the review of a proposal.

AB 2156 (Achadjian R) Local agency formation commissions: studies.

Introduced: 2/20/2014

Last Amended: 3/24/2014

Status: 3/6/2014-Referred to Com. on L. GOV.

Calendar:4/2/2014 1:30 Hearing ASSEMBLY L. GOV

Summary:

Would include joint powers agencies and joint powers authorities among the entities from which a local agency formation commission is authorized to request land use information, studies, and plans, for purposes of conducting the studies described above, and also would include joint powers agreements in the list of items the commission may request in conducting those studies . The bill would specifically define "joint powers agency" and "joint powers authority" for purposes of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

Subject: CKH General Procedures, LAFCo Administration, Municipal Services, Service Reviews/Spheres

CALAFCO Position: Support

CALAFCO Comments: As amended, the bill will specifically define "joint powers agency" and "joint powers authority" for purposes of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (C-K-H), and include joint powers agencies and joint powers authorities (JPAs) among the entities from which a local agency formation commission (LAFCo) is authorized to request information in order to conduct required studies.

AB 2480 (Yamada D) Local government finance: cities: annexations.

Introduced: 2/21/2014

Last Amended: 3/28/2014

Status: 3/28/2014-Referred to Com. on L. GOV. From committee chair, with author's amendments: Amend, and re-refer to Com. on L. GOV. Read second time and amended.

Summary:

Would, beginning on January 10, 2015, and on the 10th of each month thereafter, require the Controller to pay to each city that incorporated before August 5, 2004, an amount equal to an amount determined by a specified formula. This bill would continuously appropriate to the Controller an amount sufficient to make those payments from the General Fund.

Subject: Financial Viability of Agencies, Tax Allocation

CALAFCO Position: Watch

AB 2762 (Committee on Local Government) Local government.

Introduced: 3/24/2014

Status: 3/25/2014-From printer. May be heard in committee April 24.

Summary:

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 does not apply to pending proceedings for a change or organization or reorganization for which the application was accepted for filing prior to January 1, 2001, as specified. The act authorizes these pending proceedings to be continued and completed under, and in accordance with, the law under which the proceedings were commenced. This bill would repeal those provisions relating to pending proceedings for a change or organization or reorganization for which an application was accepted for filing prior to January 1, 2001, and make other conforming changes.

Subject: CKH General Procedures

CALAFCO Position: Sponsor

CALAFCO Comments: CALAFCO Omnibus Bill

SB 1001 (Knight R) Local government.

Introduced: 2/13/2014

Status: 2/27/2014-Referred to Com. on RLS.

Summary: Spot Bill – a placeholder.

Current law, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, makes certain findings and declarations relating to local government organizations, including, among other things, the encouragement of orderly growth and development, and logical formation and modification of the boundaries of local agencies, as specified. This bill would make nonsubstantive changes to these findings and declarations.

Subject: CKH General Procedures

CALAFCO Position: Watch

SB 1122 (Pavley D) Sustainable communities: Strategic Growth Council.

Introduced: 2/19/2014

Last Amended: 3/24/2014

Status: 3/24/2014-From committee with author's amendments. Read second time and amended. Re-referred to Com. on Environmental Quality

Calendar: 4/2/2014 9:30 a.m. - Room 3191 SENATE ENVIRONMENTAL QUALITY, HILL, Chair

Summary:

Would authorize the Strategic Growth Council to develop and implement regional grant programs to support the implementation of sustainable communities strategies, alternative transportation plans, or other regional greenhouse gas emission reduction plans within a developed area. The bill would require the council, in consultation with specified public agencies, to establish standards for integrated modeling systems and measurement methods, and standards for the use of moneys awarded.

Subject: Sustainable Community Plans

CALAFCO Position: Watch