



Local Agency Formation Commission
LAFCO of Napa County

1700 Second Street, Suite 268
Napa, California 94559
Telephone: (707) 259-8645
Facsimile: (707) 251-1053
<http://napa.lafco.ca.gov>

August 4, 2008
Agenda Item No. 8b

July 28, 2008

TO: Local Agency Formation Commission

FROM: Keene Simonds, Executive Officer

SUBJECT: Legislative Report (Discussion)

The Commission will receive a report on the legislative activities of the California Association of Local Agency Formation Commissions. The report summarizes the bills in the current legislative session relevant to the Commission and is being presented for discussion.

The Executive Officer is a member of the California Association of Local Agency Formation Commissions (CALAFCO) Legislative Committee. The Legislative Committee meets on a regular basis to review, discuss, and offer recommendations to the CALAFCO Board of Directors as it relates to bills that have either a direct impact on LAFCO law or the laws LAFCO helps to administer. A summary of the key bills CALAFCO has been tracking as part of the current legislative session follows.

Bills Sponsored or Supported by CALAFCO

Assembly Bill 1263 (Anna Caballero)

Minor Amendments to LAFCO Law

AB 1263 has been co-sponsored by CALAFCO and makes several minor but important changes to LAFCO law that were not appropriate for this year's omnibus bill. Most notably, this includes changing the definition of landowner to specifically exclude private railroads. It also clarifies LAFCO's authority to establish a schedule of fees as well as charge against a deposit in processing an application. AB 1263 was signed by the Governor on July 3, 2008 and becomes effective January 1, 2009.

Assembly Bill 1998 (Jim Silva)

Transfers Administration of LAFCO Disclosure Requirements to the FPPC

Existing law requires all affected parties to disclose their political expenditures and contributions made in support of or in opposition to change of organization or reorganization proposals that may come before LAFCO. Political expenditures and contributions made during protest proceedings are also subject to disclosure requirements. These disclosure requirements were made mandatory beginning this year as a result of AB 745 (Silva). AB 1998 has been co-sponsored by CALAFCO and changes the responsibility for administering the disclosure requirements from LAFCO to the Fair Political Practices Commission. AB 1998 was signed by Governor on July 22, 2008 and becomes effective January 1, 2009.

Jack Gingles, Commissioner
Mayor, City of Calistoga

Juliana Inman, Commissioner
Councilmember, City of Napa

Cindy Coffey, Alternate Commissioner
Councilmember, City of American Canyon

Brad Wagenknecht, Chair
County of Napa Supervisor, 1st District

Bill Dodd, Commissioner
County of Napa Supervisor, 4th District

Mark Luce, Alternate Commissioner
County of Napa Supervisor, 2nd District

Brian J. Kelly, Vice Chair
Representative of the General Public

Gregory Rodeno, Alternate Commissioner
Representative of the General Public

Keene Simonds
Executive Officer

Assembly Bill 2484 (Anna Caballero)

Expands the Definition of Change of Organization to Include Special Districts Providing New Services and Divesting Service Powers

Existing law designates LAFCO as the sole authority in approving or disapproving change of organizations. Change of organizations are currently defined under law to include 1) city incorporations, 2) district formations, 3) annexations or detachments involving cities or districts, 4) city disincorporations, 5) district dissolutions, 6) consolidations involving cities or districts, and 7) merger or establishment of subsidiary districts. AB 2484 has been co-sponsored by CALAFCO and expands the definition for change of organizations to include proposals involving districts providing new or different functions or classes of services as well as divesting service powers. The intent of these changes is to clarify that proposals in which districts shall provide new or expanded services authorized under their principal acts represents substantive change of organizations, and eliminating services warrants LAFCO review and approval. AB 2484 was signed by the Governor on July 22, 2008 and becomes effective January 1, 2009.

Assembly Bill 3047 (Anna Caballero)

Annual CALAFCO Omnibus Bill

Existing law establishes a LAFCO in every county in California with regulatory and planning responsibilities. AB 3047 has been co-sponsored by CALAFCO and includes several non-substantive changes to LAFCO law aimed at clarifying and improving existing procedures and processes. AB 3074 was signed by the Governor on July 3, 2008 and becomes effective January 1, 2009.

Senate Bill 301 (Gloria Romero)

Eliminates Sunset on Vehicle License Fee Subventions for New Incorporations and City Annexations of Inhabited Areas

Existing law establishes formulas to provide additional vehicle-license fee (VLF) subventions to cities upon their incorporation or annexation of inhabited areas through July 1, 2009. This additional funding was established under AB 1602 to backfill the loss in VLF for newly created cities or cities that annex inhabited areas created as part of the 2004-2005 budget agreement that was codified as part of Proposition 1A. SB 301 is sponsored by the California League of Cities and as amended would eliminate the sunset date for additional VLF subventions for inhabited annexations and new incorporations. CALAFCO recognizes the importance of VLF subventions in making incorporations and inhabited annexations financially feasible and supports the bill. This bill is awaiting a third reading in the Senate.

Senate Bill 1191 (Elaine Alquist)

Authorizes Community Service Districts to Provide Broadband Services

Existing law establishes procedures for the formation and operation of Community Service Districts (CSD), which are generally governed by resident voters and empowered to provide a range of municipal services. SB 1191 expands CSDs' service powers to include operating and providing broadband services. The intent of this bill is to facilitate the development of broadband services in unincorporated areas before transferring ownership to private entities. SB 1191 was signed by the Governor on July 8, 2008 and becomes effective January 1, 2009.

Senate Bill 1458 (Senate Local Government Committee)

Comprehensive Rewrite of County Service Area Law

Existing law establishes procedures for the formation and operation of County Service Areas (CSA), which are governed by county board of supervisors and empowered to provide a range of municipal services. SB 1458 represents a comprehensive rewrite of CSA law to make it more consistent with the provisions of LAFCO law. SB 1458 was signed by the Governor on July 21, 2008 and becomes effective January 1, 2009.

Bills Under CALAFCO Review

Senate Bill 375 (Darrell Steinberg)

Establishes Sustainable Communities Strategies

Existing law authorizes the California Transportation Commission to prescribe study areas for analysis and evaluation in regional transportation plans (RTP) prepared by designated regional transportation agencies. SB 375 is co-sponsored by the League of Conservation Voters and would require RTPs to include a sustainable communities strategy (SCS) to guide smart growth practices in the region with the goal of reducing greenhouse gas emissions. Projects consistent with the regional SCS would be eligible for additional transportation funding and qualify for an abbreviated review under the California Environmental Quality Act. This bill has been amended from its original text to require regional transportation agencies to consider the most recently issued municipal service reviews in preparing their SCS. In the event this bill becomes law, CALAFCO is concerned it may create planning conflicts if and when differences emerge between SCS and local LAFCO policies. The bill has passed through the Senate and has been assigned to the Assembly Committee on Appropriations. No hearings have been scheduled at this time.

Senate Bill 303 (Denise Ducheny)

Establishes Initial and Alternative Planning Scenarios

SB 303 was comprehensively rewritten on June 9, 2008 and includes many of the provisions and concepts outlined in SB 375 with respect to adding new requirements for regional transportation agencies in preparing regional transportation plans. However, unlike SB 375, SB 303 is directed only to regional transportation agencies with populations exceeding 200,000 and includes less mitigation measures protecting agricultural and open-space resources. The bill has passed through the Senate and assigned to the Assembly Committee on Appropriations. No hearings have been scheduled at this time.

Attachments: none