



**Local Agency Formation Commission**  
**LAFCO of Napa County**

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**June 1, 2009**

**Agenda Item No. 8a (Discussion)**

May 26, 2009

**TO:** Local Agency Formation Commission

**FROM:** Keene Simonds, Executive Officer

**SUBJECT: Legislative Report**

The Commission will receive a report on the first year of the 2009-2010 session of the California Legislature as it relates to bills directly or indirectly effecting Local Agency Formation Commissions.

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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. The most recent meeting of the Legislative Committee was held on Thursday, May 21, 2009 by way of a conference call.

**A. Discussion and Analysis**

The first year of the 2009-2010 session of the California Legislature has generated over 2,600 bills. The Legislative Committee has identified 27 bills with direct or indirect impacts on LAFCOs. Several of the bills were initially introduced as placeholders and have been amended and now propose substantive changes to LAFCO law. A complete list of the bills under review by CALAFCO is attached. Specific bills of interest to the Commission are discussed and analyzed below.

**Assembly Bill 528 (Jim Silva)**

This legislation is sponsored by CALAFCO and would conform the reporting and disclosure requirements of LAFCO law to make it consistent with the provisions of the Political Reform Act of 1974. The intent of the legislation is to eliminate potential confusion for affected parties by affirming the Political Reform Act governs financial disclosure requirements for LAFCO unless an individual LAFCO requires by policy additional information. The Fair Political Practices Commission participated in drafting the proposed language. This bill has passed through the Assembly and now requires Senate approval.

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Juliana Inman, Vice Chair  
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Lewis Chilton, Commissioner  
Councilmember, Town of Yountville

Joan Bennett, Alternate Commissioner  
Councilmember, City of American Canyon

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

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

Brian J. Kelly, Chair  
Representative of the General Public

Gregory Rodeno, Alternate Commissioner  
Representative of the General Public

Keene Simonds  
Executive Officer

**Assembly Bill 853 (Juan Arambula)**

This legislation would establish new procedures for county board of supervisors to initiate proposals seeking LAFCO approval to annex unincorporated islands or “fringe communities” that lack adequate public infrastructure. The legislation defines a fringe community as any inhabited (12 or more registered voters) land located within a city’s sphere of influence. The legislation would require LAFCOs to approve an annexation unless it finds the proposal will not result in a net benefit to the community’s public health. The legislation would waive protest proceedings and the traditional requirement that land be rezoned by cities as a precondition to annexation. The legislation would also establish a process for LAFCO to determine a property tax agreement for the annexation. The bill is awaiting passage through the Assembly. CALAFCO has adopted an oppose-unless-amended position on the bill.

**Assembly Bill 1109 (Sam Blakeslee)**

This legislation would authorize LAFCOs to appoint administrators to assume control of non-performing special districts. The need for the potential legislation is drawn from the recent actions of a large special district in San Luis Obispo County in which ineffective decision-making by the board directly led to the agency becoming inoperable and insolvent. This legislation has become a two-year bill and remains in the Assembly. CALAFCO has adopted a watch position.

**Assembly Bill 1232 (Jared Huffman)**

This legislation initially proposed authorizing all nine Bay Area LAFCOs to initiate and approve the consolidation of two or more small wastewater agencies under certain conditions while waiving protest proceedings. This bill has been amended to apply only to Marin LAFCO. Key conditions underlying the authorization process include a finding by the Marin LAFCO in an earlier municipal service review completed in the past 10 years that consolidation of the affected wastewater agencies would improve service levels. The identified need for the legislation is drawn from repeated accidental discharges of untreated wastewater into the San Francisco Bay by multiple special districts in Marin County. If approved and deemed successful, this legislation may be expanded in the future to include all LAFCOs. The bill is awaiting passage through the Assembly. CALAFCO has adopted a watch position.

**Assembly Bill 1582 (Assembly Committee on Local Government)**

This legislation represents CALAFCO’s annual omnibus bill and proposes several non-controversial changes to LAFCO law. This includes requiring LAFCOs to adopt spheres of influence for special districts no later than one year after their formations. The bill is awaiting passage through the Assembly.

**Senate Bill 215 (Senate Committee on Local Government)**

This legislation is sponsored by CALAFCO and would add to the factors LAFCOs must consider in reviewing proposals to include consistency of the proposed action with regional transportation plans and their sustainable communities strategy (SCS). This legislation responds to Senate Bill 375, which was enacted on January 1, 2009 and directs municipal planning organizations, such as the Metropolitan Transportation Commission, to establish SCS' as part of their regional transportation plans to promote smart-growth land uses. The bill has passed through the Senate and now requires Assembly approval.

**B. Commission Review**

The Commission is invited to discuss any of the legislation outlined in this report or in the attached report prepared by CALAFCO. The Commission may also provide direction to staff with respect to preparing comment letters on any current or future legislation.

Attachments:

- 1) CALAFCO Status Report on Current Legislation

**California Association of Local Agency Formation Commissions  
SUMMARY OF CURRENT LAFCo LEGISLATION as of 5/21/2009**

1

**AB 528 (Silva) Local government: reorganization: expenditure reporting.**  
**Last Amend:** 03/31/2009  
**Status:** 05/11/2009-In Senate. Read first time. To Com. on RLS. for assignment.  
**Location:** 05/11/2009-S RLS.

2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered
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**Summary:** (1) Existing law, the Cortese-Knox-Hertzberg Local Government Reorganization Act, requires contributions and expenditures for political purposes on boundary changes approved by a local agency formation commission be disclosed and reported to the commission to the same extent and subject to the same requirements of the Political Reform Act of 1974 as provided for local initiative measures. This bill would revise these provisions to require the expenditures to be disclosed and reported pursuant to the Political Reform Act of 1974. This bill contains other related provisions and other existing laws.

**Attachments:**

CALAFCO Letter of Support

**Position:** Sponsor

**Priority:** 1

**Notes:** This CALAFCO sponsored bill conforms C-K-H financial disclosure requirements with the provisions in the Political Reform Act that were signed into law last year from AB 1998, which CALAFCO also sponsored.

**AB 853 (Arambula) Local government: organization.**  
**Last Amend:** 05/18/2009  
**Status:** 05/19/2009-Read second time. To third reading.  
**Location:** 05/19/2009-A THIRD READING

2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered
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**Calendar:** 05/21/09 143 ASM ASSEMBLY THIRD READING FILE

**Summary:** The Cortese-Knox-Hertzberg Act of 2000 governs the organization and reorganization of local governmental entities, including, among other things, the annexation of island territories to a city or county. This bill would provide procedures for annexing unincorporated fringe communities and unincorporated island communities, as defined, to a city under specified circumstances, including provisions for a revenue neutrality agreement between the affected local government entities.

**Attachments:**

CALAFCO Letter of Concern

**Position:** Watch

**Priority:** 1

**Notes:** This bill provides a mechanism for residents to petition to a Board of Supervisors to be annexed to a city if they are within 1.5 miles of a boundary or within or adjacent to an existing city SOI. It requires the Board to send a resolution to LAFCo for the annexation and requires LAFCo to approve the annexation. It creates new definitions for "Islands" and for "unincorporated fringe communities." It also prohibits affected districts from terminating the annexation. This bill is sponsored by California Rural Legal Assistance and is tied to their other bill, SB 194. CALAFCO has significant concerns and is working with the author and sponsor on language before taking a position.

**AB 1109 (Blakeslee) The Cortese-Knox-Hertzberg Act of 2000.**

**Last Amend:** 04/13/2009

**Status:** 04/22/2009-In committee: Set, first hearing. Hearing canceled at the request of author.

**Location:** 04/14/2009-A L. GOV.

2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered
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**Summary:** The Cortese-Knox-Hertzberg Act of 2000 authorizes a local agency formation commission to, among other things, initiate proceedings for the consolidation, dissolution, and formation of new districts, as specified. This bill would authorize a commission to order the administration of nonperforming districts. The bill would require the commission to, upon placing a district under temporary administration, prepare a performance study, as specified.

**Position:** Watch

**Priority:** 1

**Notes:** This bill would create a category of nonperforming districts and authorize LAFCo to assign the administration and operations to another local agency while a study is performed on the ultimate disposition of the district. Liabilities would remain with the district but the board would be eliminated. The author has agreed to make this a two-year bill while the details are negotiated with stakeholders.

**AB 1582 (Committee on Local Government) Local agencies: spheres of influence.**

**Last Amend:** 05/06/2009

**Status:** 05/18/2009-Read second time. To Consent Calendar.

**Location:** 05/18/2009-A CONSENT CALENDAR

2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered
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**Calendar:** 05/21/09 159 ASM CONSENT CALENDAR-SECOND LEGISLATIVE DAY ASSEMBLY MEASURES

**Summary:** Existing law requires a commission to develop and determine the sphere of influence of each local governmental agency within the county. A commission is authorized, at the time a commission approves a proposal for an incorporation or a reorganization which includes an incorporation, to determine the sphere of influence for the proposed new city. The commission is required to determine the sphere of influence for any newly incorporated city within one year of the effective date of incorporation. This bill would authorize a commission, beginning January 1, 2010, to determine the sphere of influence for a proposed new district, when a commission approves a formation or reorganization that includes the formation of a district. The commission would be required to determine the sphere of influence for any newly formed district within one year of the effective date of formation. This bill contains other related provisions and other existing laws.

**Attachments:**

CALAFCO Letter of Support

**Position:** Support

**Priority:** 1

**Notes:** This is the Assembly Omnibus bill which makes technical changes to CKH.

**SB 113 (Committee on Local Government) Local Government Omnibus Act of 2009.**

**Last Amend:** 04/02/2009

**Status:** 05/06/2009-In Assembly. Read first time. Held at Desk.

**Location:** 05/06/2009-A DESK

2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered
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**Summary:** (1) Existing law authorizes the formation of a school facilities improvement district in a county, if the board of supervisors adopts a resolution authorizing the

establishment of the district. This bill would specify that the resolution of the board of supervisors may authorize a school facilities improvement district to be operative in the county generally, or to one or more school districts or community college districts within the county. This bill contains other related provisions and other existing laws.

**Attachments:**

CALAFCO Support Letter

**Position:** Support

**Priority:** 1

**Notes:** The Senate Local Government Bill makes non substantial changes to local government laws other than CKH. CALAFCO has a number of items in the 2009 bill.

**SB 163 (Cox) Local government: reorganization.**

**Last Amend:**

**Status:** 03/09/2009-To Com. on RLS.

**Location:** 03/09/2009-S RLS.

2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered
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**Summary:** Existing law, for purposes of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, makes various legislative findings and declarations regarding the use of local government reorganization. This bill would make a technical, nonsubstantive change to that provision.

**Position:** Watch

**Priority:** 1

**Notes:** This bill is a placeholder for an unidentified change to Cortese-Knox-Hertzberg.

**SB 194 (Florez) Community Equity Investment Act of 2009.**

**Last Amend:** 05/18/2009

**Status:** 05/20/2009-Withdrawn from committee. Re-referred to Com. on APPR.

**Location:** 05/20/2009-S APPR.

2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered
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**Summary:** Existing law requires the legislative body of each county and city to adopt a comprehensive, long-term general plan for the physical development of the county or city, and of specified land outside its boundaries. This bill would enact the Community Equity Investment Act of 2009 and declare the intent of the Legislature to create incentives for communities to engage in sustainable community planning that incorporates into each element of its general plan data and analysis, goals, policies and objectives, and feasible implementation measures addressing the presence of disadvantaged unincorporated communities in or near their boundaries, as specified. This bill contains other related provisions and other existing laws.

**Attachments:**

CALAFCO Letter of Interest

**Position:** Watch

**Priority:** 1

**Notes:** This bill is intended to provide municipal services and infrastructure investment to disadvantaged unincorporated communities. Its intent, in part, is to address the role of regional agencies in addressing infrastructure deficits through changes to state agency funding programs with the intent to improve infrastructure in unincorporated communities. Language in this bill is tied to AB 853 which provides mechanisms for LAFCo to annex these communities to existing cities.

**SB 215 (Wiggins) Local government: organization.**

**Last Amend:** 05/12/2009

**Status:** 05/12/2009-From committee with author's amendments. Read second time. Amended. Re-referred to Com. on L. GOV.

**Location:** 05/12/2009-A L. GOV.

2YR/Dead | 1st Desk | 1st Policy | 1st Fiscal | 1st Floor | 2nd Desk | 2nd Policy | 2nd Fiscal | 2nd Floor | Conf./Conc. | Enrolled | Vetoed | Chaptered

**Summary:** Existing law, the Cortese-Knox-Hertzberg Act, requires a local agency formation commission, when reviewing a proposal for a change of organization or reorganization, to consider specified factors, including the proposal's consistency with city or county general and specific plans. This bill would modify that factor so that a commission would be required to consider the proposal's consistency with city or county general and specific plans, and any applicable transportation plan, when reviewing a proposal for a change of organization or reorganization, thus imposing a state mandate. This bill contains other related provisions and other existing laws.

**Attachments:**

[CALAFCO Support Letter](#)

**Position:** Support

**Priority:** 1

**Notes:** Adds the SB 375 required "Sustainable Communities Strategy" and "Alternative Planning Strategy" to the factors a LAFCo must consider in reviewing applications in GC 56668 (g) and eliminates the now obsolete GC 56668.5 which allowed LAFCo to consider regional growth goals and policies.

2

**AB 155 (Mendoza) Local government: bankruptcy proceedings.**

**Last Amend:** 03/27/2009

**Status:** 05/06/2009-In committee: Set, first hearing. Referred to APPR. suspense file.

**Location:** 05/06/2009-A APPR. SUSPENSE FILE

2YR/Dead | 1st Desk | 1st Policy | 1st Fiscal | 1st Floor | 2nd Desk | 2nd Policy | 2nd Fiscal | 2nd Floor | Conf./Conc. | Enrolled | Vetoed | Chaptered

**Summary:** Under existing law, any taxing agency or instrumentality of the state may file a petition and prosecute to completion bankruptcy proceedings permitted under the laws of the United States. This bill would provide that a local public entity may only file under federal bankruptcy law with the approval of the California Debt and Investment Advisory Commission, as specified.

**Position:** None at this time

**Priority:** 2

**AB 1172 (Galgiani) Eastern San Joaquin County Water District.**

**Last Amend:**

**Status:** 05/14/2009-In Senate. Read first time. To Com. on RLS. for assignment.

**Location:** 05/14/2009-S RLS.

2YR/Dead | 1st Desk | 1st Policy | 1st Fiscal | 1st Floor | 2nd Desk | 2nd Policy | 2nd Fiscal | 2nd Floor | Conf./Conc. | Enrolled | Vetoed | Chaptered

**Summary:** Existing law, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, establishes procedures for the consolidation of special districts. The Water Conservation District Law of 1931 generally governs the formation of water conservation districts and specifies the powers and purposes of those districts. This bill would specify the powers and purposes of the Eastern San Joaquin County Water District on and after the date on which the San Joaquin Local Agency Formation Commission approves the consolidation of the Stockton-East Water District and the Central San Joaquin Water Conservation District. The bill would state the findings and declarations of the Legislature concerning the need for special legislation.

**Position:** Watch

**Priority:** 2

**Notes:** This district is not yet formed. CALAFCO is watching this bill pending action by the San Joaquin LAFCo.

**AB 1232 (Huffman) Local agency formation commissions: powers and duties.**  
**Last Amend:** 05/07/2009  
**Status:** 05/18/2009-Read second time. To third reading.  
**Location:** 05/18/2009-A THIRD READING

2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered
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**Calendar:** 05/21/09 78 ASM ASSEMBLY THIRD READING FILE

**Summary:** Existing law requires the local agency formation commission in each county, to, among other things, review and approve or disapprove proposals for changes of organization, or reorganization, and authorizes the commission to initiate proposals for the formation, consolidation, or dissolution of a district, a merger, or the establishment of a subsidiary district, as specified. This bill would , on and after January 1, 2011, authorize the Marin County Local Area Formation Commission to initiate and approve the consolidation of one or more small wastewater agencies if certain conditions exist.

**Position:** Watch  
**Priority:** 2

**Notes:** This bill was intended to address the consolidation of a number of small wastewater agencies in Marin County that have continued to ignore Grand Jury, LAFCo MSR and regulator call to consolidate to improve efficiency, performance and regulatory compliance. These agencies have been responsible for multiple spills into the San Francisco Bay. The bill has been expanded, however, to include all Bay Area counties. CALAFCO continues to work with the author and stakeholder on language prior to taking a position.

**AB 1436 (Portantino) Hospital districts.**  
**Last Amend:**  
**Status:** 04/14/2009-In committee: Set, first hearing. Hearing canceled at the request of author.  
**Location:** 04/02/2009-A HEALTH

2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered
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**Summary:** The existing Local Health Care District Law provides for the formation of local health care districts and specifies district powers, including the power to establish, maintain, and operate, or provide assistance in the operation of, one or more health facilities, or health services, including, but not limited to, outpatient programs, services, and facilities retirement programs, services, and facilities or other health care programs, services, and facilities and activities at any location within or without the district for the benefit of the district and the people served by the district. This bill would provide that this power includes ownership and would revise the definition of health care facilities for purposes of this power to expressly include public hospitals, as defined.

**Position:** None at this time  
**Priority:** 2

**Notes:** Adds ownership of public hospitals to the powers of hospital districts.

**SB 101 (Committee on Local Government) Validations.**  
**Last Amend:**  
**Status:** 05/06/2009-Chaptered by Secretary of State - Chapter No. 2, Statutes of 2009  
**Location:** 05/06/2009-S CHAPTERED

2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered
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**Summary:** This bill would enact the First Validating Act of 2009, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities. This bill contains other related provisions.

**Attachments:**  
[CALAFCO Support Letter](#)  
[CALAFCO Request for Governor Signature](#)



**Position:** Support

**Priority:** 2

**Notes:** Annual bills which validate errors and omissions made by local officials, including the boundaries of all local agencies.

**SB 102 (Committee on Local Government) Validations.**

**Last Amend:**

**Status:** 04/20/2009-Read second time. To Consent Calendar. Placed on inactive file on request of Assembly Member Torrico.

**Location:** 04/20/2009-A INACTIVE FILE

2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered
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**Summary:** This bill would enact the Second Validating Act of 2009, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities. This bill contains other related provisions.

**Attachments:**

[CALAFCO Support Letter](#)

**Position:** Support

**Priority:** 2

**Notes:** Annual bills which validate errors and omissions made by local officials, including the boundaries of all local agencies.

**SB 103 (Committee on Local Government) Validations.**

**Last Amend:**

**Status:** 04/20/2009-Read second time. To Consent Calendar. Placed on inactive file on request of Assembly Member Torrico.

**Location:** 04/20/2009-A INACTIVE FILE

2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered
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**Summary:** This bill would enact the Third Validating Act of 2009, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

**Attachments:**

[CALAFCO Support Letter](#)

**Position:** Support

**Priority:** 2

**Notes:** Annual bills which validate errors and omissions made by local officials, including the boundaries of all local agencies.

**SB 162 (Cox) Local government: fire suppression.**

**Last Amend:**

**Status:** 03/09/2009-To Com. on RLS.

**Location:** 03/09/2009-S RLS.

2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered
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**Summary:** Existing law, for the purposes of assessments for fire suppression, defines fire suppression to mean firefighting and fire prevention, including, but not limited to, vegetation removal or management undertaken, in whole or in part, for the reduction of a fire hazard. This bill would make a technical, nonsubstantive change to this provision.

**Position:** Watch

**Priority:** 2

**Notes:** This is likely a placeholder for a more substantial change to fire agency law.

**SB 211 (Simitian) Park district formation: County of Santa Cruz.**

**Last Amend:** 04/14/2009

**Status:** 05/11/2009-To Com. on L. GOV.

**Location:** 05/11/2009-A L. GOV.

2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered
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**Summary:** Existing law generally authorizes the formation of a district by a petition requesting the creation and maintenance of a district, describing the exterior boundaries, signed by at least 5,000 electors residing within the territory proposed to be included in the district, and presented to the board of supervisors of the county containing the largest area within the proposed district. This bill, in addition, would authorize the formation of a district in the County of Santa Cruz, except as specified, if the exterior boundaries of the proposed district are coterminous with the exterior boundaries of the county and are initiated by a specified resolution of the county board of supervisors, after a hearing noticed in accordance with specified procedures, in lieu of the petition and related proceedings required under the above provisions. This bill contains other existing laws.

**Attachments:**

CALAFCO Letter of Opposition

**Position:** Oppose unless amended

**Priority:** 2

**Notes:** Allows Santa Cruz Board of Supervisors to create a regional open space district outside of LAFCo process. Does not provide a funding source for the district, leaving it to a future vote of the residents.

**SB 263 (Strickland) Local government: community service districts.**

**Last Amend:**

**Status:** 05/11/2009-In Assembly. Read first time. Held at Desk.

**Location:** 05/11/2009-A DESK

2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered
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**Summary:** Existing law, the Community Services District Law, authorizes the establishment of community services districts to provide various services to the geographic area within each district, and further authorizes specified community services districts that own roads that are not formally dedicated to, or kept open for use by, the public for the purpose of vehicular travel, to limit access to those roads to the landowners and residents of that district. This bill would include the Santa Rita Hills Community Services District as one of the specified community services districts authorized to limit access to roads it owns to the landowners and residents of that district.

**Position:** Watch

**Priority:** 2

**Notes:** Adds the as yet unformed Santa Rita Hills CSD as one of the specified community services districts authorized to limit access to roads it owns to the landowners and residents of that district. CALAFCO opposes the policy of adding additional districts to the limited number with authority to have gated roads that are publicly owned and/or operated.

**SB 575 (Steinberg) Local planning: housing element.**

**Last Amend:** 05/04/2009

**Status:** 05/20/2009-Read second time. To third reading.

**Location:** 05/20/2009-S THIRD READING

2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered
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**Calendar:** 05/21/09 82 SEN SENATE BILLS-THIRD READING FILE

**Summary:** (1) The Planning and Zoning Law requires each local government to review its housing element as frequently as appropriate to evaluate specified considerations, and requires specified, different types of local governments to revise the housing elements of their general plans in accordance with specific schedules. This bill would require all other local governments to adopt the 5th revision of the housing element 5 years after June 30, 2006, and would specify the schedule for all local governments to adopt subsequent

revisions of the housing element after the 5th revision, as specified. The bill would authorize the Department of Housing and Community Development to adjust the deadlines for adoption of the 6th and subsequent revisions of the housing element so that the deadlines occur 18 months after adoption of the applicable regional transportation plan, provided that the planning period, as defined, for the housing element is not less than 90 months and not more than 102 months. By adding to the duties of specified local governments, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

**Position:** None at this time

**Priority:** 2

**Notes:** This is the clean-up bill for SB 375. A number of issues are being amended in the bill to address resolution of funding, timing of regional transportation plans and housing elements, and other open issues from SB 375. It also renames SB 375 as the "Sustainable Communities and Climate Protection Act of 2008."

3

**AB 9 (John A. Perez) Political Reform Act of 1974: expenditures.**

**Last Amend:**

**Status:** 05/18/2009-In Senate. Read first time. To Com. on RLS. for assignment.

**Location:** 05/18/2009-S RLS.

2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered
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**Summary:** Under the Political Reform Act of 1974, an "expenditure" means a payment, a forgiveness of a loan, a payment of a loan by a 3rd party, or an enforceable promise to make a payment, unless it is clear from the surrounding circumstances that it is not made for political purposes. Under the act, a candidate or committee that makes an independent expenditure totaling \$1,000 or more in a calendar year to support or oppose a measure or qualification of a measure shall file a report of that disclosure with the Fair Political Practices Commission. This bill clarifies existing law that an expenditure includes the payment of public moneys by a state agency or local government agency, or by an agent of that agency, for a communication to the electorate within the jurisdiction of that agency regarding a clearly identified measure, except if the communication constitutes a fair and impartial presentation of the facts relating to the measure or the communication is otherwise required by law.

**Position:** None at this time

**Priority:** 3

**Notes:** Adds that monies expended by a public agency to communicate information on a measure to the public must be reported to the FPPC.

**AB 300 (Caballero) Subdivisions: water supply.**

**Last Amend:** 04/20/2009

**Status:** 05/20/2009-Do pass.

**Location:** 05/20/2009-A APPR.

2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered
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**Summary:** The Subdivision Map Act prohibits approval of a tentative map, or a parcel map for which a tentative map was not required, or a development agreement for a subdivision of property of more than 500 dwelling units, except as specified, including the design of the subdivision or the type of improvement, unless the legislative body of a city or county or the designated advisory agency provides written verification from the applicable public water system that a sufficient water supply is available or, in addition, a specified finding is made by the local agency that sufficient water supplies are, or will be, available prior to completion of the project. This bill would require, until January 1, 2020, the public water system, or the local agency if there is no public water system, to review , verify for

accuracy, and approve, as specified, the subdivider's water savings projections attributable to voluntary demand management measures, as defined. The public water agency would be authorized to collect fees necessary to provide the additional analysis of the voluntary demand management measures. Water savings projections would be authorized to be calculated using the water savings projections adopted by the California Urban Water Conservation Council. Water savings projections for measures for which the California Urban Water Conservation Council does not have adopted findings would be required to be based on substantial evidence in the record and included in the water supply assessment adopted by the water supplier. If a project applicant proposes to use a new voluntary water reduction demand management measure that is not based on water savings projections adopted by the California Urban Water Conservation Council, the legislative body of a city or county or the advisory agency would be required to have the project applicant enter into an agreement with the water utility to implement and monitor the actual water savings over time, as specified. The public water system would be required to prepare a written report of the projected water demand versus the actual water use 5 years after the project has been fully developed, and to provide copies of the report to the project applicant, the city or county that approved the subdivision map, the California Urban Water Conservation Council, and the Department of Water Resources. The bill would also require, at the time of final inspection, that a manual providing directions to the owner or occupant on the proper use of water conservation devices and systems be placed in the dwelling. By adding to the duties of the public water system, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

**Position:** None at this time

**Priority:** 3

**Notes:** Requires the preparation of a water assessment report for projects which reduce water consumption, which requires consultation with affected agencies, including LAFCo.

**AB 494 (Caballero) Local planning: farmworker housing.**

**Last Amend:** 04/23/2009

**Status:** 05/18/2009-Read second time. To third reading.

**Location:** 05/18/2009-A THIRD READING

2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chapters
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**Calendar:** 05/21/09 97 ASM ASSEMBLY THIRD READING FILE

**Summary:** The Williamson Act authorizes any city or county to enter into a contract with the owner of agricultural land for the purpose of preserving that land in accordance with the conditions established by that contract and the act. The act authorizes a landowner to subdivide land subject to a Williamson Act contract for the purpose of providing farmworker housing if specified criteria regarding the parcel and the transaction are met, including the criterion that the parcel be within a city or an unincorporated territory or sphere of influence that is contiguous to one or more parcels that are already zoned residential, commercial, or industrial and developed with existing residential, commercial, or industrial uses. This bill would modify that criterion so that the parcel would be required to be within a city or in an unincorporated territory or sphere of influence that is contiguous to one or more parcels that are already zoned residential, commercial, or industrial and developed with existing residential, commercial, or industrial uses, or has access to existing drinking water and sanitary sewer service. This bill contains other related provisions and other existing laws.

**Position:** None at this time

**Priority:** 3

**AB 588 (Cook) Local government finance.**

**Last Amend:**

**Status:** 02/26/2009-From printer. May be heard in committee March 28.

**Location:** 02/25/2009-A PRINT

2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chapters
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**Summary:** The Vehicle License Fee Law establishes, in lieu of any ad valorem property

tax upon vehicles, an annual license fee for any vehicle subject to registration in this state. Under existing law, the Controller is required to allocate vehicle license fee revenues in the Motor Vehicle License Fee Account in a specified order, as provided. This bill would make a technical, nonsubstantive change to that provision.

**Position:** None at this time

**Priority:** 3

**Notes:** This is a placeholder bill that is focused on the local VLF allocation. May affect formulas for future annexations and incorporations.

**ABX3 8** (Evans) State and local government.

**Last Amend:** 02/15/2009

**Status:** 02/15/2009-Read third time, amended, and returned to third reading. Read third time. Urgency clause refused adoption. (Ayes 19. Noes 13. Page 52.) Motion to reconsider made by Senator Florez. Reconsideration granted. (Ayes 3

**Location:** 02/15/2009-S THIRD READING

2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered
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**Calendar:** 05/21/09 12 SEN ASSEMBLY BILLS-THIRD READING FILE

**Summary:** Under the California Constitution, whenever the Legislature or a state agency mandates a new program or higher level of service on any local government, including school districts, the state is required to provide a subvention of funds to reimburse the local government, with specified exceptions. Existing law establishes a procedure for local governmental agencies to file claims for reimbursement of these costs with the Commission on State Mandates. These procedures require the Controller to pay any eligible claim by August 15 or 45 days after the date the appropriation for the claim is effective, whichever is later. This bill would change the date the Controller is required to pay any eligible claim to October 15 or 60 days after the date the appropriation for the claim is effective, whichever date is later. This bill contains other related provisions and other existing laws.

**Position:** None at this time

**Priority:** 3

**Notes:** Makes changes to the dates and formulas for tax allocations. Will be of interest to those LAFcos conducting fiscal studies for incorporations and annexations.

**SB 115** (Lowenthal) Public employment.

**Last Amend:** 03/24/2009

**Status:** 05/06/2009-In Assembly. Read first time. Held at Desk.

**Location:** 05/06/2009-A DESK

2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered
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**Summary:** The California Constitution requires Members of the Legislature, and all public officers and employees, to take and subscribe a specified oath of office. The California Constitution permits inferior officers and employees to be exempted by law from this requirement. This bill would require that a public employee or applicant seeking public employment be permitted to decline to take and subscribe the oath of office based on moral, ethical, or religious beliefs that conflict with his or her ability to take and subscribe the oath without mental reservation, if he or she is otherwise willing and able to uphold the United States Constitution and the constitution and laws of this state and to complete the duties of employment. The bill would require that person to sign a statement that he or she declines to take and subscribe the oath required pursuant to existing law, based on moral, ethical, or religious beliefs that conflict with his or her ability to take that oath, as specified, and to take and subscribe a specified alternate statement to that effect. The bill would except from these provisions a public officer, employee, or applicant for public employment who is elected or who serves at the pleasure of an elected official. The bill would also make conforming changes and make a related statement of legislative findings.

**Position:** Watch

**Priority:** 3

**SB 170 (Florez) Agricultural lands: cancellation of Williamson Act contracts.**

**Last Amend:** 04/13/2009

**Status:** 04/15/2009-Testimony taken. Hearing postponed by committee. (Refers to 4/15/2009 hearing)

**Location:** 04/15/2009-S L. GOV.

2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered
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**Summary:** Existing law authorizes a landowner to petition a county board or supervisors or a city council for cancellation of any Williamson Act contract for all or part of the subject land. The board or council is authorized to grant tentative approval for cancellation of a contract if it finds that cancellation is in the public interest. For these purposes, the board or council is required to find that other public concerns substantially outweigh the objectives of the Williamson Act and that either there is no proximate noncontracted land that is both available and suitable for the use to which it is proposed the contracted land be put, or that development of the contracted land would provide more contiguous patterns of urban development than development of proximate noncontracted land. This bill would establish a rebuttable presumption that where a federally recognized Indian tribe has petitioned for a contract cancellation that tribal cultural centers, infrastructure, and housing are alternative uses that are public concerns that substantially outweigh the objectives of the act and that for tribal cultural centers, infrastructure, and housing, land contiguous to existing tribal land would provide more contiguous patterns of urban development than development of proximate noncontracted land.

**Position:** Watch

**Priority:** 3

**Notes:** This bill would allow cancellation of Williamson contracts for land to be annexed to Tribal properties and used for tribal development.

**SB 406 (DeSaulnier) Land use: environmental quality.**

**Last Amend:** 04/30/2009

**Status:** 05/19/2009-Set for hearing May 26.

**Location:** 05/18/2009-S APPR.

2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered
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**Calendar:** 05/26/09 11 a.m. - John L. Burton Hearing Room (4203) SEN APPROPRIATIONS

**Summary:** The Planning and Zoning Law establishes the Planning Advisory and Assistance Council in the Office of Planning and Research, and prescribes the membership and duties of the council. Existing law authorizes the Department of Motor Vehicles to collect a surcharge imposed on vehicle registration fees by ordinance or resolution of a local entity. This bill would change the designated membership, as specified, of the Planning Advisory and Assistance Council and would require that the council work with the Strategic Growth Council, regional agencies, and cities and counties to facilitate the development and implementation of sustainable community strategies or regional blueprint projects, as specified. The bill would also require the council to report to the Legislature on specified regional performance measures and on the manner in which state agencies are implementing the 5-year infrastructure plan, as specified. The bill would authorize a municipal planning organization, as defined, a council of governments, as defined, or a county transportation commission and a subregional council of governments jointly preparing a subregional sustainable communities strategy to adopt a resolution to impose a surcharge of \$1 or \$2 on motor vehicles registered to an owner with an address in the entity's or entities' jurisdiction. The surcharge would be required to apply to an original vehicle registration occurring on or after 6 months following the adoption of the resolution, as specified, and to a renewal of registration with an expiration date on or after that 6-month period. The surcharge would be collected by the Department of Motor Vehicles and, after deducting its administrative costs, would be transmitted to the entity or entities imposing the surcharge. The bill would require that the surcharge revenue that exceeds \$1 be expended to develop and implement a regional blueprint plan and would specify that 5% of all the surcharge revenue be transmitted to the council for performance

of specified functions. The bill would provide that the council is to perform specified new functions only when the council has received sufficient revenue from this source.

**Position:** None at this time

**Priority:** 3

**Notes:** This bill is sponsored by CALCOG and among other things begins to identify funding sources for SB 375 implementation.

Total

rows: 27