



Local Agency Formation Commission
LAFCO of Napa County

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June 2, 2008
Agenda Item No. 8b

May 23, 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 under consideration 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 is currently tracking as part of the current legislative session follows.

Bills Sponsored or Supported by CALAFCO

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 is co-sponsored by CALAFCO and would change the responsibility for administering the disclosure requirements from LAFCO to the Fair Political Practices Commission (FPPC). CALAFCO is seeking this change because the FPPC is more experienced and prepared in the filing and review of disclosure statements than LAFCO staff. This bill recently passed through the Assembly and has been assigned to the Senate Committee on Elections, Reapportionment & Constitutional Amendments. No hearings have been scheduled.

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 is co-sponsored by CALAFCO and would expand 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. CALAFCO is seeking this change to clarify that proposals in which districts shall provide new services authorized under their principal acts represents substantive change of organizations, and divesting service powers warrants LAFCO review and approval. This bill recently passed through Assembly and is scheduled to be heard by the Senate Local Government Committee on June 4th.

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 is co-sponsored by CALAFCO and includes several non-substantive changes to LAFCO law aimed at clarifying and improving existing procedures and processes. This bill recently passed through the Assembly and has been assigned to the Senate Committee on Elections, Reapportionment & Constitutional Amendments. No hearings have been scheduled.

Assembly Bill 1263 (Anna Caballero)

Amendments to LAFCO Law

AB 1263 is co-sponsored by CALAFCO and includes several amendments to LAFCO law that were not appropriate for this year's omnibus bill. This includes excluding private railroads from the definition of landowner and expands the island annexation proceedings to include islands created after 2000. This bill recently passed through the Assembly and is scheduled for hearing in the Senate Local Government Committee on June 4th.

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 recently passed through Assembly and is scheduled to be heard by the Senate Local Government Committee on June 18th.

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 would expand 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. This proposed provision was originally included in the comprehensive rewrite of CSD law in 2005 but was removed due to strong objections by private broadband service providers. CALAFCO recognizes the public benefit in facilitating the establishment and extension of broadband services and is supporting this bill. This bill recently passed through Senate and is scheduled to be heard by the Assembly Local Government Committee on June 4th.

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. CALAFCO participated in the working group convened last year that made recommendations to the Senate Local Government Committee on changes to CSA law and supports this bill. This bill recently passed through Assembly and is scheduled to be heard by the Senate Local Government Committee on June 4th.

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 consider the most recently issued municipal service reviews in preparing their SCS. CALAFCO is concerned that this bill should it become law may create planning conflicts if and when differences emergence between SCS and local LAFCO policies and has adopted a watch position. The bill has passed through the Senate and assigned to the Assembly Committee on Appropriations. No hearings have been scheduled.

Previous legislative reports have included summaries for AB 2367 (Fuentes) and AB 2278 (Aghazarian). Both of these bills were recently rewritten and no longer affect LAFCOs. AB 2367 initially sought to extend the prohibition on cities changing their general plan designation or zoning standard for annexed land that does not conform to the rezoning assignment from two to five years. This bill has a new author (Leno) and now proposes to expand the authority of the City and County of San Francisco in creating infrastructure financing districts to include certain waterfront property. AB 2278 previously sought to amend California Tax and Revenue Code to allow fire protection districts to negotiate their share of property taxes during annexation proceedings. This bill also has a new author (Caballero) and now seeks to require the Office of Planning and Research to develop an educational program regarding the role and benefits public-private partnerships.

The next meeting of the Legislative Committee is tentatively scheduled for July 25, 2008 in Sacramento.

Attachment: none