

# EL DORADO LAFCO

LOCAL AGENCY FORMATION COMMISSION

## *AGENDA OF DECEMBER 5, 2018*

### *REGULAR MEETING*

**TO:** Shiva Frentzen, Chair, and  
Members of the El Dorado County Local Agency Formation  
Commission

**FROM:** José C. Henríquez, Executive Officer

**PREPARED BY:** Erica Sanchez, Assistant Executive Officer

#### **AGENDA ITEM #11A: OTHER BUSINESS – LEGISLATION**

#### **RECOMMENDATION**

Staff recommends that the Commission receive the following final summary of LAFCO-related legislation for the 2017-2018 Legislative Session. No Commission action is requested.

#### **REASON FOR RECOMMENDED ACTION AND BACKGROUND**

The State Legislature has completed year two of the current two-year legislative cycle. The following is a final update on some of the bills that staff has been monitoring in the past year. Unless otherwise noted, chaptered bills will become effective January 1, 2019.

#### **Chaptered Bills:**

##### **AB 2238 (Aguiar-Curry) – Hazard Mitigation Plan Consideration**

##### ***Signed by the Governor 9/30/2018, Chapter 990***

AB 2238 adds the following to the list of factors to be considered by LAFCO in the review of a proposal, “Information contained in a local hazard mitigation plan, information contained in a safety element of a general plan, and any maps that identify land as a very high fire hazard zone pursuant to Section 51178 or maps that identify land determined to be in a state responsibility area pursuant to Section 4102 of the Public Resources Code, if it is determined that such information is relevant to the area that is the subject of the proposal.” The bill also includes non-LAFCO-related sections requiring the update of a housing element to consider loss of units during a state of emergency. AB 2238 was signed into law by the Governor on September 30, 2018.

##### **AB 2501 (Chu): Drinking Water: Consolidation and Extension of Service**

##### ***Signed by the Governor 9/28/2018, Chapter 871***

The California Safe Drinking Water Act requires the State Water Resources Control Board, before ordering consolidation or extension of service, to fulfill certain requirements, including, among other things, to hold a public meeting, and to establish a reasonable deadline, as prescribed, for a potentially receiving water system and a potentially subsumed water system to negotiate consolidation or another means of providing an

adequate supply of affordable, safe drinking water. The act requires the State Board to conduct a public hearing at the expiration of the reasonable deadline, as specified. This bill would revise and recast these provisions. AB 2501 was signed into law by the Governor on September 28, 2018.

**AB 3254 (Committee on Local Government) – Local Government: Omnibus Bill  
*Signed by the Governor 7/9/2018, Chapter 86***

AB 3254 is the annual Omnibus bill for the Cortese-Knox-Hertzberg Reorganization Act of 2000, which makes technical, non-substantive clean-up corrections to the Act. The bill includes technical changes to the Act which are necessary to help clarify and streamline the LAFCO process, ultimately resulting in less ambiguity in the law. CALAFCO is the sponsor of this bill. AB 3254 was signed into law by the Governor on July 9, 2018.

**SB 929 (McGuire) – Special District Websites  
*Signed by the Governor 9/14/2018, Chapter 408***

Requires every independent special district to maintain a website by January 1, 2020. The bill includes the ability for district to claim hardship exemptions that would need to be adopted as a resolution in a public meeting. SB 929 was signed into law by the Governor on September 14, 2018.

**SB 1215 (Hertzberg): Provision of Sewer Service: Disadvantaged Communities  
*Signed by the Governor 9/30/2018, Chapter 982***

SB 1215 authorizes the State Water Resources Control Board (SWRCB) to mandate extension of sewer service to an area within a disadvantaged community or consolidation of wastewater systems – both public and private, under certain circumstances. The process mirrors the process set forth in SB 88 giving the SWRCB authority to mandate the same for drinking water systems. However, the bill allows for an extension up to three miles with no requirements for annexation of the territory; does not provide a definitive source of funding; does not require those will failing systems to connect to the new system; and charges opt-out fees to those who do not. SB 1215 was signed into law by the Governor on September 30, 2018.

**Vetoed Bills:**

**AB 2050 (Caballero): Small System Water Authority Act of 2018  
*Vetoed by the Governor 9/28/2018***

This bill would have given the State Water Resources Control Board (SWRCB) authority to dissolve noncompliant public water systems and to create small system water authorities that would have had powers to absorb, improve, and competently operate the noncompliant public water systems. The SWRCB already has the authority to mandate consolidation of these systems (SB 88, 2015), this would have added the authority to mandate dissolution and formation of a new public agency. AB 2050 was vetoed by the Governor on September 28, 2018.

**AB 2258 (Caballero): LAFCO Grant Funding  
Vetoed by the Governor 9/18/2018**

AB 2258 would have created a one-time, five-year state grant funding program, administered by the Strategic Growth Council, for LAFCOs to perform special studies of potential reorganization of local service providers and to potentially initiate actions based on those studies. It would have been limited to actions in disadvantaged communities and would have been dependent on a budget appropriation. AB 2258 was vetoed by the Governor on September 18, 2018.

The CALAFCO Board will meet on December 7 to discuss the Association's legislative priorities and to decide if there is enough value in pursuing this bill again in the next legislative year. If CALAFCO sponsors the bill, Assemblymember Caballero has agreed to author this bill again next year.

Upcoming Legislative Dates

January 1, 2019: Chaptered statutes take effect

January 7, 2019: State Legislature reconvenes for the 2019-2020 Session

Attachments

Attachment A: CALAFCO Legislation Report