

# EL DORADO LAFCO

LOCAL AGENCY FORMATION COMMISSION

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## *AGENDA OF JUNE 25, 2014*

### *REGULAR MEETING*

**TO:** Ken Humphreys, Chairman, and  
Members of the El Dorado County Local Agency Formation  
Commission

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

**PREPARED BY:** Erica Sanchez, Policy Analyst

**AGENDA ITEM #10A: OTHER BUSINESS – LEGISLATION**

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#### **RECOMMENDATION**

Staff recommends that the Commission receive the following summary of LAFCO-related legislation for the 2013-2014 Legislative Session. No Commission action is requested.

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

The State Legislature is in year two of the current two-year cycle and bills are currently moving through the committee process. The following is a summary of current bills in this second half of the 2013-2014 legislative session, which may affect LAFCO:

#### **Chaptered Bills**

##### **AB 2156 (Achadjian) – Local agency formation commissions: Studies**

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.

After discussing concerns about this bill at the May 28 meeting, the Commission directed staff to prepare a letter of opposition to the Governor; however Governor Brown signed AB 2156 on June 4, prior to the letter being sent. However, staff reviewed the final language of the bill and it appears to have been amended to simply add JPAs to the list of entities that are required to provide information to LAFCOs, if requested. The language regarding their study is permissive ("may"), so JPAs are not to be added to the list of agencies requiring MSR unless a commission adds them to the list. There is nothing in the final language regarding LAFCO oversight of JPAs. Overall the final bill appears benign and seems to have addressed the concerns that AB 2156 would be an

unfunded mandate requiring LAFCOs study of JPAs. AB 2156 will become effective January 1, 2015.

### **Failed Deadline**

#### **AB 453 (Mullin) – Sustainable Communities**

The Strategic Growth Council is required to manage and award grants and loans to a council of governments, metropolitan planning organization, regional transportation planning agency, city, county, or joint powers authority for the purpose of developing, adopting, and implementing a regional plan or other planning instrument to support the planning and development of sustainable communities.

AB 453 would make LAFCOs eligible to apply for Strategic Growth Council grants, which could possibly be used to fund more comprehensive MSR and SOI studies in collaboration with the regional transportation agencies (a direction the State Legislature is moving in). This would reduce duplication of effort and provide the transportation agencies with more complete information regarding municipal services and growth capacity for the preparation of the sustainable communities strategies.

The Commission authorized staff to prepare a letter in support of AB 453, at the March 27, 2013 meeting. This bill failed deadline on August 30, 2013.

#### **AB 1961 (Eggman) – Land Use: Planning: Sustainable Farmland Strategy**

Would require each county 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.

AB 1527 was last amended on April 22, 2014. 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 agricultural land retention and mitigation. AB 1527 creates an unfunded mandate for counties. This bill failed deadline on May 23, 2014.

### **Current Bills**

#### **AB 1527 (Perea) – Public Water Systems: Drinking Water**

Would require the State Department of Public Health, in administering programs to fund improvements and expansions of small community water systems, and other water systems, as specified, to promote service delivery alternatives that improve efficiency and affordability of infrastructure and service delivery, as specified.

AB 1527 was last amended on April 9, 2014. As amended, this bill promotes the consolidation of public water systems when appropriate. The bill would require the Department of Public Health to promote service delivery alternatives that improve efficiency, affordability of infrastructure, and service delivery in the administration of their programs funding improvement and expansion of public water systems. It also requires the DPH to consider LAFCO studies as part of their funding and alternative

services considerations and adds LAFCO to the list of eligible entities to receive sustainable community grant funding. AB 1527 was referred to the Environmental Quality and Natural Resources and Water Committees on June 5.

**AB 1729 (Logue) – Local government: Agricultural Land: Subvention Payments**

Would appropriate \$40 million to the Controller from the General Fund for the 2014-15 fiscal year to make Williamson Act 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. The bill is currently in Appropriations.

**AB 2762 (Committee on Local Government) – CKH Omnibus**

AB 2762 was last amended on May 6, 2014. 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 of organization or reorganization for which an application was accepted for filing prior to January 1, 2001, and make other conforming changes. The bill is scheduled to be heard by the Senate Government and Finance Committee on June 11.

**SB 69 (Roth) – Local Government Finance: Property Tax Revenue Allocations: Vehicle License Fee Adjustments**

SB 69 was last amended on May 6, 2014. Current property tax law requires the county auditor, in each fiscal year, to allocate property tax revenue to local jurisdictions in accordance with specified formulas and procedures, and generally provides that each jurisdiction shall be allocated an amount equal to the total of the amount of revenue allocated to that jurisdiction in the prior fiscal year, subject to certain modifications, and that jurisdiction's portion of the annual tax increment, as defined. This bill would modify these reduction and transfer provisions for a city incorporating after January 1, 2004, 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. As amended, the bill was re-referred to the Committee on Local Government on June 5.

**Upcoming Legislative Deadlines**

6/27: Last day for policy committees to meet and report bills

7/3 – 8/4: Summer Recess

8/15: Last day for fiscal committees to meet and report bills to the Floor

8/31: Last day for each house to pass bills, Final Recess begins

9/30: Last day for the Governor to sign or veto bills passed by the Legislature

**Attachments**

Attachment A: AB 2156--Chaptered

Attachment B: Legislation Report