

EL DORADO LAFCO

LOCAL AGENCY FORMATION COMMISSION

AGENDA OF DECEMBER 6, 2017

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, Policy Analyst

AGENDA ITEM #9A: OTHER BUSINESS – LEGISLATION

RECOMMENDATION

Staff recommends that the Commission receive the following 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 completed year one of its two-year legislative cycle; October 15 was the last day for Governor Brown to sign or veto bills passed by the Legislature. The Legislature will reconvene on January 3 to begin the second year of the current two-year cycle. The following is a summary of bills from year one of the 2017-2018 legislative cycle which were recently chaptered into State Law or vetoed by the Governor:

2017 Chaptered Bills

Unless otherwise noted, chaptered bills will become effective January 1, 2018.

AB 464 (Gallagher R): Service Plan Amendment for Annexations with an OASA *Signed by the Governor on July 10, 2017 – Chapter 43, Statutes of 2017.*

AB 464 makes a correction to Government Code §56653 based on the court finding in the case of *The City of Patterson v. Turlock Irrigation District*. The court found that because the services were already being provided via an out-of-agency service agreement (OASA), the application for annexation was deemed incomplete because it was not a new service to be provided. AB 464 allows LAFCOs to continue to approve annexations of areas already receiving services via an out-of-area service agreement.

AB 545 (Bigelow R): JPA Participation – El Dorado County Hospitals *Signed by the Governor on July 24, 2017 – Chapter 124, Statutes of 2017.*

The Joint Exercise of Powers Act only authorizes public agencies to enter into a joint powers agreement; AB 545 authorizes a private, nonprofit hospital in the County of El Dorado to enter into a joint powers agreement with a public agency. This will allow

Marshall Medical Center in Placerville and Barton Memorial Hospital in South Lake Tahoe to enter into a joint powers agreement with El Dorado County Service Areas 3 and/or 7 for emergency medical (ambulance) services. AB 545 prohibits nonprofit hospitals and public agencies participating in the agreement from reducing or eliminating any emergency services following the creation of the joint powers authority without a public hearing.

AB 979 (Lackey R): Special District Seating on LAFCOs

Signed by the Governor on September 1, 2017 – Chapter 203, Statutes of 2017.

AB 979 streamlines the process of seating special district representatives on LAFCOs which don't currently have special district representation. Keeping the process voluntary, it allows for a simple majority vote by mail whether or not the district wants to have special districts represented on LAFCO. Previous law required a majority of special districts in the county to pass board resolution within a one-year period to obtain representation.

AB 979 was one of two bills supported by the Little Hoover Commission's report on special districts released earlier this year, as a bill which would strengthen LAFCOs by easing a process to add special district representatives to the 28 county LAFCOs where districts have no voice.

AB 1361 (Garcia, Eduardo, Waldron) – Municipal Water Districts: Indian Tribes

Signed by the Governor on October 3, 2017 – Chapter 449, Statutes of 2017.

AB 1361 allows water districts, until January 1, 2023, to apply to LAFCO to provide service to an Indian tribe's lands that are not within the district boundaries, without going through the current statutory process of approval by the local agency formation commission (LAFCO). The bill requires the LAFCO to approve the application, but authorizes the commission to impose conditions on the district with regard to the extension of service. The bill prohibits a LAFCO from approving an application received on or after January 1, 2023, but would authorize a district that received authorization to extend water service to Indian lands before that date to continue to do so after that date.

AB 1725 (Committee on Local Government) – Annual Omnibus Bill

Signed by the Governor on September 28, 2017 – Chapter 353, Statutes of 2017.

AB 1725 is the annual Omnibus bill for the Cortese-Knox-Hertzberg Reorganization Act of 2000 (CKH), which makes minor, non-substantive technical changes to CKH. AB 1725 includes the following four items approved by the CALAFCO Legislative Committee:

56031(a) Revised definition of contiguous to "territory that abuts or shares a common boundary with territory within a local agency" instead of "territory adjacent to territory within a local agency".

56131.5 Adds "detachment" to healthcare district reorganizations.

56383(a) Broadens allowable LAFCO fee recovery to include MSR/SOI updates and studies.

56658 Adds "local" to "affected agency"

SB 448 (Wieckowski) – Dissolution of Inactive Districts***Signed by the Governor on September 27, 2017 – Chapter 334, Statutes of 2017.***

SB 448 authorizes LAFCO to dissolve inactive districts (after determining they meet the criteria set forth in the statute) by holding one hearing, without conducting a special study and with the waiver of protest proceedings. The State Controller is required to notify LAFCO when a district is inactive. LAFCO then has 90 days to initiate dissolution, and another 90 days in which to hold the hearing to dissolve. Should the LAFCO determine the district does not meet the criteria, no dissolution occurs and LAFCO notifies the Controller the district is not inactive. Should the LAFCO determine the district does meet the criteria then it is ordered to be dissolved. The bill also requires a district to provide LAFCO with their audits at the same time they provide them to the Controller.

AB 448 was the second bill specifically supported by the Little Hoover Commission report, as a bill which would provide LAFCOs the statutory authority to conduct reviews of inactive districts and to dissolve them without the action being subject to protest and a costly election process.

2017 Vetoed Bills:**AB 1479 (Bonta) – Public Records: Custodian of Records*****Vetoed by the Governor on October 13, 2017.***

AB 1479 would have required public agencies to designate a person or office to act as the agency's custodian of records who is responsible for responding to all California Public Records Act (CPRA) requests and to respond to inquiries as to why the agency denied the request for records. The bill originally added civil penalties for agencies that violate the CPRA; however, it was later amended to focus solely on bad acting public agencies that “knowingly and willfully” violate the CPRA.

Upcoming Legislative Dates

January 1, 2018: Chaptered statutes take effect

January 3, 2018: Legislature reconvenes for 2017-2018 Legislative Session

Attachment

Attachment A: CALAFCO Legislation Report