

EL DORADO LAFCO

LOCAL AGENCY FORMATION COMMISSION

AGENDA OF JANUARY 25, 2017

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

RECOMMENDATION

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

REASON FOR RECOMMENDED ACTION AND BACKGROUND

The State Legislature reconvened January 4 to begin the first year of the two-year 2017-2018 legislative cycle. At this time, there is no proposed legislation to report on which may affect LAFCO.

CALAFCO 2017 Legislative Priorities

During their December 9 meeting, the CALAFCO Board of Directors discussed the organization's legislative priorities for the coming year and unanimously decided CALAFCO's focus in 2017 will be on issues that potentially put its member LAFCOs at risk.

CALAFCO will sponsor a bill that addresses the ongoing legal concerns of Government Code §56653 by clarifying that the service plan requirement for a proposed change of organization applies both to the extension of any new services as well as any services currently provided by an agency outside its boundaries through an out-of-agency service agreement. In the 2014 case of City of Patterson v. Turlock Irrigation District, the Fourth District Court of Appeal ruled that GC §56653 only permits applications for annexations (or other reorganizations) which include a plan to extend services to an area. If no extension of services is proposed, then an application for a change of organization cannot be made. However, current law allows LAFCOs to approve the extension of services outside an agency's boundaries prior to an annexation if it is anticipated that the annexation will occur at a later date (aka an out-of-agency service agreement). Without this clarification in the law, an application for the annexation of territory already provided with services would be invalid.

CALAFCO will also co-sponsor a bill with CSDA that simplifies the process of seating special district representatives on LAFCO. CSDA is expected to take the lead on this legislation and special district membership seating on LAFCOs will remain voluntary.

The Little Hoover Commission is projected to release a report on special districts in March, which is expected to cover topics such as LAFCO's role in special district formation and organization, the need for planning and preparing for climate change, and the relevance and effectiveness of healthcare districts. It is anticipated that this report will include recommendations for some form of action by LAFCOs, which will be a priority for CALAFCO.

CALAFCO also expects to see another bill be introduced this year similar to last year's SB 1318 (Wolk) regarding drinking water accessibility issues in disadvantaged communities. CALAFCO will continue to be engaged with the State Water Board on the topic and LAFCO staff will keep you apprised of any development.

Finally, CALAFCO's annual Omnibus bill will contain only changes addressing risks and vulnerabilities for LAFCOs, instead of the more typical technical changes to the Cortese-Knox-Hertzberg Act (CKH).

Upcoming Legislative Dates

February 17: Last day for bills to be introduced

Attachment

Attachment A: Legislation Report