

EL DORADO LAFCO

LOCAL AGENCY FORMATION COMMISSION

AGENDA OF AUGUST 22, 2012

REGULAR MEETING

TO: Ron Briggs, 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 2011-2012 legislative session and consider authorizing a follow up letter in support of Assembly Bill 2238 (Perea) – LAFCO MSR Studies and Public Water Systems.

REASON FOR RECOMMENDED ACTION AND BACKGROUND

The following is a summary of current bills which may affect LAFCO:

AB 2238 (Perea) Public Water Systems and MSR Studies

As originally written, this bill contained language for a new LAFCO requirement to study alternative water and wastewater deliveries on all MSRs, amounting to an unfunded mandate from the state. At the May 23 LAFCO meeting, the Commission directed staff to prepare a letter in opposition to AB 2238.

As you are aware, the bill has since been significantly amended to remove the MSR requirement for LAFCOs. In addition, CALAFCO's requested language requiring the Department of Public Health to review MSRs and contact LAFCO regarding agency performance and opportunities for service efficiencies before issuing infrastructure grants or loans to water agencies was included. With these changes, CALAFCO strongly recommended that all LAFCOs that sent opposition letters send a new letter either removing the objections or outright support the bill.

On June 20, staff notified the members of the Ad Hoc Legislative Committee of the amendments and, at the direction of the Committee, prepared a letter rescinding this LAFCO's opposition to AB 2238 (Attachment A). The Commission may also consider authorizing staff to prepare a follow-up letter in full support of AB 2238.

SB 46 (Correa) Compensation Disclosure

This bill would require all local agency officials who file a statement of economic interests (Form 700) to also file an extensive compensation and reimbursement disclosure report annually. All local agencies, including LAFCOs, would be required to post the forms on their website. The Commission directed staff to prepare a letter in opposition to SB 46 at the February 22 LAFCO meeting.

AB 2624 (Smyth) 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. This bill would make LAFCOs eligible to directly apply from the Strategic Growth Council grants for MSR's and other studies which would better inform the preparation of Sustainable Community Strategies and Regional Transportation Plans by the municipal planning organizations. CALAFCO is the sponsor.

Bills Signed into Law**AB 2698 (Assembly Local Government Committee) Annual CKH Omnibus Bill**

This annual bill makes technical and non-controversial changes to the Cortese-Knox-Hertzberg Local Government Reorganization Act. The 2012 bill makes a number of technical changes, as well as making major clarifications to the various protest provisions in the Act. CALAFCO is the sponsor. The Commission directed staff to prepare a letter in support of AB 2698 at the May 23 LAFCO meeting. **This bill has since been signed into law.**

Dead Bills**SB 1498 (Emmerson) Local Agency Formation Commission: Powers**

This bill would have authorized LAFCOs to authorize a city or district to provide new or current services outside its jurisdictional boundaries and outside its sphere of influence to support current or planned uses involving public or private properties, subject to approval at a noticed public hearing, in which certain determinations are made. The bill would also have authorized the commission to delegate to its executive officer the approval of certain requests to authorize a city or district to provide new or extended services outside its jurisdictional boundaries or outside its sphere of influence, as described above, under specified circumstances.

The bill also included the CALAFCO language for out-of-agency service extensions (Government Code §56133), and eliminated the annexation requirements from SB 244, which requires a separate annexation application to LAFCO for a disadvantaged unincorporated community when it is adjacent to uninhabited territory the city would like to annex. **This bill has died.**

SB 1566 (Negrete McLeod and Emmerson) VLF Funding for Annexations and Incorporations

This bill would have repaired the VLF funding gap that was created by the SB 89 budget bill in 2011, for inhabited annexations and incorporations since 2004. **This bill has died.**

Attachments

Attachment A: Removal of Opposition to AB 2238

Attachment B: Legislation Report