

EL DORADO LAFCO

LOCAL AGENCY FORMATION COMMISSION

AGENDA OF MAY 22, 2013

REGULAR MEETING

TO: Don Mette, 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

None. Staff recommends that the Commission receive the following summary of LAFCO-related legislation for the 2013-2014 legislative session.

REASON FOR RECOMMENDED ACTION AND BACKGROUND

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

AB 453 (Mullin) LAFCO Eligibility for SGC Grants

This bill would make LAFCOs eligible to directly apply for grants from the Strategic Growth Council 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 of this bill, which was first introduced as AB 2624 (Smythe) in 2012. The Commission authorized a letter in support of AB 453 at the March 27, 2013 meeting.

AB 743 (Logue) Island Annexations

As amended, this bill removes the sunset date provision to waive protest proceedings for certain island annexations. The size of the island areas for the purposes of annexation under this provision has been amended back to 150 acres. Additionally, the bill was amended to reset the effective island creation date from January 1, 2000 to January 1, 2014, allowing smaller islands of less than 150 acres created after 2000 to be annexed under these provisions. CALAFCO supports this bill.

AB 1235 (Gordon) Local Agencies: Financial Management Training

AB 1235 would require that if a local agency provides any type of compensation, salary, or stipend to, or reimburses the expenses of, a member of the legislative body, the

member shall receive one-4 hour state mandated Financial Management training per term of office. Effective January 1, 2014 for those in office as of that date (whose term of office extends beyond January 1, 2015). Those elected to more than one legislative body may take the training one time and have it apply to all legislative bodies on which they serve. This would apply to a LAFCO Commissioner who receives a stipend or is reimbursed for expenses in the performance of their Commissioner duties.

AB 1427 (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 2013 bill clarifies several definitions, makes changes to obsolete and incorrect code references, and makes minor updates to several outdated sections. CALAFCO is the sponsor.

SB 56 (Roth) - Local Government Finance: Vehicle License Fee Adjustments

This bill reinstates revenues through ERAF for California cities incorporating after 2005 and annexations of inhabited territories. CALAFCO supports this bill.

SB 617 (Evans) California Environmental Quality Act

This bill makes a number of substantive changes including: (1) expanding the definition of "environment" relating to an EIR such that the health and safety of people affected by the physical conditions at the location of a project must also be considered; (2) enhances the definition of "significant effect on the environment" by including exposure of people, either directly or indirectly, to substantial existing or reasonably foreseeable natural hazard or adverse condition of the environment; (3) requires concurrent online filing of notices in a database maintained by the Office of Planning and Research (OPR), and with the office of the County Clerk in which the project is located. Further, any time periods or limitation periods will begin at the time of the later filing of the two offices. (4) Adds to the EIR a requirement to address any significant effects that may result from locating development near, or attracting people to, existing or reasonably foreseeable natural hazards or adverse environmental conditions.

AB 380 (Dickinson) California Environmental Quality Act

AB 380 would require CEQA notices to be filed with both the Office of Planning and Research and the county clerk and be posted by county clerk for public review; require the county clerk to post the notices within one business day, as defined, of receipt and stamp on the notice the date on which the notices were actually posted; require the county clerk to post the notices for at least 30 days; require the Office of Planning and Research to post the notices on a publicly available online database established and maintained by the office; require the office to stamp the notices with the date on which the notices were actually posted for online review and would require the notices to be posted for at least 30 days; and authorize the office to charge an administrative fee not to exceed \$10 per notice filed.

AB 774 (Donnelly) County Service Areas: Zone Dissolution

Would require a county board of supervisors, upon dissolution of a county service area or a specified zone, to post signs indicating which services and facilities are no longer provided within the zone and require the board to provide adequate maintenance to the signs. This bill would provide that, once the signs are posted, the county and the

dissolved zone shall not be held liable for death or injury resulting from the termination of services or facilities. This bill would also provide that the county, county service area, and zones would not be responsible for a loss or injury resulting from the failure to provide maintenance of services or facilities if the board is unable to raise revenues.

SCA 11 (Hancock) Local Government Special Taxes: Voter Approval

The California Constitution conditions the imposition of a special tax by a local government upon the approval of 2/3 of the voters of the local government voting on that tax, and prohibits a local government from imposing an ad valorem tax on real property or a transactions tax or sales tax on the sale of real property. This measure would instead condition the imposition, extension, or increase of a special tax by a local government upon the approval of 55% of the voters voting on the proposition.

Dead Bills:

SB 772 (Emmerson) Drinking Water--DEAD

Would have require LAFCOs as part of a Municipal Service review to request information from identified public or private entities that provide wholesale or retail supply of drinking water, including the identification of any private retail water supplier within or contiguous to the responding entity. It also would have required LAFCOs to provide a copy of the Sphere of Influence for all retail private and public water suppliers to the Public Utilities Commission and the State Department of Public Health as an unfunded mandate. CALAFCO opposed this bill.

AB 823 (Eggman) California Farmland Protection Act--DEAD

AB 823 would have added a requirement for lead agencies to require certain mitigation measures for projects that convert agricultural lands for non- agricultural land use. These mitigation measures at a minimum would have required providing replacement acreage in perpetuity to preserve agricultural land and ensure the sustainability of agricultural production capacity.

AB 515 (Dickinson) California Environmental Quality Act: Judicial Review--DEAD

AB 515 would have established a CEQA compliance division of the superior court in a county in which the Attorney General maintains an office and would vest the division with original jurisdiction over actions of proceedings brought pursuant to CEQA and joined matters related to land use and environmental laws. The bill would have required the Judicial Council to adopt rules for establishing, among other things, protocol to govern the administration and efficient operation of the division, so that those judges assigned to the division will be able to hear and quickly resolve those actions or proceedings.

Attachments

Attachment A: Legislation Report