

EL DORADO LAFCO

LOCAL AGENCY FORMATION COMMISSION

AGENDA OF MARCH 27, 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 #9A: OTHER BUSINESS – LEGISLATION

RECOMMENDATION

Staff recommends that the Commission receive the following summary of LAFCO-related legislation for the 2013-2014 legislative session and consider authorizing a letter in support of Assembly Bill 453 (Mullin) – Sustainable Communities.

REASON FOR RECOMMENDED ACTION AND BACKGROUND

The State Legislature reconvened on January 7; February 22 was the last day for new legislation to be introduced in this session. The following is a summary of current bills which may affect LAFCO:

AB 453 (Mullin) Sustainable Communities: LAFCO Eligibility for SGC Grants

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.

Assembly Bill 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.

CALAFCO is the sponsor of this bill, which was first introduced as AB 2624 (Smythe) in 2012. The language is virtually the same from last year's bill. Last year the bill passed through the Assembly, passed in the Senate's Natural Resources and Water

Committee, but then died in Senate Appropriations Committee. CALAFCO and Assembly Member Mullin's staff are working with Senate Committee staff to alleviate their concerns. The bill is currently set to be heard in the Assembly Local Government Committee on April 3, 2013.

CALAFCO is requesting letters in support of Assembly Bill 453 from individual LAFCOs. Staff recommends the Commission consider authorizing staff to prepare a letter in support of AB 453, to be signed by either the Executive Officer or Chair. The proposed bill and the CALAFCO letter of support are attached for your information (Attachments A and B).

AB 743 (Logue) Island Annexation Extension

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 authorizes a local agency formation commission to approve, after notice and hearing, a petition for a change of organization or reorganization of a city, if the petition was initiated on or after January 1, 2010, and before January 1, 2014, and waive protest proceedings entirely if certain requirements are met. Assembly Bill 743, sponsored by CALAFCO, would delete the January 1, 2014 date and authorize the commission to approve a change of organization or reorganization pursuant to these provisions of a territory that does not exceed 300 acres.

SB 772 (Emmerson) Drinking Water

SB 772 would require the State Department of Public Health or the local health agency, where applicable, annually to provide the address and telephone number for each public water system and state small water system to the Public Utilities Commission and, as prescribed, to a LAFCO.

This bill requires LAFCOs as part of a MSR, to request information from identified public or private entities that provide wholesale or retail supply of drinking water, including the identification of any retail water suppliers within or contiguous to the responding entity. Further requires LAFCOs to provide a copy of the SOI review for retail private and public water suppliers to the Public Utilities Commission and the state department of Public Health.

AB 823 (Eggman) California Farmland Protection Act

AB 823 would enact the California Farmland Protection Act, which would require that an applicant for a project, as defined, that involves the conversion of agricultural land to a permanent or long-term nonagricultural use, including a residential, commercial, civic, industrial, infrastructure, or other similar use, at a minimum, mitigate the identified environmental impacts associated with the conversion of those lands through the permanent protection and conservation of land suitable for agricultural uses, and would require that an adopted mitigation measure providing for the protection of agricultural land meet specified requirements. The act would require the Office of Planning and Research, no later than December 31, 2014, to promulgate regulations covering projects subject to the act. By imposing new duties on a lead agency with regard to the review and approval of the mitigation measures required by the act, the bill would impose a state-mandated local program.

This bill adds 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 require providing replacement acreage in perpetuity to preserve agricultural land and ensure the sustainability of agricultural production capacity.

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.

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 515 (Dickinson) California Environmental Quality Act: Judicial Review

AB 515 would establish 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 require 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.

This bill calls for the creation of at least two CEQA compliance court districts in the state, establishes a CEQA compliance court in each of the districts with at least three judges (appointed by the Governor). All CEQA compliance cases are to be heard in only these courts and the appeals handled directly by the Supreme Court. The courts will be required to issue a preliminary decision before the opportunity for oral argument is granted, and if the court finds that a determination of a public agency violated CEQA, the court order must specify what action taken by the public agency was in error.

AB 774 (Donnelly) County Service Areas: Zone Dissolution

Current law allows the county board of supervisors to change the boundaries of a zone, or to dissolve the zone, by following specified procedures. This bill would require the board 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 and the action is recorded, the county and the dissolved zone shall not be held liable for death or injury resulting from the termination of services or facilities.

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.

Attachments

Attachment A: Assembly Bill 453: LAFCO Eligibility for SGC Grants

Attachment B: CALAFCO Letter in Support of AB 453

Attachment C: Legislation Report