

LAFCO

Santa Barbara Local Agency Formation Commission
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November 3, 2005 (Agenda)

Local Agency Formation Commission
105 East Anapamu Street
Santa Barbara CA 93101

Legislative Report

Dear Members of the Commission:

RECOMMENDATION

It is recommended the Commission receive and file this report regarding chaptered bills.

DISCUSSION

I am reporting on two bills of importance to the Santa Barbara LAFCO that were enacted by the legislature and signed into law by the Governor.

AB 1746 – LAFCO Cleanup Legislation (Chapter 247)

This CALAFCO - sponsored bill modifies the Cortese-Knox-Hertzberg Local Government Reorganization Act to improve LAFCO operations and related intergovernmental procedures. Legislative changes included in the annual “clean up” bills need to be non-controversial and acceptable to CALAFCO, cities, counties and special districts.

This chaptered bill makes the following changes:

- Extends to January 1, 2008, and every five years thereafter, the deadline for LAFCOs to review and update, as necessary, each sphere of influence
- Allows LAFCOs, when approving annexations and detachments, to waive subsequent protest proceedings in certain instances. This bill deletes the requirement that agencies whose boundaries are being changed provide written consent and replaces it with the easier standard that such agencies, after receiving notice, have not submitted their written opposition.
- Deletes a requirement for the Board of Supervisors to post LAFCO vacancies in the County’s Local Appointments List and adds the requirement that LAFCOs post and mail a notice to all

local agencies whenever a vacancy occurs in the public member or alternate public member position, and to defer a final appointment to fill the vacancy for at least 21 days after providing such notice.

- Requires LAFCO to budget sufficient funds in the subsequent year to repay the County if it loans funds to LAFCO to operate during a fiscal year.
- Deletes the requirement for a protest hearing for proposals that include an incorporation, disincorporation, consolidation, establishment of a subsidiary district, merger or dissolution since those proposals automatically require a confirmation election.

The bill makes a small number of other technical changes to insure consistency between various sections of the code.

SB 135 – Community Services District Law Update (Chapter 249)

The enclosed letters from Committee Chair Christine Kehoe inform the Commission that SB 135 has been chaptered into law and asks that it be discussed with the Commission. It is the latest in a series of annual rewrites by the Senate Local Government Committee. Earlier legislation updated the Fire Protection District Act and Cemetery District Act.

There are 315 Community Services Districts in California, six in Santa Barbara County. The Community Services District Law is the principal act that governs these agencies. The rewrite reduces the number of sections in the law from 315 to 90 and includes a number of corrected references to other applicable statutes. A summary of the chaptered bill provided by the Local Government Committee is enclosed.

One change states a “latent power” is a service or facility that a CSD did not provide before January 1, 2006. When LAFCO inventories a CSD’s services a part of adopting its sphere of influence, all other services are “latent” and require the District to obtain the Commission’s approval if it wishes activate such powers.

Consequently, our office on October 7 wrote to each of the CSDs in Santa Barbara County with that agency’s data page in our recently updated Directory of Local Agencies, stating that we assume the “services provided” in the Directory lists the types of services the District is providing.

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Please contact the LAFCO office if you have any questions.

Sincerely,

BOB BRAITMAN
Executive Officer

cc: Mike Brown, County Executive
Each City Manager
Each Special District Manager