

**CALAFCO Legislative Committee
MEETING AGENDA**

Friday, 21 March ♦ 9:30 am – 2:00 pm

Offices of BB&K ♦ 2855 E. Guasti Road, Suite 400, Ontario, CA 91761

Call in Number: 800-326-0013 ♦ Conference ID: 2519638#

		<u>Page</u>
1. Welcome, Roll Call, Review Agenda	<i>P. Miller</i>	
 CONSENT		
2. Approval of minutes of the January 24, 2014 meeting *	<i>P. Miller</i>	3
 ACTION		
3. 2014 Assembly Omnibus Bill*	<i>P. Novak</i>	7
a. Items proposed		
b. Items not included – next steps		
4. Current LAFCo Legislation	<i>P. Miller</i>	25
a. AB 1527 (Perea) – Drinking Water		
b. AB 1729 (Logue) – Williamson Act		
c. AB 1961 (Eggman) – Sustainable Farmland Strategy		
d. AB 2156 (Achadjian) – C-K-H and JPAs		
e. SB 1001 (Knight) - C-K-H		
5. Review of other Legislation of Interest		29
a. AB 1521 (Fox) – VLF	<i>P. Miller</i>	
b. AB 1593 (Dahle) – Auburn Public Cemetery District	<i>K. Berry/S. Browne</i>	
c. AB 2455 (Williams) – Santa Rita Hills CSD	<i>P. Hood</i>	
d. Other CALAFCO tracked bills	<i>P. Miller</i>	
 INFORMATION		
6. Committee Bills, Projects and Reports		
a. Report of Board’s approval of Committee’s recommended Legislative Policies update*	<i>P. Miller</i>	39
b. Report of Board of Directors legislative priorities based on Committee’s recommendation	<i>P. Miller</i>	
c. Discussion regarding Revenue and Tax Code Section 99	<i>L. Teixeira</i>	
d. Disincorporation procedures update	<i>K. Rollings-McDonald</i>	
7. Items for next meeting		

Adjournment to 9 May 2014 in Sacramento



California Association of Local Agency Formation Commissions

**CALAFCO Legislative Committee
DRAFT SUMMARY MEETING**

Date: Friday 24 January, 2014

Location: Sacramento, CA

Participants: Clark Alsop (Counsel), **Robert Bergman***, Kris Berry, Marjorie Blom, Bob Braitman* (left at 12:10 p.m.), Scott Browne* (joined at 9:50 a.m. and left at 12:10 p.m.), David Church* (joined at 11:30 a.m.), Carole Cooper, **Jim Curatalo**, Harry Ehrlich (left at 1:00 p.m.), Carolyn Emery (left at 12:15 p.m.), Paul Hood (arrived at 9:45 a.m.), **Juliana Inman**, **William Kirby**, **John Leopold**, Steve Lucas* (Vice Chair), Kai Luoma*, **Michael McGill**, Pamela Miller (Chair), **Eugene Montanez**, Paul Novak, Neelima Palacherla*, Mona Palacios (arrived at 9:55 a.m.), Kathy Rollings-McDonald, Keene Simonds, George Spiliotis, **Josh Susman***, and Lou Ann Texeira.

Others: Sara Lytle-Pinhey, Stanislaus LAFCo; Present by phone for part or all of the meeting were: Matt Beekman*, Stanislaus LAFCo; Roseanne Chamberlain*, Amador LAFCo; SR Jones*, Nevada LAFCo; and Ben Legbandt*, Orange LAFCo.

*participated by phone

Recorder: Pamela Miller

1. Welcome, Roll Call, Review Agenda

A quorum was determined to be present at 9:30 a.m. and the meeting was called to order.

2. Approval of minutes of the December 6, 2013 meeting

***MOTION:** Harry Ehrlich motioned to approve the minutes. The motion was seconded by Mike McGill and passed unanimously.*

3. Adoption of Policies for Adopting Positions and Assigning Priorities to Legislation and move forward to the Board of Directors

***MOTION:** Harry Ehrlich motioned to adopt the policies. The motion was seconded by Mike McGill and passed unanimously.*

The committee agreed to review the policies at the end of this legislative year to determine their effectiveness and potentially add a section about the formation of committee working groups and the process used to bring potential legislative items to the committee.

4. Discussion/Review of CALAFCO Legislative Policies – 2014 Update

MOTION: Upon motion by Harry Ehrlich and second by John Leopold, the committee voted to accept all of the proposed changes as presented on pages 1 and 2, and Carole Cooper's proposed changes on page 3 with the exception of the Housing Issue of Interest.

MOTION: Mike McGill motioned to amend Policy 5.1 as noted below, and to amend the Viability of Local Services section as noted below. The motion was seconded by Harry Ehrlich and passed unanimously.

Policy 5.1 - Service Delivery and Local Agency Effectiveness:

Support the use of LAFCo resources to ~~prepare and~~ review Regional Transportation Plans, including Sustainable Communities Strategies, and other growth plans to ensure reliable services, orderly growth, sustainable communities, and conformity with LAFCo's legislative mandates.

Viability of Local Services:

Support legislation that maintains or enhances LAFCo's ability to review and act to determine the efficient and sustainable delivery of local services and the financial viability of agencies providing those services to meet current and future needs including those identified in regional planning efforts such as sustainable communities strategies. Support legislation which provides LAFCo and local communities with options for local governance and service delivery, including incorporation as a city, formation as a special district, or reorganizations or dissolutions to ensure efficient, effective, and quality service delivery. Support efforts which provide tools to local agencies to address aging infrastructure, fiscal challenges and maintain services. Support efforts that enhance meaningful collaboration between LAFCos and regional planning agencies.

ACTION: Proposed amendments to be presented to the Board for their consideration at their next meeting on February 7, 2014.

5. Review of other potential Legislation of Interest

a. Change in definition of consolidation in §56030

This item was presented by Harry Ehrlich as informational for future consideration. No action was taken.

b. Other potential legislation

None.

6. Discussion of and consideration of position for other LAFCo-related legislation

a. AB 1527 – Public drinking water systems (Perea)

MOTION: John Leopold motioned to take a Watch position on this bill. The motion was seconded by Mike McGill and passed unanimously.

b. AB 677 - VLF fee adjustments (Fox)

No action taken as the bill failed deadline pursuant to Rule 61(b)(1).

c. AB 1521 - VLF fee adjustments (Fox)

***MOTION:** George Spiliotis motioned to take a Support position on this bill. The motion was seconded by John Leopold and passed unanimously.*

***MOTION:** George Spiliotis motioned to make this bill a Priority 1 on the CALAFCO tracking priority list. The motion was seconded by Harry Ehrlich and passed unanimously.*

d. Other bills tracked by CALAFCO

***MOTION:** George Spiliotis motioned to make **SB 69** (Roth) a Priority 1 on the CALAFCO tracking priority list and to take a Support position on the bill. The motion was seconded by Harry Ehrlich and passed unanimously.*

7. 2014 Omnibus Bill Update

After much discussion the committee agreed to accept the majority of CSDA's proposed amendments and made several additional changes, specifically to section (e), (f), (f)(3), (f)(4), (f)(5), and adding a section (h) to address the retention period of ballots.

***MOTION:** Paul Novak motioned to approved all of the changes noted, and to direct Pamela to continue to work with CSDA with the discretion to make further amendments as may be required. The motion was seconded by Harry Ehrlich and passed unanimously.*

Further, the committee added a section (6) which is the proposed paragraph addressing quorum of ballots, to which the committee approved several minor amendments, including the provision for the executive officer to extend the deadline one time for a 60-day period if a quorum of ballots is not received.

***MOTION:** Bill Kirby motion to approve the proposed amendments. The motion was seconded by Paul Novak and passed with Mike McGill voting in opposition and all other members voting in favor.*

8. Committee Bills, Projects and Reports

a. Notice of Hearings for Commission Proceedings §56161

***MOTION:** John Leopold motioned to approve the proposed language and insert it into the Omnibus bill as part of section 56660. The motion was seconded by Mike McGill and passed unanimously.*

***ACTION:** Carole Cooper to provide revised proposed language to Pamela by January 27, 2014 for submission to the Assembly Local Government Committee.*

b. Revenue and Tax Code Section 99

Lou Ann Texeira provided an update indicating she is preparing a report to the Board on the issues identified. The strategy will likely be that another agency take the lead as the facilitator and CALAFCO is engaged as a conversation partner. No action was taken.

c. Disincorporation procedures

Kathy Rollings-McDonald provided an update indicating the complexities and effects of the disincorporation process. She further noted that discussion on CEQA exemptions for disincorporations are needed as the city has no funds to pay for the EIR. Kathy indicated the strategy would be to look internally at the impacts and potential changes/improvements in

C-K-H, then look outward to and with external stakeholders and the impact on them. No action was taken.

d. Service Extension Outside Boundaries §56133

Pamela Miller reported as a result of her request for regional coordinators for the education and outreach process, those who volunteered to date are William Kirby and Kris Berry (Placer LAFCo), Steve Lucas (Butte LAFCo), Marjorie Blom (Stanislaus LAFCo), and Roseanne Chamberlain (Amador LAFCo). David Church (San Luis Obispo LAFCo) volunteered to assist, and Josh Susman (Nevada LAFCo) noted he will talk with Pamela about a another northern region volunteer. Pamela invited others to volunteer and urged all regions to be represented. No action was taken.

Following these reports and after much discussion, the committee prioritized the five pieces of long-term potential legislation and working groups it approved at the last meeting. This will allow the Board to make a more informed decision on the proposed legislation and better understand the perceived priorities of the committee.

MOTION: *Paul Hood motioned with a second by Kathy McDonald to approve the priorities as noted below and to present them in this manner to the Board. The motion passed unanimously.*

- 1. Disincorporations*
- 2. JPAs*
- 3. 56133 – Service Outside Boundaries*
- 4. Protest Provisions Phase II*
- 5. Revenue & Tax Code Section 99*

9. Other suggestions for consideration

None.

10. Items for next meeting

None.

Adjournment to 28 March 2014 in Ontario.

The meeting was adjourned at 1:30 p.m.

Assembly Local Government Committee Omnibus Bill – DRAFT VERSION ONE

Item 1: Government Code 57113 *addresses voter-approval requirements for Commission-initiated change of organization or reorganization. 57113(b) relates to a “landowner-voter” district. This proposal would change the wording from “voters” to “landowners,” so that it is clear that, in a landowner-voter district, only landowners have the right to protest and to vote.*

57113. Notwithstanding Section 57102, 57108, or 57111, for any proposal that was initiated by the commission pursuant to subdivision (a) of Section 56375, the commission shall forward the change of organization or reorganization for confirmation by the voters if the commission finds either of the following:

(a) In the case of inhabited territory, protests have been signed by either of the following:

(1) At least 10 percent of the number of landowners within any subject agency within the affected territory who own at least 10 percent of the assessed value of land within the territory. However, if the number of landowners within a subject agency is less than 300, the protests shall be signed by at least 25 percent of the landowners who own at least 25 percent of the assessed value of land within the territory of the subject agency.

(2) At least 10 percent of the voters entitled to vote as a result of residing within, or owning land within, any subject agency within the affected territory. However, if the number of voters entitled to vote within a subject agency is less than 300, the protests shall be signed by at least 25 percent of the voters entitled to vote.

(b). In the case of a landowner-voter district, ~~that~~ the territory is uninhabited and protests have been signed by at least 10 percent of the number of landowners within any subject agency within the affected territory, ~~owning who own~~ at least 10 percent of the assessed value of land within the territory. However, if the number of ~~landowners voters~~ entitled to vote within a subject agency is less than 300, protests shall be signed by at least 25 percent of the ~~landowners voters~~ entitled to vote.

Item 2: Government Code 56106 *states that the “time within which an official or the commission [LAFCO] is to act,” for all provisions in Cortese-Knox-Hertzberg, are directory; it further identifies two exceptions—Government Code Section 56668(i) and Government Code Section 56895(b), in which the time periods are directory. This proposal changes the cross reference to the correct subdivision in Section 56658. AB 2698 (Local Government Committee), Chapter 62, Statutes of 2012, restructured the section changing subdivision (i) to subdivision (d). This proposal changes the cross reference to reflect that corresponding change.*

56106. Any provisions in this division governing the time within which an official or the commission is to act shall in all instances, except for notice requirements and the requirements of subdivision ~~(h)~~ ~~(i)~~ of Section 56658 and subdivision (b) of Section 56895, be deemed directory, rather than mandatory.

Item 3: Government Code 56653 *This proposal amends Section 56653 to require submittal of a plan for services whenever a proposal for a change of organization or reorganization is submitted not just when a local agency submits a proposal, as the current language directs. In some counties, most proposals are submitted by petition, and current law does not cover that situation.*

56653. (a) Whenever a ~~proposal local agency or school district submits a resolution of application~~ for a change of organization or reorganization is submitted pursuant to this part, ~~the local agency shall submit with the resolution of application~~ the applicant shall submit a plan for providing services within the affected territory.

(b) The plan for providing services shall include all of the following information and any additional information required by the commission or the executive officer:

- (1) An enumeration and description of the services to be extended to the affected territory.
- (2) The level and range of those services.
- (3) An indication of when those services can feasibly be extended to the affected territory.
- (4) An indication of any improvement or upgrading of structures, roads, sewer or water facilities, or other conditions the local agency would impose or require within the affected territory if the change of organization or reorganization is completed.
- (5) Information with respect to how those services will be financed.

Item 4: Government Code 56101 *is a provision “grandfathering in” all pending applications filed prior to January 1, 2001 (the effective date of Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000). This proposal repeals this code section because there are no longer pending proceedings from applications accepted prior to January 1, 2001.*

56101. ~~This division does not apply to any proceeding for a change of organization or reorganization for which the application shall have been accepted for filing by the executive officer pursuant to Section 56658 prior to January 1, 2001. These pending proceedings may be continued and completed under, and in accordance with, the provisions of law under which the proceedings were commenced. The repeals, amendments, and additions made by the act enacting this division shall not apply to any of those pending proceedings, and, the laws existing prior to January 1, 2001, shall continue in full force and effect, as applied to those pending proceedings.~~

56100. (a) Except as otherwise provided in Section 56036.5, and subdivision (b) of Section 56036.6, ~~and Section 56101~~, this division provides the sole and exclusive authority and procedure for the initiation, conduct, and completion of changes of organization and reorganization for cities and districts. All changes of organization and reorganizations shall be initiated, conducted, and completed in accordance with, and as provided in, this division.

(b) Notwithstanding any other provision of law, proceedings for the formation of a district shall be conducted as authorized by the principal act of the district proposed to be formed, except that the commission shall serve as the conducting authority and the procedural requirements of this division shall apply and shall prevail in the event of conflict with the procedural requirements of the principal act of the district. In the event of such a conflict, the commission shall specify the procedural requirements that apply, consistent with the requirements of this section.

Item 5: Government Code 56668 *requires LAFCOs to consider a number of factors in a review of a proposal for a change of organization or reorganization. SB 1330 (Judiciary Committee), Chapter 328, Statutes of 2010, added the word “its” to Government Code 56668(g) and inadvertently substantially changed the meaning of the subdivision. Prior to SB 1330 current law required LAFCOs to look at consistency of a proposal with the local land use plans. SB 215, Chapter 570, Statutes of 2009, amended 56668 (g) to also have LAFCO consider a Regional Transportation Plan (not necessarily consistency with a Regional Transportation Plan) when evaluating a proposal. The addition of “its” mean LAFCOs now consider the consistency of the Regional Transportation Plan with the local land use plans. This proposal will restore the original intent of the subdivision to once again require LAFCOs to consider consistency with city and county land use plans and also require consideration of the applicable regional transportation plan.*

56668. Factors to be considered in the review of a proposal shall include, but not be limited to, all of the following:

(a) Population and population density; land area and land use; per capita assessed valuation; topography, natural boundaries, and drainage basins; proximity to other populated areas; the likelihood of significant growth in the area, and in adjacent incorporated and unincorporated areas, during the next 10 years.

(b) The need for organized community services; the present cost and adequacy of governmental services and controls in the area; probable future needs for those services and controls; probable effect of the proposed incorporation, formation, annexation, or exclusion and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas.

“Services,” as used in this subdivision, refers to governmental services whether or not the services are services which would be provided by local agencies subject to this division, and includes the public facilities necessary to provide those services.

(c) The effect of the proposed action and of alternative actions, on adjacent areas, on mutual social and economic interests, and on the local governmental structure of the county.

(d) The conformity of both the proposal and its anticipated effects with both the adopted commission policies on providing planned, orderly, efficient patterns of urban development, and the policies and priorities in Section 56377.

(e) The effect of the proposal on maintaining the physical and economic integrity of agricultural lands, as defined by Section 56016.

(f) The definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory, and other similar matters affecting the proposed boundaries.

(g). A regional transportation plan adopted pursuant to Section 65080, and ~~its consistency with city or county general and specific plans.~~

(h) Consistency with city or county general and specific plans.

~~(h)~~ **(i)** The sphere of influence of any local agency which may be applicable to the proposal being reviewed.

~~(i)~~ **(j)** The comments of any affected local agency or other public agency.

~~(j)~~ **(k)** The ability of the newly formed or receiving entity to provide the services which are the subject of the application to the area, including the sufficiency of revenues for those services following the proposed boundary change.

~~(k)~~ **(l)** Timely availability of water supplies adequate for projected needs as specified in Section 65352.5.

~~(l)~~ **(m)** The extent to which the proposal will affect a city or cities and the county in achieving their respective fair shares of the regional housing needs as determined by the appropriate council of governments consistent with Article 10.6 (commencing with Section 65580) of Chapter 3 of Division 1 of Title 7.

~~(m)~~ **(n)** Any information or comments from the landowner or owners, voters, or residents of the affected territory.

~~(n)~~ **(o)** Any information relating to existing land use designations.

(o) **(p)** The extent to which the proposal will promote environmental justice. As used in this subdivision, “environmental justice” means the fair treatment of people of all races, cultures, and incomes with respect to the location of public facilities and the provision of public services.

Item 6: Government Code 56886 prescribes LAFCOs’ the ability to impose specific terms and conditions for LAFCO proposals. However, Part 5, Government Code Section 57300 includes the terms and conditions and effect of a change of organization or reorganization, and states that the general provisions of Part 5 shall apply only if the Commission does not impose specific terms and conditions pursuant to Government Code Section 56886. This provides conflict of the use of the general provisions of Government Code Section 57300 and the use of specific terms and conditions prescribed in 56886. This proposal clarifies existing law by clearly stating that specific terms and conditions imposed by a LAFCO under Government Code 56886 prevail in an event of conflict with Part 5. This would allow LAFCOs to tailor terms and conditions relative to a proposal to retain the effect of the general provisions and specific terms and conditions as stated except the conflicting general provisions.

56886. Any change of organization or reorganization may provide for, or be made subject to one or more of, the following terms and conditions. If a change of organization or reorganization is

made subject to one or more of the following terms and conditions in the commission's resolution making determinations, the terms and conditions imposed shall ~~constitute the exclusive terms and conditions for the change of organization or reorganization, notwithstanding~~ prevail in the event of a conflict between a specific term and condition authorized pursuant to this section and any of the general provisions of Part 5 (commencing with Section 57300). However, none of the following terms and conditions shall directly regulate land use, property development, or subdivision requirements:

- (a) The payment of a fixed or determinable amount of money, either as a lump sum or in installments, for the acquisition, transfer, use or right of use of all or any part of the existing property, real or personal, of any city, county, or district.
- (b) The levying or fixing and the collection of any of the following, for the purpose of providing for any payment required pursuant to subdivision (a):
 - (1) Special, extraordinary, or additional taxes or assessments.
 - (2) Special, extraordinary, or additional service charges, rentals, or rates.
 - (3) Both taxes or assessments and service charges, rentals, or rates.
- (c) The imposition, exemption, transfer, division, or apportionment, as among any affected cities, affected counties, affected districts, and affected territory of liability for payment of all or any part of principal, interest, and any other amounts which shall become due on account of all or any part of any outstanding or then authorized but thereafter issued bonds, including revenue bonds, or other contracts or obligations of any city, county, district, or any improvement district within a local agency, and the levying or fixing and the collection of any (1) taxes or assessments, or (2) service charges, rentals, or rates, or (3) both taxes or assessments and service charges, rentals, or rates, in the same manner as provided in the original authorization of the bonds and in the amount necessary to provide for that payment.
- (d) If, as a result of any term or condition made pursuant to subdivision (c), the liability of any affected city, affected county, or affected district for payment of the principal of any bonded indebtedness is increased or decreased, the term and condition may specify the amount, if any, of that increase or decrease which shall be included in, or excluded from, the outstanding bonded indebtedness of that entity for the purpose of the application of any statute or charter provision imposing a limitation upon the principal amount of outstanding bonded indebtedness of the entity.
- (e) The formation of a new improvement district or districts or the annexation or detachment of territory to, or from, any existing improvement district or districts.
- (f) The incurring of new indebtedness or liability by, or on behalf of, all or any part of any local agency, including territory being annexed to any local agency, or of any existing or proposed new improvement district within that local agency. The new indebtedness may be the obligation solely of territory to be annexed if the local agency has the authority to establish zones for incurring indebtedness. The indebtedness or liability shall be incurred substantially in accordance with the laws otherwise applicable to the local agency.

- (g) The issuance and sale of any bonds, including authorized but unissued bonds of a local agency, either by that local agency or by a local agency designated as the successor to any local agency which is extinguished as a result of any change of organization or reorganization.
- (h) The acquisition, improvement, disposition, sale, transfer, or division of any property, real or personal.
- (i) The disposition, transfer, or division of any moneys or funds, including cash on hand and moneys due but uncollected, and any other obligations.
- (j) The fixing and establishment of priorities of use, or right of use, of water, or capacity rights in any public improvements or facilities or any other property, real or personal. However, none of the terms and conditions ordered pursuant to this subdivision shall modify priorities of use, or right of use, to water, or capacity rights in any public improvements or facilities that have been fixed and established by a court or an order of the State Water Resources Control Board.
- (k) The establishment, continuation, or termination of any office, department, or board, or the transfer, combining, consolidation, or separation of any offices, departments, or boards, or any of the functions of those offices, departments, or boards, if, and to the extent that, any of those matters is authorized by the principal act.
- (l) The employment, transfer, or discharge of employees, the continuation, modification, or termination of existing employment contracts, civil service rights, seniority rights, retirement rights, and other employee benefits and rights.
- (m) The designation of a city, county, or district, as the successor to any local agency that is extinguished as a result of any change of organization or reorganization, for the purpose of succeeding to all of the rights, duties, and obligations of the extinguished local agency with respect to enforcement, performance, or payment of any outstanding bonds, including revenue bonds, or other contracts and obligations of the extinguished local agency.
- (n) The designation of (1) the method for the selection of members of the legislative body of a district or (2) the number of those members, or (3) both, where the proceedings are for a consolidation, or a reorganization providing for a consolidation or formation of a new district and the principal act provides for alternative methods of that selection or for varying numbers of those members, or both.
- (o) The initiation, conduct, or completion of proceedings on a proposal made under, and pursuant to, this division.
- (p) The fixing of the effective date or dates of any change of organization, subject to the limitations of Section 57202.
- (q) Any terms and conditions authorized or required by the principal act with respect to any change of organization.
- (r) The continuation or provision of any service provided at that time, or previously authorized to be provided by an official act of the local agency.
- (s) The levying of assessments, including the imposition of a fee pursuant to Section 50029 or 66484.3 or the approval by the voters of general or special taxes. For the purposes of this section,

imposition of a fee as a condition of the issuance of a building permit does not constitute direct regulation of land use, property development, or subdivision requirements.

(t) The extension or continuation of any previously authorized charge, fee, assessment, or tax by the local agency or a successor local agency in the affected territory.

(u) The transfer of authority and responsibility among any affected cities, affected counties, and affected districts for the administration of special tax and special assessment districts, including, but not limited to, the levying and collecting of special taxes and special assessments, including the determination of the annual special tax rate within authorized limits; the management of redemption, reserve, special reserve, and construction funds; the issuance of bonds which are authorized but not yet issued at the time of the transfer, including not yet issued portions or phases of bonds which are authorized; supervision of construction paid for with bond or special tax or assessment proceeds; administration of agreements to acquire public facilities and reimburse advances made to the district; and all other rights and responsibilities with respect to the levies, bonds, funds, and use of proceeds that would have applied to the local agency that created the special tax or special assessment district.

(v) Any other matters necessary or incidental to any of the terms and conditions specified in this section. If a change of organization, reorganization, or special reorganization provides for, or is made subject to one or more of, the terms and conditions specified in this section, those terms and conditions shall be deemed to be the exclusive terms and conditions for the change of organization, reorganization, or special reorganization, and shall control over any general provisions of Part 5 (commencing with Section 57300).

March 21, 2014

Agenda Item 3.b

Subject: Proposals Not Included in Initial Draft Assembly Omnibus Bill for 2014

From: Paul Novak, Omnibus Bill Lead

At the January 24, 2014 meeting, the Committee reviewed items for submittal for the Assembly Omnibus Bill. A total of ten items were supported for processing as proposals for the bill if they could be successfully included. The Executive Director and I have worked diligently with ALGC staff and those local government stakeholders who are viewed as most directly impacted by the various proposal items to gain their preliminary clearance for the draft Assembly Omnibus Bill.

The draft Assembly Omnibus Bill was distributed on March 7th to the twenty or so “stakeholder “ reviewers for initial reviewing and clearance for the publication of the Draft Omnibus Bill within the next thirty (30) days and is attached for your review and discussion at our meeting.

Four proposals were not included in the draft bill due to a variety of reasons. They are:

- 56332
- 57075 and 57075.5
- 56660

Item 1. Revision of GC Section 56332 – Special District Selection Committee Election

CSDA had some concerns about some of what was being proposed and offered a number of suggested revisions to our original proposal. At the January meeting, our Committee had a chance to review their initial feedback and directed the Executive Director to continue to work with CSDA. These conversations continued and the ALGC staff did not want to include this item in the initial review until CSDA had agreed to the language. After much dialogue, agreement has been made on all proposed changes and the language is now in Leg Counsel for write up. It will be added to the review process.

Recommendation: Reaffirm support for inclusion in Omnibus and the language as noted in the attached.

Item 2. Revision of GC Section 57075 and 57075.5 – Ordering Change of Org and Reorg

The initial proposed language was sent to Leg Counsel for write up. In doing so, Leg Counsel expressed some concerns with some of the language and offered alternative language for consideration. Their suggested changes altered the intention of the section and our proposed changes, and after some discussion with ALGC staff, and some

compromised agreements on CALAFCO's part, the language attached was agreed upon and is now being submitted to Leg Counsel for final write up. Because there was no agreement on the language at the time of the initial review distribution, these two items were omitted from the first round of Omnibus Bill review and will be added to the second round.

Recommendation: Reaffirm support for inclusion in Omnibus and the language as noted in the attached.

Item 3: Revision of GC Section 56660 – Notice of Hearing

The Assembly Speaker's office and ALGC had concern that this is a mandate for LAFCo which would be unfunded. While many LAFCOs are likely already providing these notices, it is currently not codified as required. By requiring an unfunded mandate, the bill will get marked as fiscal and be sent to Appropriations. Given how often CALAFCO testifies against unfunded mandates, the ALGC has a hard time with accepting this in the Omnibus. As a result, this would have to be a separate bill. Carole Cooper (the item's originator) has been notified of this change.

Recommendation: Discuss whether or not to table the item for a separate bill next year or drop and address as a LAFCo local policy.

If you have any questions on these proposals, please be sure to contact me to discuss them.

Respectfully submitted,
Paul Novak, LA LAFCo
Omnibus Lead
626-204-6500

Attachment - Latest Draft of Language for 56332, 57075 and 57075.5

56332. (a) The independent special district selection committee shall consist of the presiding officer of the legislative body of each independent special district. However, if the presiding officer of an independent special district is unable to ~~attend-participate in~~ a meeting ~~or election~~ of the independent special district selection committee, the legislative body of the district may ~~appoint~~ designate one of its members as an alternate to ~~attend the meeting of~~ participate in the selection committee in the presiding officer's place. Those districts shall include districts located wholly within the county and those containing territory within the county representing 50 percent or more of the assessed value of taxable property of the district, as shown on the last equalized county assessment roll. Each member of the committee shall be entitled to one vote for each independent special district of which he or she is the presiding officer or his/her alternate as designated by the governing body. Members representing a majority of the eligible districts shall constitute a quorum.

(b) The executive officer shall call and give written notice of all meetings of the members of the selection committee. A meeting shall be called and held under one of the following circumstances:

(1) Whenever the executive officer anticipates that a vacancy will occur within the next 90 days among the members or alternate member representing independent special districts on the ~~committee~~commission.

(2) Whenever a vacancy exists among the members or alternate member representing independent special districts ~~upon~~on the commission.

(3) Upon receipt of a written request by one or more members of the selection committee representing districts having 10 percent or more of the assessed value of taxable property within the county, as shown on the last equalized county assessment roll.

~~(c) (1) If the executive officer determines that a meeting of the special district selection committee, for the purpose of selecting the special district representatives or for filling a vacancy, is not feasible, the executive officer may conduct the business of the committee in writing, as provided in this subdivision. The executive officer may call for nominations to be submitted in writing within 30 days. At the end of the nominating period, the executive officer shall prepare and deliver, or send by certified mail, to each independent special district one ballot and voting instructions. If only one candidate is nominated for a vacant seat, that candidate shall be deemed selected, with no further proceedings.~~

~~—(2) As an alternative to the delivery by certified mail, the executive officer, with the prior concurrence of the district, may transmit the ballot and voting instructions by electronic mail, provided that the executive officer shall retain written evidence of the receipt of that material.~~

~~—(3) The ballot shall include the names of all nominees and the office for which each was nominated. The districts shall return the ballots to the executive officer by the date specified in the voting instructions, which date shall be at least 30 days from the date on which the executive officer mailed the ballots to the districts.~~

~~—(4) If the executive officer has transmitted the ballot and voting instructions by electronic mail, the districts may return the ballots to the executive officer by electronic mail, provided that the executive officer retains written evidence of the receipt of the ballot.~~

~~—(5) Any ballot received by the executive officer after the specified date is invalid. The executive officer shall announce the results of the election within seven days of the specified date.~~

~~—(d)(c)The selection committee shall appoint two regular members and one alternate member to the commission. The members so appointed shall be elected or appointed members of the legislative body of an independent special district residing within the county but shall not be members of the legislative body of a city or county. If one of the regular district members is absent from a commission meeting or disqualifies himself or herself from participating in a meeting, the alternate district member may serve and vote in place of the regular district member for that meeting. Service on the commission by a regular district member shall not disqualify, or be cause for disqualification of, the member from acting on proposals affecting the special district on whose legislative body the member serves. The special district selection committee may, at the time it appoints a member or alternate, provide that the member or alternate is disqualified from voting on proposals affecting the district on whose legislative body the member serves.~~

~~(e)(d) If the office of a regular district member becomes vacant, the alternate member may serve and vote in place of the former regular district member until the appointment and qualification of a regular district member to fill the vacancy.~~

(e) A majority of the independent special district selection committee may determine to conduct the committee's business by mail, including holding all elections by mailed ballot, pursuant to subdivision (f).

(f) If the independent special district selection committee has determined to conduct the committee's business by mail or if the executive officer determines that a meeting of the special district selection committee, for the purpose of selecting the special district members or for filling vacancies, is not feasible, the executive officer shall conduct the business of the committee by mail. Elections by mail shall be conducted as provided in this subdivision.

(1)The executive officer shall prepare and deliver a call for nominations to each eligible district. The presiding officer or his/her alternate as designated by the governing body may respond in writing by the date specified in the call for nominations, which date shall be at least 30 days from the date on which the executive officer mailed the call for nominations to the eligible district.

(2)At the end of the nominating period, if only one candidate is nominated for a vacant seat, that candidate shall be deemed selected. If two or more candidates are nominated, the executive officer shall prepare and deliver one ballot and voting instructions to each eligible district. The ballot shall include the names of all nominees and the office for which each was nominated. Each presiding officer or his/her alternate as designated by the governing body shall return the ballot to the executive officer by the date specified in the voting instructions, which date shall be at least 30 days from the date on which the executive officer mailed the ballot to the eligible district.

(3) The call for nominations, ballot, and voting instructions shall be delivered by certified mail to each eligible district. As an alternative to the delivery by certified mail, the executive officer, with prior concurrence of the presiding officer or his/her alternate as designated by the governing body, may transmit materials by electronic mail.

(4) If the executive officer has transmitted the call for nominations or ballot by electronic mail, the presiding officer or his/her alternate as designated by the governing body may respond to the executive officer by electronic mail.

(5) Each returned nomination and ballot shall be signed by the presiding officer or his/her alternate as designated by the governing body of the eligible district. Any nomination or ballot received by the executive officer after the date specified is invalid. The executive officer shall announce the results of the election within seven days of the specified date.

(6) For an election to be valid, at least a quorum of the special districts must submit valid ballots. Valid action shall be by the vote of a majority of the quorum. In the case of an election involving more than two candidates, the candidate receiving the most votes shall be elected, unless another procedure has been adopted by the selection committee. Any nomination and ballot received by the executive officer after the date specified is invalid, provided however, that if a quorum of ballots is not received by the date, the executive officer shall extend the date to submit ballots by sixty (60) days and notify all districts of the extension. The executive officer shall announce the results of the election within seven days of the date specified.

(7) All election materials shall be retained by the executive officer for a period of at least six months after the announcement of the election results.

(g)(8) For purposes of this section, "executive officer" means the executive officer or designee as authorized by the commission.

57075 ORIGINAL VERSION APPROVED/SUBMITTED

57075. In the case of registered voter districts or cities, where a change of organization or reorganization consists solely of annexations, detachments, the exercise of new or different functions or class of services or the divestiture of the power to provide particular functions or class of services within all or part of the jurisdictional boundaries of a special district, or any combination of those proposals, the commission, not more than 30 days after the conclusion of the hearing, shall make a finding regarding the value of written protests filed and not withdrawn, and take one of the following actions, except as provided in subdivision (b) of Section 57002:

(a) In the case of inhabited territory, ~~take one of the following actions~~ order the change of organization or reorganization without election, except as follows:

- (1) Terminate proceedings if a majority protest exists in accordance with Section 57078.
- (2) Order the change of organization or reorganization subject to confirmation by the registered voters residing within the affected territory if written protests have been filed and not withdrawn by either of the following:
 - (A) At least 25 percent, but less than 50 percent, of the registered voters residing in the affected territory.
 - (B) At least 25 percent of the number of owners of land who also own at least 25 percent of the assessed value of land within the affected territory.

~~(3) Order the change of organization or reorganization without an election if written protests have been filed and not withdrawn by less than 25 percent of the registered voters or less than 25 percent of the number of owners of land owning less than 25 percent of the assessed value of land within the affected territory.~~

(b) In the case of uninhabited territory, take either of the following actions:

- (1) Terminate proceedings if a majority protest exists in accordance with Section 57078.
- (2) Order the change of organization or reorganization if written protests have been filed and not withdrawn by owners of land who own less than 50 percent of the total assessed value of land within the affected territory.

57075 AMENDED VERSION

Changes from above are highlighted in yellow

57075. In the case of registered voter districts or cities, where a change of organization or reorganization consists solely of annexations, detachments, the exercise of new or different functions or class of services or the divestiture of the power to provide particular functions or class of services within all or part of the jurisdictional boundaries of a special district, or any combination of those proposals, the commission, not more than 30 days after the conclusion of the hearing, shall make a finding regarding the value of written protests filed and not withdrawn, and take one of the following actions, except as provided in subdivision (b) of Section 57002:

(a) In the case of inhabited territory, ~~take one of the following actions~~ order the change of organization or reorganization without election, except as follows:

(1) ~~Terminate proceedings~~ The proceedings are terminated if because a majority protest exists in accordance with Section 57078.

(2) Order the A change of organization or reorganization is ordered subject to confirmation by the registered voters residing within the affected territory if because written protests have been filed and not withdrawn by either of the following:

(A) At least 25 percent, but less than 50 percent, of the registered voters residing in the affected territory.

(B) At least 25 percent Twenty-five percent or more of the number of owners of land who also own at least 25 percent or more of the assessed value of land within the affected territory.

~~(3) Order the change of organization or reorganization without an election if written protests have been filed and not withdrawn by less than 25 percent of the registered voters or less than 25 percent of the number of owners of land owning less than 25 percent of the assessed value of land within the affected territory.~~

(b) In the case of uninhabited territory, take either of the following actions:

(1) Terminate proceedings if a majority protest exists in accordance with Section 57078.

(2) Order the change of organization or reorganization if written protests have been filed and not withdrawn by owners of land who own less than 50 percent of the total assessed value of land within the affected territory.

57075.5 ORIGINAL VERSION APPROVED/SUBMITTED

57075.5. Notwithstanding Section 57075, if territory proposed to be annexed to a city with more than 100,000 residents is inhabited and is located in a county with a population of over 4,000,000, the commission, not more than 30 days after conclusion of the hearing, shall make a finding regarding the value of written protests filed and not withdrawn and shall ~~take one of the following actions~~ order the change of organization or reorganization without election, except as follows:

(a) Terminate proceedings if written protests have been filed and not withdrawn by 50 percent or more of the registered voters within the affected territory.

(b) Order the ~~territory annexed~~ change of organization or reorganization subject to the confirmation by the registered voters residing within the affected territory on the question, and request the city council to call a special election and submit to the voters residing within the affected territory the question of whether it shall be annexed to the city, if written protests have been filed and not withdrawn by either of the following:

(1) At least 15 percent ~~or more~~ of the registered voters residing within the affected territory, or (2) At least 15 percent ~~or more~~ of the number of owners of land who also own ~~not less than~~ at least 15 percent of the total assessed value of land within the affected territory.

~~(c) Order the territory annexed without an election if written protests have been filed and not withdrawn by less than 15 percent of the registered voters within the territory and less than 15 percent of the owners of land who own less than 15 percent of the total assessed value of land within the territory.~~

57075.5 AMENDED VERSION

Changes from above are highlighted in yellow

57075.5. Notwithstanding Section 57075, if territory proposed to be annexed to a city with more than 100,000 residents is inhabited and is located in a county with a population of over 4,000,000, the commission, not more than 30 days after conclusion of the hearing, shall make a finding regarding the value of written protests filed and not withdrawn and shall ~~take one of the following actions~~ order the change of organization or reorganization without election, except as follows:

(a) ~~Terminate proceedings if~~ The proceedings are terminated because written protests have been filed and not withdrawn by 50 percent or more of the registered voters within the affected territory.

(b) Order the territory annexed change of organization or reorganization subject to the confirmation by the registered voters residing within the affected territory The territory is ordered to be annexed subject to confirmation by the registered voters residing in the affected territory on the question, and request the commission requests the city council to call a special election and submit to the voters residing within the affected territory the question of whether it shall be annexed to the city, if city, because written protests have been filed and not withdrawn by either of the following:

(1) At least 15 Fifteen percent or more of the registered voters residing within the affected territory, or

(2) At least 15 Fifteen percent or more of the number of owners of land who also own not less than at least 15 percent or more of the total assessed value of land within the affected territory.

~~(c) Order the territory annexed without an election if written protests have been filed and not withdrawn by less than 15 percent of the registered voters within the territory and less than 15 percent of the owners of land who own less than 15 percent of the total assessed value of land within the territory.~~

Legislative Committee Meeting
21 March 2014

Agenda Item 4
Current LAFCo Legislation

DESCRIPTION

There are a number of bills currently being tracked that affect LAFCOs, some of which were provided to the Committee at the January meeting, and some that have been introduced into the legislature since that time. Below is a summary of each of those six bills, with the status of each known to date. As the final date for spot bill amendment language is March 21, it is likely that the status of several of these bills will change between the time of this report writing and the Committee's meeting. A verbal update will be provided at the meeting as necessary.

AB 1527 (Perea) Drinking Water

CALAFCO currently has a WATCH position on this bill.

According to the author's office, the original intent was for the author to push for consolidations of water districts and this bill was going to be used as that vehicle. Since its introduction, the author's office has been working closely with ACWA in trying to determine the most significant barriers to consolidation of water districts. According to the author's office, that barrier is the liability taken on by the district that is consolidating with the flailing district.

As a result, the bill is in the process of being amended to address the issue of liability and more broadly provide a level of immunity for the "assuming district". This is similar to Senator Roth's current bill SB 1130, although Roth's bill is targeted to one specific district. As of the writing of this report the amendment was not yet back from Leg Counsel. The bill is currently scheduled for a 3/25 hearing in the Assembly Environmental Safety & Toxic Materials Committee.

Recommendation: It is recommended that the Committee consider the amendment when published to determine if a position by CALAFCO is appropriate.

AB 1729 (Logue) Williamson Act

CALAFCO currently has a WATCH position on this bill.

Written as a spot bill, the author's office has indicated the original intent of this bill was for restoration of funding. However according to the author's office, the funding restoration may be going through the budget process rather than the legislative process. At the time of this writing the author's office was still undecided as to what would be done with this bill.

Recommendation: It is recommended that CALAFCO maintain a Watch position until any amendments are published at which time another review of the bill should be done to determine if a position by CALAFCO is appropriate.

AB 1961 (Eggman) Sustainable Farmland Strategy

CALAFCO currently has a WATCH position on this bill.

The bill requires counties with a large amount of ag land (greater than 4% of its land base) to create a Sustainable Farmland Strategy (SFS). It requires the county, when creating the SFS, to consult with

the LAFCo among other agencies to assure the plans/policies of the cities and LAFCo are considered and compatible to the SFS. The county is required to update the SFS as it deems necessary. The bill requires OPR to include best practices that support agricultural land retention and mitigation in the next edition of their GP update; and to make recommendations on the role of LAFCos in the preservation of agriculturally zoned lands when considering annexations of line agriculturally zoned lands into cities and service extensions onto agriculturally zoned lands.

To date, outreach to the author's office has gone unanswered and CALAFCO was not contacted prior to the bill's introduction. The concern with this bill is having to rely on OPR's "guidelines" to provide direction to LAFCos and the additional burden LAFCos may assume as a result. It is the intent of CALAFCO to work directly with OPR in the creation of those guidelines.

The bill has been dual referred to the Assembly Committees on Local Government and Agriculture.

Recommendation: It is recommended that the Committee review the bill and determine if a position by CALAFCO is appropriate.

AB 2156 (Achadjian) – C-K-H and JPAs

CALAFCO currently has a WATCH position on this bill.

As the Committee considered future legislation regarding tracking JPAs through required filings with LAFCo and permissive inclusion of studies in MSRs, the Chair of the ALGC was working with the Chief Consultant of that committee to author this bill. The language, as currently written, introduces JPAs into C-K-H and opens the door for a stronger connection between LAFCos and JPAs. While the permissive nature of the language may not create the kind of link the Committee was hoping for, it is a start.

According to both the author's office and the ALGC staff, the state association of JPAs (CAJPA) has a neutral position on the bill given its permissive nature. There are a number of other factors to consider with respect to the language in the bill, which will be discussed at the Committee meeting.

Based on feedback from the Committee via email after its introduction, CALAFCO has been working with both the author's office and ALGC staff to amend the bill in an attempt to strengthen the language. As a result, there has been agreement on the proposed changes noted below, which will likely go to Leg Counsel for write up within the week.

The bill is scheduled for hearing in the ALGC on 4/2.

Recommendation: Approve the proposed amendment and consider a Support position on the bill.

(a) In addition to its other powers, the commission shall initiate and make studies of existing governmental agencies. Those studies shall include, but shall not be limited to, inventorying those agencies and determining their maximum service area and service capacities. In conducting those studies, the commission may ~~ask for~~ [request](#) land use information, studies, [joint powers agreements](#), and plans of cities, counties, districts, including school districts, community college districts, [joint powers agencies and joint powers authorities](#), regional agencies and state agencies and departments. Cities, counties, districts, including school districts, community college districts, [joint powers agencies and joint powers authorities](#), regional agencies, and state agencies and departments, shall comply with the request of the commission for that information and the commission shall make its studies available to public agencies and any interested person. In making these studies, the commission may cooperate with the county planning commissions.

SB 1001 (Knight) C-K-H

CALAFCO currently has a WATCH position on this bill.

Introduced as a spot bill, the author's office indicated that they have no intention of using this bill to make any amendments to C-K-H.

Recommendation: It is recommended CALAFCO maintain a Watch position on the bill.

Legislative Committee Meeting
21 March 2014

Agenda Item 5
Other Legislation of Interest

DESCRIPTION

As part of the bills being tracked, there are 3 additional bills of interest. One relates to VLF, and the other two affect special districts within three counties. All 3 are noted below.

AB 1521 (Fox) VLF

CALAFCO currently has a SUPPORT position on this bill.

The bill has been referred to the Assembly Local Government Committee and is awaiting hearing date. No action is required from the Committee.

AB 1593 (Dahle) Auburn Public Cemetery District

CALAFCO currently has a WATCH position on this bill.

This bill would add the Auburn Public Cemetery District in Placer County to a list of four other Cemetery Districts to use their cemeteries for up to a total of 400 interments each, not to exceed 40 interments each per calendar year, to inter nonresidents and non-property taxpayers, if specified conditions are met. This bill would make legislative findings and declarations as to the necessity of a special statute for Placer County.

The complication with this is the Nevada Cemetery District (in Nevada County) serves this area and through a new Cemetery developed to serve the area. This District was not informed of the bill and has taken issue with it. Nevada LAFCo will be addressing the matter during their meeting just prior to the Legislative Committee meeting, and Placer LAFCo continues to conduct outreach to the Auburn Cemetery District.

Recommendation: CALAFCO generally does not involve itself in local LAFCo matters. The bill is being brought forward as informational only, unless the Committee feels a position other than WATCH is appropriate.

AB 2455 (Williams) Santa Rita Hills CSD

CALAFCO currently has a WATCH position on this bill.

The Santa Rita Hills CSD has a number of issues in securing the required five member governing Board and as a result they are having difficulty in establishing a quorum to do business. The district's situation is complicated by a number of things including political and neighborhood issues. Santa Barbara's Executive Officer Paul Hood has been working extensively with the district's management in attempting to resolve the issues. The district reached out to the author's office with a request to assist. In addition, CALAFCO provided input to the author's office on an array of other possible solutions for the district that would not require this precedent-setting kind of action.

As introduced, the bill expanded the pool of Board member candidates to include both resident voters and non-resident property owners. As amended, this bill will reduce the size of the District Board from five to three members.

Recommendation: CALAFCO generally does not involve itself in local LAFCo matters. However, this bill as amended, sets a precedent for other special district board's by reducing the size of a board that cannot garner enough members to effectively function. It is recommended that the Committee review the bill and determine if a position by CALAFCO is appropriate.

CALAFCO List of Current Bills

3/14/2014

Priority 1

[AB 453](#)

([Mullin D](#)) Sustainable communities.

Current Text: Amended: 7/3/2013 [pdf](#) [html](#)

Introduced: 2/19/2013

Last Amend: 7/3/2013

Status: 8/30/2013-Failed Deadline pursuant to Rule 61(a)(11). (Last location was APPR. SUSPENSE FILE on 8/12/2013)

Location: 8/30/2013-S. 2 YEAR

Desk	Policy	Fiscal	Floor	Desk	Policy	2 year	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: 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 a local agency formation commission eligible for the award of financial assistance for those planning purposes.

Position

Subject

Watch

Sustainable Community
Plans

CALAFCO Comments: This would allow LAFcos to apply directly for grants that support the preparation of sustainable community strategies and other planning efforts. CALAFCO has removed its support of the bill given the nature of the amendment and the potential impact to LAFcos.

[AB 678](#)

([Gordon D](#)) Health care districts: community health needs assessment.

Current Text: Amended: 4/15/2013 [pdf](#) [html](#)

Introduced: 2/21/2013

Last Amend: 4/15/2013

Status: 8/30/2013-Failed Deadline pursuant to Rule 61(a)(11). (Last location was APPR. SUSPENSE FILE on 8/13/2013)

Location: 8/30/2013-S. 2 YEAR

Desk	Policy	Fiscal	Floor	Desk	Policy	2 year	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Would require that the health care district conduct an assessment, every 5 years, of the community's health needs and provide opportunities for public input. Commencing January 1, 2019, the bill would require the annual reports to address the progress made in meeting the community's health needs in the context of the assessment. This bill contains other related provisions and other existing laws.

Position

Subject

Support

LAFco Administration, Service
Reviews/Spheres

CALAFCO Comments: This bill requires Health Care Districts that do not operate their own hospital facilities to create every 5 years, an assessment of the community health needs with public input. The bill requires LAFcos to include in a Municipal Service Review (MSR) the Health Care District's 5-year assessment.

[AB 1521](#)

([Fox D](#)) Local government finance: property tax revenue allocations: vehicle license fee adjustments.

Current Text: Introduced: 1/16/2014 [pdf](#) [html](#)

Introduced: 1/16/2014

Status: 2/6/2014-Referred to Com. on L. GOV.

Location: 2/6/2014-A. L. GOV.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
1st House				2nd House				Conc.			

Summary: Beginning with the 2004-05 fiscal year, current law requires that each city, county, and city and county receive additional property tax revenues in the form of a vehicle license fee adjustment amount, as defined, from a vehicle license fee property tax compensation fund that exists in each county treasury. Current law requires that these additional allocations be funded from ad valorem property tax revenues otherwise required to be allocated to educational entities. This bill would modify these reduction and transfer provisions, for the 2014-15 fiscal year and for each fiscal year thereafter, by providing for a vehicle license fee adjustment amount calculated on the basis of changes in assessed valuation.

Position	Subject
Support	Financial Viability of Agencies, Tax Allocation

[AB 1527](#)

([Perea D](#)) Public water systems: drinking water.

Current Text: Introduced: 1/17/2014 [pdf](#) [html](#)

Introduced: 1/17/2014

Status: 2/6/2014-Referred to Com. on E.S. & T.M.

Location: 2/6/2014-A. E.S. & T.M.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
1st House				2nd House				Conc.			

Calendar: 3/25/2014 1:30 p.m. - State Capitol, Room 444 ASSEMBLY ENVIRONMENTAL SAFETY AND TOXIC MATERIALS, ALEJO, Chair

Summary: Would require the State Department of Public Health, in administering programs to fund improvements and expansions of small community water systems, and other water systems, as specified, to promote service delivery alternatives that improve efficiency and affordability of infrastructure and service delivery, as specified. This bill contains other related provisions and other existing laws.

Position	Subject
Watch	Disadvantaged Communities, Municipal Services, Service Reviews/Spheres, Sustainable Community Plans

CALAFCO Comments: This bill requires funding for construction project feasibility studies to include studies of service delivery alternatives if at least 1 service agency services a disadvantaged community; also requires the DPH to make a determination to include the viability of these service delivery alternatives and to consider LAFCo studies and determinations from the previous 5 years, to consult with LAFCo Executive Officer and consider other applicable local/regional studies related t the delivery of drinking water.

[AB 1729](#)

([Logue R](#)) Local government: agricultural land.

Current Text: Introduced: 2/14/2014 [pdf](#) [html](#)

Introduced: 2/14/2014

Status: 2/18/2014-From printer. May be heard in committee March 20.

Location: 2/14/2014-A. PRINT

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
1st House				2nd House				Conc.			

Summary: Current law establishes the California Land Conservation Act of 1965, otherwise known as the Williamson Act, for purposes of preserving agricultural land within the state. Current law authorizes a city or a county, for this purpose, to contract with a landowner to limit the use of agricultural land located in an agricultural preserve designated by the city or county. This bill would make technical, nonsubstantive changes to the authorization provisions.

Position	Subject
Watch	Ag Preservation - Williamson

[AB 1961](#)

([Eggman D](#)) Land use: planning: Sustainable Farmland Strategy.

Current Text: Introduced: 2/19/2014 [pdf](#) [html](#)

Introduced: 2/19/2014

Status: 3/3/2014-Referred to Coms. on L. GOV. and AGRI.

Location: 3/3/2014-A. L. GOV.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
1st House				2nd House				Conc.			

Summary: Would require each county with significant agricultural land resources, as defined, to develop, on or before January 2, 2018, a sustainable farmland strategy. The bill would require the Sustainable Farmland Strategy to include, among other things, a map and inventory of all agriculturally zoned land within the county, a description of the goals, strategies, and related policies and ordinances, to retain agriculturally zoned land where practical and mitigate the loss of agriculturally zoned land to nonagricultural uses or zones, and a page on the county's Internet Web site with the relevant documentation for the goals, strategies, and related policies and ordinances, as specified.

Position

Watch

Subject

Ag/Open Space Protection,
LAFCo Administration

[AB 2156](#)

([Achadjian R](#)) Local agency formation commissions: studies.

Current Text: Introduced: 2/20/2014 [pdf](#) [html](#)

Introduced: 2/20/2014

Status: 3/6/2014-Referred to Com. on L. GOV.

Location: 3/6/2014-A. L. GOV.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
1st House				2nd House				Conc.			

Calendar: 4/2/2014 1:30 p.m. - State Capitol, Room 127 ASSEMBLY LOCAL GOVERNMENT, ACHADJIAN, Chair

Summary: Would include joint powers agencies and joint powers authorities among the entities from which a local agency formation commission is authorized to request land use information, studies, and plans, for purposes of conducting specified studies. The bill would specifically define "joint powers agency" and "joint powers authority" for purposes of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

Position

Watch

Subject

CKH General Procedures, LAFCo
Administration, Municipal
Services, Service Reviews/Spheres

[SB 56](#)

([Roth D](#)) Local government finance: property tax revenue allocation: vehicle license fee adjustments.

Current Text: Amended: 6/11/2013 [pdf](#) [html](#)

Introduced: 1/7/2013

Last Amend: 6/11/2013

Status: 2/3/2014-Returned to Secretary of Senate pursuant to Joint Rule 56.

Location: 2/3/2014-S. DEAD

Dead	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
1st House				2nd House				Conc.			

Summary: Beginning with the 2004-05 fiscal year and for each fiscal year thereafter, existing law requires that each city, county, and city and county receive additional property tax revenues in the form of a vehicle license fee adjustment amount, as defined, from a Vehicle License Fee Property Tax Compensation Fund that exists in each county treasury. Current law requires that these additional allocations be funded from ad valorem property tax revenues otherwise required to be allocated to educational entities. This bill would modify these reduction and transfer provisions, for the 2013-14 fiscal year and for each fiscal year thereafter, by providing for a vehicle license fee adjustment amount calculated on the basis of changes in assessed valuation. This bill contains other related provisions and other existing laws.

Position

Support

Subject

Financial Viability of
Agencies, Tax Allocation

CALAFCO Comments: This bill reinstates revenues through ERAF (backfilled by the state general Fund) for cities incorporating after 2005 and annexations of inhabited territories.

[SB 69](#)

([Roth D](#)) Local government finance: property tax revenue allocation: vehicle license fee adjustments.
Current Text: Amended: 9/12/2013 [pdf](#) [html](#)
Introduced: 1/10/2013
Last Amend: 9/12/2013
Status: 9/13/2013-Failed Deadline pursuant to Rule 61(a)(14). (Last location was RLS. on 9/12/2013)
Location: 9/13/2013-A. 2 YEAR

Desk	Policy	Fiscal	Floor	Desk	2 year	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Would modify specified reduction and transfer provisions, for the 2013-14 fiscal year and for each fiscal year thereafter, by providing for a vehicle license fee adjustment amount calculated on the basis of changes in assessed valuation. This bill would also modify these reduction and transfer provisions, for the 2013-14 fiscal year and for each fiscal year thereafter, by providing for a vehicle license fee adjustment amount for certain cities incorporating after a specified date, as provided. This bill contains other related provisions and other existing laws.

Position Subject
Support Tax Allocation

[SB 1001](#)

([Knight R](#)) Local government.
Current Text: Introduced: 2/13/2014 [pdf](#) [html](#)
Introduced: 2/13/2014
Status: 2/27/2014-Referred to Com. on RLS.
Location: 2/27/2014-S. RLS.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current law, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, makes certain findings and declarations relating to local government organizations, including, among other things, the encouragement of orderly growth and development, and logical formation and modification of the boundaries of local agencies, as specified. This bill would make nonsubstantive changes to these findings and declarations.

Position Subject
Watch CKH General Procedures

Priority 3

[AB 543](#)

([Campos D](#)) California Environmental Quality Act: translation.
Current Text: Amended: 5/24/2013 [pdf](#) [html](#)
Introduced: 2/20/2013
Last Amend: 5/24/2013
Status: 7/12/2013-Failed Deadline pursuant to Rule 61(a)(10)(SEN). (Last location was E.Q. on 6/13/2013)
Location: 7/12/2013-S. 2 YEAR

Desk	Policy	Fiscal	Floor	Desk	2 year	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Would require a lead agency to translate, as specified, certain notices required by the California Environmental Quality Act and a summary of any negative declaration, mitigated negative declaration, or environmental impact report when a group of non-English-speaking people, as defined, comprises at least 25% of the population within the lead agency's jurisdiction and the project is proposed to be located at or near an area where the group of non-English-speaking people comprises at least 25% of the residents of that area. By requiring a lead agency to translate these notices and documents, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

Position Subject
Watch CEQA

CALAFCO Comments: As amended, requires a lead agency to translate certain notices, summary of a negative declaration, mitigated negative declaration, or environmental impact report when the implicated community has 25% or more non-English speaking people affected by the project. The requirement is to translate these notices and summaries in the native language of those impacted. This is an unfunded mandate. While LAFCo is not typically the lead agency, there may be an occasion when they are, and this could have significant resource implications.

[AB 642](#)

([Rendon D](#)) Publication: newspaper of general circulation: Internet Web site.

Current Text: Introduced: 2/20/2013 [pdf](#) [html](#)

Introduced: 2/20/2013

Status: 1/24/2014-Failed Deadline pursuant to Rule 61(b)(2). (Last location was JUD. on 3/11/2013)

Location: 1/24/2014-A. DEAD

Desk	Dead	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
1st House				2nd House				Conc.			

Summary: Current law requires that various types of notices are provided in a newspaper of general circulation. Current law requires a newspaper of general circulation to meet certain criteria, including, among others, that it be published and have a substantial distribution to paid subscribers in the city, district, or judicial district in which it is seeking adjudication. This bill would provide that a newspaper that is available on an Internet Web site may also qualify as a newspaper of general circulation, provided that newspaper meets certain criteria.

Position

Subject

Watch

LAFCo

Administration

CALAFCO Comments: Allows for posting of agendas and meeting material on newspaper websites.

[AB 677](#)

([Fox D](#)) Local government finance: property tax revenue allocation: vehicle license fee adjustments.

Current Text: Amended: 1/6/2014 [pdf](#) [html](#)

Introduced: 2/21/2013

Last Amend: 1/6/2014

Status: 1/17/2014-Failed Deadline pursuant to Rule 61(b)(1). (Last location was L. GOV. on 1/7/2014)

Location: 1/17/2014-A. DEAD

Desk	Dead	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
1st House				2nd House				Conc.			

Summary: Would modify specified reduction and transfer provisions, for the 2013-14 fiscal year and for each fiscal year thereafter, by providing for a vehicle license fee adjustment amount calculated on the basis of changes in assessed valuation. This bill would also modify these reduction and transfer provisions, for the 2013-14 fiscal year and for each fiscal year thereafter, by providing for a vehicle license fee adjustment amount for certain cities incorporating after a specified date, as provided. This bill contains other related provisions and other existing laws.

Position

Subject

Watch

Financial Viability

of Agencies, Tax

Allocation

[AB 1593](#)

([Dahle R](#)) Public cemetery districts: Auburn Public Cemetery District.

Current Text: Introduced: 2/3/2014 [pdf](#) [html](#)

Introduced: 2/3/2014

Status: 2/14/2014-Referred to Com. on L. GOV.

Location: 2/14/2014-A. L. GOV.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
1st House				2nd House				Conc.			

Calendar: 4/2/2014 1:30 p.m. - State Capitol, Room 127 ASSEMBLY LOCAL GOVERNMENT, ACHADJIAN, Chair

Summary: Would authorize the Auburn Public Cemetery District in Placer County to use their cemeteries for up to a total of 400 interments each, not to exceed 40 interments each per calendar year, to inter nonresidents and nonproperty taxpayers, if specified conditions are met. This bill contains other related provisions.

Position

Subject

Watch

Other

[AB 2455](#)

([Williams D](#)) The Santa Rita Hills Community Services District.

Current Text: Amended: 3/10/2014 [pdf](#) [html](#)

Introduced: 2/21/2014

Last Amend: 3/10/2014

Status: 3/11/2014-Re-referred to Com. on L. GOV.

Location: 3/11/2014-A. L. GOV.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: The Community Services District Law specifies the procedures for district formation, procedures for the selection of district governing board members, the powers and duties of the board, and the procedures for changing those powers and duties. Current law requires the board of directors of each district to consist of 5 members . This bill would authorize, until January 1, 2035, the board of directors of the Santa Rita Hills Community Services District to consist of 3 members . This bill contains other related provisions.

Position

Subject

Watch

Special District

Principle Acts

CALAFCO Comments: This bill as amended reduces the size of the governing Board of this district from five to three members.

[SB 633](#)

([Pavley D](#)) CEQA.

Current Text: Amended: 8/6/2013 [pdf](#) [html](#)

Introduced: 2/22/2013

Last Amend: 8/6/2013

Status: 8/30/2013-Failed Deadline pursuant to Rule 61(a)(11). (Last location was APPR. on 8/6/2013)

Location: 8/30/2013-A. 2 YEAR

Desk	Policy	Fiscal	Floor	Desk	Policy	2 year	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Would, for purposes of the new information exception to the prohibition on requiring a subsequent or supplemental EIR, specify that the exception applies if new information that becomes available was not known and could not have been known by the lead agency or any responsible agency at the time the EIR was certified as complete. The bill would authorize the office, by July 1, 2015, to draft and transmit to the secretary revisions to the guidelines to include as a categorical exemption projects involving minor temporary uses of land and public gatherings that have been determined not to have a significant effect on the environment. This bill contains other related provisions and other existing laws.

Position

Subject

Watch

CEQA

[SB 731](#)

([Steinberg D](#)) Environment: California Environmental Quality Act.

Current Text: Amended: 9/9/2013 [pdf](#) [html](#)

Introduced: 2/22/2013

Last Amend: 9/9/2013

Status: 9/13/2013-Failed Deadline pursuant to Rule 61(a)(14). (Last location was L. GOV. on 9/11/2013)

Location: 9/13/2013-A. 2 YEAR

Desk	Policy	Fiscal	Floor	Desk	2 year	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Would provide that aesthetic and parking impacts of a residential, mixed-use residential, or employment center project, as defined, on an infill site, as defined, within a transit priority area, as defined, shall not be considered significant impacts on the environment. The bill would require the Office of Planning and Research to prepare and submit to the Secretary of the Natural Resources Agency, and the secretary to certify and adopt, revisions to the guidelines for the implementation of CEQA establishing thresholds of significance for noise and transportation impacts of projects within transit priority areas. This bill contains other related provisions and other existing laws.

Position

Subject

Watch

CEQA

([Roth D](#)) *Drinking water: County Water Company of Riverside water system: liability.*

Current Text: Amended: 1/6/2014 [pdf](#) [html](#)

Introduced: 2/22/2013

Last Amend: 1/6/2014

Status: 2/3/2014-Returned to Secretary of Senate pursuant to Joint Rule 56.

Location: 2/3/2014-S. DEAD

Dead	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Would exempt the Elsinore Valley Municipal Water District and the Eastern Municipal Water District from liability for claims by past or existing County Water Company of Riverside customers or those consuming water provided through the County Water Company of Riverside water system concerning the operation and supply of water from the County Water Company of Riverside water system during the interim operation period, as specified, for any good faith, reasonable effort using ordinary care to assume possession of, and to operate and supply water to , the County Water Company of Riverside water system. This bill contains other related provisions and other existing laws.

*Position
Watch*

*Subject
Water*

CALAFCO Comments: As amended, this bill would exempt the Elsinore Valley Municipal Water District and the Eastern Municipal Water District from liability for injuries or damages arising out of the delivery of water to County Water Company of Riverside customers, as specified. As amended this bill no longer references Local Agency Formation Commissions (LAFCo) to take on the responsibility of monitoring private water companies. As a result of removing any and all references to LAFCo, CALAFCO has removed its opposition to the bill and now has a Watch position.

Total Measures: 18



CALAFCO 2014 Legislative Policies

As adopted by the Board of Directors on 7 February 2014

1. LAFCo Purpose and Authority

- 1.1. Support legislation which enhances LAFCo authority and powers to carry out the legislative findings and authority in Government Code §56000 et seq.
- 1.2. Support authority for each LAFCo to establish local policies to apply Government Code §56000 et seq. based on local needs and conditions, and oppose any limitations to that authority.
- 1.3. Oppose additional LAFCo responsibilities which require expansion of current local funding sources. Oppose unrelated responsibilities which dilute LAFCo ability to meet its primary mission.
- 1.4. Support alignment of responsibilities and authority of LAFCo and regional agencies which may have overlapping responsibilities in orderly growth, preservation, and service delivery, and oppose legislation or policies which create conflicts or hamper those responsibilities.
- 1.5. Oppose grants of special status to any individual agency or proposal to circumvent the LAFCo process.
- 1.6. Support individual commissioner responsibility that allows each commissioner to independently vote his or her conscience on issues affecting his or her own jurisdiction.

2. LAFCo Organization

- 2.1. Support the independence of LAFCo from local agencies.
- 2.2. Oppose the re-composition of any LAFCo to create special seats and recognize the importance of balanced representation provided by cities, the county, the public, and special districts in advancing the public interest.

- 2.3. Support representation of special districts on all LAFCos in counties with independent districts and oppose removal of special districts from any LAFCo.
- 2.4. Support communication and collaborative decision-making among neighboring LAFCos when growth pressures and multicounty agencies extend beyond a LAFCo's boundaries.

3. Agricultural and Open Space Protection

- 3.1. Support legislation which clarifies LAFCo authority to identify, encourage and insure the preservation of agricultural and open space lands.
- 3.2. Encourage a consistent definition of agricultural and open space lands.
- 3.3. Support policies which encourage cities, counties and special districts to direct development away from prime agricultural lands.
- 3.4. Support policies and tools which protect prime agricultural and open space lands.
- 3.5. Support the continuance of the Williamson Act and restoration of program funding through State subvention payments.

4. Orderly Growth

- 4.1. Support the recognition and use of spheres of influence as a management tool to provide better planning of growth and development, and to preserve agricultural, and open space lands.
- 4.2. Support recognition of LAFCo spheres of influence by other agencies involved in determining and developing long-term growth and infrastructure plans.

- 4.3. Support orderly boundaries of local agencies and the elimination of islands within the boundaries of agencies.
- 4.4. Support communication among cities, counties, and special districts through a collaborative process that resolves service, housing, land use, and fiscal issues prior to application to LAFCo.
- 4.5. Support cooperation between counties and cities on decisions related to development within the city's designated sphere of influence.

efficient and cost effective services. Support legislation which provides LAFCo with additional opportunities to encourage shared services.

5. Service Delivery and Local Agency Effectiveness

- 5.1. Support the use of LAFCo resources to review Regional Transportation Plans, including sustainable communities strategies and other growth plans to ensure reliable services, orderly growth, sustainable communities, and conformity with LAFCo's legislative mandates. Support efforts that enhance meaningful collaboration between LAFCos and regional planning agencies.
- 5.2. Support LAFCo authority and tools which provide communities with local governance and efficient service delivery options, including the authority to impose conditions that assure a proposal's conformity with LAFCo's legislative mandates.
- 5.3. Support the creation or reorganization of local governments in a deliberative, open process which will fairly evaluate the proposed new or successor agency's long-term financial viability, governance structure and ability to efficiently deliver proposed services.
- 5.4. Support the availability of tools for LAFCo to insure equitable distribution of revenues to local government agencies consistent with their service delivery responsibilities.
- 5.5. Support collaborative efforts among agencies and LAFCOs that encourage opportunities for sharing of services, staff and facilities to provide more

2014 Legislative Priorities

Primary Issues

Viability of Local Services Support legislation that maintains or enhances LAFCo's ability to review and act to determine the efficient and sustainable delivery of local services and the financial viability of agencies providing those services to meet current and future needs including those identified in regional planning efforts such as sustainable communities strategies.. Support legislation which provides LAFCo and local communities with options for local governance and service delivery, including incorporation as a city, formation as a special district, or reorganizations or dissolutions to ensure efficient, effective, and quality service delivery. Support efforts which provide tools to local agencies to address aging infrastructure, fiscal challenges and the maintenance of services.

Authority of LAFCo Support legislation that maintains or enhances LAFCo's authority to condition proposals to address any or all financial, growth, service delivery, and agricultural and open space preservation issues. Support legislation that maintains or enhances LAFCo's ability to make decisions regarding boundaries and formations, and to enact recommendations related to both the delivery of services and the agencies providing them including consolidations, reorganizations or dissolutions.

Agriculture and Open Space Protection Preserve prime agriculture and open space lands that maintain the quality of life in California. Support policies that recognize LAFCo's mission to protect and mitigate the loss of prime agricultural and open space lands and that encourage other agencies to coordinate with local LAFCOs on land preservation

and orderly growth. Support efforts that encourage the creation of habitat conservation plans.

Water Availability

Promote the adequacy of water supplies and infrastructure planning for current and planned growth. Support policies that assist LAFCo in obtaining accurate and reliable water supply information to evaluate current and cumulative water demands for service expansions and boundary changes including impacts of expanding water company service areas on orderly growth, and the impacts of consolidation or dissolution of water companies providing services.

Adequate Municipal Services in Inhabited Territory

Expedited processes for inhabited annexations should be consistent with LAFCo law and be fiscally viable. To promote environmental justice for underserved inhabited communities, funding sources should be identified for extension of municipal services, including options for annexation of contiguous disadvantaged unincorporated communities. Promote the delivery of adequate, sustainable, efficient, and effective levels of service through periodic updates of Municipal Service reviews, Spheres of Influence, and other studies.

Issues of Interest

Housing Provision of territory and services to support housing plans consistent with regional land use plans and local LAFCo policies.

Transportation Effects of Regional Transportation Plans and expansion of transportation systems on future urban growth and service delivery needs, and the ability of local agencies to provide those services.

Flood Control The ability and effectiveness of local agencies to maintain and improve levees and protect current infrastructure. Carefully consider the value of uninhabited territory and the impact to public safety of proposed annexation to urban areas of uninhabited territory which is at risk for flooding. Support legislation that includes assessment of agency viability in decisions involving new funds for levee repair. Support efforts that encourage the creation of habitat conservation plans.

ASSEMBLY BILL

No. 1527

Introduced by Assembly Member Perea

January 17, 2014

An act to amend Section 116326 of the Health and Safety Code, and to amend Section 75125 of the Public Resources Code, relating to drinking water quality.

LEGISLATIVE COUNSEL'S DIGEST

AB 1527, as introduced, Perea. Public water systems: drinking water.

Existing law, known as the California Safe Drinking Water Act, requires the State Department of Public Health to administer provisions relating to the regulation of drinking water to protect public health, including, but not limited to, administer programs to fund improvements and expansion of small community water systems using specified priorities. Existing law requires the department to encourage the consolidation of small community water systems that serve disadvantaged communities in instances where consolidation will help the affected agencies and the state to meet specified goals.

Existing law allows funding of studies regarding the feasibility of consolidating 2 or more community water systems, at least one of which is a small community water system that serves a disadvantaged community and requires the department to give funding priority to construction projects that involve the physical restricting of 2 or more community water systems, as specified, when it is shown that the consolidation would further specified goals.

This bill would require the department, in administering programs to fund improvements and expansions of small community water systems, and other water systems, as specified, to promote service delivery

alternatives that improve efficiency and affordability of infrastructure and service delivery, as specified.

This bill also would make technical, conforming changes regarding a reporting duty of the Strategic Growth Council.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. It is the intent of the Legislature to encourage
2 local area formation commissions to focus on the consolidation,
3 merger, or extension of public water systems, especially those
4 located in disadvantaged communities, by seeking financial
5 assistance in order to perform the necessary service reviews and
6 other appropriate studies.

7 SEC. 2. Section 116326 of the Health and Safety Code is
8 amended to read:

9 116326. (a) In administering programs to fund improvements
10 and expansions of small community water systems *and, pursuant*
11 *to subdivision (b), other water systems*, the department shall do
12 all of the following:

13 (a)

14 (1) Give priority to funding projects in disadvantaged
15 communities.

16 ~~(b) Encourage the consolidation of small community water~~
17 ~~systems that serve disadvantaged communities in instances where~~
18 ~~consolidation will help the affected agencies service~~

19 (2) *Promote service delivery alternatives that improve efficiency*
20 *and afford ability of infrastructure and service delivery, including,*
21 *but not limited to, the consolidation of governmental agencies,*
22 *consolidation of water systems, and the extension of services, in*
23 *and to disadvantaged communities, where service delivery options*
24 *will help affected agencies, communities, and the state to meet all*
25 *of the following goals:*

26 (1)

27 (A) Improvement in the quality of water delivered.

28 (2)

29 (B) Improvement in the reliability of water delivery.

30 (3)

31 (C) Reduction in the cost of drinking water for ratepayers.

1 ~~(e) Pursuant to subdivision (b), allow funding for feasibility~~
2 ~~studies performed prior to a construction project to include studies~~
3 ~~of the feasibility of consolidating two or more community water~~
4 ~~systems, at least one of which is a small community water system~~
5 ~~that serves a disadvantaged community.~~

6 ~~(d) In instances where it is shown that small community water~~
7 ~~system consolidation will further the goals of subdivision (b), give~~
8 ~~priority to funding construction projects that involve the physical~~
9 ~~restructuring of two or more community water systems, at least~~
10 ~~one of which is a small community water system that serves a~~
11 ~~disadvantaged community, into a single, consolidated system.~~

12 *(3) Pursuant to paragraph (2) of subdivision (a), require that*
13 *funding for feasibility studies performed prior to a construction*
14 *project include studies of service delivery alternatives that improve*
15 *efficiency and affordability of capital improvements and service*
16 *delivery, if at least one of the potentially affected agencies serves,*
17 *or would serve by way of an extraterritorial service extension, a*
18 *disadvantaged community, unless the department makes a written*
19 *determination that service delivery alternatives are not feasible*
20 *under the circumstances. In making this determination, the*
21 *department shall do all of the following:*

22 *(A) Review and consider the determinations and*
23 *recommendations made by the affected local agency formation*
24 *commission within the previous five calendar years in any of the*
25 *following:*

26 *(i) A special study conducted pursuant to Section 56378 of the*
27 *Government Code.*

28 *(ii) A sphere of influence study conducted pursuant to Section*
29 *56425 of the Government Code.*

30 *(iii) A service review conducted pursuant to Section 56430 of*
31 *the Government Code.*

32 *(B) Consult with the executive officer of the affected local agency*
33 *formation commission to determine whether any circumstances*
34 *have changed since the studies and review conducted pursuant to*
35 *subparagraph (A) were completed or if there is any additional*
36 *information that would assist the department in its determination.*

37 *(C) Review and consider the conclusions and recommendations*
38 *of other local and regional studies designed to develop and identify*
39 *regional solutions for drinking water delivery.*

1 (4) *If it is shown that an alternative service delivery option will*
2 *further the goals of paragraph (2) of subdivision (a), fund*
3 *construction projects that include the alternative service delivery*
4 *option, unless the department makes a written determination that*
5 *the alternative service delivery option is not feasible under the*
6 *circumstances.*

7 (b) *If an applicant submits an application that includes a service*
8 *delivery alternative that furthers the goals specified in paragraph*
9 *(2) of subdivision (a), the applicant need not be a small community*
10 *water system and the department may increase priority of the*
11 *application.*

12 SEC. 3. Section 75125 of the Public Resources Code is
13 amended to read:

14 75125. The council shall do all of the following:

15 (a) Identify and review activities and funding programs of
16 member state agencies that may be coordinated to improve air and
17 water quality, improve natural resource protection, increase the
18 availability of affordable housing, improve transportation, meet
19 the goals of the California Global Warming Solutions Act of 2006
20 (Division 25.5 (commencing with Section 38500) of the Health
21 and Safety Code), encourage sustainable land use planning, and
22 revitalize urban and community centers in a sustainable manner.
23 At a minimum, the council shall review and comment on the
24 five-year infrastructure plan developed pursuant to Article 2
25 (commencing with Section 13100) of Chapter 2 of Part 3 of
26 Division 3 of the Government Code and the State Environmental
27 Goals and Policy Report developed pursuant to Section 65041 of
28 the Government Code.

29 (b) Recommend policies and investment strategies and priorities
30 to the Governor, the Legislature, and to appropriate state agencies
31 to encourage the development of sustainable communities, such
32 as those communities that promote equity, strengthen the economy,
33 protect the environment, and promote public health and safety,
34 consistent with subdivisions (a) and (c) of Section 75065.

35 (c) Provide, fund, and distribute data and information to local
36 governments and regional agencies that will assist in developing
37 and planning sustainable communities.

38 (d) Manage and award grants and loans to support the planning
39 and development of sustainable communities, pursuant to Sections

1 75127, 75128, and 75129. To implement this subdivision, the
2 council may do all of the following:

3 (1) Develop guidelines for awarding financial assistance,
4 including criteria for eligibility and additional consideration.

5 (2) Develop criteria for determining the amount of financial
6 assistance to be awarded. The council shall award a revolving loan
7 to an applicant for a planning project, unless the council determines
8 that the applicant lacks the fiscal capacity to carry out the project
9 without a grant. The council may establish criteria that would allow
10 the applicant to illustrate an ongoing commitment of financial
11 resources to ensure the completion of the proposed plan or project.

12 (3) Provide for payments of interest on loans made pursuant to
13 this article. The rate of interest shall not exceed the rate earned by
14 the Pooled Money Investment Board.

15 (4) Provide for the time period for repaying a loan made
16 pursuant to this article.

17 (5) Provide for the recovery of funds from an applicant that fails
18 to complete the project for which financial assistance was awarded.
19 The council shall direct the Controller to recover funds by any
20 available means.

21 (6) Provide technical assistance for application preparation.

22 (7) Designate a state agency or department to administer
23 technical and financial assistance programs for the disbursing of
24 grants and loans to support the planning and development of
25 sustainable communities, pursuant to Sections 75127, 75128, and
26 75129.

27 (e) (1) No later than July 1, ~~2010, and every of each year~~
28 ~~thereafter~~, provide a report to the Legislature that shall include,
29 but is not limited to, all of the following:

30 ~~(1)~~

31 (A) A list of applicants for financial assistance.

32 ~~(2)~~

33 (B) Identification of which applications were approved.

34 ~~(3)~~

35 (C) The amounts awarded for each approved application.

36 ~~(4)~~

37 (D) The remaining balance of available funds.

38 ~~(5)~~

39 (E) A report on the proposed or ongoing management of each
40 funded project.

1 ~~(6)~~
2 (F) Any additional minimum requirements and priorities for a
3 project or plan proposed in a grant or loan application developed
4 and adopted by the council pursuant to subdivision (c) of Section
5 75126.
6 (2) *A report submitted pursuant to paragraph (1) shall be*
7 *submitted in accordance with Section 9795 of the Government*
8 *Code.*

O

ASSEMBLY BILL

No. 1729

Introduced by Assembly Member Logue

February 14, 2014

An act to amend Section 51240 of the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 1729, as introduced, Logue. Local government: agricultural land.

Existing law establishes the California Land Conservation Act of 1965, otherwise known as the Williamson Act, for purposes of preserving agricultural land within the state. Existing law authorizes a city or a county, for this purpose, to contract with a landowner to limit the use of agricultural land located in an agricultural preserve designated by the city or county.

This bill would make technical, nonsubstantive changes to the authorization provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 51240 of the Government Code is
2 amended to read:
3 51240. ~~Any~~A city or county may by contract limit the use of
4 agricultural land ~~for the purpose of preserving such~~ to preserve
5 the land pursuant ~~and~~ subject to the conditions set forth in the
6 contract and in this chapter. A contract may provide for restrictions,

- 1 terms, and conditions, including payments and fees, more
- 2 restrictive than or in addition to those required by this chapter.

O

ASSEMBLY BILL

No. 1961

Introduced by Assembly Member Eggman
(Principal coauthor: Senator Wolk)

February 19, 2014

An act to add Article 10 (commencing with Section 65550) to Chapter 3 of Division 1 of Title 7 of, and to add Section 65040.15 to, the Government Code, relating to land use.

LEGISLATIVE COUNSEL'S DIGEST

AB 1961, as introduced, Eggman. Land use: planning: Sustainable Farmland Strategy.

(1) Existing law requires the legislative body of each county and city to adopt a comprehensive, long-term general plan for the physical development of the county or city with specified elements, including, among others, a land use element that designates the proposed general distribution and general location and extent of the uses of the land for housing, business, industry, open space, including agriculture, natural resources, recreation, and enjoyment of scenic beauty, education, public buildings and grounds, solid and liquid waste disposal facilities, and other categories of public and private uses of land. Existing law authorizes a local agency to charge fees for the funding of purposes that include the preparation and revision of land use plans and policies.

This bill would require each county with significant agricultural land resources, as defined, to also develop, on or before January 2, 2018, a sustainable farmland strategy. The bill would require the Sustainable Farmland Strategy to include, among other things, a map and inventory of all agriculturally zoned land within the county, a description of the goals, strategies, and related policies and ordinances, to retain

agriculturally zoned land where practical and mitigate the loss of agriculturally zoned land to nonagricultural uses or zones, and a page on the county’s Internet Web site with the relevant documentation for the goals, strategies, and related policies and ordinances, as specified. The bill would exempt any county with less than 4% of its land use base in agriculture, as specified. By increasing the duties of local officials, this bill would impose a state-mandated local program.

(2) Existing law establishes in the Office of the Governor the Office of Planning and Research with duties that include developing and adopting guidelines for the preparation of and content of mandatory elements required in city and county general plans.

This bill would require the Office of Planning and Research, when it adopts its next edition of general plan guidelines, to include best practices that support agricultural land retention and mitigation, as specified.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) California is the nation’s leader in food production and
- 4 contributes significantly to our food security.
- 5 (b) California agricultural production depends on soil, water,
- 6 and climate conditions found in one of only five Mediterranean
- 7 growing regions on Earth.
- 8 (c) California agriculture is vulnerable to the impacts of global
- 9 warming, including constrained water resources, increases in
- 10 extreme weather events, and rising sea levels.
- 11 (d) California agriculture is also positioned to provide climate
- 12 benefits by reducing greenhouse gas emissions. Research funded
- 13 by the California Energy Commission’s Public Interest Energy
- 14 Research (PIER) program found that an acre of urban land emits

1 70 times more greenhouse gas emissions than an acre of irrigated
2 crop land.

3 (e) California’s growing population places additional demands
4 on both our food supply and on the development of agricultural
5 land for nonagricultural purposes. Over the past 30 years, an
6 average of approximately 30,000 acres of California agricultural
7 land is permanently converted to nonagricultural uses annually.

8 (f) The conservation of a maximum amount of the limited supply
9 of California’s agricultural land is necessary for the maintenance
10 of the agricultural economy of the state, climate change mitigation,
11 enhancement of the state’s natural resources and the assurance of
12 an adequate, healthy and nutritious food supply for the residents
13 of this state and nation.

14 (g) California’s statewide land use planning priorities include
15 the goal of protecting, preserving, and enhancing the state’s most
16 valuable natural resources, including working landscapes such as
17 farm, range, and forest lands.

18 (h) Counties have jurisdiction over the majority of the state’s
19 agricultural land and play a vital role in regulating the use of land,
20 including the conservation of agricultural lands through appropriate
21 zoning and planning activities, as well as determinations of the
22 potential environmental impacts of proposed land use changes.
23 When farmland is converted to nonagricultural uses, agricultural
24 conservation easements can constitute feasible mitigation to lessen
25 impacts on local and regional agricultural resources.

26 (i) It is the intent of the Legislature to assure that counties
27 recognize that farmland is a limited and valuable resource which
28 must be conserved wherever possible. It is also the intent of the
29 Legislature to assure that counties with significant agricultural
30 land resources prepare and carry out a Sustainable Farmland
31 Strategy, which along with state and regional programs, will
32 protect, preserve, and enhance the state’s agricultural lands.

33 (j) Certain actions by local agencies, including those to protect
34 natural resources and the environment, have been identified by the
35 Office of Planning and Research as classes of projects that do not
36 have a significant effect on the environment, and are therefore not
37 subject to the California Environmental Quality Act. The adoption
38 of a sustainable farmland strategy would be considered to be an
39 action to protect natural resources or the environment.

1 SEC. 2. Article 10 (commencing with Section 65550) is added
2 to Chapter 3 of Division 1 of Title 7 of the Government Code, to
3 read:

4

5

Article 10. Sustainable Farmland Strategy

6

7

65550. For the purposes of this article, the term “agriculturally
8 zoned land” means land that is determined by a county to be
9 designated in agriculture as the primary purpose or use of the zone.

10

65551. (a) The board of supervisors of any county other than
11 a county described in subdivision (e), shall develop a Sustainable
12 Farmland Strategy.

13

(b) (1) The Sustainable Farmland Strategy shall include all of
14 the following:

15

(A) A map and inventory of all agriculturally zoned lands within
16 the county as of February 21, 2014. A county may use the
17 county-level maps of agricultural land developed by the Farmland
18 Mapping and Monitoring Program of the Department of
19 Conservation, general plan maps, or other available local and state
20 maps and resources.

21

(B) A description of the goals, strategies, and related policies
22 and ordinances to retain agriculturally zoned land, where practical,
23 and mitigate the loss of agriculturally zoned lands to
24 nonagricultural uses or nonagricultural zones.

25

(C) A page on the county’s Internet Web site that assembles all
26 of the relevant documentation for the goals, strategies and related
27 policies, and ordinances, as described in subparagraphs (A) and
28 (B), as well as reporting on the manner of compliance with this
29 article as required by subdivision (f). The board of supervisors
30 shall also include, on the Internet Web site, a table and map
31 showing the location of lands enrolled in the California Land
32 Conservation Act of 1965, also known as the Williamson Act
33 (Article 1 (commencing with Section 51200) of Chapter 7 of Part
34 1 of Division 1 of Title 5).

35

(2) The board of supervisors of each county shall consult with
36 the governments of cities located within their boundaries, and with
37 their local agency formation commission, on the development of
38 the sustainable farmland strategy for that county to assure that the
39 plans and policies of the cities and local agency formation

1 commission are taken into consideration and are compatible to the
2 maximum extent feasible.

3 (c) A county may comply with the requirements of this article
4 by relying on existing inventories and maps of agricultural lands,
5 and existing goals, strategies, and related policies and ordinances
6 that substantially comply with the provisions of subdivision (b).
7 Any county complying under this subdivision shall summarize
8 and incorporate by reference on the county's Internet Web site, a
9 description of how each requirement of this subdivision has been
10 met.

11 (d) The board of supervisors shall update the Sustainable
12 Farmland Strategy as determined to be necessary by the board of
13 supervisors.

14 (e) Any county with less than 4 percent of its land base in
15 agriculture, as determined by the most recent Census of Agriculture
16 by the United States Department of Agriculture, is exempt from
17 this article.

18 (f) On or before January 1, 2018, each county shall affirm
19 compliance with this article by one of the following means:

20 (1) Developing and adopting a Sustainable Farmland Strategy
21 consistent with subdivision (b).

22 (2) Adopting a resolution finding that the existing county goals,
23 policies and ordinances have a functionally equivalent strategy
24 that meets the requirements of subdivision (b), pursuant to
25 subdivision (c).

26 (3) Adopting a resolution finding that the county's agricultural
27 land resources do not meet the threshold described in subdivision
28 (e), and that the county is not required to develop a sustainable
29 farmland strategy.

30 SEC. 3. Section 65040.15 is added to the Government Code,
31 to read:

32 65040.15. (a) The Office of Planning and Research, when it
33 adopts its next edition of general plan guidelines pursuant to
34 Section 65040.2, shall include best practices that support
35 agricultural land retention and mitigation, including, but not limited
36 to, the following:

37 (1) Right to farm ordinances with real estate disclosure.

38 (2) Farmland mitigation ordinances.

39 (3) Conservation easement purchase programs.

40 (4) Economic incentives to promote local agriculture.

1 (5) Use of zoning to prevent nuisances and land use conflicts,
2 and to promote commercial agriculture by limiting parcelization
3 of agricultural lands.

4 (6) Urban growth boundaries in coordination with incorporated
5 jurisdictions.

6 (7) Locally adopted thresholds of significance for California
7 Environmental Quality Act (Division 13 (commencing with Section
8 21000) of the Public Resources Code) review for conservation of
9 grazing lands and farmland of local importance, in addition to
10 existing thresholds for conversion of prime farmland, unique
11 farmland, and farmland of statewide importance.

12 (b) The Office of Planning and Research shall include in their
13 next update of the General Plan Guidelines recommendations on
14 the role of local agency formation commissions in the preservation
15 of agriculturally zoned lands when considering annexations of
16 agriculturally zoned lands into cities and service extensions onto
17 agriculturally zoned lands.

18 SEC. 4. No reimbursement is required by this act pursuant to
19 Section 6 of Article XIII B of the California Constitution because
20 a local agency or school district has the authority to levy service
21 charges, fees, or assessments sufficient to pay for the program or
22 level of service mandated by this act, within the meaning of Section
23 17556 of the Government Code.

O

ASSEMBLY BILL

No. 2156

Introduced by Assembly Member Achadjian

February 20, 2014

An act to amend Section 56378 of, and to add Section 56047.7 to, the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 2156, as introduced, Achadjian. Local agency formation commissions: studies.

Existing law, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, sets forth the powers and duties of a local agency formation commission, including, among others, the requirement to conduct studies of existing governmental agencies that include, but are not limited to, inventorying those agencies and determining their maximum service area and service capacities. The commission is authorized to request land use information, studies, and plans of cities, counties, districts, including school districts, community college districts, and regional agencies and state agencies and departments, in connection with conducting the required studies, and the governmental agencies are required to comply with the commission's request.

This bill would include joint powers agencies and joint powers authorities among the entities from which the commission is authorized to request land use information, studies, and plans, for purposes of conducting the studies described above. The bill would specifically define "joint powers agency" and "joint powers authority" for purposes of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 56047.7 is added to the Government
2 Code, to read:

3 56047.7. “Joint powers agency” or “joint powers authority”
4 means an agency or entity formed pursuant to the Joint Exercise
5 of Powers Act (Article 1 (commencing with Section 6500) of
6 Chapter 5 of Division 7 of Title 1) that is formed for the local
7 performance of governmental functions that includes the provision
8 of municipal services.

9 SEC. 2. Section 56378 of the Government Code is amended
10 to read:

11 56378. (a) In addition to its other powers, the commission
12 shall initiate and make studies of existing governmental agencies.
13 Those studies shall include, but shall not be limited to, inventorying
14 those agencies and determining their maximum service area and
15 service capacities. In conducting those studies, the commission
16 may ~~ask for~~ *request* land use information, studies, and plans of
17 cities, counties, districts, including school districts, community
18 college districts, ~~and joint powers agencies and joint powers~~
19 *authorities*, regional agencies and state agencies and departments.
20 Cities, counties, districts, including school districts, community
21 college districts, *joint powers agencies and joint powers*
22 *authorities*, regional agencies, and state agencies and departments,
23 shall comply with the request of the commission for that
24 information and the commission shall make its studies available
25 to public agencies and any interested person. In making these
26 studies, the commission may cooperate with the county planning
27 commissions.

28 ~~The~~
29 (b) *The* commission, or the board of supervisors on behalf of
30 the commission, may apply for or accept, or both, any financial
31 assistance and grants-in-aid from public or private agencies or
32 from the state or federal government or from a local government.

O

Introduced by Senator Knight

February 13, 2014

An act to amend Section 56001 of the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

SB 1001, as introduced, Knight. Local government.

Existing law, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, makes certain findings and declarations relating to local government organizations, including, among other things, the encouragement of orderly growth and development, and logical formation and modification of the boundaries of local agencies, as specified.

This bill would make nonsubstantive changes to these findings and declarations.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 56001 of the Government Code is
2 amended to read:
3 56001. The Legislature finds and declares ~~that~~ it is the policy
4 of the state to encourage orderly growth and development ~~which~~
5 *that* are essential to the social, fiscal, and economic well-being of
6 the state. The Legislature recognizes that the logical formation and
7 determination of local agency boundaries is an important factor
8 in promoting orderly development and in balancing that
9 development with sometimes competing state interests of

1 discouraging urban sprawl, preserving open-space and prime
2 agricultural lands, and efficiently extending government services.
3 The Legislature also recognizes that providing housing for persons
4 and families of all incomes is an important factor in promoting
5 orderly development. Therefore, the Legislature further finds and
6 declares that this policy should be effected by the logical formation
7 and modification of the boundaries of local agencies, with a
8 preference granted to accommodating additional growth within,
9 or through the expansion of, the boundaries of those local agencies
10 ~~which~~ *that* can best accommodate and provide necessary
11 governmental services and housing for persons and families of all
12 incomes in the most efficient manner feasible.

13 The Legislature recognizes that urban population densities and
14 intensive residential, commercial, and industrial development
15 necessitate a broad spectrum and high level of community services
16 and controls. The Legislature also recognizes that when areas
17 become urbanized to the extent that they need the full range of
18 community services, priorities are required to be established
19 regarding the type and levels of services that the residents of an
20 urban community need and desire; that community service
21 priorities be established by weighing the total community service
22 needs against the total financial resources available for securing
23 community services; and that those community service priorities
24 are required to reflect local circumstances, conditions, and limited
25 financial resources. The Legislature finds and declares that a single
26 multipurpose governmental agency is accountable for community
27 service needs and financial resources and, therefore, *that agency*
28 may be the best mechanism for establishing community service
29 priorities especially in urban areas. Nonetheless, the Legislature
30 recognizes the critical role of many limited purpose agencies,
31 especially in rural communities. The Legislature also finds ~~that~~,
32 whether governmental services are proposed to be provided by a
33 single-purpose agency, several agencies, or a multipurpose agency,
34 responsibility should be given to the agency or agencies that can
35 best provide government services.

O

ASSEMBLY BILL

No. 1521

Introduced by Assembly Member Fox

January 16, 2014

An act to amend Section 97.70 of the Revenue and Taxation Code, relating to local government finance, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1521, as introduced, Fox. Local government finance: property tax revenue allocations: vehicle license fee adjustments.

Existing property tax law requires the county auditor, in each fiscal year, to allocate property tax revenue to local jurisdictions in accordance with specified formulas and procedures, and generally provides that each jurisdiction shall be allocated an amount equal to the total of the amount of revenue allocated to that jurisdiction in the prior fiscal year, subject to certain modifications, and that jurisdiction's portion of the annual tax increment, as defined.

Existing property tax law also requires that, for purposes of determining property tax revenue allocations in each county for the 1992–93 and 1993–94 fiscal years, the amounts of property tax revenue deemed allocated in the prior fiscal year to the county, cities, and special districts be reduced in accordance with certain formulas. It requires that the revenues not allocated to the county, cities, and special districts as a result of these reductions be transferred to the Educational Revenue Augmentation Fund in that county for allocation to school districts, community college districts, and the county office of education.

Beginning with the 2004–05 fiscal year and for each fiscal year thereafter, existing law requires that each city, county, and city and

county receive additional property tax revenues in the form of a vehicle license fee adjustment amount, as defined, from a vehicle license fee property tax compensation fund that exists in each county treasury. Existing law requires that these additional allocations be funded from ad valorem property tax revenues otherwise required to be allocated to educational entities.

This bill would modify these reduction and transfer provisions, for the 2014–15 fiscal year and for each fiscal year thereafter, by providing for a vehicle license fee adjustment amount calculated on the basis of changes in assessed valuation.

By imposing additional duties upon local tax officials with respect to the allocation of ad valorem property tax revenues, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: 2/3. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 97.70 of the Revenue and Taxation Code
2 is amended to read:
3 97.70. Notwithstanding any other law, for the 2004–05 fiscal
4 year and for each fiscal year thereafter, all of the following apply:
5 (a) (1) (A) The auditor shall reduce the total amount of ad
6 valorem property tax revenue that is otherwise required to be
7 allocated to a county’s Educational Revenue Augmentation Fund
8 by the countywide vehicle license fee adjustment amount.
9 (B) If, for the fiscal year, after complying with Section 97.68
10 there is not enough ad valorem property tax revenue that is
11 otherwise required to be allocated to a county Educational Revenue
12 Augmentation Fund for the auditor to complete the allocation
13 reduction required by subparagraph (A), the auditor shall

1 additionally reduce the total amount of ad valorem property tax
2 revenue that is otherwise required to be allocated to all school
3 districts and community college districts in the county for that
4 fiscal year by an amount equal to the difference between the
5 countywide vehicle license fee adjustment amount and the amount
6 of ad valorem property tax revenue that is otherwise required to
7 be allocated to the county Educational Revenue Augmentation
8 Fund for that fiscal year. This reduction for each school district
9 and community college district in the county shall be the percentage
10 share of the total reduction that is equal to the proportion that the
11 total amount of ad valorem property tax revenue that is otherwise
12 required to be allocated to the school district or community college
13 district bears to the total amount of ad valorem property tax revenue
14 that is otherwise required to be allocated to all school districts and
15 community college districts in a county. For purposes of this
16 subparagraph, “school districts” and “community college districts”
17 do not include any districts that are excess tax school entities, as
18 defined in Section 95.

19 (2) The countywide vehicle license fee adjustment amount shall
20 be allocated to the Vehicle License Fee Property Tax Compensation
21 Fund that shall be established in the treasury of each county.

22 (b) (1) The auditor shall allocate moneys in the Vehicle License
23 Fee Property Tax Compensation Fund according to the following:

24 (A) Each city in the county shall receive its vehicle license fee
25 adjustment amount.

26 (B) Each county and city and county shall receive its vehicle
27 license fee adjustment amount.

28 (2) The auditor shall allocate one-half of the amount specified
29 in paragraph (1) on or before January 31 of each fiscal year, and
30 the other one-half on or before May 31 of each fiscal year.

31 (c) For purposes of this section, all of the following apply:

32 (1) “Vehicle license fee adjustment amount” for a particular
33 city, county, or a city and county means, subject to an adjustment
34 under paragraph (2) and Section 97.71, all of the following:

35 (A) For the 2004–05 fiscal year, an amount equal to the
36 difference between the following two amounts:

37 (i) The estimated total amount of revenue that would have been
38 deposited to the credit of the Motor Vehicle License Fee Account
39 in the Transportation Tax Fund, including any amounts that would
40 have been certified to the Controller by the auditor of the County

1 of Ventura under subdivision (j) of Section 98.02, as that section
 2 read on January 1, 2004, for distribution under the law as it read
 3 on January 1, 2004, to the county, city and county, or city for the
 4 2004–05 fiscal year if the fee otherwise due under the Vehicle
 5 License Fee Law (Pt. 5 (commencing with Section 10701) of Div.
 6 2) was 2 percent of the market value of a vehicle, as specified in
 7 ~~Section~~ *Sections* 10752 and 10752.1 as those sections read on
 8 January 1, 2004.

9 (ii) The estimated total amount of revenue that is required to be
 10 distributed from the Motor Vehicle License Fee Account in the
 11 Transportation Tax Fund to the county, city and county, and each
 12 city in the county for the 2004–05 fiscal year under Section 11005,
 13 as that section read on the operative date of the act that amended
 14 this clause.

15 (B) (i) Subject to an adjustment under clause (ii), for the
 16 2005–06 fiscal year, the sum of the following two amounts:

17 (I) The difference between the following two amounts:

18 ~~(Ia)~~

19 (ia) The actual total amount of revenue that would have been
 20 deposited to the credit of the Motor Vehicle License Fee Account
 21 in the Transportation Tax Fund, including any amounts that would
 22 have been certified to the Controller by the auditor of the County
 23 of Ventura under subdivision (j) of Section 98.02, as that section
 24 read on January 1, 2004, for distribution under the law as it read
 25 on January 1, 2004, to the county, city and county, or city for the
 26 2004–05 fiscal year if the fee otherwise due under the Vehicle
 27 License Fee Law (Part 5 (commencing with Section 10701) of
 28 Division 2) was 2 percent of the market value of a vehicle, as
 29 specified in Sections 10752 and 10752.1 as those sections read on
 30 January 1, 2004.

31 ~~(Ib)~~

32 (ib) The actual total amount of revenue that was distributed
 33 from the Motor Vehicle License Fee Account in the Transportation
 34 Tax Fund to the county, city and county, and each city in the county
 35 for the 2004–05 fiscal year under Section 11005, as that section
 36 read on the operative date of the act that amended this
 37 ~~sub-subclause~~ *subsubclause*.

38 (II) The product of the following two amounts:

39 ~~(IIa)~~

40 (ia) The amount described in subclause (I).

1 ~~(Hb)~~

2 (ib) The percentage change from the prior fiscal year to the
3 current fiscal year in gross taxable assessed valuation within the
4 jurisdiction of the entity, as reflected in the equalized assessment
5 roll for those fiscal years. For the first fiscal year for which a
6 change in a city’s jurisdictional boundaries first applies, the
7 percentage change in gross taxable assessed valuation from the
8 prior fiscal year to the current fiscal year shall be calculated solely
9 on the basis of the city’s previous jurisdictional boundaries, without
10 regard to the change in that city’s jurisdictional boundaries. For
11 each following fiscal year, the percentage change in gross taxable
12 assessed valuation from the prior fiscal year to the current fiscal
13 year shall be calculated on the basis of the city’s current
14 jurisdictional boundaries.

15 (ii) The amount described in clause (i) shall be adjusted as
16 follows:

17 (I) If the amount described in subclause (I) of clause (i) for a
18 particular city, county, or city and county is greater than the amount
19 described in subparagraph (A) for that city, county, or city and
20 county, the amount described in clause (i) shall be increased by
21 an amount equal to this difference.

22 (II) If the amount described in subclause (I) of clause (i) for a
23 particular city, county, or city and county is less than the amount
24 described in subparagraph (A) for that city, county, or city and
25 county, the amount described in clause (i) shall be decreased by
26 an amount equal to this difference.

27 ~~(C) For the 2006–07 fiscal year and for each fiscal year~~
28 ~~thereafter, year, to the 2013–14 fiscal year, inclusive, the sum of~~
29 ~~the following two amounts:~~

30 (i) The vehicle license fee adjustment amount for the prior fiscal
31 year, if Section 97.71 and clause (ii) of subparagraph (B) did not
32 apply for that fiscal year, for that city, county, and city and county.

33 (ii) The product of the following two amounts:

34 (I) The amount described in clause (i).

35 (II) The percentage change from the prior fiscal year to the
36 current fiscal year in gross taxable assessed valuation within the
37 jurisdiction of the entity, as reflected in the equalized assessment
38 roll for those fiscal years. For the first fiscal year for which a
39 change in a city’s jurisdictional boundaries first applies, the
40 percentage change in gross taxable assessed valuation from the

1 prior fiscal year to the current fiscal year shall be calculated solely
2 on the basis of the city’s previous jurisdictional boundaries, without
3 regard to the change in that city’s jurisdictional boundaries. For
4 each following fiscal year, the percentage change in gross taxable
5 assessed valuation from the prior fiscal year to the current fiscal
6 year shall be calculated on the basis of the city’s current
7 jurisdictional boundaries.

8 (D) For the 2014–15 fiscal year, the sum of the following two
9 amounts:

10 (i) The amount described in clause (i) of subparagraph (B) if
11 Section 97.71 and clause (ii) of subparagraph (B) did not apply
12 for that fiscal year, for that city, county, and city and county.

13 (ii) The product of the following two amounts:

14 (I) The amount described in clause (i).

15 (II) The percentage change from the 2004–05 fiscal year to the
16 2014–15 fiscal year, inclusive, in gross taxable assessed valuation
17 within the jurisdiction of the entity, as reflected in the equalized
18 assessment roll for those fiscal years.

19 (E) For the 2015–16 fiscal year and each fiscal year thereafter,
20 the sum of the following two amounts:

21 (i) The vehicle license fee adjustment amount for the prior fiscal
22 year.

23 (ii) The product of the following two amounts:

24 (I) The amount described in clause (i).

25 (II) The percentage change from the immediately preceding
26 fiscal year to the current fiscal year in gross taxable assessed
27 valuation within the jurisdiction of the entity, as reflected in the
28 equalized assessment roll for those fiscal years.

29 (2) ~~For the 2013–14 fiscal year, the~~The vehicle license fee
30 adjustment amount that is determined under subparagraph (C) of
31 paragraph (1) for the 2013–14 fiscal year, subparagraph (D) of
32 paragraph (1) for the 2014–15 fiscal year, and subparagraph (E)
33 of paragraph (1) for the 2015–16 fiscal year, for the County of
34 ~~Orange~~ Orange, shall be increased by fifty-three million dollars
35 (\$53,000,000). For the ~~2014–15~~ 2016–17 fiscal year and each
36 fiscal year thereafter, the calculation of the vehicle license fee
37 adjustment amount for the County of Orange under subparagraph
38 ~~(C)~~(E) of paragraph (1) shall be based on a prior fiscal year amount
39 that reflects the full amount of this one-time increase of fifty-three
40 million dollars (\$53,000,000).

1 (3) “Countywide vehicle license fee adjustment amount” means,
2 for any fiscal year, the total sum of the amounts described in
3 paragraphs (1) and (2) for a county or city and county, and each
4 city in the county.

5 (4) On or before June 30 of each fiscal year, the auditor shall
6 report to the Controller the vehicle license fee adjustment amount
7 for the county and each city in the county for that fiscal year.

8 (d) For the 2005–06 fiscal year and each fiscal year thereafter,
9 the amounts determined under subdivision (a) of Section 96.1, or
10 any successor to that provision, shall not reflect, for a preceding
11 fiscal year, any portion of any allocation required by this section.

12 (e) For purposes of Section 15 of Article XI of the California
13 Constitution, the allocations from a Vehicle License Fee Property
14 Tax Compensation Fund constitute successor taxes that are
15 otherwise required to be allocated to counties and cities, and as
16 successor taxes, the obligation to make those transfers as required
17 by this section shall not be extinguished nor disregarded in any
18 manner that adversely affects the security of, or the ability of, a
19 county or city to pay the principal and interest on any debts or
20 obligations that were funded or secured by that city’s or county’s
21 allocated share of motor vehicle license fee revenues.

22 (f) This section shall not be construed to do any of the following:

23 (1) Reduce any allocations of excess, additional, or remaining
24 funds that would otherwise have been allocated to county
25 superintendents of schools, cities, counties, and cities and counties
26 pursuant to clause (i) of subparagraph (B) of paragraph (4) of
27 subdivision (d) of Sections 97.2 and 97.3 or Article 4 (commencing
28 with Section 98) had this section not been enacted. The allocations
29 required by this section shall be adjusted to comply with this
30 paragraph.

31 (2) Require an increased ad valorem property tax revenue
32 allocation or increased tax increment allocation to a community
33 redevelopment agency.

34 (3) Alter the manner in which ad valorem property tax revenue
35 growth from fiscal year to fiscal year is otherwise determined or
36 allocated in a county.

37 (4) Reduce ad valorem property tax revenue allocations required
38 under Article 4 (commencing with Section 98).

39 (g) Tax exchange or revenue sharing agreements, entered into
40 prior to the operative date of this section, between local agencies

1 or between local agencies and nonlocal agencies are deemed to be
2 modified to account for the reduced vehicle license fee revenues
3 resulting from the act that added this section. These agreements
4 are modified in that these reduced revenues are, in kind and in lieu
5 thereof, replaced with ad valorem property tax revenue from a
6 Vehicle License Fee Property Tax Compensation Fund or an
7 Educational Revenue Augmentation Fund.

8 SEC. 2. If the Commission on State Mandates determines that
9 this act contains costs mandated by the state, reimbursement to
10 local agencies and school districts for those costs shall be made
11 pursuant to Part 7 (commencing with Section 17500) of Division
12 4 of Title 2 of the Government Code.

13 SEC. 3. This act is an urgency statute necessary for the
14 immediate preservation of the public peace, health, or safety within
15 the meaning of Article IV of the Constitution and shall go into
16 immediate effect. The facts constituting the necessity are:

17 In order to provide timely fiscal relief to preserve the public
18 peace, health, and safety in incorporated cities and cities that
19 annexed inhabited areas that lost revenue as a result of the passage
20 of Senate Bill 89 of the 2011–12 Regular Session (Chapter 35 of
21 the Statutes of 2011), it is necessary that this act take effect
22 immediately.

O

11 February 2014

**2013-2014
Board of Directors**

Chair

MARY JANE GRIEGO
Yuba LAFCo

Vice Chair

JOHN LEOPOLD
Santa Cruz LAFCo

Secretary

STEPHEN TOMANELLI
Riverside LAFCo

Treasurer

GAY JONES
Sacramento LAFCo

JULIE ALLEN
Tulare LAFCo

ROBERT BERGMAN
Nevada LAFCo

JAMES CURATALO
San Bernardino LAFCo

LARRY R. DUNCAN
Butte LAFCo

JULIANA INMAN
Napa LAFCo

MICHAEL KELLEY
Imperial LAFCo

DR. WILLIAM KIRBY
Placer LAFCo

MICHAEL R. MCGILL
Contra Costa LAFCo

EUGENE MONTANEZ
Riverside LAFCo

THEODORE NOVELLI
Amador LAFCo

JOSH SUSMAN
Nevada LAFCo

ROGER WELT
Santa Barbara LAFCo

Staff

PAMELA MILLER
Executive Director

MARJORIE BLOM
Executive Officer

CLARK ALSOP
Legal Counsel

STEPHEN LUCAS
Deputy Executive Officer

SAMUEL MARTINEZ
Deputy Executive Officer

DAVID CHURCH
Deputy Executive Officer

JENI TICKLER
Executive Assistant

Assemblymember Steve Fox
California State Assembly
State Capital Room 3132
Sacramento, CA 95814

Subject: **Support of AB 1521**

Dear Assemblymember Fox:

The California Association of Local Agency Formation Commissions is pleased to support AB 1521, authored by you. The bill reinstates allocations to cities which recently annexed inhabited areas, consistent with the allocation formula those communities relied upon when making the decision to annex the affected territory. Furthermore the bill declares the act as an urgency statute which will take effect immediately.

The CALAFCO Board believes the VLF gap created by SB 89, one of the 2011 budget bills, created a financial disincentive for future city incorporations and annexations of inhabited territory. Further, it created severe fiscal penalties for those communities which chose to annex inhabited territories, particularly unincorporated islands. In several previous legislative acts the Legislature had directed LAFCos to work with cities to annex unincorporated inhabited islands. SB 89 also created severe penalties for those communities which have recently voted to incorporate themselves.

Reinstating revenues for annexations and incorporations is consistent with the CALAFCO legislative policy of providing communities with local governance and efficient service delivery options, including the ability to incorporate or annex.

Because AB 1527 reinstates a critical funding component to inhabited annexations, CALAFCO supports this bill.

Thank you for carrying this important legislation.

Sincerely yours,



Pamela Miller
Executive Director

1215 K Street, Suite 1650
Sacramento, CA 95814

Voice 916-442-6536
Fax 916-442-6535

www.calafco.org

Cc: Committee Members, Assembly Local Government Committee
Misa Yokoi-Shelton, Associate Consultant, Assembly Local Government Committee
William Weber, Consultant, Senate Republican Caucus

ASSEMBLY BILL

No. 1593

Introduced by Assembly Member Dahle

February 3, 2014

An act to amend Section 9063.9 of the Health and Safety Code, relating to public cemetery districts.

LEGISLATIVE COUNSEL'S DIGEST

AB 1593, as introduced, Dahle. Public cemetery districts: Auburn Public Cemetery District.

The Public Cemetery District Law specifies the procedures for the formation of public cemetery districts, procedures for the selection of the district board of trustees and officers, and the powers and duties of the board. That law limits interments in public cemetery district cemeteries to residents of the district and nonresidents who meet specified criteria. Existing law also permits interments of nonresidents in designated public cemetery districts, under certain circumstances.

This bill would authorize the Auburn Public Cemetery District in Placer County to use their cemeteries for up to a total of 400 interments each, not to exceed 40 interments each per calendar year, to inter nonresidents and nonproperty taxpayers, if specified conditions are met.

This bill would make legislative findings and declarations as to the necessity of a special statute for Placer County.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 9063.9 of the Health and Safety Code is
2 amended to read:
3 9063.9. Notwithstanding Sections 9060 and 9061, the
4 Cottonwood Cemetery District in Shasta County, the Anderson
5 Cemetery District in Shasta County, the Kern River Valley
6 Cemetery District in Kern County, ~~and~~ the Silveyville Cemetery
7 District in Solano County, *and the Auburn Public Cemetery District*
8 *in Placer County* may use their cemeteries for up to a total of 400
9 interments each, not to exceed 40 interments each per calendar
10 year, for interment in the ground or a columbarium of any person
11 who is not a resident or a property taxpayer of any cemetery
12 district, and who does not qualify for that interment pursuant to
13 Section 9061, if all of the following apply:
14 (a) The board of trustees determines that the district’s cemetery
15 has adequate space for the foreseeable future.
16 (b) The district has an endowment care fund that requires a
17 contribution for every interment of at least the minimum amount
18 set pursuant to Sections 8738 and 9065.
19 (c) The district requires the payment of a nonresident fee set
20 pursuant to Section 9068.
21 SEC. 2. The Legislature finds and declares that a special law
22 is necessary and that a general law cannot be made applicable
23 within the meaning of Section 16 of Article IV of the California
24 Constitution because of the unique circumstances of the Auburn
25 Public Cemetery District.

O

AMENDED IN ASSEMBLY MARCH 10, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2455

Introduced by Assembly Member Williams

February 21, 2014

An act to amend, repeal, and add Section 61040 of, and to add and repeal Section 61040.1 of, the Government Code, relating to community services districts.

LEGISLATIVE COUNSEL'S DIGEST

AB 2455, as amended, Williams. The Santa Rita Hills Community Services District.

The Community Services District Law specifies the procedures for district formation, procedures for the selection of district governing board members, the powers and duties of the board, and the procedures for changing those powers and duties. Existing law ~~prohibits a person who is not a voter of the district or the proposed district from being a candidate for the board of directors~~ *requires the board of directors of each district to consist of 5 members.*

This bill would ~~provide that, authorize, until January 1, 2035, in addition to persons who are voters in the district, a person who is otherwise qualified to vote and who also owns property in the district may be a candidate for~~ the board of directors of the Santa Rita Hills Community Services District *to consist of 3 members.*

This bill would make legislative findings and declarations as to the necessity of a special statute for the Santa Rita Hills Community Services District.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 61040 of the Government Code is
2 amended to read:

3 61040. (a) ~~A~~*Except as provided in Section 61040.1, a*
4 legislative body of five members known as the board of directors
5 shall govern each district. The board of directors shall establish
6 policies for the operation of the district. The board of directors
7 shall provide for the implementation of those policies which is the
8 responsibility of the district’s general manager.

9 (b) ~~Except as provided in Section 61040.1, no~~*No* person shall
10 be a candidate for the board of directors unless he or she is a voter
11 of the district or the proposed district. No person shall be a
12 candidate for the board of directors that is elected by divisions or
13 from divisions unless he or she is a voter of that division or
14 proposed division.

15 (c) All members of the board of directors shall exercise their
16 independent judgment on behalf of the interests of the entire
17 district, including the residents, property owners, and the public
18 as a whole in furthering the purposes and intent of this division.
19 Where the members of the board of directors have been elected
20 by divisions or from divisions, they shall represent the interests of
21 the entire district and not solely the interests of the residents and
22 property owners in their divisions.

23 (d) Service on a municipal advisory council established pursuant
24 to Section 31010 or service on an area planning commission
25 established pursuant to Section 65101 shall not be considered an
26 incompatible office with service as a member of a board of
27 directors.

28 (e) A member of the board of directors shall not be the general
29 manager, the district treasurer, or any other compensated employee
30 of the district, except for volunteer firefighters as provided by
31 Section 53227.

32 (f) This section shall be repealed on January 1, 2035.

33 SEC. 2. Section 61040 is added to the Government Code, to
34 read:

35 61040. (a) A legislative body of five members known as the
36 board of directors shall govern each district. The board of directors
37 shall establish policies for the operation of the district. The board

1 of directors shall provide for the implementation of those policies
2 which is the responsibility of the district’s general manager.

3 (b) No person shall be a candidate for the board of directors
4 unless he or she is a voter of the district or the proposed district.
5 No person shall be a candidate for the board of directors that is
6 elected by divisions or from divisions unless he or she is a voter
7 of that division or proposed division.

8 (c) All members of the board of directors shall exercise their
9 independent judgment on behalf of the interests of the entire
10 district, including the residents, property owners, and the public
11 as a whole in furthering the purposes and intent of this division.
12 Where the members of the board of directors have been elected
13 by divisions or from divisions, they shall represent the interests of
14 the entire district and not solely the interests of the residents and
15 property owners in their divisions.

16 (d) Service on a municipal advisory council established pursuant
17 to Section 31010 or service on an area planning commission
18 established pursuant to Section 65101 shall not be considered an
19 incompatible office with service as a member of a board of
20 directors.

21 (e) A member of the board of directors shall not be the general
22 manager, the district treasurer, or any other compensated employee
23 of the district, except for volunteer firefighters as provided by
24 Section 53227.

25 (f) This section shall become operative on January 1, 2035.

26 SEC. 3. Section 61040.1 is added to the Government Code, to
27 read:

28 61040.1. (a) ~~No person shall be a candidate for the~~*The* board
29 of directors of the Santa Rita Hills Community Services District
30 ~~unless he or she is a voter of the district, or is an individual who~~
31 ~~is otherwise qualified to vote and who owns property in the district.~~
32 ~~Eligibility shall be determined using the last Santa Barbara County~~
33 ~~equalized assessment roll preceding the election~~ *may consist of*
34 *three members.*

35 (b) This section shall be repealed on January 1, 2035.

36 SEC. 4. The Legislature finds and declares that a special law
37 is necessary and that a general law cannot be made applicable
38 within the meaning of Section 16 of Article IV of the California
39 Constitution because of the unique circumstances that exist ~~in~~ *with*

- 1 *respect to the composition of the board of directors of the Santa*
- 2 *Rita Hills Community Services District.*

O