

January 4, 2001 (Agenda)

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

Legislative Changes Resulting from AB 2838 (Hertzberg)

Dear Members of the Commission:

RECOMMENDATION

It is recommended that the Commission:

- Receive this report summarizing changes in the Cortese-Knox-Hertzberg Act that became effective on January 1, 2001.
- Direct the staff to review and redraft Commission policies to be consistent with the new law for consideration at future Commission meetings.
- Direct the staff to prepare new application forms, flow charts and related materials consistent with the expanded requirements of the Act.
- Consider appointing an ad hoc citizens committee to assist the Commission in implementing the policy portions of the Act, and
- Authorize the Executive Officer to assemble a technical advisory committee composed of staff representatives of the County, cities and special districts.

DISCUSSION

Introduction

AB 2838 (Hertzberg) is meant to implement the recommendations of the Commission on Local Governance for the 21st Century, as transmitted to the Legislature on January 20, 2000.

The Commission of Local Governance considered the demographic and economic changes that are buffeting California as it prepares to address significant population growth in coming years. How will our State balance the needs to achieve economic security and provide adequate public services for a growing population while protecting the environment and quality of life for Californians?

These are challenging issues and the legislature has placed LAFCO in a key and responsible position with regard to addressing and resolving these matters in each county.

The Act is not just about LAFCO; it is about the future of California. Through legislative changes affecting policies, operations and procedures to modify local governments, LAFCO is being called upon to help balance in profound ways these competing State interests.

Major New LAFCO Duties

The Act confers on LAFCO major new duties, which increase the Commission's obligations with regard to managing the organization of local governments. These include:

- Integrating several new legislated policies related to land use and public services
- Updating and adopting LAFCO's written policies and procedures.
- Becoming the conducting authority for all boundary changes
- Coordinating effectively with other public agencies
- Increasing LAFCO's public notice and outreach activities

The key changes are summarized in the enclosures. While all legislative changes are "policies" to one extent or another, for ease of explanation the enclosures are organized into three sections:

- Policies – for LAFCO's consideration of boundary changes and public service issues
- Operations – of the Commission itself.
- Procedures - for reorganizing local governments

The enclosed Executive Summary is a staff synopsis of the legislative changes.

The second enclosure includes the staff summaries and actual legislative changes. The summaries are full margin and statutory excerpts are indented. New legislative wording is underlined.

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Appointment of Committees

It is obvious that a heightened degree of coordination with local agencies will be required for the Commission to effectively implement the new statutory requirements.

To assist in implementing the new statutory mandates it has been suggested by the Chair that an ad hoc citizens committee be created to help formulate and review LAFCO policies and integrate them with the activities of local agencies.

In addition, the staff feels the assistance of a technical committee of staff representatives is needed to coordinate with the County, cities and special districts in implementing portions of the Act. It is recommended that the Commission authorize the creation of this ad hoc committee.

Pending applications will be processed under the prior statutes

Government Code Section 56101 states that AB 2838 does not apply to any existing proposals that were accepted for filing prior to January 1, 2001.

The following pending applications are not subject to the provisions of AB 2838.

99-15	Formation of the Orcutt CSD	Approved
99-16	Ogan Annexation to the Carpinteria Sanitary District	Approved
99-18	Orcutt Fire District Reorganization	
99-20	Incorporation of the City of Goleta	
00-2	Westside Annexation No. 4 to the Santa Ynez CSD	Approved
00-3	Lyons Annexation to the Goleta Sanitary District	Approved
00-8	Robinson Annexation to the Goleta West Sanitary District	Approved
00-11	Drake/Seymour Annexation to the Santa Ynez CSD	Approved
00-15	Alternative Reorganization filed by Goleta Water District	

If you have any questions about this report, please contact the LAFCO office.

Sincerely,

BOB BRAITMAN

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Executive Officer