

CALAFCO Legislative Committee MEETING AGENDA

Friday, 9 May ♦ 9:30 am – 11:00 a.m.

CONFERENCE CALL MEETING

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

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1. Establish Quorum, Review Agenda	<i>P. Miller</i>
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d. AB 1961 (Eggman) - Sustainable Farmland Strategies	<i>P. Miller</i>
e. AB 2156 (Achadjian) – JPAs and LAFCo Studies	<i>P. Miller</i>
f. AB 2762 (Local Gov't Committee) – CKH Omnibus Bill	<i>P. Novak</i>
g. SB 69 (Roth) – Local Gov't Finance: VLF	<i>P. Miller</i>
5. Review of other Legislation of Interest	
a. AB 2455 (Williams) - Santa Rita Hills CSD	<i>P. Miller/P. Hood</i>
b. AB 2480 (Yamada) - Local Gov't Finance: Annexations	<i>P. Miller</i>
c. AB 2453 (Achadjian) – Paso Robles Water Basin District	<i>D. Church</i>
6. Committee Bills, Projects and Reports	
a. Disincorporations Working Group	<i>K. Rollings-McDonald</i>
b. JPA Working Group	<i>K. Simonds</i>
c. Protest Provisions Phase II	<i>H. Ehrlich</i>
7. Action Items	
a. Request by Gay Jones to consider amendments to Gov't Code Section 56428 for next year*	<i>G. Jones</i> 33
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* Please see attached staff report.



California Association of Local Agency Formation Commissions

**CALAFCO Legislative Committee
DRAFT SUMMARY MEETING MINUTES**

Date: Friday 21 March, 2014

Location: Ontario, CA

Participants: Clark Alsop (Counsel), **Robert Bergman***, Kris Berry, Marjorie Blom*, Bob Braitman*, Scott Browne*, David Church*, Carole Cooper, Carolyn Emery, Paul Hood*, **Juliana Inman***, **Gay Jones***, **William Kirby**, **John Leopold** (left at 11:30 a.m.), Steve Lucas* (Vice Chair), Kai Luoma*, **Michael McGill**, Pamela Miller (Chair), Paul Novak, Neelima Palacherla*, Mona Palacios, Paula de Sousa, Kathy Rollings-McDonald, Keene Simonds, George Spiliotis, and Lou Ann Texeira.

Others: Ken Lee, Orange LAFCo; Ben Legbandt*, Orange LAFCo; Jeff Moorhouse*, Santa Barbara 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. Bob Braitman requested the addition of SB 1462 to item 5.

2. Approval of minutes of the January 24, 2014 meeting

***MOTION:** Mike McGill motioned to approve the minutes as amended. The motion was seconded by John Leopold and passed unanimously.*

3. 2014 Assembly Omnibus Bill

a. Items proposed

***MOTION:** Mike McGill motioned to add §56434 back into the code through the Omnibus bill if possible. Should the Assembly Local Government Committee (ALGC) staff determine it is possible, CALAFCO will ask that the requested amendment be reviewed separately from the other three items to be included in the amendment, so that in case there are issues with this addition, the other proposed amendments will not be jeopardized. The motion was seconded by Steve Lucas and passed unanimously.*

b. Items not included – next steps

ACTION: Paul Novak to continue to work with ALGC on §57075 and §57075.5. These two items, along with §56332, will be included in an amendment before the bill goes to hearing.

ACTION: Carole Cooper to poll LAFcos on their practice on Notice of Hearings for proceedings to determine the feasibility of going forward next year with the proposed section in §56660 that was removed from this year's Omnibus bill.

ACTION: Pamela Miller to send out to all LAFcos the language proposed for consideration of adopting a local policy.

4. Current LAFCo Legislation

a. AB 1527 (Perea) – Drinking Water

MOTION: Keene Simonds motioned for CALAFCO to take an OPPOSE UNLESS AMENDED position on the bill. The motion was seconded by John Leopold and passed unanimously.

ACTION: Pamela Miller to write a letter outlining the reasons for the position including the bill's lack of connection to C-K-H and existing consolidation processes outlined therein, and CALAFCO's willingness to work with the author's office on amendments.

b. AB 1729 (Logue) – Williamson Act

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

ACTION: Pamela Miller to write letter of Support.

c. AB 1961 (Eggman) – Sustainable Farmland Strategy

After lengthy discussion regarding the bill and the conflict between the need to support the preservation of farmland and the issues associated with bill (outlined as LAFCo needing to rely on OPR to create guidelines that already exist in §56668, the questionable nature of the General Plan Guidelines as a place for those types of recommendations, the ambiguity of the consideration of compatibility "to the maximum extent feasible", and the fact that this is an unfunded mandate for counties), the committee considered the following action:

MOTION: Keene Simonds motioned for CALAFCO to take an OPPOSE UNLESS AMENDED position, noting the amendment to be the removal of paragraph (b) on the last page of the bill, as noted below.

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

The motion was seconded by Mike McGill. After additional discussion, an amendment to the motion as requested by Carole Cooper and accepted to also strike the phrase "to the maximum extent feasible" in (b) (2). The motion failed by the following vote:

AYES: Alsop, Berry, McGill, Novak, Spiliotis.

NOES: Bergman, Braitman, Browne, Church, Cooper, Emery, Hood, Jones, Kirby, Leopold, Lucas, Luoma, Palacherla, Palacios, de Sousa, Rollings-McDonald, Simonds, and Texeira.

After further discussion, the committee took the following action:

MOTION: Kathy Rollings-McDonald motioned for CALAFCO to maintain its current WATCH position, convey our concerns to the author and sponsors, and to express a desire to work with them on crafting the appropriate amendments that would get CALAFCO to a SUPPORT position. The motion was seconded by John Leopold and passed unanimously.

ACTION: Pamela Miller to work with the author and sponsors conveying our concerns, and request amendments.

The committee may reconsider its WATCH position based on the outcome of those conversations.

d. **AB 2156** (Achadjian) – C-K-H and JPAs

MOTION: Steve Lucas motioned for CALAFCO to take a SUPPORT position on the bill. The motion was seconded by Paul Hood and passed unanimously.

ACTION: Pamela Miller to write letter of Support.

e. **SB 1001** (Knight) - C-K-H

No action taken on this bill as it remains a spot bill. CALAFCO will maintain its WATCH position.

5. Review of other Legislation of Interest

a. **AB 1521** (Fox) – VLF

No action taken as there are no amendments at this time to consider. CALAFCO will maintain its SUPPORT position.

b. **AB 1593** (Dahle) – Auburn Public Cemetery District

No action taken as this item was for informational purposes only.

c. **AB 2455** (Williams) – Santa Rita Hills CSD

MOTION: Mike McGill motioned for CALAFCO to take a WATCH position on the bill until Santa Barbara LAFCo and Santa Barbara County have considered the bill, after which time a reconsideration of CALAFCO's position may occur. The motion was seconded by Paul Novak and passed unanimously.

d. **Other CALAFCO tracked bills**

There are no new updates for the remaining bills being tracked.

e. **SB 1462** (as added)

Although Bob Braitman left the call by the time this item was addressed (at his request), Pamela Miller reported receiving a request to review and comment on the first set of amendments to the Senate Governance & Finance Committee's bill, and that she will be sending it to the committee for review and comment.

INFORMATION

6. Committee Bills, Projects and Reports

a. Report of Board's approval of Committee's recommended Legislative Policies update

Pamela Miller reported the Board approved the committee's recommended amendments to the Association's Legislative Policies during their February 7th meeting. She also stated the Board approved the Legislative Committee's policies relating to the prioritization of bills being tracked and the positions taken by CALAFCO.

b. Report of Board of Directors legislative priorities based on Committee's recommendation

Pamela Miller reported (with additional comments by Mike McGill) on the Board's discussion of February 7th, based on the recommended legislative priorities brought forward by this committee. She indicated their priorities were as follows:

1. Disincorporations

The Board authorized the subcommittee to continue its work identifying the areas needing to be amended, to craft the appropriate language for the amendments, and to work with stakeholders.

2. JPAs

The Board acknowledged the need to address JPAs in a proactive manner and as a priority over the next several years. There was concurrence this may require a multi-phased approach, and the Board approved the formation of a subcommittee.

It was noted AB 2156 is the beginning of this process.

A subcommittee was formed to include Keene Simonds, Scott Browne, and Steve Lucas. Pamela Miller to send a note to Board members on the Committee to populate the subcommittee with a Board member.

3. Protest Provisions Phase II

The Board agreed the next logical step in addressing Protest Provisions is their consolidation into one section and an examination of the various thresholds. The Board approved San Diego LAFCo's lead on the project since little to no CALAFCO resources are required at this time.

4. Revenue & Tax Code Section 99

The Board acknowledged that while there is a need for this section to be updated, and the Committee has had this on their agenda for a number of years, there was concurrence that CALAFCO is not the appropriate entity to take the lead on this project. The Committee was directed to determine what entity that may be and conduct outreach soliciting a lead, with CALAFCO having a seat at the table of discussion.

5. Service Outside Boundaries - §56133

After much discussion, the Board determined that although a large amount of resources have been directed to this piece of potential legislation, in the end it is likely that there will not be enough support to pass a bill with the

desired amendments. Given all of the other priorities on the table, the Board felt it best to let this go at this time, and directed the Executive Director and Counsel to draft a letter to the membership on the matter.

c. Discussion regarding Revenue and Tax Code Section 99

Suggestions for entities to be approached by CALAFCO to take the lead included the League, CSAC, Assembly Local Government Committee staff, Senate Governance & Finance Committee staff, the CA Auditors' Association, and the CA Property Tax Manager's Group. Carolyn Emery indicated she has a contact in Orange County who could possibly connect us with the state Association.

ACTION: Carolyn Emery to provide contact information to Lou Ann. Pamela Miller and Lou Ann Texeira to work together and approach these entities.

d. Disincorporation procedures update

Kathy Rollings-McDonald reported there was no update as the committee had not met since the last meeting.

7. Items for next meeting

None.

Adjournment to May 9, 2014 in Sacramento

The meeting was adjourned at 12:56 p.m.

**CALAFCO List of Current Bills
5/5/2014**

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
Watch

Subject
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: 5/1/2014-From committee: Do pass and re-refer to Com. on APPR. (Ayes 9. Noes 0.) (April 30). Re-referred to Com. on APPR.

Location: 5/1/2014-A. APPR.

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

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: Amended: 4/9/2014 [pdf](#) [html](#)

Introduced: 1/17/2014

Last Amend: 4/9/2014

Status: 4/30/2014-From committee: Do pass and re-refer to Com. on APPR. (Ayes 5. Noes 2.) (April 29). Re-referred to Com. on APPR.

Location: 4/30/2014-A. APPR.

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

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

Oppose unless amended

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

CALAFCO Comments: This bill has been significantly amended to address many of the concerns raised by CALAFCO. The bill now focuses on the consolidation of public water systems, and requires the Department of Public Health to consult with the LAFCo prior to issuing infrastructure grants to ensure alternative delivery options identified by a LAFCo were considered in the feasibility study. Added into the bill is the provisions that would make LAFCo eligible for certain grants, including Strategic Growth Council grants. There are still a number of minor technical changes as well as several content/language amendments that need to be done on the bill, all of which have been submitted to the author's staff. We are currently waiting for the outcome of those requests.

[AB 1729](#)

(Logue R) Local government: agricultural land: subvention payments.

Current Text: Amended: 3/20/2014 [pdf](#) [html](#)

Introduced: 2/14/2014

Last Amend: 3/20/2014

Status: 3/24/2014-Re-referred to Com. on APPR.

Location: 3/24/2014-A. APPR.

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

Summary: Would appropriate \$40,000,000 to the Controller from the General Fund for the 2014-15 fiscal year to make subvention payments to counties to reimburse counties for property tax revenues not received as a result of these contracts. The bill would make legislative findings and declarations related to the preservation of agricultural land.

Position

Subject

Support

Ag Preservation - Williamson

CALAFCO Comments: As amended, the bill will appropriate \$40 million from the General Fund in fiscal year 2014/2015 for subvention payments to counties for Williamson Act contracts.

[AB 1961](#)

([Eggman D](#)) Land use: planning: sustainable farmland strategy.

Current Text: Amended: 4/22/2014 [pdf](#) [html](#)

Introduced: 2/19/2014

Last Amend: 4/22/2014

Status: 4/30/2014-In committee: Set, first hearing. Referred to APPR. suspense file.

Location: 4/30/2014-A. APPR. SUSPENSE FILE

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

Summary: Would require each county 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

Subject

Watch

Ag/Open Space Protection, CKH
General Procedures, LAFCo
Administration

CALAFCO Comments: As amended, the bill requires counties with 4% or more of its land zoned as agricultural to create a sustainable farmland strategy (sfs) effective January 1, 2018, in consultation with cities and LAFCo, and to update the sfs as necessary. The bill also requires OPR to create best practices that support ag land retention and mitigation. The bill creates an unfunded mandate for counties.

[AB 2156](#)

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

Current Text: Amended: 3/24/2014 [pdf](#) [html](#)

Introduced: 2/20/2014

Last Amend: 3/24/2014

Status: 4/22/2014-Referred to Com. on GOV. & F.

Location: 4/22/2014-S. G. & F.

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

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 the studies described above, and also would include joint powers agreements in the list of items the commission may request in conducting those 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

Subject

Support

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

CALAFCO Comments: As amended, the bill will specifically define "joint powers agency" and "joint powers authority" for purposes of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (C-K-H), and include joint powers agencies and joint powers authorities (JPAs) among the entities from which a local agency formation commission (LAFCo) is authorized to request information in order to conduct required studies.

[AB 2762](#)

(Committee on Local Government) Local government.

Current Text: Amended: 4/24/2014 [pdf](#) [html](#)

Introduced: 3/24/2014

Last Amend: 4/24/2014

Status: 5/1/2014-From committee: Do pass and re-refer to Com. on APPR. with recommendation: to consent calendar. (Ayes 9. Noes 0.) (April 30). Re-referred to Com. on APPR.

Location: 5/1/2014-A. APPR.

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

Summary: The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 does not apply to pending proceedings for a change or organization or reorganization for which the application was accepted for filing prior to January 1, 2001, as specified. The act authorizes these pending proceedings to be continued and completed under, and in accordance with, the law under which the proceedings were commenced. This bill would repeal those provisions relating to pending proceedings for a change or organization or reorganization for which an application was accepted for filing prior to January 1, 2001, and make other conforming changes.

Position
Sponsor

Subject
CKH General Procedures

[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. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

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: 4/21/2014 [pdf](#) [html](#)

Introduced: 1/10/2013

Last Amend: 4/21/2014

Status: 4/21/2014-From committee with author's amendments. Read second time and amended. Re-referred to Com. on RLS.

Location: 4/21/2014-A. RLS.

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

Summary: Current 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. 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
Support

Subject
Tax Allocation

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
Watch

Subject
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 impacted 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. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

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
Watch

Subject
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. 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
Watch

Subject
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: 3/17/2014-In committee: Set, first hearing. Hearing canceled at the request of author.

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

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

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
Watch

Subject
Other

[AB 2455](#)

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

Current Text: Amended: 4/10/2014 [pdf](#) [html](#)

Introduced: 2/21/2014

Last Amend: 4/10/2014

Status: 5/1/2014-In Senate. Read first time. To Com. on RLS. for assignment.

Location: 5/1/2014-S. RLS.

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, as specified. This bill contains other related provisions.

Position
Watch

Subject
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.

[AB 2480](#)

([Yamada D](#)) Local government finance: cities: annexations.

Current Text: Amended: 3/28/2014 [pdf](#) [html](#)

Introduced: 2/21/2014

Last Amend: 3/28/2014

Status: 4/23/2014-In committee: Set, first hearing. Hearing canceled at the request of author.

Location: 4/1/2014-A. L. GOV.

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

Summary: Would, beginning on January 10, 2015, and on the 10th of each month thereafter, require the Controller to pay to each city that incorporated before August 5, 2004, an amount equal to an amount determined by a specified formula. This bill would continuously appropriate to the Controller an amount sufficient to make those payments from the General Fund.

Position
Watch

Subject
Financial Viability of Agencies, Tax
Allocation

[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

[SB 772](#)

([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 Subject
Watch 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.

([Pavley D](#)) Sustainable communities: Strategic Growth Council.

Current Text: Amended: 4/8/2014 [pdf](#) [html](#)

Introduced: 2/19/2014

Last Amend: 4/8/2014

Status: 5/5/2014-Action From SECOND READING: Read second time and amended.Re-referred to APPR..

Location: 5/5/2014-S. APPR.

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

Calendar: 5/5/2014 #8 SENATE SENATE BILLS-SECOND READING FILE

Summary: Current law authorizes moneys from the Greenhouse Gas Reduction Fund to be allocated for the purpose of reducing greenhouse gas emissions in this state through specified investments, including funding to reduce greenhouse gas emissions through strategic planning and development of sustainable infrastructure projects. This bill would require the Strategic Growth Council to provide financial assistance for those purposes, to be funded from moneys from the Greenhouse Gas Reduction Fund, upon appropriation by the Legislature, and would additionally require the regional plan or other planning instrument to meet the requirements of an applicable sustainable communities strategy.

*Position
Watch*

*Subject
Sustainable Community Plans*

Total Measures: 20
Total Tracking Forms: 20

Legislative Committee Meeting
9 May 2014

Agenda Item 4
Current LAFCo Bills of Interest

DESCRIPTION

CALAFCO has taken a Support position on five bills (AB 1521, AB 1729, AB 2156, AB 2762, and SB 69). We have been in ongoing conversations on two other bills (AB 1527 and AB 1961). In one case we currently have an Oppose Unless Amended position (AB 1527) and in the other we have a Watch position (AB 1961). Both bills have been significantly amended since taking these positions, and the committee is being asked whether or not it wishes to amend those positions.

AB 1527 (Perea) – Public Water Systems. OPPOSE UNLESS AMENDED

As amended at the time of our position, the bill focused on consolidations of water agencies and put the decision of consolidation into the hands of the Department of Public Health (DPH), bypassing LAFCo completely. Furthermore, the language was written in such a way that only one agency (the assuming agency) needed to agree to the consolidation.

After a great deal of work, the author amended the bill back to its original introductory format with the addition of one section which adds LAFCo as an eligible entity for certain grants. As written in this new format, there are still a number of issues with the bill and CALAFCO has been working with the author's staff to address those issues. On April 19, based on the committee's feedback, a series of proposed amendments was provided to the author's office and the ALGC staff. This included minor technical corrections as well as several sections of newly proposed language to clean up poorly written sections. The bill was dual referred to the Assembly Local Government Committee (ALGC) and Assembly Environmental Safety & Toxic Materials (ESTM), where it passed down party lines in both committees. It is currently in Appropriations. During testimony at the ESTM hearing, the author indicated it was the first time he heard of any LAFCo concerns. A follow-up with his staff confirmed that the author had not been provided our feedback. (The letter was being withheld as amendments were being worked.) The author's staff has indicated they will be reviewing the proposed amendments this week.

Because the intent language can be interpreted that this bill is to conduct consolidations for the sake of consolidating rather than as necessary or as appropriate, CSDA has an Oppose Unless Amended position. ACWA has a Watch position on the bill.

In its current format, the bill mirrors the June 20, 2012 version of AB 2238 (Perea), with the addition of LAFCos' eligibility for Sustainable Community Strategies grant funding. CALAFCO had a Support position on that version of the bill.

The committee may wish to reconsider its current position to Support if Amended.

AB 1961 (Eggman) – Sustainable Farmland Strategies. Watch.

This bill has had several iterations since our last meeting. There were a number of LAFCo issues with the original version of the bill addressed by the Legislative Committee. The bill was amended on March 25 adding yet another concern. After a great deal of work with the Agricultural Committee

staff, all of those concerns were removed with amendments done on April 3. However, CALAFCO had one minor amendment request relating to this version of the bill, which was submitted to the author's staff, and on April 22 the bill was amended to remove our final concern.

In its current format, the bill requires counties with 4% or more of its land zoned as agricultural to create a sustainable farmland strategy (SFS) effective January 1, 2018, in consultation with cities and LAFCo, and to update the SFS as necessary. The bill also requires OPR to create best practices that support ag land retention and mitigation.

Last week the bill was placed in the Appropriations suspense file. This bill creates an unfunded mandate on Counties, and because of that CSAC and RCRC took a joint Oppose position on April 28.

Since all of CALAFCO's concerns have been removed from the bill, the Committee may wish to reconsider its Watch position, or maintain this position in support of the unfunded mandate on counties. The League has an Oppose Unless Amended position, based on the bill's format as of March 26th, however all of their stated concerns have also been removed from the bill. It is not clear at the time of this report if they will be changing their position.

Other Bills

AB 1521 (Fox), **AB 1729** (Logue), **AB 2156** (Achadjian), **AB 2762** (Omnibus), and **SB 69** (Roth) will all have a verbal report provided on the most recent update of the bills.

RECOMMENDED ACTION

Consider current positions on AB 1527 and AB 1961.

ATTACHMENTS

4a – AB 1527 (Perea)

4b – AB 1961 (Eggman)

AMENDED IN ASSEMBLY APRIL 9, 2014
AMENDED IN ASSEMBLY MARCH 17, 2014
CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1527

Introduced by Assembly Member Perea

January 17, 2014

~~An act to add Article 13 (commencing with Section 116756) to Chapter 4 of Part 12 of the Health and Safety Code, relating to drinking water. An act to amend Section 116326 of the Health and Safety Code, and to amend Section 75125 of, and to add Section 75129.5 to, the Public Resources Code, relating to public water systems.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1527, as amended, 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, administering 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 if consolidation will help the affected agencies and the state 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 projects that involve the physical restructuring

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.

The Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006, an initiative measure, provides funding for safe drinking water, water quality and supply, flood control, natural resource protection, and park improvements. Existing law establishes the Strategic Growth Council and appropriates \$500,000 from the funding provided by the initiative to support the council and its activities. Existing law requires the council to manage and award grants and loans to support the planning and development of sustainable communities, as specified.

This bill would require the council to manage and award financial assistance to a city, county, local area formation commission, special district, nonprofit organization, or entity, as specified, for the preparation, planning, and implementation of a public water system consolidation, merger, or extension of services project for the purposes of promoting water conservation, and would require that the financial assistance be provided from available moneys pursuant to a specified provision of the bond act described above.

~~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, 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.~~

~~This bill would authorize an assuming water system, as defined, to voluntarily consolidate with another water system. This bill would define “assuming water system” as a water system that will obtain legal ownership of another water system or systems, and that has a permit to operate from the department, and would define “subsumed water system” as the water system that will transfer legal ownership to the assuming water system. This bill would require the assuming water~~

~~system to file a voluntary consolidation plan with the department that includes, but is not limited to, a list of current deficiencies in the subsumed water system, proposed remedies to those deficiencies, and a timeline for correcting the subsumed water system. This bill would require the department to approve the voluntary consolidation plan within 60 days, and if the department does not disapprove of the plan within those 60 days the plan will be deemed approved. This bill would also provide that an assuming water system that begins voluntary consolidation pursuant to an approved plan, is not liable for any good faith, reasonable effort to assume possession of, and to operate, the subsumed water system in compliance with the plan and other statutes and regulations. This bill would also require the department to adopt regulations relating to the required content of a voluntary consolidation plan and the process for approval.~~

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~~

19 (2) *Promote service delivery alternatives that improve efficiency*
 20 *and affordability of infrastructure and service delivery, including,*
 21 *but not limited to, the consolidation of governmental agencies,*

1 consolidation of water systems, and the extension of services, in
2 and to disadvantaged communities, where service delivery options
3 will help affected agencies, communities, and the state to meet all
4 of the following goals:

- 5 (1)
- 6 (A) Improvement in the quality of water delivered.
- 7 (2)
- 8 (B) Improvement in the reliability of water delivery.
- 9 (3)
- 10 (C) Reduction in the cost of drinking water for ratepayers.

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

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

22 (3) Pursuant to paragraph (2) of subdivision (a), require that
23 funding for feasibility studies performed prior to a construction
24 project include studies of service delivery alternatives that improve
25 efficiency and affordability of capital improvements and service
26 delivery, if at least one of the potentially affected agencies serves,
27 or would serve by way of an extraterritorial service extension, a
28 disadvantaged community, unless the department makes a written
29 determination that the service delivery alternatives are not feasible
30 under the circumstances. In making this determination, the
31 department shall do all of the following:

32 (A) Review and consider the determinations and
33 recommendations made by the affected local agency formation
34 commission within the previous five calendar years in any of the
35 following:

- 36 (i) A special study conducted pursuant to Section 56378 of the
- 37 Government Code.
- 38 (ii) A sphere of influence study conducted pursuant to Section
- 39 56425 of the Government Code.

1 (iii) A service review conducted pursuant to Section 56430 of
2 the Government Code.

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

8 (C) Review and consider the conclusions and recommendations
9 of other local and regional studies designed to develop and identify
10 regional solutions for drinking water delivery.

11 (4) If it is shown that an alternative service delivery option will
12 further the goals of paragraph (2) of subdivision (a), fund
13 construction projects that include the alternative service delivery
14 option, unless the department makes a written determination that
15 the alternative service delivery option is not feasible under the
16 circumstances.

17 (b) If an applicant submits an application that includes a service
18 delivery alternative that furthers the goals specified in paragraph
19 (2) of subdivision (a), the applicant need not be a small community
20 water system and the department may increase priority of the
21 application.

22 SEC. 3. Section 75125 of the Public Resources Code is
23 amended to read:

24 75125. The council shall do all of the following:

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

39 (b) Recommend policies and investment strategies and priorities
40 to the Governor, the Legislature, and to appropriate state agencies

1 to encourage the development of sustainable communities, such
 2 as those communities that promote equity, strengthen the economy,
 3 protect the environment, and promote public health and safety,
 4 consistent with subdivisions (a) and (c) of Section 75065.

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

8 (d) Manage and award grants and loans to support the planning
 9 and development of sustainable communities, pursuant to Sections
 10 75127, 75128, ~~and 75129~~, and 75129.5. To implement this
 11 subdivision, the council may do all of the following:

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

14 (2) Develop criteria for determining the amount of financial
 15 assistance to be awarded. The council shall award a revolving loan
 16 to an applicant for a planning project, unless the council determines
 17 that the applicant lacks the fiscal capacity to carry out the project
 18 without a grant. The council may establish criteria that would allow
 19 the applicant to illustrate an ongoing commitment of financial
 20 resources to ensure the completion of the proposed plan or project.

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

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

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

30 (6) Provide technical assistance for application preparation.

31 (7) Designate a state agency or department to administer
 32 technical and financial assistance programs for the disbursing of
 33 grants and loans to support the planning and development of
 34 sustainable communities, pursuant to Sections 75127, 75128, ~~and~~
 35 75129, and 75129.5.

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

39 (H)

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

- 1 ~~(2)~~
- 2 (B) Identification of which applications were approved.
- 3 ~~(3)~~
- 4 (C) The amounts awarded for each approved application.
- 5 ~~(4)~~
- 6 (D) The remaining balance of available funds.
- 7 ~~(5)~~
- 8 (E) A report on the proposed or ongoing management of each
- 9 funded project.
- 10 ~~(6)~~
- 11 (F) Any additional minimum requirements and priorities for a
- 12 project or plan proposed in a grant or loan application developed
- 13 and adopted by the council pursuant to subdivision (c) of Section
- 14 75126.

15 (2) *A report submitted pursuant to paragraph (1) shall be*
 16 *submitted in accordance with Section 9795 of the Government*
 17 *Code.*

18 SEC. 4. *Section 75129.5 is added to the Public Resources Code,*
 19 *to read:*

20 75129.5. *To support the planning and development of*
 21 *sustainable communities, the council shall manage and award*
 22 *financial assistance to a city, county, local area formation*
 23 *commission, special district, nonprofit organization, or entity*
 24 *formed pursuant to Chapter 5 (commencing with Section 6500) of*
 25 *Division 7 of Title 1 of the Government Code, or a local agency*
 26 *formation commission formed pursuant to Chapter 4 (commencing*
 27 *with Section 56425) of Part 2 of Division 3 of Title 5 of the*
 28 *Government Code, if at least one of the parties to the joint powers*
 29 *agreement qualifies as an eligible applicant, for the preparation,*
 30 *planning, and implementation of a public water system*
 31 *consolidation, merger, or extension of services project for the*
 32 *purposes of promoting water conservation. The financial assistance*
 33 *provided pursuant to this section shall be funded from moneys*
 34 *made available pursuant to subdivision (c) of Section 75065. The*
 35 *council shall give priority to funding projects proposed by a*
 36 *disadvantaged community.*

37 ~~SECTION 1. Article 13 (commencing with Section 116756)~~
 38 ~~is added to Chapter 4 of Part 12 of Division 104 of the Health and~~
 39 ~~Safety Code, to read:~~

Article 13. ~~Voluntary Consolidation~~

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~~116756. For purposes of this article the following definitions apply:~~

~~(a) "Assuming water system" means a public water system that obtains legal ownership of another public water system or systems pursuant to Section 116757 and has a permit to operate pursuant to Section 116525.~~

~~(b) "Subsumed water system" means a public water system that transfers legal ownership to an assuming water system.~~

~~116757. An assuming water system may voluntarily consolidate with another water system. The assuming water system shall file a written plan for voluntary consolidation with the department that includes, but is not limited to, a list of the current deficiencies in the subsumed water system, planned remedies to fix the current deficiencies, and a timeline for correction of the subsumed water system. The department shall have 60 days to approve the voluntary consolidation plan. If the department does not disapprove the voluntary consolidation plan within 60 days, the plan shall be deemed approved. If an assuming water system begins voluntary consolidation pursuant to an approved voluntary consolidation plan, the assuming water system shall not be liable for any good faith, reasonable effort to assume possession of and operate the subsumed water system in compliance with the plan, this chapter and other applicable laws and regulations.~~

~~116758. The department shall adopt regulations relating to the required content of a voluntary consolidation plan and the process for approval.~~

O

AMENDED IN ASSEMBLY APRIL 22, 2014

AMENDED IN ASSEMBLY APRIL 3, 2014

AMENDED IN ASSEMBLY MARCH 25, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1961

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

February 19, 2014

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

LEGISLATIVE COUNSEL'S DIGEST

AB 1961, as amended, 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 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

1 by the California Energy Commission’s Public Interest Energy
2 Research (PIER) program found that an acre of urban land emits
3 70 times more greenhouse gas emissions than an acre of irrigated
4 crop land.

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

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

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

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

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

35 (j) Certain actions by lead agencies, including those to protect
36 natural resources and the environment, have been identified by the
37 Office of Planning and Research as classes of projects that do not
38 have a significant effect on the environment, and are therefore not
39 subject to the California Environmental Quality Act. The adoption

1 of a sustainable farmland strategy ~~would~~ *could* be considered to
2 be an action to protect natural resources or the environment.

3 SEC. 2. Section 65040.15 is added to the Government Code,
4 to read:

5 65040.15. The Office of Planning and Research, when it adopts
6 its next edition of general plan guidelines pursuant to Section
7 65040.2, shall include best practices that support agricultural land
8 retention and mitigation, including, but not limited to, the
9 following:

- 10 (a) Right to farm ordinances with real estate disclosure.
- 11 (b) Farmland mitigation ordinances.
- 12 (c) Conservation easement purchase programs.
- 13 (d) Economic incentives to promote local agriculture.
- 14 (e) Use of zoning to prevent nuisances and land use conflicts,
15 and to promote commercial agriculture by limiting parcelization
16 of agricultural lands.
- 17 (f) Urban growth boundaries in coordination with incorporated
18 jurisdictions.
- 19 (g) Locally adopted thresholds of significance for California
20 Environmental Quality Act (Division 13 (commencing with Section
21 21000) of the Public Resources Code) review for conservation of
22 grazing lands and farmland of local importance, in addition to
23 existing thresholds for conversion of prime farmland, unique
24 farmland, and farmland of statewide importance.

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

28
29 Article 10. Sustainable Farmland Strategy
30

31 65550. For the purposes of this article, the term “agriculturally
32 zoned land” means land that is determined by a county to be
33 designated in agriculture as the primary purpose or use of the zone.

34 65551. (a) The board of supervisors of any county other than
35 a county described in subdivision (e), shall develop a sustainable
36 farmland strategy.

37 (b) (1) The sustainable farmland strategy shall include all of
38 the following:

39 (A) A map and inventory of all agriculturally zoned lands within
40 the county as of February 21, 2014. A county may use the

1 county-level maps of agricultural land developed by the Farmland
2 Mapping and Monitoring Program of the Department of
3 Conservation, general plan maps, or other available local and state
4 maps and resources.

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

9 (C) A page on the county's Internet Web site that assembles all
10 of the relevant documentation for the goals, strategies and related
11 policies, and ordinances, as described in subparagraphs (A) and
12 (B), as well as reporting on the manner of compliance with this
13 article as required by subdivision (f). The board of supervisors
14 shall also include, on the Internet Web site, a table and map
15 showing the location of lands enrolled in the California Land
16 Conservation Act of 1965, also known as the Williamson Act
17 (Article 1 (commencing with Section 51200) of Chapter 7 of Part
18 1 of Division 1 of Title 5).

19 (2) The board of supervisors of each county shall consult with
20 the *cities located within county boundaries and the local agency*
21 *formation commission and the cities within county boundaries* on
22 the development of the sustainable farmland strategy for that
23 county to ensure that the plans and policies of the cities and the
24 local agency formation commission are taken into consideration
25 and are compatible *promote compatibility of the sustainable*
26 *farmland strategy with the plans and policies of the cities and local*
27 *agency formation commission, including adopted spheres of*
28 *influence and municipal service reviews.*

29 (c) A county may comply with this article by relying on existing
30 inventories and maps of agricultural lands, and existing goals,
31 strategies, and related policies and ordinances that substantially
32 comply with subdivision (b). Any county complying under this
33 subdivision shall summarize and incorporate by reference on the
34 county's Internet Web site a description of how each requirement
35 of this subdivision has been met.

36 (d) The board of supervisors shall update the sustainable
37 farmland strategy as determined to be necessary by the board of
38 supervisors.

39 (e) Any county with less than 4 percent of its land base in
40 agriculture, as determined by the most recent Census of Agriculture

1 by the United States Department of Agriculture, is exempt from
2 this article.

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

5 (1) Developing and adopting a sustainable farmland strategy
6 consistent with subdivision (b).

7 (2) Adopting a resolution ~~finding~~ *determining* that the existing
8 county goals, policies, and ordinances have a functionally
9 equivalent strategy that meets the requirements of subdivision (b),
10 pursuant to subdivision (c).

11 (3) Adopting a resolution ~~finding~~ *determining* that the county's
12 agricultural land resources do not meet the threshold described in
13 subdivision (e), and that the county is not required to develop a
14 sustainable farmland strategy.

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

O

West's Annotated California Codes
Government Code (Refs & Annos)
Title 5. Local Agencies (Refs & Annos)
Division 3. Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Refs & Annos)
Part 2. Local Agency Formation Commission (Refs & Annos)
Chapter 4. Spheres of Influence (Refs & Annos)

West's Ann.Cal.Gov.Code § 56428

§ 56428. Amendment requests; sphere of influence or urban service area; notice; report; hearing; costs; subordination

Effective: January 1, 2012

Currentness

(a) Any person or local agency may file a written request with the executive officer requesting amendments to a sphere of influence or urban service area adopted by the commission. The request shall state the nature of the proposed amendment, state the reasons for the request, include a map of the proposed amendment, and contain any additional data and information as may be required by the executive officer.

(b) After complying with the California Environmental Quality Act, Division 13 (commencing with [Section 21000](#)) of the [Public Resources Code](#), the executive officer shall place the request on the agenda of the next meeting of the commission for which notice can be given. The executive officer shall give notice in the manner provided by [Section 56427](#). On the date and time provided in the notice, the commission may do either of the following:

(1) Without further notice, consider the amendments to a sphere of influence.

(2) Set a future date for the hearing on the request.

(c) The executive officer shall review each requested amendment and prepare a report and recommendation. The report shall be completed not less than five days before the date specified in the notice of hearing. The executive officer shall send copies of the report to the person or agency making the request, each affected local agency, and each person who has filed a request for a report.

(d) At its meeting, the commission shall consider the request and receive any oral or written testimony. The consideration may be continued from time to time, but not to exceed 70 days from the date specified in the original notice. The person or agency which filed the request may withdraw it at any time prior to the ~~conclusion~~[commencement of the hearing noticed in section \(c\) consideration by the commission.](#)

(e) At the conclusion of its consideration, the commission may approve with or without amendment, wholly, partially, or conditionally, or disapprove the request. The commission shall follow the procedures in [Section 56425](#).

(f) The commission may require the person or agency making a request pursuant to this section to pay a fee to cover the commission's costs. The fee shall not exceed the estimated reasonable cost of providing the service and shall be set pursuant

to [Section 56383](#). The commission may waive the fee if it finds that the request can be considered and studied as part of the periodic review of spheres of influence required by [Section 56425](#). In addition, the commission may waive the fee if it finds that payment would be detrimental to the public interest.

(g) The commission and executive officer may review and act on any request to amend a sphere of influence or urban service area concurrently with their review and determination on any related change of organization or reorganization. In case of a conflict between the provisions of this section and any other provisions of this part, the other provisions shall prevail.

Credits

(Added by [Stats.1988, c. 826, § 2](#). Amended by [Stats.2001, c. 388 \(A.B.720\), § 10](#); [Stats.2011, c. 300 \(A.B.1430\), § 69](#).)

[Notes of Decisions \(1\)](#)

West's Ann. Cal. Gov. Code § 56428, CA GOVT § 56428

Current with urgency legislation through Ch. 4 of 2014 Reg.Sess. and all propositions on the 6/3/2014 ballot.

End of Document

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