

LAFCO

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To: Olin Woods, Chair and Members of the
Yolo Local Agency Formation Commission

From: Elisa Carvalho, Assistant Executive Officer

Date: May 10, 2010

Subject: CALAFCO Legislation Update

Recommended Action

Receive and review update on LAFCO related legislation.

Reason for Recommended Action

CALAFCO is monitoring or has adopted positions on proposed legislation in the 2009-10 legislative session.

Background

The legislature came back from spring recess on April 5, 2010. The legislature is expected to focus on committee work through May, first on carryover bills from last year (this is the second year of a two-year session) and then on legislation that has been introduced since December. Mid-May is the deadline for committees to hear bills. Most LAFCO bills will have been heard by the beginning of May. CALAFCO is working to support, oppose, or track several bills, which are described below.

SUPPORT

AB 419 (Caballero) - Requires a county or city to send LAFCO election requests to the elections official within 45 days. The current law does not include a timeframe. County Elections Officials have raised several issues that CALAFCO is working to resolve. The bill has not been scheduled for a hearing yet.

COMMISSIONERS

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AB 1668 (Knight) - Brings consistency to the number of council seats up for election at the first election following an incorporation. The Bill passed Assembly Elections and the Redistricting Committee unanimously and the Senate Local Government Committee is scheduled to hear it on May 5th. This is the same Bill as AB 18 last year, which was vetoed by the Governor. Mr. Knight is expecting a different outcome this year. The language is also in the Omnibus Bill as backup.

AB 2795 (Assembly Local Government Committee) - This is a CKH Omnibus Bill. It currently has 11 sections. The items include definition of "divestiture of power", allowing a commission to appoint someone other than an EO to administer the special district commissioner selection process, clarification of commission authority to initiate proposals by resolution of application, clarification that it is the board of supervisors responsibility to call special district elections (not LAFCO), and allows agencies in a property tax exchange process to extend the negotiations period to 90 days. CALAFCO is working on one additional item related to statute of limitations for challenges to LAFCO actions. The Bill is currently on the Assembly Consent Calendar. CALAFCO is the **sponsor** of this bill.

SB 894 (Senate Local Government Committee) - This is a Senate Omnibus bills that makes various technical, non-significant changes to local government laws other than CKH. There are several technical changes on section cross references, and it adds cross references to mediation authorization for action brought before the superior court on a decision made pursuant to CKH. CALAFCO has signed off on all the items. The Bill will be sent to the Senate for a second reading and placed on the Consent Calendar.

SB 1023 (Wiggins) - Provides an expedited process for the consolidation of specified Resort Improvement Districts (RIDs) and Municipal Improvement Districts (MIDs) into Community Service Districts (CSDs). The Senate Local Government Committee is scheduled to hear the Bill, with authors' amendments, on May 5th.

OPPOSE

SB 211 (Simitian) - Allows Santa Cruz County to form a park district outside the LAFCO process. While this appears as an active bill, CALAFCO has been informed that Senator Simitian has withdrawn the bill because of growing local opposition. It is currently in the Assembly Inactive File.

WATCH

AB 711 (Charles Calderon) - Provides a loan for the East LA incorporation proponents. This was introduced last year and continues to be an active bill. The Bill was referred back to the Assembly Committee on Local Government for concurrence with Senate amendments. The loan provisions are consistent with CKH.

AB 853 (Arambula) - Annexation of unincorporated fringe communities. CALAFCO Executive Director Bill Chiat met with the sponsors in January to review LAFCO concerns. CALAFCO is not aware of any action on the bill. Lois Wolk introduced a related bill in the Senate (SB 1174). AB 853 has not been scheduled for hearing.

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SB 1174 (Wolk) - Requires cities and counties to address unincorporated fringe communities in the updates of their general plans. This bill is not expected to be well received by cities and counties. CALAFCO believes the Bill adds conflicting definitions of island communities to General Plan Law. The Senate Appropriations Committee is scheduled to hear the Bill on May 10th.

AB 1859 (Norby) - Requires LAFCO review of Redevelopment Agency (RDA) formation and boundary changes. The Bill failed in committee and may be reintroduced next year.

SB 896 (Cox) - Continues to be a placeholder bill listing CKH as its subject. No additional information is available. Not scheduled for a hearing.