



Solano Local Agency Formation Commission

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Staff Report

DATE: August 8, 2016

TO: Local Agency Formation Commission

FROM: Elliot Mulberg, Executive Officer

SUBJECT: **Legislative Report**

Recommendation: That the Commission receive and file this report.

The legislature has completed another session. This report has three sections. The first section lists the bills that were signed into law. They become effective January 1, 2017. The second section includes bills that passed the legislature but were vetoed by the governor. The third section includes bills we have followed that failed passage.

New Laws Effective January 1, 2017

AB 1362 (Gordon D) Mosquito abatement and vector control districts: board of trustees: appointment of members. Would authorize a city council, located in an existing or newly formed district as specified, to adopt a resolution requesting that appointments of persons to the board of trustees instead be made by a city selection committee, established pursuant to specified provisions of law, and conditioned upon a majority of authorized city councils adopting their respective resolutions. This bill would authorize the city selection committee to decrease the total number of appointments to be made by the committee if a majority of city councils within the district make this request in their respective resolutions.

AB 2032 (Linder R) Change of organization: cities: disincorporation. The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, requires the executive officer of a local agency formation commission to prepare a comprehensive fiscal analysis for any proposal that includes a disincorporation, as specified. This bill would additionally require the comprehensive fiscal analysis to include a review and documentation of all current and long-term liabilities of the city proposed for disincorporation and the potential financing mechanism or mechanisms to address any identified shortfalls and obligations, as specified.

AB 2257 (Maienschein R) Local agency meetings: agenda: online posting.

As introduced, this bill amends GC Section 54954.2 pertaining to the online posting of a local agency's meeting agenda. The bill requires that online posting to have a prominent and direct link to the current

agenda itself from the local agency's homepage. This means that LAFcos will have to post a prominent link on their website's homepage, directly taking the user to the meeting agenda. **Note:** Solano LAFCO already does this.

AB 2389 (Ridley-Thomas D) Special districts: district-based elections: reapportionment. Would authorize a governing body of a special district, as defined, to require, by resolution, that the election of the members of its governing body be elected using district-based elections without being required to submit the resolution to the voters for approval.

AB 2853 (Gatto D) Public records. The bill simply allows a public agency that has received a public records request act request to refer the the person making the request to the agency's website for the documents, should they be posted on the site.

AB 2910 (Committee on Local Government) Local government: organization: omnibus bill. This is the annual Omnibus bill that makes minor, non controversial changes to CKH. This year, the bill makes several minor technical changes, corrects obsolete and incorrect code references, and corrects typographical errors. Affected sections include: 56301, 56331, 56700.4, 56816, 56881, 57130 and 56134.

SB 552 (Wolk D) Public water systems: disadvantaged communities: consolidation or extension of service: administrative and managerial services. Would authorize the State Water Resources Control Board to order consolidation where a public water system or a state small water system is serving, rather than within, a disadvantaged community, and would limit the authority of the state board to order consolidation or extension of service to provide that authority only with regard to a disadvantaged community. This bill would make a community disadvantaged for these purposes if the community is in a mobile home park even if it is not in an unincorporated area or served by a mutual water company. The bill gives LAFCo the approval to do what is necessary to complete a consolidation of two systems, should they be required to do so by the State Water Board. Further, the bill adds provisions that give the SWRCB the authority to appoint an Administrator to a water system (as opposed to mandating consolidation), which is a kind of receivership.

SB 971, SB 972. SB 973 (Committee on Governance and Finance) Validations. These bills validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

SB 974 (Committee on Governance and Finance) Local government: omnibus. This bill would also authorize a county recorder to store records of survey in any other manner that will ensure the maps are kept together. This bill contains other related provisions and other current laws.

SB 1262 (Pavley D) Water supply planning. As introduced, this complicated bill makes a number of changes to GC Section 66473.7 and Section 10910 of the Water Code. In 66473.7, in the definitions section, the bill adds definitions pertaining to the use of groundwater by a proposed subdivision as the source of water. It adds an adopted groundwater sustainability plan as optional substantial evidence that the water system has sufficient water supply to meet the demands of the subdivision project. The bill adds that a groundwater basin identified by the State Water Resources Control Board (SWRCB) as a probationary basin is not considered a viable water supply.

SB 1263 (Wieckowski D) Public water system: permits.

Summary: As introduced, this bill would prohibit an application for a permit for a new public water system from being deemed complete unless the applicant has submitted a preliminary technical report to the state board, as specified, and would allow the state board to impose technical, financial, or managerial requirements on the permit. The bill would prohibit a public water system not in existence

on January 1, 1998, from being granted a permit unless the public water system demonstrates that the water supplier also possesses adequate water rights to ensure the delivery safe drinking water, and would specify that the prohibition applies to any change in ownership of the public water system, including the consolidation of a public water system. The bill would allow the state board to deny the permit if the state board determines that the service area of the public water system can be served by one or more currently permitted public water systems. Finally, the bill would prohibit a local primacy agency from issuing a permit without the concurrence of the state board.

SB 1266 (McGuire D) Joint Exercise of Powers Act: agreements: filings. This bill would require an agency or entity required to file documents with the Controller, as described above, that meets the definition of a joint powers authority or joint powers agency, as specified, that was formed for the purpose of providing municipal services, and that includes a local agency member, as specified, to also file a copy of the agreement or amendment to the agreement with the local agency formation commission in each county within which all or any part of a local agency member's territory is located within 30 days after the effective date of the agreement or amendment to the agreement.

SB 1436 (Bates R) Local agency meetings: local agency executive compensation: discussion of final action taken. This bill requires public agencies, including LAFCo's, when taking final action on salary for the agency's executive, to be made as a separate discussion agenda item rather than a content calendar item on the agenda.

Vetoed

SB 817 (Roth D) Local government finance: property tax revenue allocations: vehicle license fee adjustments. As amended, this bill is identical to SB 25 (Roth, 2015) and SB 69 (Roth, 2014). The bill calls for reinstatement of the VLF through ERAF for cities that incorporated between January 1, 2004 and January 1, 2012. There are no provisions for back payments for lost revenue, but the bill does reinstate future payments beginning in the 2016/17 year for cities that incorporated between January 1, 2004 and January 1, 2012.

Bills that died in the Legislature

AB 1707 (Linder R) Public records: response to request.

AB 2277 (Melendez R) Local government finance: property tax revenue allocation: vehicle license fee adjustments.

SB 1292 (Stone R) Grand juries: reports.

SB 1318 (Wolk) Local government: drinking water infrastructure or services: wastewater infrastructure or services.