

# SUTTER COUNTY

## LOCAL AGENCY FORMATION COMMISSION

P.O. BOX 1555, YUBA CITY, CA 95992 (530) 822-7400 FAX (530) 822-7109



October 23, 2008

To: Local Agency Formation Commission

Re: **Recently adopted LAFCO Legislation**

### **Recommendation**

This item is informational only. Staff recommends that the Commission receive the following information regarding Assembly Bills 1263 (Caballero), 1998 (Silva), 2484 (Caballero), and 3047 (Caballero); and Senate Bills 301 (Romero), 375 (Steinberg), and 1191 (Alquist).

### **Background**

#### **Assembly Bill 1263 (Caballero)**

*Minor Amendments to LAFCO Law*

AB 1263 has been co-sponsored by CALAFCO and makes several minor but important changes to LAFCO law that were not appropriate for this year's omnibus bill. Most notably, this includes changing the definition of landowner to specifically exclude private railroads, and allows annexations under the island annexation provision for islands created by county boundary adjustments. It also clarifies LAFCO's authority to establish a schedule of fees as well as charge against a deposit in processing an application. AB 1263 was signed by the Governor and becomes effective January 1, 2009.

#### **AB 1998 (Silva)**

*Shifts Disclosure Responsibilities to the FPPC*

Last year's AB 745 (Silva) required the disclosure of expenditures for political purposes made in connection with petitions not yet submitted to a Local Agency Formation Commission. The bill became effective on January 1, 2008. To comply with the law, the Commission incorporated disclosure procedures into its Rules of Procedure manual. Applicants were required to report politically-related expenditures to LAFCO, with the Executive Officer serving as the reporting agent. This bill moved the requirement to file

campaign disclosure forms from LAFCOs to the Fair Political Practices Commission. AB 1998 was signed by the Governor and becomes effective January 1, 2009.

**AB 2484 (Caballero)**

*Expands the Definition of Change of Organization to Include Special Districts Providing New Services and Divesting Service Powers*

Existing law designates LAFCO as the sole authority in approving or disapproving change of organizations. Change of organizations are currently defined under law to include: 1) city incorporations, 2) district formations, 3) annexations or detachments involving cities or districts, 4) city disincorporations, 5) district dissolutions, 6) consolidations involving cities or districts, and 7) merger or establishment of subsidiary districts. AB 2484 has been co-sponsored by CALAFCO and expands the definition for change of organizations to include proposals involving districts, providing new or different functions or classes of services as well as divesting service powers. The intent of these changes is to clarify that proposals in which districts shall provide new or expanded services authorized under their principal acts represents substantive change of organizations, and eliminating services warrants LAFCO review and approval. AB 2484 was signed by the Governor and becomes effective January 1, 2009

**Assembly Bill 3047 (Caballero)**

*Annual CALAFCO Omnibus Bill*

Existing law establishes a LAFCO in every county in California with regulatory and planning responsibilities. AB 3047 has been co-sponsored by CALAFCO and includes several non-substantive changes to LAFCO law aimed at clarifying and improving existing procedures and processes. AB 3074 was signed by the Governor and becomes effective January 1, 2009.

**SB 301 (Romero)**

*Extends Vehicle License Fee Revenues to Newly Incorporated Cities*

SB 301 eliminates the July 1, 2009, sunset on Vehicle License Fee subventions for incorporations and inhabited annexations and extends the formula permanently. SB 301 was signed by the Governor and becomes effective January 1, 2009.

**SB 375 (Steinberg)**

*Establishes Sustainable Communities Strategies*

Existing law authorizes the California Transportation Commission to prescribe study areas for analysis and evaluation in regional transportation plans (RTP) prepared by designated regional transportation agencies. SB 375 requires RTPs to include a Sustainable Communities Strategy (SCS) to guide smart growth practices in the region with the goal of reducing greenhouse gas emissions. Projects consistent with the regional SCS would be eligible for additional transportation funding and qualify for an abbreviated review under the California Environmental Quality Act. This bill has been amended from its original text to require regional transportation agencies to consider the

most recently issued Municipal Service Reviews in preparing their SCS. LAFCO retains the authority to approve or deny annexation proposals and consider whether the proposed agency growth is consistent with the regional strategy (or its alternative). This was signed by the Governor and becomes effective January 1, 2009.

**Senate Bill 1191 (Alquist)**

*Authorizes Community Service Districts to Provide Broadband Services*

Existing law establishes procedures for the formation and operation of Community Service Districts (CSD), which are generally governed by resident voters and empowered to provide a range of municipal services. SB 1191 expands CSDs' service powers to include operating and providing broadband services. The intent of this bill is to facilitate the development of broadband services in unincorporated areas before transferring ownership to private entities. SB 1191 was signed by the Governor and becomes effective January 1, 2009.

Respectfully submitted,  
LARRY T. COMBS  
EXECUTIVE OFFICER

Sydney Vergis  
Senior Planner

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