

SACRAMENTO LOCAL AGENCY FORMATION COMMISSION
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February 7, 2007

TO: Sacramento Local Agency Formation Commission

FROM: Peter Brundage, Executive Officer

RE: Legislative Update

CONTACT: Donald J. Lockhart, AICP, Assistant Executive Officer (916) 874-2937

RECOMMENDATION

Information only, no action is recommended. This is a status report on 2007-08 LAFCo related legislation.

SUMMARY

This memo is part of the ongoing effort to keep your Commission informed regarding various legislative matters. An ad-hoc committee appointed by the CALAFCo Board of Directors has considered and adopted positions on several bills. Staff will continue to track the bills, in collaboration with CALAFCo, and report back to your Commission.

LEGISLATION

[SB 162\(Negrete McLeod\)](#) Local government: organization.

Status: 01/30/2007-Introduced. Read first time. To Comm. on Rules for assignment. To print.

Summary: Existing law, the Cortese-Knox-Hertzberg Act, specifies the factors that a local agency formation commission is required to consider in the review of a proposal for a change of organization or reorganization including the comments of any affected local agency and information or comments from the landowner or owners, as specified. This bill would also require a local agency formation commission to consider information or comments from voters or residents of the affected territory and the extent that the proposal will promote environmental justice, as defined, thus creating a state-mandated local program. This bill contains other related provisions and other existing laws.

CALAFCo Position: None at this time

[AB 27\(Parra\)](#) California Partnership for the San Joaquin Valley.

Status: 12/04/2006-Read first time. To print. May be heard in committee January 4

Summary: Existing law authorizes 2 or more public agencies, including any federal department, state or local agency, to enter into an agreement for the purpose of exercising any power common to the contracting parties for specified purposes, including, acquiring or constructing specified public facilities and improvements. This bill would, from January 1, 2009, to January 1, 2020, create the California Partnership for the San Joaquin Valley, composed of the heads of specified state agencies and departments, local government members and private sector members, subject to specified criteria, to coordinate and improve existing local, state, and federal efforts for the valley to increase the living standards and the overall economic performance of the valley. This bill contains other related provisions.

CALAFCo Position: Watch

AB 82(Evans) Local planning: agricultural land.

Status: Dec. 12/06/07 Introduced. To print. May be heard in committee January 6.

Summary: The Planning and Zoning Law requires that the general plan of a city or county include specified elements, including a land use element that designates the proposed general distribution and general location and extent of the uses of the land for, among other things, housing, business, industry, and open space, including agriculture, and an open-space element. This bill would declare the intent of the Legislature to enact legislation that would encourage the preservation of agricultural land and would encourage local governments to enhance, through the local planning process, the recognition of the importance of agricultural production to the state and local economy. This bill contains other existing laws.

CALAFCo Position: Watch

AB 5(Wolk) Flood Protection: local: central valley: plans.

Status: 12/04/07 Read first time. To print. May be heard in committee January 4

Summary: Existing law prescribes various responsibilities of state agencies, counties, cities, districts, and landowners with respect to levees. Existing law regulates the inspection, improvement, and maintenance of project and nonproject delta levees, as those terms are defined. Under existing law, the Department of Water Resources and the Reclamation Board administer various flood control programs. This bill would require an unspecified entity to create the Central Valley Flood Protection Plan to address flood protection in the central valley. The bill would authorize local agencies to create a local plan of flood protection meeting the requirements of the bill, and would require priority for state funds to be given to local agencies that have adopted a local plan of flood protection. The bill would create the Local Flood Protection Plan Assistance Fund to, upon appropriation by the Legislature, assist local agencies by awarding grants to those agencies to conduct necessary activities in the development of a local flood protection plan. The bill would prohibit local governments in the central valley from approving new developments within high-risk flood prone areas, unless unspecified conditions are met to ensure appropriate levels of flood protection.

CALAFCo Position: Watch

AB 29(Hancock) Infill development: incentive grants.

Status: 12/05/2006-From printer. May be heard in committee January 4.

Summary: Existing law, the Housing and Emergency Shelter Trust Fund Act of 2006, authorizes the issuance of bonds in the amount of \$2,850,000,000 pursuant to the State General Obligation Bond Law. Proceeds from the sale of these bonds are required to be used to finance various existing housing programs, capital outlay related to infill development, brownfield cleanup that promotes infill development, and housing-related parks. This bill would require certain of those funds, upon appropriation, to be made available to the Secretary of Business, Transportation and Housing for distribution to designated councils of governments, as defined, to fund competitive infill incentive grants for local public agencies that meet certain, listed criteria.

CALAFCo Position: Watch

AB 41(La Malfa) Water resources: bond proceeds.

Status: 12/05/2006-From printer. May be heard in committee January 4.

Summary: The Disaster Preparedness and Flood Prevention Bond Act of 2006, a bond act approved by the voters at the November 7, 2006, statewide general election, authorizes the issuance of bonds in the amount of \$4,090,000,000 for the purposes of financing disaster preparedness and flood prevention projects. The Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006, an initiative bond act approved by the voters at the November 7, 2006, statewide general election, authorizes the issuance of bonds in the amount of \$5,388,000,000 for the purposes of financing a safe drinking, water quality and supply, flood control, and resource protection program. This bill would declare that it is the intent of the Legislature that the funds derived from these bond acts, consistent with the intent of the voters, be expended in the most cost-efficient and effective manner and, to the greatest extent possible, to address this state's critical lack of adequate surface water storage. The bill would make related legislative findings and declarations.

CALAFCo Position: Placeholder – monitor

AB 67(Dymally) State and local agencies: bilingual services.

Status: 12/05/2006-From printer. May be heard in committee January 4.

Summary: Existing law requires local and state agencies to provide information regarding public services in a non-English language if a substantial number of the public served by the agency are non-English-speaking people. Existing law also requires state agencies to provide reports to the State Personnel Board regarding the provision of information in a non-English language, subject to certain exceptions by the State Personnel Board. This bill would provide that a person is qualified as a bilingual person, employee, or interpreter for these purposes if the State Personnel Board has tested and certified the person or approved the testing and certification. The bill would provide that local agencies would have discretion to determine who is qualified to provide information

in a non-English language. The bill would also authorize additional grounds for the State Personnel Board to exempt state agencies from the reporting requirements.

CALAFCo Position: Watch

[AB 162\(Wolk\)](#) Land use: water supply.

Status: 01/23/2007-From printer. May be heard in committee February 22.

Summary: The Planning and Zoning Law requires a city or county general plan to include specified mandatory elements, including a land use element that designates the proposed general distribution and general location and extent of the uses of the land for various purposes and a conservation element that considers, among other things, the effect of development within the jurisdiction, as described in the land use element, on natural resources located on public lands, including military installations, and provides that the conservation element may also cover, among other things, flood control. The bill would require the land use element to identify and annually review those areas covered by the general plan that are subject to flooding as identified by floodplain mapping prepared by the Federal Emergency Management Agency or the Department of Water Resources and would require, upon the next revision of the housing element, on or after January 1, 2008, the conservation element of the general plan to identify rivers, creeks, streams, flood corridors, riparian habitat, and land that may accommodate floodwater for purposes of groundwater recharge and stormwater management. By imposing new duties on local public officials, the bill would create a state-mandated local program. This bill contains other related provisions and other existing laws.

CALAFCo Position: Watch

[SB 5\(Machado\)](#) Flood management.

Status: 01/18/2007-To Com. on RLS.

Summary: The existing Disaster Preparedness and Flood Prevention Bond Act of 2006, approved by the voters at the November 7, 2006, statewide general election, authorizes the issuance and sale of bonds in the amount of \$4,090,000,000 for the purposes of financing disaster preparedness and flood prevention projects. That existing act requires the compilation of a state plan of flood control. This bill would make legislative findings and declarations regarding the necessity of developing a comprehensive integrated flood policy and flood management program that addresses all aspects of flood management, clarifying the roles and responsibilities of the state, local flood management agencies, cities and counties, developers, and property owners as part of an integrated flood policy, and integrating the flood-related funding authorized by those bond acts with the integrated flood policy and flood management program. The bill would state the intent of the Legislature to establish and clarify the roles and responsibilities of specified entities for managing flood risk and to invest bond funds made available by the bond acts consistent with those roles and responsibilities. This bill contains other existing laws.

CALAFCo Position: Placeholder – monitor

[SB 12\(Lowenthal\)](#) Planning and zoning: housing element: Southern California Association of Governments.

Last Amend: 01/29/2007

Status: 01/29/2007-Read second time. Amended. To third reading.

Calendar: 02/01/07 4 SEN THIRD READING FILE

Summary: The Planning and Zoning Law requires a city or county general plan to include specified mandatory elements, including a housing element that identifies and analyzes existing and projected housing needs and includes a statement of goals, policies, quantified objectives, financial resources, and scheduled programs for the preservation, improvement, and development of housing. This bill, until January 1, 2015, would substantially revise the procedure for the Southern California Association of Governments, or delegate subregion, as applicable, to develop a final allocation plan for distributing the existing and projected regional housing need to cities and counties within the region or subregion. This bill contains other related provisions and other existing laws.

CALAFCo Position: Placeholder – monitor

SB 17(Florez) Flood protection.

Status: 01/18/2007-To Com. on N.R. & W.

Summary: Existing law establishes the 7-member Reclamation Board in the Department of Water Resources. Existing law requires the board members to be appointed and to serve at the pleasure of the Governor. Existing law prescribes compensation for each board member for time spent attending meetings of the board in the amount of \$100, except as specified. Existing law requires the board to elect one of its members as president. Existing law requires the board to appoint a secretary, who may be a board member, and authorizes the board to appoint a general manager, a chief engineer, and an assistant secretary. Existing law authorizes the board to employ certain other employees. This bill would rename the Reclamation Board the Central Valley Flood Protection Board. The bill would require the board to act independently of the department. The bill would prohibit the department from overturning any action or decision by the board. The bill would increase the membership of the board from 7 to 9 members. The bill would require 7 members to be appointed by the Governor, subject to Senate confirmation, 4 of whom would be required to meet specified eligibility requirements and 3 of whom would be designated as public members. The bill would require one board member to be appointed by the Senate Committee on Rules and one board member to be appointed by the Speaker of the Assembly and would designate those 2 members as public members. The bill, with a certain exception, would require the board members to serve 4-year terms. The bill would require the board members to receive a salary identical to that received by members of the State Air Resources Board. The bill would require the Governor to select one of the board members as president. The bill would repeal provisions relating to the appointment or employment of specified personnel and, instead, authorize the board to appoint an executive officer and chief engineer and to employ legal counsel and other necessary staff. This bill contains other related provisions and other existing laws.

CALAFCo Position: Watch