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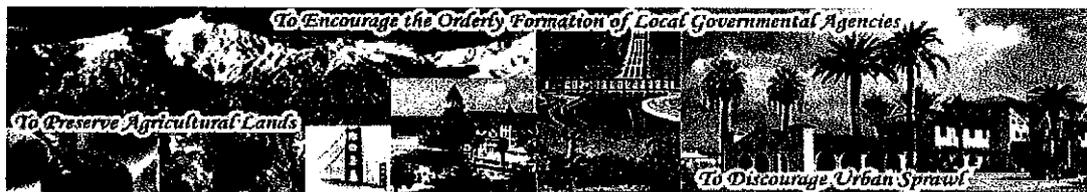
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LAFCO Legislative Update as of 7/9/2010

AB 419

(Caballero) Local government: change of organization or reorganization: elections.

Last Amended: 05/17/2010

Status: 07/07/2010-Chaptered by Secretary of State - Chapter 35, Statutes of 2010.

Current Location: 07/07/2010-A CHAPTERED

2YR/Dead | 1st Desk | 1st Policy | 1st Fiscal | 1st Floor | 2nd Desk | 2nd Policy | 2nd Fiscal | 2nd Floor | Conf./Conc. | Enrolled | Vetoed | Chaptered

Existing law requires a local agency formation commission to inform a board of supervisors or a city council when the commission makes a determination that will require an election to be conducted by that board or council, and requires the board of supervisors or the city council to direct the elections official to conduct the necessary election, as specified. This bill would, beginning January 1, 2011, require the board of supervisors or the city council to take action, to order and place the item on the ballot, within 45 days of notification by the local agency formation commission, and would require the elections official to place the item on the ballot at the next regular election if the board of supervisors or the city council fails to take action within 45 days of the notification. This bill would also make conforming changes.

Attachments:

[CALAFCO Support Letter](#)

[Request for Governor's Signature](#)

Notes: This bill was a gut-and-amend to specify that a Board or Council has 45 days to place an item on the next general election ballot when requested by a LAFCo. Current law does not specify the number of days nor state what happens if the item is not placed on the ballot. If the Board or Council does not act within 45 days it requires the election official to place the item on the next General Election ballot. Adds a requirement that LAFCo must notify the election official as well as the Board or Council of an item to be placed on the ballot. It provides clarity to the process.

Position: Support

Priority: 1

AB 853

(Arambula) Local government: organization.

Last Amended: 07/01/2010

Status: 07/01/2010-Read second time and amended. Re-referred to Com. on RLS.

Current Location: 07/01/2010-S RLS.

2YR/Dead | 1st Desk | 1st Policy | 1st Fiscal | 1st Floor | 2nd Desk | 2nd Policy | 2nd Fiscal | 2nd Floor | Conf./Conc. | Enrolled | Vetoed | Chaptered

The Cortese-Knox-Hertzberg Act of 2000 governs the organization and reorganization of local governmental entities, including, among other things, the annexation of island territories to a city or county. The bill would require a board of supervisors, within 180 days of receiving a petition to apply for annexation to a city or reorganization that includes an annexation to a city, to adopt a resolution of application for an annexation to a city or reorganization that includes an annexation to a city if the affected territory meets specified conditions, thereby imposing a state-mandated local program. This bill contains other related provisions and other existing laws.

Attachments:

[CALAFCO Letter of Concern](#)

[Letter of Opposition](#)

[CALAFCO Analysis of Concerns with Amended Bill](#)

Notes: This bill provides a mechanism for residents to petition to a Board of Supervisors to be annexed to a city if they are within 1.5 miles of a boundary or within or adjacent to an existing city SOI. It requires the Board to send a resolution to LAFCos for the annexation and requires LAFCo to approve the annexation. The bill has been amended to require LAFCos to prepare comprehensive service delivery plans for disadvantaged islands, fringe and legacy communities, including funding sources and implementation timeframes. Prohibits a LAFCo from approving a sphere update or change until the plans are complete and the local agency has demonstrated

compliance with the comprehensive plans. Does not provide any additional resources, funding, tools or authority for LAFCo to complete these requirements. Nor does it provide a vehicle for any actual infrastructure or service improvements.

Position: Oppose

Priority: I

AB 1668 **(Knight) Local government: city councils.**

Last Amended: 05/24/2010

Status: 07/07/2010-Chaptered by Secretary of State - Chapter 38, Statutes of 2010.

Current Location: 07/07/2010-A CHAPTERED

2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered
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Existing law requires a city council to, within 30 days of a vacancy in an elective office, fill that vacancy by appointment or call a special election to fill the vacancy, as specified. This bill would require the city council to, within 60 days of a vacancy in an elective office, fill that vacancy by appointment or call a special election to fill the vacancy, as specified. This bill contains other related provisions and other existing laws.

Attachments:

[CALAFCO Support Letter](#)

[Request for Governor's Signature](#)

Notes: This bill is nearly identical to AB 18 introduced by Assembly Member Knight in 2009. In addition to specifying the number of days a city council has to fill a vacancy, it clarifies the number of seats up for election at the first election following incorporation. CALAFCO supported AB 18. That bill was vetoed by the Governor because he felt current law was adequate on number of days to fill a vacancy. His veto was silent on number of seats at the first election. CALAFCO has also included the seats up for election as an Assembly Omnibus Bill item.

AB 1668 has been amended several times to make in consistent with both the Assembly and Senate Local Government committees omnibus bills. The author has been in discussions with the Governor's office to help insure a signature should it pass. If both AB 1668 and AB 2795 (Assembly Omnibus Bill) pass, their language will be subject to double-jointing by Legislative Counsel.

Position: Support

Priority: I

AB 1859 **(Norby) Local government: change of organization or reorganization.**

Last Amended: 04/08/2010

Status: 04/23/2010-Failed Deadline pursuant to Rule 61(b)(5). (Last location was L. GOV. on 4/21/2010)

Current Location: 04/23/2010-A DEAD

2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered
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Under Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 a local agency formation commission, among other things, approves or disapproves, in whole or part, changes of organization or reorganization, as specified. The act defines a "change of organization" to mean a city incorporation or disincorporation, a district formation or dissolution, an annexation, a consolidation, a merger, or a proposal for the exercise of new or different functions or classes of services, or divestiture of the power to provide particular functions or classes of services, within all or part of the jurisdictional boundaries of a special district. This bill would include within a local agency formation commission's powers the power to approve, disapprove, or approve conditionally, a request by a redevelopment agency to establish, extend, or expand a project area. The bill would include within the definition of "change of organization" a proposal to establish, extend, or expand a project area, and would define the term "project area." By expanding a local agency formation commission's duties, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

Notes: This bill would have placed Redevelopment Agency Project Areas under CALAFCO review. It added to LAFCo the power to review and approve deny or conditionally approve a new project area or the expansion of an existing project area. It died in Committee.

Position: Watch

Priority: I

AB 2795 **(Committee on Local Government) Local government: organization.**

Last Amended: 05/27/2010

Status: 07/07/2010-Chaptered by Secretary of State - Chapter 47, Statutes of 2010.

Current Location: 07/07/2010-A CHAPTERED

2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered
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Existing law, the Cortese-Knox-Hertzberg Local Government Reorganization Act, provides the authority and procedure for the organization and reorganization of cities and districts. This bill would define "divestiture of power" as used in the act and would make additional changes to clarify and maintain the consistency of the act. This bill contains other related provisions and other existing laws.

Attachments:

[CALAFCO Support Letter](#)

[CALAFCO Support Letter for Senate](#)

[Request for Governor's Signature](#)

Notes: This is the Assembly Local Government Committee Omnibus bill. The bill is prepared and sponsored by CALAFCO and makes technical, non-significant changes to C-K-H.
Position: Sponsor
Priority: 1

SB 194

(Florez) Community Equity Investment Act of 2010.

Last Amended: 06/15/2010

Status: 07/01/2010-From committee: Do pass as amended. (Ayes 7. Noes 2.) (Heard in committee on June 30.)

Current Location: 06/30/2010-A H. & C.D.

2YR/Dead | 1st Desk | 1st Policy | 1st Fiscal | 1st Floor | 2nd Desk | 2nd Policy | 2nd Fiscal | 2nd Floor | Conf./Conc. | Enrolled | Vetoed | Chaptered

Calendar Events: 08/02/10 32 ASM SENATE SECOND READING FILE

Under the federal State Community Development Block Grant Program, funds are allocated to the state and administered by the Department of Housing and Community Development for projects and programs that meet the housing and economic development needs of persons and families of low or moderate income. This bill would enact the Community Equity Investment Act of 2010. The bill would make legislative findings and declarations relating to disadvantaged, unincorporated communities. The bill would specify how funds received pursuant to the federal State Community Development Block Grant Program are expended at the local government level and would impose various requirements on a city or county in receipt of those funds that would, among other things, ensure the representation and participation of citizens of disadvantaged unincorporated communities .

Attachments:

CALAFCO Letter of Interest

Notes: This bill is intended to provide municipal services and infrastructure investment to disadvantaged unincorporated communities. Its intent, in part, is to address the role of regional agencies in addressing infrastructure deficits through changes to state agency funding programs with the intent to improve infrastructure in unincorporated communities. Language in this bill is tied to AB 853 which provides mechanisms for LAFCo to annex these communities to existing cities.

Position: Watch

Priority: 1

SB 894

(Committee on Local Government) Local Government Omnibus Act of 2010.

Last Amended: 06/07/2010

Status: 07/01/2010-From committee: Do pass, but first be re-referred to Com. on APPR. with recommendation: To Consent Calendar. (Ayes 9. Noes 0.) Re-referred to Com. on APPR. (Heard in committee on June 30.)

Current Location: 07/01/2010-A APPR.

2YR/Dead | 1st Desk | 1st Policy | 1st Fiscal | 1st Floor | 2nd Desk | 2nd Policy | 2nd Fiscal | 2nd Floor | Conf./Conc. | Enrolled | Vetoed | Chaptered

Existing law requires a challenge to the validity of any proceedings for the incorporation of a municipal corporation, the annexation of territory to a municipal corporation, or for the consolidation of municipal corporations, to be brought within 3 months after the completion of those proceedings. This bill would repeal this requirement. This bill contains other related provisions and other existing laws.

Attachments:

CALAFCO Support Letter

Notes: This is the Senate Local Government Committee Omnibus Bill. It contains two items related to LAFCo: 1) clarifies the statute of limitations for challenges to a LAFCo city boundary change and eliminates an antiquated conflicting section; and 2) cleans up language in various local government laws to clarify that judges can resolve land use and environmental lawsuits through mediation before it goes to trial.

Position: Support

Priority: 1

2

AB 155

(Mendoza) Local government: bankruptcy proceedings.

Last Amended: 06/01/2010

Status: 06/14/2010-To inactive file on motion of Senator DeSaulnier.

Current Location: 06/14/2010-S INACTIVE FILE

2YR/Dead | 1st Desk | 1st Policy | 1st Fiscal | 1st Floor | 2nd Desk | 2nd Policy | 2nd Fiscal | 2nd Floor | Conf./Conc. | Enrolled | Vetoed | Chaptered

Under existing law, any taxing agency or instrumentality of the state may file a petition and prosecute to completion bankruptcy proceedings permitted under the laws of the United States. This bill would provide that a local public entity may only file under federal bankruptcy law with the approval of the California Debt and Investment Advisory Commission, except as specified.

Position: None at this time

Priority: 2

AB 711

(Calderon, Charles) Local agency formation commissions: cost of incorporation proceedings.

Last Amended: 04/22/2010

Status: 06/07/2010-Chaptered by the Secretary of State, Chapter Number 25, Statutes of 2010

Current Location: 06/07/2010-A CHAPTERED

2YR/Dead | 1st Desk | 1st Policy | 1st Fiscal | 1st Floor | 2nd Desk | 2nd Policy | 2nd Fiscal | 2nd Floor | Conf./Conc. | Enrolled | Vetoed | Chaptered

Existing law, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, authorizes a local agency formation commission to establish a schedule of fees and costs for proceedings taken pursuant to that act, including incorporation proceedings. The act authorizes the local agency formation commission to request a loan from the General Fund to cover the expenses of incorporation proceedings under specified circumstances. This bill would transfer \$45,000 from the Environmental Enhancement and Mitigation Program Fund to the General Fund, and appropriate that amount from the General Fund to the Controller for allocation to the Los Angeles County Local Agency Formation Commission for a loan to the East Los Angeles Residents Association, as specified. The bill would make findings and declarations regarding the need for a special statute. This bill contains other related provisions.

Notes: This would be the first time legislation has been introduced to provide funds for the State Controller to allocate to fund incorporation studies as provided in CKH. The legislation is specific that the process must be consistent with CKH law.

Position: Watch

Priority: 2

SB 896

(Cox) Local government: organization.

Status: 06/04/2010-Failed Deadline pursuant to Rule 61(b)(11). (Last location was RLS. on 2/4/2010)

Current Location: 06/04/2010-S DEAD

2YR/Dead | 1st Desk | 1st Policy | 1st Fiscal | 1st Floor | 2nd Desk | 2nd Policy | 2nd Fiscal | 2nd Floor | Conf./Conc. | Enrolled | Vetoed | Chaptered

Existing law, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 defines various terms for purposes of the act, including, among others, "affected city." This bill would make a technical, nonsubstantive change to this definition.

Notes: This appears to be a placeholder bill.

Position: Watch

Priority: 2

SB 1023

(Wiggins) Special districts: consolidation and reorganization.

Last Amended: 04/27/2010

Status: 06/28/2010-Enrolled. To Governor at 4:15 p.m.

Current Location: 06/28/2010-S ENROLLED

2YR/Dead | 1st Desk | 1st Policy | 1st Fiscal | 1st Floor | 2nd Desk | 2nd Policy | 2nd Fiscal | 2nd Floor | Conf./Conc. | Enrolled | Vetoed | Chaptered

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 requires a local agency formation commission to approve, without an election, a consolidation or reorganization of 2 or more local agencies, if a majority of the members of each of the legislative bodies of the agencies adopt substantially similar resolutions of application making proposals either for the consolidation of districts or for the reorganization of all or any part of the districts into a single local agency, as specified. This bill would, until January 1, 2018, authorize the local agency formation commission to approve or conditionally approve an expedited reorganization of specified districts into a community services district, with the same powers, duties, responsibilities, obligations, liabilities, and jurisdiction of the district proposed to be dissolved, unless the governing body of the district proposed to be dissolved files a resolution of objection with the commission, as specified. This bill contains other related provisions and other existing laws.

Attachments:

CALAFCO Support Letter

Notes: This bill provides an expedited process for the conversion of Resort Improvement Districts and select Municipal Improvement Districts to Community Service Districts. CALAFCO and the affected LAFcos and districts have been consulted on this legislation.

Position: Support

Priority: 2

SB 1174

(Wolk) Land use: general plan: Future Sustainable Communities Pilot Project.

Last Amended: 06/24/2010

Status: 07/01/2010-From committee: Do pass, but first be re-referred to Com. on APPR. (Ayes 6. Noes 3.) Re-referred to Com. on APPR. (Heard in committee on June 30.)

Current Location: 07/01/2010-A APPR.

2YR/Dead | 1st Desk | 1st Policy | 1st Fiscal | 1st Floor | 2nd Desk | 2nd Policy | 2nd Fiscal | 2nd Floor | Conf./Conc. | Enrolled | Vetoed | Chaptered

The Planning and Zoning Law requires a city or county to adopt a comprehensive, long-term general plan for the physical development of the city or county and of any land outside its boundaries that bears relation to its planning. That law also requires the general plan to contain specified mandatory elements, including, among others, a housing element for the preservation, improvement, and development of the community's housing. This bill would establish the Future Sustainable Communities Pilot Project. The bill would authorize a city or county with a disadvantaged unincorporated community, as defined, inside or near its boundaries to apply to the Strategic Growth Council, as specified, to receive the financial assistance necessary to update its general plan to facilitate the transformation of the disadvantaged unincorporated community into a sustainable community. The bill would require the Strategic Growth Council to choose 5 cities and 5 counties with a disadvantaged unincorporated community inside or near their boundaries to receive financial assistance. The bill would require, upon receipt of the financial assistance from the council, the city or county to review, prepare, and adopt

amendments to one or more elements of its general plan, as necessary to include data and analysis, goals, implementation measures, policies, and objectives to address the presence of unincorporated island, unincorporated fringe, or unincorporated legacy communities, as respectively defined, inside or near its boundaries, and to incorporate into the general plan specified purposes relating to the establishment of sustainable communities. The bill would also require the updated general plan to include specified information. This bill would further require the city or county to make a diligent effort to involve all members of the public in preparing the review and update of the general plan. This bill contains other existing laws.

Notes: The bill has been amended to reflect consistent definitions with CKH. The League of Cities, CSAC, RCRC and others are very concerned that this adds a significant cost to local agencies by requiring extensive studies of unincorporated communities with no funding sources. Many argue that this will add significant costs with no benefits to the affected communities. Some have asked whether LAFCo MSRs and Sphere studies might suffice. CALAFCO is concerned whether that would add a cost or unanticipated expectation to LAFCo studies. We continue to watch this bill and work with stakeholders.

Position: Watch

Priority: 2

SB 1232

(Romero) Municipal incorporation: Los Angeles Local Agency Formation Commission.

Last Amended: 04/13/2010

Status: 05/07/2010-Failed Deadline pursuant to Rule 61(b)(6). (Last location was L. GOV. on 4/15/2010)

Current Location: 05/12/2010-S DEAD

2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chapters
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Existing law, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, establishes procedures for the change of organization or reorganization of a local agency, including the incorporation of a city. The act generally prohibits a petition for a change of organization from being accepted for filing unless signatures on the petition are secured within 6 months of the date on which the first signature on the petition was affixed and the petition is submitted for filing within 60 days after the last signature is affixed. The act also requires proceedings for an incorporation for a city to include a comprehensive fiscal analysis prepared by the executive officer of the commission, and authorizes the commission to establish a schedule of fees and charges for its proceedings. This bill would require the East Los Angeles Residents Association, by October 29, 2010, to deposit any funds required by the Los Angeles County Local Agency Commission to complete a comprehensive fiscal analysis as a condition to continuation of the current petition for a change of organization. The bill would also require any signatures that were submitted with the petition to continue to be considered valid through October 29, 2010, and after that date if the petition proceeds and is accepted for filing. This bill contains other related provisions.

Position: None at this time

Priority: 2

3

AB 300

(Caballero) Subdivisions: water supply.

Last Amended: 06/30/2009

Status: 07/07/2009-In committee: Set, first hearing. Testimony taken. Further hearing to be set.

Current Location: 07/07/2009-S N.R. & W.

2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chapters
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The Subdivision Map Act prohibits approval of a tentative map, or a parcel map for which a tentative map was not required, or a development agreement for a subdivision of property of more than 500 dwelling units, except as specified, including the design of the subdivision or the type of improvement, unless the legislative body of a city or county or the designated advisory agency provides written verification from the applicable public water system that a sufficient water supply is available or, in addition, a specified finding is made by the local agency that sufficient water supplies are, or will be, available prior to completion of the project. This bill would require, until January 1, 2017, the public water system, or the local agency if there is no public water system, to review, verify for accuracy, and approve, as specified, the subdivider's water savings projections attributable to voluntary demand management measures, as defined. The public water system would be authorized to collect fees necessary to provide the additional analysis of the voluntary demand management measures. This bill would provide that a water supply assessment completed, as specified, satisfies the existing requirement of verifying sufficient water supply, unless the public water system receives specified new information. The public water system would be required to determine the projected water savings attributable to the voluntary demand management measures that will be incorporated into the subdivision. The projected water savings would be required to be calculated using specified data compiled or maintained by the public water system or the water savings projections adopted by the California Urban Water Conservation Council. If a project applicant proposes to use a new voluntary water demand management measure for which neither the California Urban Water Conservation Council nor the public water system has adopted an estimate or method to calculate the projected water savings of the proposed voluntary demand management measure, the projected water savings would be required to be made based on documented methodologies or calculations submitted in the record. Five years after the project has been fully developed, the public water system would be required to include within its next urban water management plan a report on the monitoring and compliance of voluntary water demand management measures and to determine, if practicable based on readily available information, whether they have resulted in the water savings necessary to achieve the agreed upon water demand offsets. The bill would also require the public water system to document the measured annual water use of the subdivision in comparison to the projected demand associated with the subdivision, and to calculate the water savings

attributable to the voluntary mitigation measures financed by the Voluntary Water Demand Mitigation Fund for the subdivision. If the public water system bases its written verification of a sufficient water supply for the subdivision, in whole or in part, on the use of voluntary demand management measures within the subdivision, the written verification would be required to be conditioned on the maintenance and operation of the voluntary demand management measures, or measures that are at least as water efficient, as agreed to by the applicant and the public water system, and the recordation as a covenant running with the land for the lots within the subdivision. The bill would provide that by acceptance of a deed to a lot, each purchaser would acknowledge the obligation to comply with the voluntary demand measures for the lot as described in the covenant. These covenants would be authorized to be enforced pursuant to the existing authority of a public water system. The bill would further require a builder, prior to the close of escrow, to give a purchaser information that would be required to be included in a maintenance manual that informs the purchaser of the existence of the home's unique water saving devices, including specified information. The bill would also encourage the public water system to commit to carrying out the water conservation measures funded by the Voluntary Water Demand Mitigation Fund within 24 months of the sale of the last unit of the proposed subdivision. The bill would require the public water system to choose water conservation measures that are the most cost-effective means to yield water savings. The bill would authorize expenditures from the fund to be made within the subdivision or elsewhere within the service area of the public water supplier, at its discretion. Not less than 40% of the proceeds from the voluntary water demand mitigation fund would be required to be directed to water conservation programs in any disadvantaged community, unless the public water system makes a specified finding. By adding to the duties of the public water system, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

Notes: Requires the preparation of a water assessment report for projects which reduce water consumption, which requires consultation with affected agencies, including LAFCo.

Position: None at this time

Priority: 3

Total rows: 14

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