

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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DATE: SEPTEMBER 9, 2013 
FROM: KATHLEEN ROLLINGS-McDONALD, Executive Officer
TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: AGENDA ITEM #9- LEGISLATIVE REPORT

RECOMMENDATION:

Staff recommends that the Commission note receipt of the report and file.

BACKGROUND:

The 2013 Legislative Session, the first year of a two year cycle, is quickly moving toward its close and what has become known as the “crazy season” is in full swing. At the CALAFCO Annual Conference the status of a number of bills was provided by Misa Yokoi-Shelton, Associate Consultant for the Assembly Local Government Committee, a copy of that report is included as Attachment #1. Of significance, two LAFCO bills have been signed into law by the Governor, effective January 1, 2014:

- AB743 (Logue) makes the island annexation procedures a permanent part of the act, removing the substitute protest provisions that were to take effect January 1, 2014. San Bernardino LAFCO took no position on this bill other than to forward our position that the passage of SB 89 has created a situation where island annexations are not sustainable. Also, as the Commission will recall, through the signing of the stipulated agreement related to the lawsuit *Hulse vs San Bernardino LAFCO*, the City of San Bernardino is precluded from initiating any proposal under these island annexation provisions. A copy of the bill is included as Attachment #2.
- AB 1427 is the CALAFCO sponsored Omnibus Bill which makes non-substantive changes to the Cortese-Knox-Hertzberg Act. These changes are related to clarifications and typo corrections. A copy of the bill is included as Attachment #3.
- SB 56 (Roth and Emmerson) appears to be held in the Senate Appropriations Committee. The likelihood of this moving forward to the Governor’s desk is

dimming during the waning days of the session. The failure of this bill to return funding to the recently incorporated cities in Riverside County is anticipated to push at least two toward disincorporation.

- The Commission approved a position in opposition to SB 772 (Emmerson); however, this bill has been through a “gut and amend” process to address only the private water company which the Eastern Municipal Water District and Elsinore Valley Municipal Water District (Riverside County agencies) will be taking over to clarify potential liabilities.
- AB 240 (Rendon), to be known as the Mutual Water Company Open Meeting Act, is continuing to work its way through the legislature with some amendments and its passage remains in question. On September 3, 2013 it completed its process in the Senate and moved back to the Assembly for concurrence in amendments. However, it must complete the process through the Assembly Local Government Committee and floor by Friday, September 13, to remain active. A copy of the bill is included as Attachment #4.
- The Commission took a position of support for SB 246 (Fuller) addressing an update to the Special Act for the Bighorn-Desert View Water Agency. The legislation has passed both Houses and has been enrolled to the Governor for signature.

In addition, LAFCO staff has provided a copy of the CALAFCO Legislative Report (included as Attachment #5) dated as of September 9 which lists the current status of a number of other bills of interest as defined by CALAFCO. Staff will be happy to answer any questions prior to or at the hearing.

KRM:

ATTACHMENTS:

1. [CALAFCO Annual Conference Legislative Report](#)
2. [Assembly Bill 743 Signed by the Governor](#)
3. [Assembly Bill 1427 Signed by the Governor](#)
4. [Assembly Bill 240, as amended](#)
5. [CALAFCO Daily Legislative Report Dated September 9, 2013](#)