

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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DATE : **DECEMBER 4, 2018** 
FROM: **SAMUEL MARTINEZ, Executive Officer**
TO: **LOCAL AGENCY FORMATION COMMISSION**

SUBJECT: Agenda Item #9 – Legislative Report

This report provides an update on legislation reviewed by the Commission during this legislative cycle. The table below provides a brief summary of each the bills that were of interest to LAFCOs and/or CALAFCO.

AB 2050	Would have given SWRCB authority to mandate dissolution of existing drinking water systems and form a new public water authority.	Vetoed by Governor on 9/28/18
AB 2238	Requires LAFCOs to consider any relevant information provided by the local hazard mitigation plan, a safety element for a general plan, and any maps that identify land as a very high fire hazard zone.	Chaptered on 9/30/18
AB 2258	Would have established a grant program for costs associated with initiating a study of services provided by an agency and the initiation of an action that is limited to service providers serving a disadvantaged community, and completing the dissolution of inactive districts.	Vetoed by Governor on 9/18/18
AB 2600	Allows the formation of regional park and open space districts by resolution of initiation of a City Council or Board of Supervisors.	Chaptered on 8/28/18
AB 3254	This is the annual omnibus bill that makes minor and/or non-substantive changes to CKH.	Chaptered on 7/9/18
SB 1215	Authorizes SWRCB additional authority to mandate consolidation of or the extension of services by a wastewater provider in a disadvantaged community.	Chaptered on 9/30/18
AB 2268	Proposed to restore financial funding for future annexations of inhabited areas.	Failed to be introduced in Assembly floor

AB 2491	Proposed to restore the financial funding for city incorporations.	Failed to be introduced in Assembly floor
AB 2501	Revises and recasts existing law to expand SWRCB authority to order consolidation of, and appoint an administrator for, drinking water systems that serve a disadvantaged community that fails to provide adequate supply of safe drinking water.	Chaptered on 9/28/18
AB 1577	Authorizes the SWRCB to order the Sativa Los Angeles County Water District to accept administrative and managerial services, including full management and control, from an administrator selected by the SWRCB.	Chaptered on 9/28/18
AB 2019	This bill includes a number of statutory requirements on healthcare districts.	Chaptered on 9/5/18
SB 929	Requires all independent special districts to maintain an internet website by January 1, 2020.	Chaptered on 9/14/18

AB 2050 – Caballero (VETOED BY GOVERNOR)

This bill was sponsored by Eastern Municipal Water District and the California Municipal utilities Association. The intent was to give the State Water Resources Control Board (SWRCB) authority to mandate the dissolution of existing drinking water systems (public, mutual and private) and authorize the formation of an ew public water authority. The focus was on non-contiguous systems. The SWRCB already has the authority to mandate consolidation of these systems. This would have added the authority to mandate dissolution and formation of a new public agency.

LAFCOs would have been responsible for dissolving any state mandated pubic agency dissolution, and the formation of the new water authority. LAFCOs would have had the ability to also approve with modifications the application, and the new agency would have had to report to LAFCOs annually for the first three years.

AB 2238 – Aguiar-Curry

The bill adds another factor for LAFCO consideration in a review of a proposal. That factor is information contained in a local hazard mitigation plan, information contained in a safety element of a general plan, and any maps that identify land as a very high fire hazard zone or maps that identify land determined to be in a State Responsibility Area (SRA) if it is determined that such information is relevant to the area that is subject of the proposal.

This bill was in response to the rash of wildfires through the state over the past several years and the ongoing threat due to climate change.

AB 2258 – Caballero (VETOED BY GOVERNOR)

This was a CALAFCO sponsored bill following up on the recommendation of the Little Hoover Commission report of 2017 for the Legislature to provide LAFCOs one-time grant funding, to be administered by the Strategic Growth Council, used specifically for conducting special studies to identify and support opportunities to create greater efficiencies in the provision of municipal services, to potentially initiate actions based on those studies, including the dissolution of inactive districts (pursuant to SB 448, Wieckowski, 2017). The bill also changed the protest thresholds (tiered approach based on voters within the affected territory from 30% to 10%) for LAFCO initiated actions funded pursuant to this bill.

Amendments to the bill narrowed the scope to focus on service providers serving disadvantaged communities and required the SGC to give preference to LAFCOs whose decisions have been aligned with the goals of their SCS (sustainable communities strategy). In addition, the \$2 million to fund the grant program did not make it into the FY 2019-20 budget.

AB 2600 – Flora

Current law authorizes proceedings for the formation of a regional park, park and open-space, or open space district to be initiated pursuant to a petition signed by at least 5,000 registered voters residing within the proposed district territory. This bill expands the process of initiating the formation of a regional park and open space district by adding, in lieu of a petition, the ability of a county or city legislative body to adopt a resolution of application.

The intent of the bill is to create an easier way to propose the formation of these types of districts, thereby removing the need for special legislation to do so.

AB 3254 – Committee on Local Government

This is the annual Assembly Local Government Committee Omnibus bill sponsored by CALAFCO, which included a revised definition of “affected territory”, “uninhabited territory” was added as a new definition, clarified that protest hearing notice is not required for surrounding landowners, added disincorporation as an authority of the Commission to determine tax revenue, and other minor changes.

SB 1215 – Hertzberg

This bill authorizes the State Water Resources Control Board (SWRCB) to mandate extension of service or consolidation of wastewater systems, both public and private. The process mirrors SB 88 giving SWRCB authority to mandate the same for drinking water systems. However, the bill allows for an extension up to three miles with no requirements for annexation of the territory and does not provide a definite source of funding.

CALAFCO attempted to work with the author's office on the primary issues of annexation and the allowable extension limit, but were unsuccessful.

AB 2268 – Reyes (FAILED TO BE INTRODUCED IN ASSEMBLY FLOOR)

Sponsored by the League of Cities, this bill would have reinstated ERAF funding for inhabited annexations.

AB 2491 – Cooley (FAILED TO BE INTRODUCED IN ASSEMBLY FLOOR)

Also sponsored by the League of Cities, this bill would have reinstated ERAF funding for cities incorporating after 2017.

AB 2501 - Chu

This bill requires the State Water Resource Control Board, before ordering consolidation or extension of service, to fulfill certain requirements, including, among other things, to hold a public meeting, and to establish a reasonable deadline for a potentially receiving water system and a potentially subsumed water system to negotiate consolidation or another means of providing an adequate supply of affordable, safe drinking water. The act requires the state board to conduct a public hearing at the expiration of the reasonable deadline, as specified.

AB 1577 – Gipson

This bill requires the State Water Resource Control Board to assign an administrator for the Sativa Los Angeles County Water District. The bill seeks to improve water quality in the Sativa Los Angeles County Water District by appointing an administrator to take full control of the system, to stabilize its operations and prepare to transition and be consolidated with a larger water company.

AB 2019 – Aguiar-Curry

This bill requires a number of statutory requirements for Healthcare Districts including a provision that requires a Healthcare District to inform LAFCO when it files for bankruptcy.

SB 929 – McGuire

This bill would, beginning on January 1, 2020, require every independent special district to maintain an Internet Website that clearly lists contact information for the special district.