

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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DATE: JULY 14, 2014 
FROM: KATHLEEN ROLLINGS-McDONALD, Executive Officer
TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: AGENDA ITEM #15- LEGISLATIVE UPDATE REPORT

RECOMMENDATION:

Staff recommends that the Commission:

1. Note receipt of the report and file; and,
2. Indicate its intent to take a neutral position on SB 614 if the current amendments are approved as they address the Commission's concerns on process.

BACKGROUND:

The State Legislature is on summer recess but not before it once again had a flurry of activity on two "gut and amend" bills that the staff and CALAFCO are monitoring. Attachment #1 to this report is the Daily Legislative Report for Monday July 14, 2014 outlining the current status of all bills of importance to LAFCOs. However, since the June hearing the following is an outline of significant actions on the two gut and amend bills:

- SB 614 (Wolk) -- Local Government: Jurisdictional Changes; Infrastructure Financing

Following the June hearing, CALAFCO contacted the staff related to the pending distribution of the letter in opposition to the Wolk bill. The Senator's office had indicated a desire to work to resolve concerns associated with CALAFCO and was interested in addressing our concerns. Attachment #2 to this report is a copy of the letter submitted after consultation with members of the Commission and the Chair. On July 3, 2014 a new amendment to the bill was submitted which appears to address the concerns articulated in the Commission's letter (part of Attachment #2). Of importance is that the new legislation includes a sunset clause of 2025 (not the 2015 shown on the attachment) and the new language clearly specifies that need for long term financial sustainability to be addressed in the Plan for Service.

Staff will continue to monitor the progress of this bill when the legislature returns from its summer recess to assure that further amendments do not remove these provisions. Should the bill move forward with the changes identified, staff would recommend a future neutral position on the legislation as our concerns on process have been addressed.

- AB 1739 (Dickinson) – Groundwater basin management: sustainability

At the June hearing staff outlined its concerns related to another “gut and amend” proposal for AB 1739. This bill is sponsored by the Association of California Water Agencies (ACWA) to address groundwater management concerns in direct relation to the current drought in California. The amendments which were conceptual in nature at the June hearing were in fact published and received on June 18, 2014. The provisions were extensive and significant and were cause for concern as outlined at the June hearing. Thereafter, a letter was forwarded on June 24, 2014 to oppose AB 1739 unless further amended (copy included as Attachment #3 to this report).

Attachment #4 to this report is a comparison of the three efforts moving forward in Sacramento to address groundwater issues, AB 1739 (which includes references to LAFCOs in the process), SB 1168 (Pavley) which does not include LAFCO in the process and the Governor’s program which makes no reference to LAFCO. It has been identified that during the summer recess the three efforts will be melded into a single bill to address this issue statewide and it is hoped that the LAFCO concerns will be addressed during the process.

Since the June hearing, the CALAFCO Executive Director has participated in a stakeholders’ group discussion and continues to work with that group to address concerns from the larger CALAFCO community as well as those concerns identified by San Bernardino LAFCO. It remains to be seen what the bill or bills will look like that will come from these ongoing discussions, but it is staff’s understanding that one will move forward this legislative session. Staff will keep the Commission apprised of any new information; therefore, we do not recommend a change in position at this time.

Staff will be happy to answer any questions at the hearing.

KRM:

ATTACHMENTS:

1. [CALAFCO Daily Legislative Report as of Monday, July 14, 2014](#)
2. [San Bernardino LAFCO Letter Dated June 24, 2014 on SB 614 and Proposed Amendments Dated July 7, 2014](#)
3. [San Bernardino LAFCO Letter Dated June 24, 2014 on AB 1739](#)
4. [Language Comparison Summary Table for Groundwater Management -- AB 1739 \(Dickinson\), SB 1168 \(Pavley\), and Brown Administration](#)