

**LOCAL AGENCY FORMATION COMMISSION
FOR SAN BERNARDINO COUNTY**

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DATE: MAY 6, 2013
FROM: KATHLEEN ROLLINGS-McDONALD, Executive Officer
TO: LOCAL AGENCY FORMATION COMMISSION



SUBJECT: AGENDA ITEM #12- PENDING LEGISLATION REPORT

RECOMMENDATION:

Staff recommends that the Commission:

1. Take the following positions on pending legislations:
 - a. For SB 772 (Emmerson) direct the Commission Chair and Executive Officer to work with Senator Emmerson on matters contained in the bill; noting that the bill has become a two-year bill; and,
 - b. Support SB 246 (Fuller) related to an update and modernization of the special act governing the Bighorn-Desert View Water Agency.
2. Direct the Executive Officer to prepare the legislative position letter for SB 246 outlining the Commission's positions taken at this hearing for signature by the Commission Chair and forward it to the appropriate legislative committee, CALAFCO, CCL and the Commission's local legislative delegation.

BACKGROUND:

At the April hearing staff reviewed with the Commission several pieces of legislation and recommended support for most and opposition to SB 772 (Emmerson). Letters have been forwarded to the sponsors for the legislation supported -- AB 774 (Donnelly), AB 1427 (Assembly Local Government Committee), and SB 56 (Roth). The CALAFCO legislative report identifies that:

1. AB 743 (Logue) related to elimination of the sunset date for island annexations has moved forward out of the house of origin to the Senate for assignment to committee. The Commission took a neutral stance on this bill due to its changed

stance on island annexations due to the loss of funding from adoption of SB 89.

2. AB 1427 (CALAFCO sponsored Omnibus Bill) has been amended as of May 1, 2013 to include amendments to Govt. Code Section 57077.1 the protest process for dissolutions. A copy of the amended legislation is included as Attachment #2. The bill has been re-referred to the Assembly Committee on Local Government.
3. SB 56 (Roth) related to the return of lost discretionary funding to cities was amended April 23, 2013 to include it as an urgency statute to take effect immediately upon signing by the Governor. It was scheduled for hearing date on May 1, but the hearing was canceled at the request of the Author. As of the date of this report, it is unknown as to the reasons for the cancellation of the hearing. However, on May 10 a CALAFCO Legislative Committee meeting will be held at which time information may be provided on the status. LAFCO staff will update the commission at the hearing.
4. The Commission approved a position in opposition to SB 772 (Emmerson) but the letter has not been forwarded to the Senator based upon contact with Senator Emmerson's office by the Commission Chair. Of importance, SB 772 has become a two year bill due to opposition from many sides of the issue. On May 17, Commissioner Curatalo and the Executive Officer will be meeting with the Senator to review the Commission's concerns. Following that meeting the letter may be edited before release; however, should new information related to the bill surface it may be returned to the Commission for further discussion.
5. At the April hearing a discussion of SB 246 (Fuller) addressing an update to the Special Act for the Bighorn-Desert View Water Agency was deferred to the May hearing. A copy of the legislation was provided at the April hearing and is also included as Attachment #3 to this report.

This legislation is a direct result of discussion which occurred during the Agency's service review and represents a modernization of the statute including such items as eliminating irrelevant provisions (such as those related to the consolidation of the Bighorn Mountain Water Agency and Desert View County Water District which was accomplished in 1990-91). The service review conducted for this agency identified that the Agency's special act had not been thoroughly reviewed since prior to the consolidation of the Desert View County Water District and Bighorn Mountains Water Agency. The bill, as presented, rewrites the legislation providing for uniform methods of operation, repeals the sections which address the completed consolidation, and make other statutory updates that are necessary. LAFCO staff has reviewed questions with Senator Fuller's office and the Bighorn-Desert View Water Agency during and following the service review to address concerns with the special act and is recommending that the Commission support SB 246.

Discussion of this legislation was continued from the April 17 hearing so that the

General Manager of the Bighorn-Desert View Water Agency could be present for discussion. She was unable to attend the April 17 hearing as the bill was being considered in committee on that date.

In addition, the CALAFCO Legislative Report (included as Attachment #1) identifies the current status of a number of bills. If any of these bills are of specific interest to Commission members, staff requests that information and a more detailed monitoring will be undertaken.

Staff is recommending that the Commission review the materials presented, take the position of support as identified for SB 246 in this report or as modified at the hearing, and direct that a position letter be drafted for the Chairman's signature reflecting that position. Staff will be happy to answer any questions prior to or at the hearing.

KRM:

ATTACHMENTS:

1. [CALAFCO Legislative Report Dated May 6, 2013](#)
2. [AB 1427: CALAFCO Omnibus Bill dated April 23, 2013 as amended](#)
3. [Letter from Ms. Marina West, General Manager for Bighorn-Desert View Water Agency Requesting support for SB746 and Providing Copy of the Bill](#)