LAFCO
San Diego Local Agency Formation Commission

1600 Pacific Highway • Room 452 • San Diego, CA 92101
(619) 531-5400 • FAX (619) 557-4190
Website: www.sdlafco.org

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AGENDA
SPECIAL DISTRICTS ADVISORY COMMITTEE
FRIDAY, MARCH 28, 2008, 9:30 A.M.
COUNTY ADMINISTRATION CENTER
** ROOM 302
1600 PACIFIC HIGHWAY
SAN DIEGO, CA 92101

Agenda Item:		Recommended Action:
1.	**Roll Call**	
2.	**Approval of Minutes of Meeting held December 21, 2007**	**Approve**
3.	**Consultant's Recommended Agenda Revisions**	**Receive**
4.	**Committee Member / Consultant's Announcements**	**Information**
5.	**Public Comment** Opportunity for persons to speak to the Committee on any subject within the Committee's jurisdiction, but not an item on today's agenda. Each speaker's presentation may not exceed 3 minutes.	
6.	**2008 Special Districts Election Schedule**	**Information**
7.	**Project Report: Amendment to the Sphere of Influence for the Rural Fire Protection District and the "Pilot Travel Center Annexation" to the Rural Fire Protection District (Ref. Nos.: SA07-06; DA07-06) – Ingrid Hansen**	**Information/ Discussion**
8.	**Project Report: Municipal Service Review and Sphere of Influence Study for Sewer, Water, and Recycled Water Services in the Bonsall and Pala Hydrologic Subareas of the San Luis Rey River Watershed (Rainbow, San Luis Rey, and Valley Center Municipal Water Districts) – Ingrid Hansen**	**Information/ Discussion**
9.	**Review of Pending Legislation Tracking Report of Legislation Affecting LAFCO – Harry Ehrlich**	**Receive/ Discussion**
10.	**Adjournment to the April 18, 2008 Meeting Date***	

*The April 18, 2008 meeting will only be scheduled on an "as needed" basis.

** **Note: Meeting room changed to Room 302.** Refreshments will be provided.

LOCAL AGENCY FORMATION COMMISSION
SPECIAL DISTRICTS ADVISORY COMMITTEE
DECEMBER 21, 2007 MEETING

DRAFT MINUTES

There being a quorum present, the meeting was convened at 9:30 a.m., by Chairwoman Jo Mackenzie (Vista ID). Attending were: **Committee Members** – James Alkire (South Bay Irrigation District), Gary Arant (Valley Center MWD), Ron Fuller (Alpine FPD), Judy Hanson (Leucadia WD), Larry Jackman (San Miguel Consolidated FPD), Keith Lewinger (Fallbrook PUD), Richard Olson (North County FPD), John Pastore (Rancho Santa Fe CSD), Vice Chairman Tom Pocklington (Bonita-Sunnyside FPD), Augie Scalzitti (Padre Dam MWD), Dennis Shepard (North County CD), and Kimberly Thorner (Olivenhain MWD). **LAFCO Staff** – LAFCO Consultant Harry Ehrlich; and Chief, Governmental Services, Ingrid Hansen. Absent were: **Committee Members** – Gary Croucher (Otay Water District), Jim Poltl (Vallecitos WD), and Diana Towne (Rincon del Diablo MWD).

Item 1
Approval of Minutes of July 20, 2007

ON MOTION OF James Alkire, seconded by Augie Scalzitti, and carried unanimously by the remaining committee members present, the committee dispensed with reading the minutes of the July 20, 2007 meeting, and approved said minutes.

Item 2
Consultant's Recommended Agenda Revisions

Harry Ehrlich indicated that there were no revisions to the agenda.

Item 3
Committee Member/Consultant's Announcements

Tom Pocklington provided an update on the November 2007 ballot-election for property/land owners within the Bonita-Sunnyside Fire Protection District (FPD) who voted on a proposed $10 increase to the District's special fees. Mr. Pocklington said that property/land owners supported/passed the increase.

Harry Ehrlich provided members with an excerpt of a LAFCO publication relating to their agency and advised that each member could review the document for accuracy and contact him with any corrections.

Item 4
Public Comment

No members of the public requested to speak.

Item 5
Selection of One-year Term Position Member from October 2007 Special Districts Election

Chairwoman Jo MacKenzie indicated that Diana Towne (Rincon del Diablo MWD) volunteered to fill the one-year term position on the Advisory Committee.

ON MOTION OF Dennis Shepard, seconded by Richard Olson, and carried unanimously by the remaining committee members present, the Committee accepted and approved Diana Towne's request to fill the one-year term position on the Advisory Committee that will expire in October 2008.

Item 6
Committee Orientation Briefing- PowerPoint Presentation

Harry Ehrlich conducted an orientation to committee members that included Commission Composition, LAFCO Purpose, LAFCO Authority, Independent Agency Status, LAFCO Funding, Special District Advisory Committee Composition, and Committee Rules & Procedures. The members of the committee had various questions and input on LAFCO and SDAC procedures and discussed them.

Item 7
Selection of Chairperson and Vice Chairperson for 2008

ON MOTION OF Augie Scalzitti, seconded by Gary Arant, and carried unanimously by the remaining committee members present, the committee appointed Jo MacKenzie as Chairwoman for the Special Districts Advisory Committee for 2008.

ON MOTION OF Keith Lewinger, Seconded by Gary Arant, and carried unanimously by the remaining committee members present, the committee appointed Tom Pocklington as Vice Chairman for the Special Districts Advisory Committee for 2008.

Item 8
Tentative Meeting Schedule for 2008 and Possible Project Issues

Harry Ehrlich indicated that the 2008 Special Districts Advisory Committee meeting schedule was included in the agenda.

Item 9
Adjournment

There being no further business to come before the Special Districts Advisory Committee, the meeting was adjourned at 10:45 a.m. to the tentatively scheduled meeting on January 18, 2008, if it is to be held. Harry Ehrlich indicated that at this time there did not appear to be a need for a meeting in January and a notice would be provided to confirm that in early January 2008.

Tita Mandapat
Administrative Assistant

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6

March 28, 2008

TO: Special Districts Advisory Committee

FROM: LAFCO Consultant

SUBJECT: 2008 Special Districts Election

Attached for your information is the schedule for the 2008 Special Districts Election. This year, there will be one (1) Regular Member Position on LAFCO and eight (8) Special District Advisory Committee positions up for election. On April 25, 2008, LAFCO staff will be sending out a letter to all independent special districts in San Diego announcing the election and soliciting for nominations.

No Committee action is recommended. This item has been placed on the agenda for informational purposes.

HARRY EHRLICH
LAFCO Consultant

HE:tjc

Attachment:
2008 Special Districts Election Schedule

SAN DIEGO LAFCO
2008 SPECIAL DISTRICTS MAILED-BALLOT ELECTION SCHEDULE

Positions Subject to Election

LAFCO: One (1) Regular Member Position with term expiring in 2012.

Special Districts Advisory Committee: Eight (8) with terms expiring in 2012.

Date	Item
4/25/08	Send letter announcing election and soliciting nominations.
6/12/08	Deadline for receipt of nominations by LAFCO.
7/18/08	Appoint Norninating Committee (Scheduled Advisory Committee Meeting):

Eligible	Not Eligible
Gary Croucher	James Alkire
Judy Hanson	Gary Arant
Larry Jackman	Ron Fuller
Richard Olson	Keith Lewinger
John Pastore	Jo MacKenzie
Tom Pocklington	Augie Scalzitti
Jim Poltl	Dennis Shepard
Kimberly Thorner	Diana Towne

7/25/08	Send all nominations received by deadline to Nominating Committee.
8/21/08	Candidates' Forum
8/21/08	Nominating Committee meet and prepare report.
8/28/08	Send ballots, nominating committee report, and voting instructions to districts.
10/03/08	Deadline for return of ballots to LAFCO.
10/10/08	Send letter announcing election results.
11/03/08	Seat LAFCO member.
11/21/08	Seat Special Districts Advisory Committee members.

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March 28, 2008

7

TO: Special Districts Advisory Committee

FROM: Chief, Governmental Services

SUBJECT: Project Report: Amendment to the Sphere of Influence for the Rural Fire Protection District and the "Pilot Travel Center Annexation" to the Rural Fire Protection District (Ref. Nos.: SA07-06; DA07-06)

Background & Description

When submitted, this proposal involved annexing a 13.7-acre non-contiguous parcel to the fire district. Since the property is not within the boundary of any fire service purveyor, one requirement for final development plan approval is inclusion within an agency that provides structural fire protection. Upon recommendation of the County Assessor's mapping department, a second parcel consisting of .59 acre of roadway was added to the proposal. It should be noted that both parcels also are outside of Rural Fire Protection District's (FPD) sphere of influence. The territory is vacant, with the larger lot the subject of a plan to construct a commercial travel center consisting of diesel and gasoline fueling stations, a restaurant and convenience store, as well as public showers and laundry services. Located in the County's East Otay Mesa Specific Plan area, the site also has been included in the City of San Diego's General Plan since it is contiguous to the City. During LAFCO staff's initial evaluation of the project, several issues were identified.

The proposed annexation area is about ½ mile east of a City of San Diego Fire Station that has a reported response time of approximately 2 minutes. Rural FPD stated that the property could be served from its station located on the Donovan State Prison site, which is around 2½ miles away with a 4-5 minute response time. However, the District's Fire Protection Plan (FPP) acknowledged that response could not be assured because equipment and personnel might not be allowed to leave the prison grounds in the event of an on-site incident or lock-down. In addition, Rural FPD does not have an automatic aid agreement with the

City of San Diego. And, while there is an automatic aid agreement between Rural FPD and the City of Chula Vista, the response from Chula Vista's closest station is around 12-17 minutes. LAFCO staff also requested clarification regarding the District's resources for providing emergency medical response, and dealing with potential hazardous waste incidents and combustible liquid accidents.

On October 3, 2007, a new station opened at the George Bailey Detention Facility with a response time comparable to that from the Donovan station. Located on site are a Type 1 structural fire engine and an ambulance that can provide advanced life support assistance. Information also was submitted explaining how Rural FPD could adequately address hazardous waste events and provide a sufficient level of service to the proposed travel center. Since the issues initially raised by LAFCO staff appeared to be resolved and specific questions answered, the annexation was scheduled for Commission consideration on November 5, 2007.

At that meeting, Commissioners expressed concern regarding the following issues: (1) the District and the City of San Diego have no automatic aid agreement; (2) sufficient, on-going funding for staff and equipment for Rural's newly opened fire station; (3) annexation to the fire district of non-contiguous territory; and (4) adequacy of the EIR Addendum. Thus, the proposal was continued until these matters could be resolved.

Current Status

To resolve the non-contiguity issue, the District is attempting to gain consent of the adjacent property owners so that all of area bounded by Rural FPD and the Cities of Chula Vista and San Diego can be annexed. Information has been provided verifying a sufficient, on-going financial source for the District's new station. Rural FPD's attorney stated that the EIR Addendum is sufficient, and also is involved with executing an agreement with the City of San Diego for fire service in the area. The proposal remains pending final resolution of the Commission's concerns. Therefore, it is

RECOMMENDED: That your Committee

Consider the presentation of the Pilot Travel Center Annexation status report, provide comments, and also discuss the issue(s) associated with annexations into fire protection districts of territory located near a city.

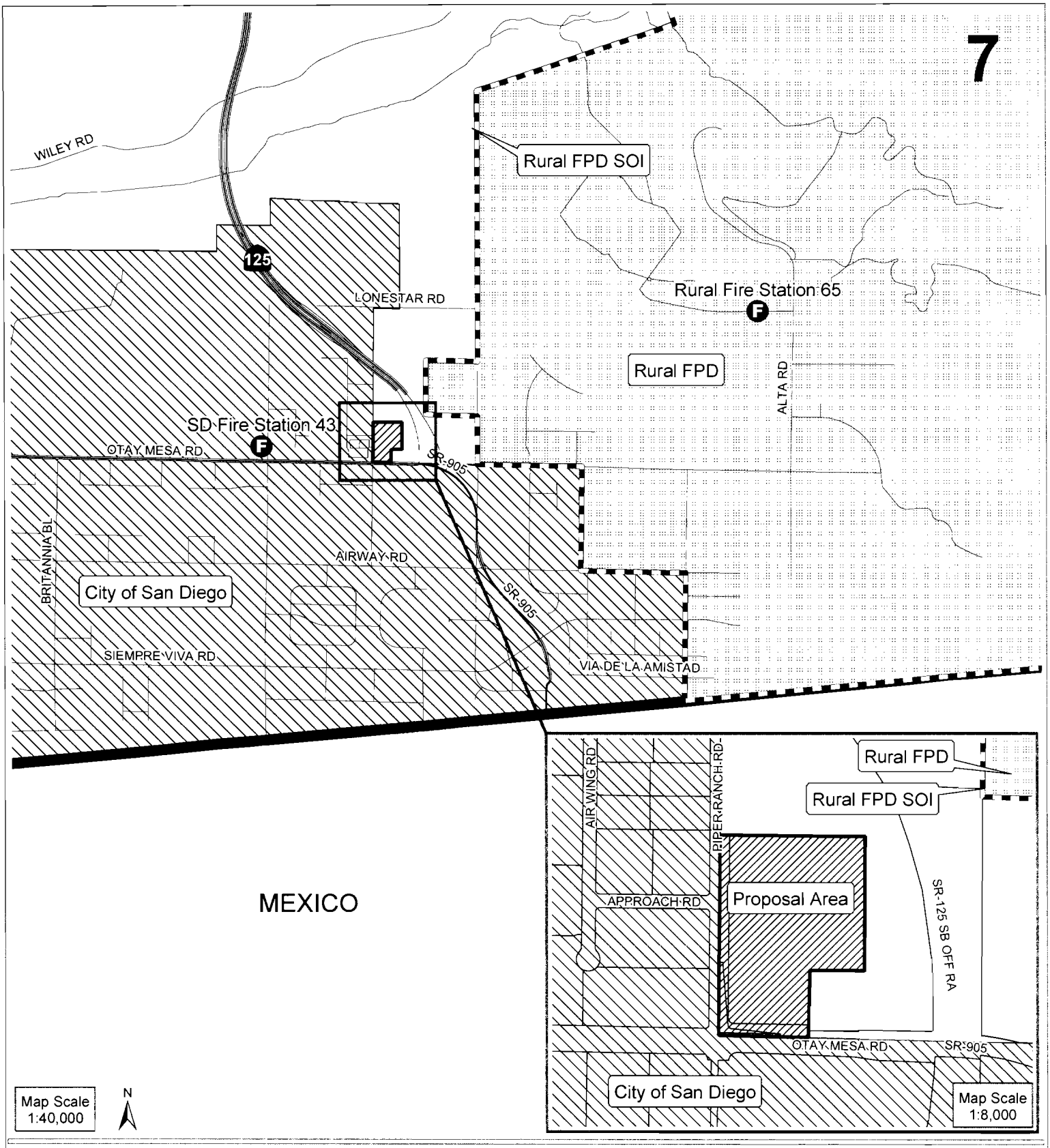
Respectfully submitted,

Ingrid Hansen

INGRID HANSEN
Chief, Governmental Services

IH:tjc

Attachment: Vicinity Map



SA07-06 **PROPOSED AMENDMENT TO THE SPHERE OF INFLUENCE FOR THE RURAL FPD**

DA07-06 **PROPOSED "PILOT TRAVEL CENTER ANNEXATION" TO THE RURAL FIRE PROTECTION DISTRICT**

- Proposal Area
- Rural FPD
- Rural FPD SOI
- City of San Diego

SOI = Sphere of Influence

SAN DIEGO LAFCO

SanGIS

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March 28, 2008

8

TO: Special Districts Advisory Committee

FROM: Chief, Governmental Services

SUBJECT: Project Report: Municipal Service Review and Sphere of Influence Study for Sewer, Water, and Recycled Water Services in the Bonsall and Pala Hydrologic Subareas of the San Luis Rey River Watershed (Rainbow, San Luis Rey, and Valley Center Municipal Water Districts)

Background

This Municipal Service Review/Sphere of Influence (MSR/SOI) Update Study was prompted by increased pressure to develop vacant property located along transit corridors and particularly in transportation nodes where highways and freeways intersect. SANDAG has encouraged this strategy for many years and the County's General Plan Update for the year 2020 (GP 2020) also supports growth in similar areas. Thus, the open space areas where Interstate 15 and Highway 76 meet may be suitable for future development, especially with three municipal water districts (Rainbow, San Luis Rey, and Valley Center MWDs) located in the vicinity.

The San Luis Rey MWD Board of Directors approached LAFCO staff with a proposal to conduct a sphere update, and was directed to develop a Master Plan. Since not currently authorized to provide water and sewer services, the District also expected to apply for the activation of those latent powers. Because both the master plan and sphere update require environmental review, the District decided to undertake a programmatic environmental impact report (PEIR) that addressed both projects.

Process and Procedures

The District contracted with LSA & Associates to assemble the MSR/SOI Update Study under LAFCO staff's leadership. To provide expertise and assist in coordinating the project, a working group was created. Working

group members included representatives of each district under review, as well as staff from LAFCO and LSA. In addition, an extensive distribution list was developed that included all special districts having property in the study area (fire protection districts, other water districts, CWA, MET, etc.), community planning groups, environmental groups, County staff, and numerous other interested individuals and organizations. The mailing list now totals approximately 50. All parties were notified and invited to attend working group meetings, provide input, and encouraged to submit comments when the draft report was distributed for public review.

Issues

Issues associated with service provision in this area include: (1) San Luis Rey MWD does not provide water or sewer service, has no infrastructure to do so, and is not a member agency of the San Diego County Water Authority (CWA) or the Metropolitan Water District of Southern California (MET); (2) the District's proposed Master Plan is inconsistent with current and proposed County general plan land use designations; (3) San Luis Rey MWD has proposed a sphere expansion that includes territory already in Rainbow MWD and its sphere; and (4) consolidation and/or dissolution involving San Luis Rey MWD has implications pertaining to CWA and MET, as well as cessation of existing service provision.

Previous Update

On July 20, 2007, your Advisory Committee was updated on this project. At that time, the draft MSR/SOI Update Study was being held pending approval of the PEIR by the San Luis Rey MWD, and LAFCO staff had made no recommendations regarding service delivery in the study area.

Current Status

In August 2007, the San Luis Rey MWD Board approved the PEIR that covered both the modified master plan for water and sewer service as well as the sphere of influence update study. Three lawsuits subsequently were filed against the District's approval of the environmental document.

The development plan for the Meadowood project is being processed by the County, with access to water and sewer services a critical component for approval. Approximately ⅔ of the project site is in the San Luis Rey MWD with the remainder outside of any water or sewer service purveyor. With the PEIR subject to litigation, developers of the Meadowood project approached LAFCO staff with an alternative proposal that would enable the project to move forward. Since the EIR has not yet been completed, it was suggested that the environmental review document being prepared for the proposed development include a sphere update proposal. Under LAFCO direction, input, and review, the sphere update for the entire study area, including the Rainbow, San Luis Rey, and Valley Center MWDs, will be incorporated as a component of the project EIR.

At its February 2008 meeting, the San Luis Rey MWD Board agreed to decertify the PEIR, rescind approval of the facilities master plan, and postpone indefinitely submittal of the Bonsall and Pala Hydrologic Subareas MSR/SOI Update Study. This action negates the environmental document (PEIR) associated with the original sphere of influence update study. LAFCO's sphere review for this area will not occur until the Meadowood EIR is completed, certified, and deemed adequate for LAFCO purposes.

This report is for your information only and requires no action by your committee.

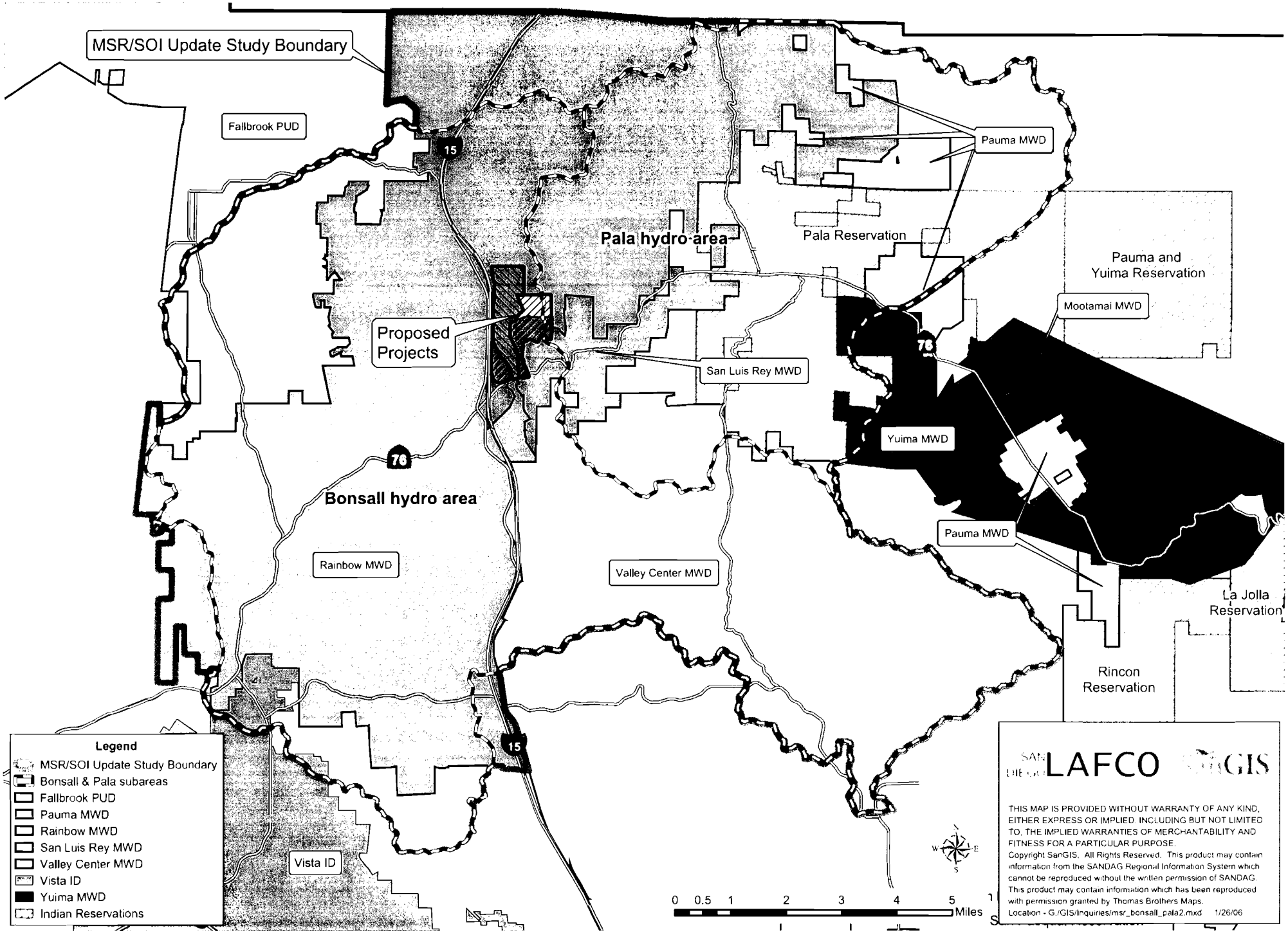
Respectfully submitted,

INGRID HANSEN
Chief, Governmental Services

IH:tjc

Attachment: Vicinity Map

MSR/SOI Update: Bonsall and Pala Hydrologic Subareas



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Legislative Research Division

Executive Officer
Michael D. Ott

Director,
Legislative Research
Harry Ehrlich

March 28, 2008

9

TO: Special Districts Advisory Committee

FROM: Special District Consultant
Director, Legislative Research

SUBJECT: Review of Pending Legislation Tracking Report of Legislation Affecting LAFCO

The attached list of pending legislation is provided for the SDAC to identify the potential impacts of pending legislation. It is anticipated that a number of additional bills may be identified for tracking during the legislative session.

A matrix report of bills being tracked is usually provided for commission review, discussion, and possible action as bills make their way through the legislative process. LAFCO consultant/staff will give the committee an update on each of the bills (and any new bills if identified) at the March 28, 2008 meeting. No action is required but input and feedback on legislation is helpful to LAFCO staff.

Also of note is that the Governor called an emergency session of the Legislature on January 14th to address an identified fiscal emergency due to significantly lower revenues. A deficit of $3.8 billion is projected by fiscal year-end (projected to be $14 billion in eighteen months). The legislature has adopted and the Governor signed a bill approving a $1.5 billion reduction of expenditures for 2008, but it is reported that most of this amount is deferral to the next year cycle. The main point of tracking this situation is the potential for new fees and charges to be enacted that could require consideration and implementation by the Commission. LAFCO staff is continuing to monitor the situation and report any actions that might impact LAFCO or local agencies. Therefore, it is

RECOMMENDED: That your committee

Receive, discuss, and provide input on the March 28, 2008 Legislative Tracking Report.

HARRY EHRLICH
Special District Consultant
Director, Legislative Research

HE:tjc
Attachment

San Diego LAFCO
Bills to Track as of March 06, 2008

SB 301 (Romero): as amended. Local government finance.

The Vehicle License Fee (VLF) Law establishes, in lieu of any ad valorem property tax upon vehicles, an annual license fee for any vehicle subject to registration in this state. Under existing law, the Controller is required to allocate VLF revenues in the Motor Vehicle License Fee Account in a specified order to, among others, each city that was incorporated from an unincorporated territory after August 5, 2004, but before July 1, 2009. Existing law also requires cities that were incorporated before August 5, 2004, be allocated additional VLF revenues in an amount determined pursuant to a specified formula. For purposes of this formula, existing law specifies that the population of a city that is incorporated before August 5, 2004, is that city's actual population, as defined, residing in areas annexed after August 5, 2004, but before July 1, 2009.

This bill would require that cities that are incorporated from *an* unincorporated territory after August 5, 2004, but before July 1, 2014, be allocated VLF revenues. This bill would specify, for purposes of this formula used to determine additional VLF revenues for cities that were incorporated before August 5, 2004, that the city's actual population is the population residing in areas annexed after August 5, 2004. Existing law, for purposes of these allocations *of VLF revenues, establishes a formula to determine* the population of a city that was incorporated from an unincorporated territory after August 5, 2004, and before July 1, 2009*, and provides that the population of a city that was incorporated from an unincorporated territory after July 1, 2009, shall be its actual population.* This bill would *instead extend the formulary method used* to determine the population of a city that was incorporated from an unincorporated territory after August 5, 2004, and before July 1, 2014*, and would provide that the method for determining the population of a city that was unincorporated from an incorporated territory after July 1, 2014, would be its actual population.*

CALAFCO is Supporting the bill. San Diego LAFCO staff is recommending a Watch position on the bill as there are agencies on both sides of the issue in our county.

SB 806 (Hollingsworth): Fire Funding Tax Shift
This bill failed to get action by 02/01/2008 so it is 'dead' and no action can be taken.

SB 375 (Steinberg): Transportation Funding and Housing. The bill would require certain transportation planning and programming activities by affected regional agencies to be consistent with the sustainable communities strategy contained in the regional transportation plan, but would state that certain transportation projects programmed for funding on or before December 31, 2011, are not required to be consistent with the sustainable communities' strategy. To the extent the sustainable communities strategy

is unable to achieve the greenhouse gas emissions reduction targets, the bill would require affected regional agencies to prepare a supplement to the sustainable communities' strategy that would achieve the targets through alternative development patterns or additional transportation measures. The bill would also require an affected regional agency to submit a *statement* to the California Transportation Commission *describing* the relationship of each project in the regional transportation improvement program to the regional transportation plan and supplement adopted by the regional agency. The bill would enact other related provisions.

CALAFCO is working to add LAFCO to the review process to get MSR/SOI ISSUES IN THE BILL. San Diego LAFCO adopted an OPPOSE position Unless Amended position on 3/3/2008.

SB 1131 (Caballero): Local Agency Formation Commission:

Calaveras County. The Cortese-Knox Local Government Reorganization Act of 1985 prescribes the composition of members of a Local Agency Formation Commission (LAFCO), and specifies the procedures for the selection of members for independent special district representation on the commission.

This bill would increase from 2 to 3 the independent special district representatives seated on the Calaveras County Local Agency Formation Commission, and would require one member to be a permanent seat filled by a member of the Board of Directors of the Calaveras County Water District.

This bill would increase from 1 to 2 the public representatives, members of the commission, would require one member to be selected by the LAFCO Commissioners appointed by the City of Angels and the County of Calaveras, and would authorize appointment of alternate members.

This bill would make certain findings and declarations regarding the inapplicability of a general statute within the meaning of Section 16 of Article IV of the California Constitution.

CALAFCO has Opposed the bill due to a policy position regarding representation on LAFCO's and not giving special authority to local agencies. San Diego LAFCO adopted an OPPOSE position on the bill on 3/03/2008. CSDA and ACWA are Watching the bill. The author delayed consideration of the bill until April Senate Local Gov't Committee meeting.

SB 1458 (Committee on Local Government (Senators Negrete McLeod (Chair), Cox, Harman, Kehoe, and Machado): Rewrite of the County Service Area Law.

The County Service Area Law authorizes the formation of county service areas to provide authorized services, as specified. This bill would revise and recast the County

Services Area Law and make conforming changes to bring it up to date. A working group assisted in developing the revised language. Main changes make it consistent with other local government codes and model the recent CSD Law updates.

CALAFCO is Supporting the bill. San Diego LAFCO staff will recommend a Support position on the bill to the Commission in April, 2008.

AB 1998 (Silva) Political Reform Act of 1974: local agency formation commissions.

The LAFCO for each county reviews and approves or disapproves proposed local government changes of organization; and, under specified circumstances, the determinations of the LAFCO are subject to voter approval through the circulation of a signature petition and a subsequent ballot measure. Existing law further provides, through the Political Reform Act of 1974, for the comprehensive regulation of campaign financing, including the filing of campaign statements that report contributions and expenditures by committees formed to support or oppose ballot measures.

This bill would impose on a committee formed to support or oppose a LAFCO proposal, as defined, requirements regarding the filing of campaign statements. The bill would require the committee to file monthly campaign statements from the time circulation of a petition begins until a measure is placed on the ballot or the committee is terminated. After a LAFCO proposal measure is placed on the ballot, the bill would require a committee formed to support or oppose the proposal to file those campaign statements required of other committees formed to support or oppose ballot measures under the Political Reform Act of 1974.

CALFCO is the Sponsor and is Supporting the bill. San Diego LAFCO staff will recommend a Support position on the bill at the April 2008 commission meeting.

AB 2484 (Caballero) Local government: special districts.

(1) Existing law, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 defines "change of organization" to mean, among other things, a district formation, a consolidation of cities or special districts, or a merger or establishment of a subsidiary district.

This bill would include within the definition of "change of organization" a proposal for the exercise of new or different functions or classes of services, or the divestiture of the power to provide particular functions or classes of services, within all or part of the jurisdictional boundaries of a special district. The bill would also make various conforming changes.

(2) Existing law authorizes a proposal for a change of organization or a reorganization to be made by the adoption of a resolution of application by the legislative body of an affected local agency.

This bill would require a change of organization proposal that involves the exercise of new or different functions or classes of services, or the divestiture of the power to provide particular functions or classes of services, within all or part of the jurisdictional boundaries of a special district **to be initiated only by the legislative body of that special district (emphasis added by staff).**

(3) Existing law requires, in addition to the proposal for a change of organization or reorganization, that the legislative body of a special district submit a plan for services, including, among other things, a plan for financing the establishment of the new or different function or class of services within the special district's jurisdictional boundaries.

This bill would also require the legislative body of a special district to include in the plan a written summary of whether the new or different function or class 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, will involve the activation or divestiture of the power to provide a particular service or services, service function or functions, or class of service or services.

CALAFCO is the Sponsor and is Supporting the bill. San Diego LAFCO will recommend a Support position on the bill to the commission in April 2008 and to seek amendments to improve the bill.

AB 1992 (DeVore): Public resources: unauthorized use.

(1) Existing law makes it unlawful for any elected state or local officer, appointee, employee, or consultant to use, or permit others to use, state resources for a campaign activity, or personal or other purposes that are not authorized by law. Existing law also provides that the incidental and minimal use of state resources is not unlawful.

This bill would expand these provisions to prohibit any elected official, officer, director, appointee, employee, agent, or consultant of any state or local agency, or any organization or association that represents local agencies that is funded, in whole or in part, by dues or other voluntary payments made by local agencies from using, or permitting others to use, state resources for a campaign activity, or personal or other purposes that are not authorized by law.

(2) Existing law provides that each officer of the state, or of any county, city, town, or district of this state, and every other person charged with the receipt, safekeeping,

transfer, or disbursement of public moneys who takes certain actions concerning those moneys is guilty of a felony.

This bill would expand these provisions to include a willful misuse of public resources for a campaign activity by an elected official, officer, director, appointee, employee, agent, or consultant of any state or local agency, or any organization or association that represents local agencies that is funded, in whole or in part, by dues or other voluntary payments made by local agencies, to use, or permit others to use, public resources for a campaign activity, or personal or other purposes that are not authorized.

This bill would include LAFCO commissioners and staff, CALAFCO, and other local government associations. CALAFCO is Watching the bill, San Diego LAFCO staff will recommend a Watch position until discussions can be held with the author on possible amendments.

AB 2367 (Fuentes): LAFCO Prezoning Requirements

Existing law authorizes the local agency formation commission to approve the annexation of unincorporated territory consistent with the planned and probable use of the property based upon the review of general plan and prezoning designations. Existing law prohibits subsequent changes to the general plan for the annexed territory or zoning that is not in conformance to the prezoning designations for a period of 2 years after the completion of the annexation, unless the legislative body of the city makes a finding that a substantial change has occurred in the circumstances that necessitate a departure from the prezoning in the application to the commission, as specified.

This bill would instead prohibit subsequent changes to the general plan for the annexed territory or zoning that is not in conformance to the prezoning designations for a period of 5 years after the completion of the annexation.

CALAFCO does not have a position at this time pending Leg Committee review 3/21/08. San Diego LAFCO staff will recommend a Watch position on the bill as there will be different agency inputs on the impact of the bill.

AB 2499 (Smyth): Incorporation or annexation impacts

Existing law, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, governs the procedures for the formation, change of organization, and reorganization of cities and special districts. That act also provides, unless otherwise determined by the local agency formation commission, that territory shall not be incorporated into, or annexed to, a city, if, as a result of that incorporation or annexation,

unincorporated territory is completely surrounded by that city or by territory of that city, on one or more sides and the Pacific Ocean on the remaining sides.

This bill would delete "completely" from this prohibition and thereby provide that, unless otherwise determined by the commission, territory shall not be incorporated into, or annexed to a city if, as a result of that incorporation or annexation, unincorporated territory is surrounded by that city or by territory of that city on one or more sides and the Pacific Ocean on the remaining sides.

This bill appears to be a "Spot Bill" and CALAFCO is Watching the bill until more research can be done to determine impacts of the proposed bill. San Diego LAFCO staff will recommend a Watch position on the bill.

AB 2278 (Aghazarian): Amend Section 99 of the Revenue and Taxation Code, relating to local fire protection agencies.

Existing property tax law requires, in the event that a jurisdictional change affects the service area or service responsibility of one or more special districts, the board of supervisors of the county or counties in which the districts are located to negotiate any exchange of property tax revenues on behalf of the district or districts.

This bill would authorize a fire protection district, as specified, to negotiate any exchange of property tax revenues on its own behalf when a jurisdictional change occurs that affects its service area or service responsibility.

CALAFCO does not have a position at this time. San Diego LAFCO staff will recommend a Watch position on the bill until we get input from other organizations such as CSDA, CFDA and CSAC.

SB 1595 (Kehoe): Public Resources – fire protection and fuels management

(1) Existing law requires that a person who owns, leases, controls, operates, or maintains an occupied dwelling or occupied structure in, upon, or adjoining certain terrains that is within a very high fire hazard severity zone, as designated by a local agency, maintain at all times a firebreak by removing all brush, flammable vegetation, or other combustible growth for a prescribed number of feet from the occupied dwelling or occupied structure, with exceptions, as well as take other required fire prevention actions. A person who owns, leases, controls, operates, or maintains a building or structure in, upon, or adjoining a mountainous area, forest-covered lands, brush-covered lands, grass-covered lands, or land that is covered with flammable material, within a state responsibility area, is required to maintain at all times a firebreak by removing all brush, flammable vegetation, or other combustible growth for a prescribed number of feet from the dwelling or structure, with exceptions, as well as taking other required fire prevention actions. A violation of these provisions is a crime.

This bill would delete certain terrain qualifications thereby applying these provisions to any land within a very high fire severity zone as designated by a local agency without regard to the type of terrain. The bill would also change the current brush clearance requirements and would instead require the owner or person in control of a qualified property to reduce the risk of ignition by managing fuel materials, within a certain number of feet from the above-described dwellings, buildings, or structures.

The bill would require that fuel found in vegetation, in manmade objects, and in connection with improvements attached to the structure be managed by collecting and disposing of combustible matter and irrigating living plants as required to sustain the species during exposure to a wildfire. Local agencies would be authorized to place alternative requirements in effect in areas where water shortages exist. Because this bill would change the definition of a crime, it would impose a state-mandated local program.

This bill would add to the criteria under which the Director of Forestry and Fire Protection designates an area as a very high fire hazard severity zone. The bill would also define various terms for purposes of these provisions and revise legislative findings and declarations concerning fire risks and site fuel management.

The bill is a part of a group of bills addressing firefighting impacts in brushland areas and is authored by Senator Kehoe. San Diego LAFCO staff believe that a Support on the bill may be in order but want input from local fire agencies on the details.

SB 1617 (Kehoe): Fire protection and fuel management

(1) Existing law requires the state to have the primary financial responsibility for preventing and suppressing fires in areas that the State Board of Forestry and Fire Protection has determined are state responsibility areas.

This bill would place a fee on developers of buildings and structures when the building permit is issued and a fee annually on property owners with residential structures within the state responsibility areas. The property owner fee would be reduced if a property owner complies with specified fire prevention requirements. Because the moneys generated from the fee would fund, among other things, fuels management on public lands, year-round fire inspections of compliance with state law, and public education on fire prevention and emergency response, the bill would impose a tax.

Because this bill would impose new duties on local government to collect money when a permit is issued, the bill would create a state-mandated local program.

(2) Existing law requires that a person who owns, leases, controls, operates, or maintains an occupied dwelling or occupied structure in, upon, or adjoining certain terrains that is within a very high fire hazard severity zone, as designated by a local

agency, maintain at all times a firebreak by removing all brush, flammable vegetation, or other combustible growth for a prescribed number of feet from the occupied dwelling or occupied structure, with exceptions, as well as take other required fire prevention actions.

A person who owns, leases, controls, operates, or maintains a building or structure in, upon, or adjoining a mountainous area, forest-covered lands, brush-covered lands, grass-covered lands, or land that is covered with flammable material, within a state responsibility area, is required to maintain at all times a firebreak by removing all brush, flammable vegetation, or other combustible growth for a prescribed number of feet from the dwelling or structure, with exceptions, as well as take other required fire prevention actions. A violation of these provisions is a crime.
This bill would delete certain terrain qualifications, thereby applying these provisions to any land within a very high fire severity zone as designated by a local agency without regard to the type of terrain. The bill would also change the current brush clearance requirements, and would instead require the owner or person in control of a qualified property to reduce the risk of ignition by managing fuel materials within a certain number of feet from the above-described dwellings, buildings, or structures.

The bill would require that fuel found in vegetation, in manmade objects, and in connection with improvements attached to the structure be managed by collecting and disposing of combustible matter and irrigating living plants as required to sustain the species during exposure to a wildfire. Local agencies would be authorized to place alternative requirements in effect in areas where water shortages exist.

This bill would add to the criteria under which the Director of Forestry and Fire Protection designates an area as a very high fire hazard severity zone. The bill would also define various terms for purposes of these provisions and revise legislative findings and declarations concerning fire risks and site fuel management.

Because this bill would change the definition of a crime, it would impose a state-mandated local program.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason. With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

(4) This bill would result in a change in state taxes for the purpose of increasing state revenues within the meaning of Section 3 of Article XIII A of the California

Constitution, and thus would require for passage the approval of 2/3 of the membership of each house of the Legislature.

San Diego LAFCO staff are tracking the bill but since it proposes new fees and taxes on future and existing dwellings in the county SRA areas, staff have not determined if support is correct approach on the bill. Due to status of the Phase 1 Reorganization Proposal, this bill could negatively impact agencies' considering participation in the reorganization or in the future.

SCA 19 (Kehoe): Property tax new construction exclusion for fire safety

The California Constitution generally limits ad valorem taxes on real property to 1% of the full cash value of that property. For purposes of this limitation, "full cash value" is defined as the assessor's valuation of real property as shown on the 1975-76 tax bill under "full cash value" or, thereafter, the appraised value of that real property when purchased, newly constructed, or a change of ownership has occurred. The California Constitution authorizes the Legislature to exclude from classification as "newly constructed" the construction or installation of any fire sprinkler system, other fire extinguishing system, fire detection system, or fire-related egress improvements, as defined by the Legislature.

This measure would authorize the Legislature to additionally exclude from classification as "newly constructed" the construction or installation of any fire safety retrofitting improvement that meets fire safety building standards, as defined by the Legislature.

CALAFCO is not tracking this bill. San Diego LAFCO staff will recommend that a Support position be taken on the bill as it will encourage fire safety improvements in rural areas and support the goals of an improved fire/EMS delivery system.