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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Michael D. Ott

Counsel

Karen Landers

AGENDA
SPECIAL DISTRICTS ADVISORY COMMITTEE
FRIDAY, OCTOBER 15, 2010, 9:30 A.M.
COUNTY ADMINISTRATION CENTER
TOWER 6*
1600 PACIFIC HIGHWAY
SAN DIEGO, CA 92101

*(*Please Note: Tower 6 is a new location for this meeting)*

Agenda Item:		Recommended Action:
1.	**Roll Call**	
2.	**Approval of Minutes of Meeting held February 19, 2010**	**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.	**Review of 2010 Legislation Relating to LAFCO**	**Information**
7.	**Review of Implementation of Legislative Policy L-107 – Jurisdictional Conflicts Associated with Proposed Development**	**Discussion**
8.	**Review of Implementation of Legislative and Regulatory Guidelines – Water Supply and Availability**	**Discussion**
9.	**Adjournment to the November 19, 2010 Meeting Date if necessary**	

Note: Refreshments will be available at the meeting.

LOCAL AGENCY FORMATION COMMISSION
SPECIAL DISTRICTS ADVISORY COMMITTEE
FEBRUARY 19, 2010 MEETING

DRAFT

There being a quorum present, the meeting was convened at 9:30 a.m., by Chairman Tom Pocklington (Bonita-Sunnyside FPD). Attending were: **Committee Members** - Gary Arant (Valley Center MWD), Judy Hanson (Leucadia WD), Douglas Humphrey (Resource Conservation District of Greater San Diego County), Larry Jackman (San Miguel Consolidated FPD), Margarette Morgan (Vista Fire Protection District); Ron Fuller (Alpine FPD); Augie Scalzitti (Padre Dam MWD), John Pastore (Rancho Santa Fe CSD), Jim Poltl (Vallecitos Water District), Terry Thomas (South Bay Irrigation District), Kimberly Thorner (Olivenhain MWD), Diana Towne (Rincon del Diablo, MWD), Richard Williamson (Borrego Water District). Absent were: **Committee Members** – Gary Croucher (Otay Water District), Dennis Shepard (North County Cemetery District). Attending: Michael Ott, Executive Officer, LAFCO, Harry Ehrlich, LAFCO Consultant, Robert Barry, LAFCO Analyst; and members of the public - Paul Bushee (Leucadia Wastewater District); Lesley Dobalian (San Diego CWA).

Item 2
Approval of Minutes of November 20, 2009

ON MOTION of Margarette Morgan, seconded by Diana Towne, and unanimously approved by the remaining Committee members, the Committee dispensed with reading the November 20, 2009 minutes and approved said minutes.

Item 3
Consultant's Recommended Agenda Revisions

Harry Ehrlich indicated there are no revisions. He announced to the Committee that a PowerPoint presentation would be given by LAFCO staff on Item 8.

Item 4
Committee Member/Consultant's Announcements

Mr. Pocklington requested Committee members to make announcements on matters associated with their districts and areas of responsibility.

Member Terry Thomas presented a water conservation landscape map of the San Diego County Water Authority's facility. Member Margarette Morgan announced having a Fire Safe Council and indicated Vista Fire Protection District is working on a water and fire-wise conservation program. Member Augie Scalzitti announced that Padre Dam MWD has a water conservation landscape around its new customer service center.

Item 4
Committee Member/Consultant's Announcements (cont.)

John Pastore asked whether anyone was aware if the County of San Diego is working on a new policy that will prohibit sewer connections within 100 feet outside of village designations. No one knows of this possible process.

Item 5
Public Comment

No members of the public requested to speak.

Item 6
Election of Chairperson and Vice Chairperson for 2010

Harry Ehrlich asked members to nominate candidates for Chair and Vice Chair. Larry Jackman motioned for continuance of current incumbents: Tom Pocklington, Chairperson and Gary Croucher, Vice Chairperson for 2010. Kim Thorner seconded the motion. All members unanimously were in favor. Tom Pocklington thanked the Committee for being re-elected.

Item 7
Discussion and input on final drafts of Legislative and Regulatory Guidelines: Water Supply and Availability

Harry Ehrlich provided the Committee with a brief overview of the Water Supply and Reliability draft policy guidelines. He stated discussion and feedback received from the Committee at the prior meeting resulted in some revisions to the policy. Mr. Ehrlich asked the Committee to review it once more and encouraged comments on the updated draft proposed guidelines.

Harry Ehrlich conveyed to the members the importance of these guidelines in assisting the Commission to analyze future water issues.

Margarette Morgan suggested on Page 3 of the report to change "cooperation" to "collaboration." She noted, the revised version reflected the change. Gary Arant thanked Mr. Ehrlich for his efforts in developing the guidelines. Other members thanked Harry Ehrlich for his efforts in responding to their input while developing the guidelines. Lesley Dobalian, San Diego County Water Authority, expressed the agency's appreciation for consideration of its concerns and suggestions and looks forward to future collaborative efforts.

Item 7
Discussion and input on final drafts of Legislative and Regulatory Guidelines: Water Supply and Availability (cont.)

Harry Ehrlich expressed the possibility of presenting the guidelines to the Commission in April or May 2010. He said he would keep the Committee and County Water Authority apprised of the actual date.

Kimberly Thorner asked if committee members need to attend the Commission meeting for any questions or support. Mr. Ehrlich responded by saying he will coordinate with the Committee for the upcoming Commission meeting.

ON MOTION of Gary Arant and seconded by Kimberly Thorner, unanimously, all were in favor to adopt the revised the San Diego LAFCO Water Supply and Reliability Draft Guidelines.

Item 8
Proposed Legislative Policy L-107 – Jurisdictional Conflicts Associated with Proposed Development

Michael Ott, Executive Officer, presented a brief explanation of Agenda Item 8. He explained the request by the Commission to develop a policy (L-107) to assist LAFCO with facilitating the proposal, review and deliberation process.

Mr. Ott discussed the goal of the draft policy. He mentioned that it has been accepted by the Commission and distributed to all special districts and cities for review and comment. He introduced Robert Barry, Local Government Analyst, as the presenter of the PowerPoint presentation for the agenda item and encouraged any comments and suggestions from committee members.

Robert Barry indicated the draft policy is still under review and highly encouraged comments from the Committee. He informed committee members that the purpose of L-107 is to address jurisdictional conflicts associated with proposed development. Mr. Barry then explained some of the recurring jurisdictional issues that are not resolved completely prior to submittal of a proposal to LAFCO, which has at times delayed the process. Some of the issues discussed during the presentation were: Concurrent special district detachments; financial and service impacts; land use designation conflicts; local community concerns; conformance with LAFCO statutory requirements; local development processing and LAFCO proposal processing.

Margarette Morgan commented on the importance of including community planning groups in the LAFCO process. Mr. Ott and Mr. Barry agreed with Ms. Morgan and informed the members LAFCO's current policy includes providing information to the community planning groups. Diana Towne asked if there is a way to register those

Item 8
Proposed Legislative Policy L-107 – Jurisdictional Conflicts Associated with Proposed Development (cont.)

groups with LAFCO. Michael Ott responded by saying the sponsor and planning groups are automatically included in the distribution within 30 days of LAFCO receiving the application. During this process the agencies and groups are notified by receiving a preliminary staff report for the proposal.

Robert Barry reiterated to the Committee the importance and benefits of developing this draft policy. He encouraged the members to contribute their input on the policy. Mr. Barry indicated it is hoped that it will result in a more efficient process and will provide more jurisdictional communication with the affected agencies and interested parties.

General comments were made by members Jim Poltl, Tom Pocklington, Margarette Morgan, John Pastore, Kimberly Thorner to LAFCO staff on the following topics: developing new forms, a pre-submittal process, standardization, better clarification, more communication within local planning groups, specifying deadlines, property tax exchanges, removing provisions 4 and 5, and possibly establishing an appeal process. Staff advised that implementation procedures would take place after approval from the Commission. Kimberly Thorner and Terry Thomas agreed and requested removing provisions 4 and 5 from the current draft. Ms. Thomas also suggested developing a chart or "tree" of the proposal process. Mike Ott clarified the Committee's consensus: 1) add planning and sponsor groups to the consultation process in provision no. 1; 2) add an arbitration/mitigation step to provision no. 4; 3) delete provision no. 5 and replace it with an appeal procedure.

ON MOTION by Kimberly Thorner and seconded by Margarette Morgan, unanimously, all were in favor of the modifications summarized by Mr. Ott.

Adjournment

There being no further business to come before the Special Districts Advisory Committee, it was noted that the next meeting is tentatively planned for March 19, 2010, if a meeting is to be held. The meeting was adjourned at 10:26 a.m.

Ruth Arellano
Administrative Assistant

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6

October 15, 2010

TO: Special Districts Advisory Committee

FROM: Director, Legislative Research

SUBJECT: 2010 LAFCO Legislative Status Report

Staff prepares a regular Legislative Report for each Commission meeting in 2010, designed to keep the Commission informed with proposed state legislation in the 2010 Legislative Session. During the year, several bills moved ahead and were enacted and signed by the Governor. Two other bills that staff was concerned about passed the legislature but were vetoed by the Governor. All of these bills are included in the attached Legislative Summary Tracking Report for your information.

LAFCO staff will be prepared to discuss and concerns on each of the bills at the meeting.

Also of note is that there continues to be a fiscal urgency on the part of the Legislature due to a projected 2010 deficit of about $18 billion unless actions are taken to reduce spending or increase revenues. It was reported this weekend that a budget agreement has been reached by the leadership of the Legislature and the Governor and it will be announced later this week. Staff will report on any details of this proposal at the meeting that might impact LAFCO or local government agencies.

There is no action required of the Committee as this is an information report.

HARRY EHRLICH
Director, Legislative Research

HE:ra

Attachment – Legislative Tracking Report

Attachment

CALAFCO Daily Legislative Report as of 10/4/2010

1

AB 419 (Caballero D) Local government: change of organization or reorganization: elections.

Current Text: Chaptered: 7/7/2010 pdf html
Introduced: 2/23/2009
Last Amended: 5/17/2010

Status: 7/7/2010-Chaptered by Secretary of State - Chapter 35, Statutes of 2010.

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
Dead	1st House				2nd House				Conc.			

Summary:
Would beginning January 1, 2011, require the board of supervisors or the city council to take action, to order and place the item on the ballot, within 45 days of notification by the local agency formation commission, and would require the elections official to place the item on the ballot at the next regular election if the board of supervisors or the city council fails to take action within 45 days of the notification. This bill would also make conforming changes.

Attachments:
CALAFCO Support Letter
Request for Governor's Signature

Position: Support
Subject: CKH General Procedures

CALAFCO Comments: This bill was a gut-and-amend to specify that a Board or Council has 45 days to place an item on the next general election ballot when requested by a LAFCo. Current law does not specify the number of days nor state what happens if the item is not placed on the ballot. If the Board or Council does not act within 45 days it requires the election official to place the item on the next General Election ballot. Adds a requirement that LAFCo must notify the election official as well as the Board or Council of an item to be placed on the ballot. It provides clarity to the process.

AB 853 (Arambula I) Local government: organization.

Current Text: Vetoed: 9/30/2010 pdf html
Introduced: 2/26/2009
Last Amended: 8/18/2010

Status: 9/30/2010-Vetoed by the Governor

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
Dead	1st House				2nd House				Conc.			

Summary:
Would require a board of supervisors, within 180 days of receiving a petition, to apply for annexation to a city or reorganization that includes an annexation to a city, to adopt a resolution of application for an annexation to a city or reorganization that includes an annexation to a city if the affected territory meets specified conditions, thereby imposing a state-mandated local program. This bill contains other related provisions and other existing laws.

Attachments:
CALAFCO Letter of Concern
Letter of Opposition
CALAFCO Analysis of Concerns with Amended Bill
CALAFCO Watch Letter - 28 July 2010

Position: Watch
Subject: Annexation Proceedings, Service Reviews/Spheres, Environmental Justice, Municipal Services

CALAFCO Comments: This bill has been significantly amended several times. In the current 1 July 2010 version it requires LAFCos to identify disadvantaged inhabited communities when performing sphere reviews or updates of local agencies. In addition to identifying the communities, the bill requires LAFCo to inventory any water, wastewater or fire protection infrastructure deficiencies in those communities. It allows LAFCo discretion in identifying the size of a disadvantaged inhabited community. The bill also provides a mechanism for residents to petition a Board of Supervisors to be annexed to a city if they are within an existing city SOI. It requires the Board to send a resolution to LAFCo for the annexation and be responsible for the application costs. The bill takes effect on 1 July 2011. It creates an unfunded mandate for LAFCos by requiring this additional information. Those costs will have to be absorbed within a LAFCo budget and will likely result in an increased LAFCo allocation from cities, counties and special districts. Nonetheless the Legislative Committee felt that significant changes have been made in the bill to address the majority of CALAFCO concerns and changed the position to WATCH.

AB 1668 (Knight R) Local government: city councils.

Current Text: Chaptered: 7/7/2010 pdf html
Introduced: 1/20/2010
Last Amended: 5/24/2010

Status: 7/7/2010-Chaptered by Secretary of State - Chapter 38, Statutes of 2010.

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
Dead	1st House				2nd House				Conc.			

Summary:
Would require the city council to, within 60 days of a vacancy in an elective office, fill that vacancy by appointment or call a special election to fill the vacancy, as specified. This bill contains other related provisions and other existing laws.

Attachments:
CALAFCO Support Letter
Request for Governor's Signature

Position: Support
Subject: Incorporation Proceedings

CALAFCO Comments: This bill is nearly identical to AB 18 introduced by Assembly Member Knight in 2009. In addition to specifying the number of days a city council has to fill a vacancy, it clarifies the number of seats up for election at the first election following incorporation. CALAFCO supported AB 18. That bill was vetoed by the Governor because he felt current law was adequate on number of days to fill a vacancy. His veto was silent on number of seats at the first election. CALAFCO has also included the seats up for election as an Assembly Omnibus Bill item.

AB 1668 has been amended several times to make in consistent with both the Assembly and Senate Local Government committees omnibus bills. The author has been in discussions with the Governor's office to help insure a signature should it pass. If both AB 1668 and AB 2795 (Assembly Omnibus Bill) pass, their language will be subject to double-jointing by Legislative Counsel.

AB 1859 (Norby R) Local government: change of organization or reorganization.

Current Text: Amended: 4/8/2010 pdf html
Introduced: 2/12/2010
Last Amended: 4/8/2010

Status: 4/23/2010-Failed Deadline pursuant to Rule 61(b)(5). (Last location was L. GOV. on 4/21/2010)

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
Dead	1st House				2nd House				Conc.			

Summary:
Would include within a local agency formation commission' s powers the power to approve, disapprove, or approve conditionally, a request by a redevelopment agency to establish, extend, or expand a project area. The bill would include within the definition of "change of organization" a proposal to establish, extend, or expand a project area, and would define the term "project area." By expanding a local agency formation commission's duties, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

Position: Watch
Subject: Annexation Proceedings

CALAFCO Comments: This bill would have placed Redevelopment Agency Project Areas under CALAFCO review. It added to LAFCo the power to review and approve, deny or conditionally approve a new project area or the expansion of an existing project area. It died in Committee.

AB 2795 (Committee on Local Government) Local government: organization.

Current Text: Chaptered: 7/7/2010 pdf html
Introduced: 3/24/2010
Last Amended: 5/27/2010

Status: 7/7/2010-Chaptered by Secretary of State - Chapter 47, Statutes of 2010.

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
Dead	1st House				2nd House				Conc.			

Summary:
Would define "divestiture of power" as used in the act and would make additional changes to clarify and maintain the consistency of the act. This bill contains other related provisions and other existing laws.

Attachments:
CALAFCO Support Letter
CALAFCO Support Letter for Senate\Request for Governor's Signature

Position: Sponsor
Subject: CKH General Procedures

CALAFCO Comments: This is the Assembly Local Government Committee Omnibus bill. The bill is prepared and sponsored by CALAFCO and makes technical, non-significant changes to C-K-H.

SB 194 (Florez D) Community Equity Investment Act of 2010.

Current Text: Vetoed: 9/27/2010 pdf html
Introduced: 2/23/2009
Last Amended: 8/2/2010

Status: 9/27/2010-Vetoed by the Governor

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
Dead	1st House				2nd House				Conc.			

Summary:
Would enact the Community Equity Investment Act of 2010. The bill would make legislative findings and declarations relating to disadvantaged unincorporated communities. The bill would specify how funds received pursuant to the federal State Community Development Block Grant Program are expended at the local government level and would impose various requirements on a local government in receipt of those funds that would, among other things, ensure the representation and participation of citizens of disadvantaged unincorporated communities.

Attachments:
CALAFCO Letter of Interest

Position: Watch
Subject: Municipal Services, Planning

CALAFCO Comments: This bill is intended to provide municipal services and infrastructure investment to disadvantaged unincorporated communities. The bill would direct Federal State Community Development Block Grants (CDBG) towards infrastructure improvements in disadvantaged communities within cities and the unincorporated county. It requires the creation of a citizens advisory panel on the use of funds and notification of residents in disadvantaged communities of the availability of funds and to encourage input on their use.

SB 894 (Committee on Local Government) Local Government Omnibus Act of 2010.

Current Text: Chaptered: 9/30/2010 pdf html
Introduced: 1/25/2010
Last Amended: 6/7/2010

Status: 9/30/2010-Chaptered by the Secretary of State, Chapter Number 699, Statutes of 2010

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
Dead	1st House				2nd House				Conc.			

Summary:
Would repeal this requirement. This bill contains other related provisions and other existing laws.

Attachments:
CALAFCO Support Letter
CALAFCO Request for Governor's Signature

Position: Support
Subject: Annexation Proceedings, CKH General Procedures

CALAFCO Comments: This is the Senate Local Government Committee Omnibus Bill. It contains two items related to LAFCo: 1) clarifies the statute of limitations for challenges to a LAFCo city boundary change and eliminates an antiquated conflicting section; and 2) cleans up language in various local government laws to clarify that judges can resolve land use and environmental lawsuits through mediation before it goes to trial.

2

AB 155 (Mendoza D) Local government: bankruptcy proceedings.

Current Text: Amended: 8/31/2010 pdf html
Introduced: 1/26/2009
Last Amended: 8/31/2010

Status: 8/31/2010-Failed Deadline pursuant to Rule 61(b)(17). (Last location was THIRD READING on 8/31/2010)

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
Dead	1st House				2nd House				Conc.			

Summary:
Would provide that a local public entity may only file under federal bankruptcy law with the approval of the California Debt and Investment Advisory Commission, except as specified. The bill would also provide an alternative procedure for a local entity to file under federal bankruptcy law by submitting specific analyses regarding its financial position to the State Auditor who would be required to audit the analyses and financial position of the local entity. The bill would make the local public entity responsible for the costs of the audit, as specified. The public entity would be authorized to file a petition under federal bankruptcy law after the State Auditor has notified the public entity of completion of its audit work and made public the findings of that audit.

Position: None at this time
Subject: Financial Viability of Agencies

CALAFCO Comments:

AB 711 (Calderon, Charles D) Local agency formation commissions: cost of incorporation proceedings.

Current Text: Chaptered: 6/7/2010 pdf html
Introduced: 2/26/2009
Last Amended: 4/22/2010

Status: 6/7/2010-Chaptered by the Secretary of State, Chapter Number 25, Statutes of 2010

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
Dead	1st House				2nd House				Conc.			

Summary:
Would transfer $45,000 from the Environmental Enhancement and Mitigation Program Fund to the General Fund, and appropriate that amount from the General Fund to the Controller for allocation to the Los Angeles County Local Agency Formation Commission for a loan to the East Los Angeles Residents Association, as specified. The bill would make findings and declarations regarding the need for a special statute. This bill contains other related provisions.

Position: Watch
Subject: Incorporation Proceedings

CALAFCO Comments: This would be the first time legislation has been introduced to provide funds for the State Controller to allocate to fund incorporation studies as provided in CKH. The legislation is specific that the process must be consistent with CKH law.

AB 2530 (Nielsen R) Local government: Williamson Act: contracts.

Current Text: Chaptered: 9/27/2010 pdf html
Introduced: 2/19/2010
Last Amended: 8/25/2010

Status: 9/27/2010-Chaptered by the Secretary of State, Chapter Number 391, Statutes of 2010

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
Dead	1st House				2nd House				Conc.			

Summary:
Would beginning January 1, 2011, and until January 1, 2015, authorize a county, in any fiscal year in which payments authorized for reimbursement to a county for lost revenue are less than 1/2 of the participating county's actual foregone general fund property tax revenue, to revise the term for new contracts and require the assessor to value the property, as specified, based on the new contract. The bill would provide that a landowner may choose to nonrenew and begin the cancellation process. The bill would also provide that any increased revenues generated by properties under a new contract shall be paid to the county.

Position: Watch
Subject: Ag Preservation – Williamson

CALAFCO Comments: This bill is sponsored by a coalition of organizations working to preserve the Williamson Act. CALAFCO supports the work of the Coalition.

SB 1023 (Wiggins D) Special districts: consolidation and reorganization.

Current Text: Chaptered: 7/9/2010 pdf html
Introduced: 2/11/2010
Last Amended: 4/27/2010

Status: 7/9/2010-Chaptered by Secretary of State - Chapter 68, Statutes of 2010.

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
Dead	1st House				2nd House				Conc.			

Summary:
Would until January 1, 2018, authorize the local agency formation commission to approve or conditionally approve an expedited reorganization of specified districts into a community services district, with the same powers, duties, responsibilities, obligations, liabilities, and jurisdiction of the district proposed to be dissolved, unless the governing body of the district proposed to be dissolved files a resolution of objection with the commission, as specified. This bill contains other related provisions and other existing laws.

Attachments:
CALAFCO Support Letter

Position: Support
Subject: Special District Consolidations

CALAFCO Comments: This bill provides an expedited process for the conversion of Resort Improvement Districts and select Municipal Improvement Districts to Community Service Districts or a Recreation and Park District. CALAFCO and the affected LAFCos and districts have been consulted on this legislation.

SB 1174 (Wolk D) Land use: general plan: Future Sustainable Communities Pilot Project.

Current Text: Amended: 6/24/2010 pdf html
Introduced: 2/18/2010
Last Amended: 6/24/2010

Status: 8/31/2010-Failed Deadline pursuant to Rule 61(b)(17). (Last location was APPR. on 8/12/2010)

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
Dead	1st House				2nd House				Conc.			

Summary:
Would establish the Future Sustainable Communities Pilot Project. The bill would authorize a city or county with a disadvantaged unincorporated community, as defined, inside or near its boundaries to apply to the Strategic Growth Council, as specified, to receive the financial assistance necessary to update its general plan to facilitate the transformation of the disadvantaged unincorporated community into a sustainable community. The bill would require the Strategic Growth Council to choose 5 cities and 5 counties with a disadvantaged unincorporated community inside or near their boundaries to receive financial assistance. The bill would require, upon receipt of the financial assistance from the council, the city or county to review, prepare, and adopt amendments to one or more elements of its general plan, as necessary to include data and analysis, goals, implementation measures, policies, and objectives to address the presence of unincorporated island, unincorporated fringe, or unincorporated legacy communities, as respectively defined, inside or near its boundaries, and to incorporate into the general plan specified purposes relating to the establishment of sustainable communities. The bill would also require the updated general plan to include specified information. This bill would further require the city or county to make a diligent effort to involve all members of the public in preparing the review and update of the general plan. This bill contains other existing laws.

Position: Watch
Subject: Annexation Proceedings, Service Reviews/Spheres, Growth Management, Environmental Justice, Planning

CALAFCO Comments: As amended in June, this bill directs the Strategic Growth Council to fund up to ten pilot planning projects for disadvantaged communities. These projects include general plan updates identifying how the infrastructure in the community would be brought up to contemporary standards. Five cities and five counties could apply to be pilot projects.

AB 194 (Torrico D) Retirement: local employees.

Current Text: Vetoed: 9/30/2010 pdf html
Introduced: 2/2/2009
Last Amended: 8/27/2010

Status: 9/30/2010-Vetoed by the Governor

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
Dead	1st House				2nd House				Conc.			

Summary:
Would specify that, notwithstanding any other law, for the purposes of determining a retirement benefit paid to a person who first becomes a member of a public retirement system on or after January 1, 2011, the maximum salary or payrate upon which retirement benefits shall be based shall not exceed 125% of the salary recommended by the California Citizens Compensation Commission to be paid to the Governor of the State of California, effective December 7, 2009. The bill would require that this amount be adjusted annually based on changes in the All Urban California Consumer Price Index. This bill contains other related provisions.

Position:
Subject: LAFCo Administration

CALAFCO Comments:

AB 827 (De La Torre D) Local public employees.

Current Text: Vetoed: 9/30/2010 pdf html
Introduced: 2/26/2009
Last Amended: 8/27/2010

Status: 9/30/2010-Vetoed by the Governor

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
Dead	1st House				2nd House				Conc.			

Summary:
Would on and after January 1, 2011, additionally prohibit an employment contract for a local excluded employee, as defined, from including any clause that provides for an automatic renewal, an automatic compensation increase, as specified, or an automatic compensation increase in excess of a cost-of-living adjustment. The bill would also require the local agency, as defined, to complete a performance review of any excluded employee, as defined, before an increase in compensation in excess of a cost-of-living adjustment may be implemented for that individual. The bill would also specify that those records, procedures, and actions shall conform to the requirements of law, including, but not limited to, the Public Records Act and the Ralph M. Brown Act. By expanding the

duties of local officials, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

Position: Watch
Subject: LAFCo Administration

CALAFCO Comments: This bill will likely affect LAFCo Executive Officers and other exempt employees who have contracts with their commissions. Places sever restrictions on contract renewal and compensation increases.

AB 1955 (De La Torre D) Local government: compensation.

Current Text: Amended: 8/30/2010 pdf html
Introduced: 2/17/2010
Last Amended: 8/30/2010

Status: 8/31/2010-Withdrawn from committee. Ordered to third reading. Read third time. Urgency clause refused adoption. (Ayes 15. Noes 19. Page 5098.) Motion to reconsider made by Senator Florez. Reconsideration granted. (Ayes 37. Noes 0. Page 5099.)

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
Dead	1st House				2nd House				Conc.			

Summary:
Would require the Controller to determine, based on a review of public records or reported salary information, whether a city is an excess compensation city, as defined. The bill would authorize a city to request a hearing, as specified, to contest the Controller's determination. The bill would require the Controller, if the city does not request a hearing or if the Attorney General concurs with the Controller's determination after a hearing, to notify the city and the redevelopment agency in the city of the city's status as an excess compensation city, as prescribed. This bill contains other related provisions and other existing laws.

Position: Watch
Subject: LAFCo Administration

CALAFCO Comments: Sets limits on compensation for city councils. May be expanded to cover other local agencies.

AB 1987 (Ma D) Public retirement: final compensation: computation: retirees.

Current Text: Vetoed: 9/30/2010 pdf html
Introduced: 2/17/2010
Last Amended: 8/27/2010

Status: 9/30/2010-Vetoed by the Governor

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
Dead	1st House				2nd House				Conc.			

Summary:
Would generally provide, effective July 1, 2011, that any change in salary, compensation, or remuneration principally for the purpose of enhancing a member's benefits would not be included in the calculation of a member's final compensation for purposes of determining that member's defined benefit. The bill would require the board of each state and local public retirement system to establish, by regulation, accountability provisions that would include an ongoing audit process to ensure that a change in a member's salary, compensation, or remuneration is not made principally for the purpose of enhancing a member's retirement benefits. This bill would limit the calculation of a member's final compensation to an amount not to exceed the average increase in compensation received within the final compensation period and the 2 preceding years by employees in the same or a related group as that member. This bill would also provide that a person who retires on or after January 1, 2012, may not perform services for any employer covered by a state or local retirement system until that person has been separated from service for a period of at least 180 days. This bill would provide for the implementation of the changes under the applicable retirement laws that apply to counties and cities. This bill contains other related provisions.

Position: Watch
Subject: LAFCo Administration

CALAFCO Comments: Affects 1937 Act retirement plans.

AB 2064 (Huber D) State and local government: salary disclosure.

Current Text: Amended: 8/31/2010 pdf html
Introduced: 2/18/2010
Last Amended: 8/31/2010

Status: 8/31/2010-From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on RLS. Joint Rules 61(b)(15) and 62(a) suspended. (Page 5080.) Re-referred to Com. on G.O.

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
Dead	1st House				2nd House				Conc.			

Summary:
Would require each general law or charter city, county, city and county, special district, school district, and joint powers agency to post on its official Internet Web site, if it maintains one, and annually update, annual salary information pertaining to specified persons, including, among others, each elected or appointed official of that entity, thus imposing a state-mandated local program. The bill would provide that this provision not become operative if a specified condition occurs. This bill contains other related provisions and other existing laws.

Position: Watch
Subject: LAFCo Administration

CALAFCO Comments: Requires posting of local agency elected official compensation and the chief executive compensation. Does not specify LAFCo.

AB 2776 (Huffman D) Transfers of water: agricultural use to municipal use.

Current Text: Amended: 7/15/2010 pdf html
Introduced: 3/1/2010
Last Amended: 7/15/2010

Status: 8/31/2010-Failed Deadline pursuant to Rule 61(b)(17). (Last location was APPR. on 7/15/2010)

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
Dead	1st House				2nd House				Conc.			

Summary:
Would prohibit the department, with respect to a contractual entitlement to water from the State Water Project, and the state board, with respect to any other transfer of water or water rights, from approving the transfer of surface water or water rights, or a portion of a contractual entitlement to water from the State Water Project, from agricultural use to municipal use for a period of 20 years or more, unless the water user provides to the department or the state board, as applicable, a written evaluation of the economic, social, and environmental effects of the transfer upon the service area from which the water is to be transferred. The bill would prohibit a water user from replacing specified surface water that is transferred from agricultural use to municipal use with groundwater, unless the groundwater basin of the service area from which the water is to be transferred is monitored and managed in accordance with specified requirements. The bill would require the department and the state board to charge specified fees to a water user that is subject to these provisions. This bill contains other existing laws.

Position: None at this time
Subject: Water

CALAFCO Comments: This bill would severely restrict participants in the State Water Project from transferring water allocations from agricultural to municipal uses. The current bill resulted in a gut and amend of a placeholder bill on 28 June.

SB 501 (Correa D) Local government: compensation disclosure.

Current Text: Amended: 8/20/2010 pdf html
Introduced: 2/26/2009
Last Amended: 8/20/2010

Status: 8/31/2010-Failed Deadline pursuant to Rule 61(b)(17). (Last location was UNFINISHED BUSINESS on 8/31/2010)

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
Dead	1st House				2nd House				Conc.			

Summary:
Would require filers, as defined, to annually file a compensation disclosure form, as specified. This bill would require the Secretary of State to develop the form, which would provide for the disclosure of, among other things, salaries and stipends, automobile and equipment allowances, and incentive and bonus payments. This bill would also require a county, city, city and county, school district, special district, or joint powers agency that maintains an Internet Web site to post the information contained on the filed form on that Internet Web site, as specified. The bill would authorize a district attorney or any interested person to commence an action by mandamus to enforce the provisions of the bill, as specified. The duties imposed on local departmental agencies by the bill would create a state-mandated local program. This bill contains other related provisions and other existing laws.

Position: Watch
Subject: LAFCo Administration

CALAFCO Comments: May limit compensation of LAFCo staff or require disclosure of LAFCo compensation.

SB 1425 (Simitian D) Public retirement: final compensation: computation: retirees.

Current Text: Vetoed: 9/30/2010 pdf html
Introduced: 2/19/2010
Last Amended: 8/19/2010

Status: 9/30/2010-Vetoed by the Governor

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
Dead	1st House				2nd House				Conc.			

Summary:
Would provide that any change in salary, compensation, or remuneration principally for the purpose of enhancing a member's benefits would not be included in the calculation of a member's final compensation for purposes of determining that member's defined benefit. The bill would generally require the board of each state and local public retirement system to establish, by regulation, accountability provisions that would include an ongoing audit process to ensure that a change in a member's salary, compensation, or remuneration is not made principally for the purpose of enhancing a member's retirement benefits. This bill would revise the definition of "creditable compensation" and would limit the calculation of a member's final compensation to an amount not to exceed the average increase in compensation received within the final compensation period and

the 2 preceding years by employees in the same or a related group as that member. This bill would also provide that a person who retires on or after January 1, 2012, may not perform services for any employer covered by a state or local retirement system until that person has been separated from service for a period of at least 180 days. This bill would provide for the implementation of these required changes under the laws that govern PERS and STRL. This bill contains other related provisions and other existing laws.

Position: Watch
Subject: LAFCo Administration

CALAFCO Comments: Affects PERS retirement plans.

Total Measures: 20
Total Tracking Forms: 20

10/4/2010 11:08:06 AM

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REVIEW OF IMPLEMENTATION OF LEGISLATIVE POLICY L-107 – JURISDICTIONAL CONFLICTS ASSOCIATED WITH PROPOSED DEVELOPMENT

SAN DIEGO LAFCO
JURISDICTIONAL CONSULTATION
Policy L-107 Form

Completion of this Jurisdictional Consultation Form is necessary if there are jurisdictional issues associated with a pending or future LAFCO application. The purpose of the jurisdictional consultation procedure is to encourage the early identification and resolution of jurisdictional issues and concerns. To assist LAFCO staff in the review of your LAFCO application and to determine whether adequate measures have been taken to identify and resolve issues, please respond to the following questions.

1. What jurisdictional issues pertain to the LAFCO proposal or pending LAFCO action?

   ☐ a. Differing development standards between existing and proposed service providers or jurisdictions;

   ☐ b. Existing and/or planned land uses and zoning, including densities, community character, and appropriate jurisdictional transition areas;

   ☐ c. Existing and/or planned provision of governmental services, including any potential impacts to service levels or financial ability to sustain service levels;

2. What parties (local agencies or organizations) are opposed to the proposed LAFCO action? _____

3. Are there any other local community or governmental concerns associated with the LAFCO proposal or pending LAFCO action: ☐ Yes ☐ No

Please specify: _____

4. Respond to the following for efforts that have been taken to resolve jurisdictional issues:

   a. List the dates of any meetings/discussions held to resolve jurisdictional issues: _____

   b. List the jurisdictions and organizations that participated in the meetings/discussions: _____

   _____

   c. What was the outcome of the meetings/discussions: _____

   _____

5. If the jurisdictional issues were not resolved, discuss whether additional consultation is needed and a preferred outcome: _____

_____

6. If the parties resolved the issues associated with the pending or future LAFCO action, then sign the statement (below) and return this form and any applicable agreements that have been reached.

As a representative/proponent of the proposed LAFCO action (e.g., annexation, detachment, sphere change, etc.), I believe the jurisdictional issues associated with this LAFCO proposal:

☐ have been resolved
☐ have not been resolved

Attached is a copy of the related agreement or other document demonstrating that jurisdictional issues have been satisfactorily resolved.

_____ _____

Signature of proponent ***Print name***

_____ _____

Telephone ***Date***

San Diego Local Agency Formation Commission
1600 Pacific Highway, Room 452
San Diego, CA 92101
(619) 531-5400

Subject

JURISDICTIONAL CONFLICTS ASSOCIATED WITH PROPOSED DEVELOPMENT

Purpose

To establish a procedure for cities, special districts, and the County of San Diego to discuss and potentially resolve jurisdictional conflicts associated with development projects that require LAFCO discretionary approval(s).

Background

Proposed development projects that involve annexation of territory to a city or special district can result in conflicts between the proposed and existing land uses and zoning of the respective land use jurisdictions. While LAFCO is prohibited by State Law from directly regulating land use density or intensity, property development, or subdivision requirements (Government Code § 56375(a)(6)), it is required to consider in the review of a jurisdictional proposal, the consistency with city or county general plans (Government Code § 56668(g).

In terms of city annexation proposals, Government Code § 56375(a)(7) requires LAFCO to base its decision on a proposal to annex territory to a city upon the general plan and prezoning of the subject city. However, LAFCO is also required to consider the following factors in the review of a proposal: the effects of a proposal on adjacent areas (Government Code § 56668(c); the proposal's consistency with city or county general and specific plans (Government Code § 56668(g); the comments of any affected local agency or other public agency (Government Code § 56668(i); and, any information relating to existing land use designations (Government Code § 56668(n). With the exception of (Government Code § 56375(a)(7), LAFCO must consider the same factors when evaluating the annexation of unincorporated territory to special districts.

Within the local development approval process, LAFCO staff has historically encouraged the lead agency for the development to consult with the adjacent jurisdictions in order to identify and resolve any potential jurisdictional issues prior to LAFCO submittal.

To facilitate discussion and resolution of any inconsistencies between the affected

land use authorities, the following policy has been adopted to encourage logical and orderly development that reflects the concerns of the affected city, special districts, and the County of San Diego.

Policy

It is the policy of the San Diego Local Agency Formation Commission that:

1. Prior to submission of a proposal requesting LAFCO consideration of a city or special district jurisdictional change, representatives from the affected city, special districts, County of San Diego, and applicable planning, sponsor groups and organizations shall meet at the earliest possible stage for the purpose of identifying and attempting to resolve issues associated with the proposed jurisdictional change. The Executive Officer may waive the consultation procedure outlined in this provision when it can be determined with certainty that there will be no possibility that the proposal in question will result in significant jurisdictional impacts.

2. The consultation process described in provision no. 1 should identify any jurisdictional concerns related to:

    a. Differing development standards;

    b. Existing and/or planned land uses and zoning, including densities, community character, and appropriate jurisdictional transition areas;

    c. Existing and/or planned provision of governmental services, including any potential impacts to service levels or financial ability to sustain service levels; and,

    d. Any other local community or governmental concerns.

3. If an agreement is reached regarding provision no. 2, the subject proposal's LAFCO application shall include signed confirmation by representatives of the agencies. LAFCO applications shall include signature confirmation forms documenting the agreement.

4. The Commission shall consider the agreement in its evaluation of the proposed jurisdictional change to the extent that it is consistent with State Law and San Diego LAFCO policies and procedures. The agreement may reference, but not be limited to, approved tax sharing agreements among subject local agencies.

5. If the parties have consulted in accordance with this policy and are unable to reach agreement, the parties shall, in writing, inform the Executive Officer of the areas in which they are unable to reach agreement and the desired outcome. Thereafter, the proposal shall proceed in accordance with State Law and applicable San Diego LAFCO policies and procedures.

6. Affected local agencies shall be encouraged to explore methods to improve inter- and intra-departmental and jurisdictional communication for the purpose of discussing and commenting on proposed development and jurisdictional changes.

Adopted: May 3, 2010

Cross-reference:

SAN DIEGO LAFCO POLICY:
-L-100 CITY ANNEXATION OF UNINCORPORATED TERRITORY WITHIN SPECIAL DISTRICTS
-L-103 RECOGNITION OF UNINCORPORATED COMMUNITIES

SAN DIEGO LAFCO PROCEDURES:
-SPHERES OF INFLUENCE
-LAFCO-INITIATED PROPOSALS

8

REVIEW OF IMPLEMENTATION OF LEGISLATIVE AND REGULATORY GUIDELINES - WATER SUPPLY AND AVAILABILITY

SAN DIEGO LOCAL AGENCY FORMATION COMMISSION
WATER SUPPLY AND RELIABILITY
LEGISLATIVE POLICY GUIDELINES

1. Decision-making with regard to water supply and reliability should be kept at the regional and local level through coordinated activities of local water agencies, cities, special districts and the County of San Diego.

2. Water supply development, reliability, conservation and sustainability are essential principles to ensure an adequate and viable economic environment for present and future residents in San Diego County. Resources should be developed to be diversified where possible yet under local agency control and management.

3. The federal, state and regional agency's role in water supply development should be to provide intraregional coordination and incentives for supply reliability and to reduce or remove regulatory hurdles and barriers to conjunctive uses.

4. Proposed actions by various agencies or entities to manage or control water supply and reliability should not restrict the ability of LAFCO to make required determinations on proposals before them subject to the Cortese-Knox-Hertzberg Act of 2000.

5. Decisions by San Diego LAFCO shall encourage that long range planning for water supply and reliability be integrated within the local water agencies, cities, special districts, County of San Diego, SANDAG and San Diego LAFCO. San Diego LAFCO's role is to oversee the logical service delivery organizational structure for future services.

6. San Diego LAFCO will collaborate with, monitor and provide input to applicable federal, state, regional and local agencies and policy makers on issues impacting water supply and reliability, incorporating the Water Supply Policy Guidelines as adopted by the Commission from time to time.

Adopted: May 3, 2010

SAN DIEGO LOCAL AGENCY FORMATION COMMISSION
WATER SUPPLY AND RELIABILITY
REGULATORY POLICY GUIDELINES

1. San Diego LAFCO's role is to oversee the logical service delivery through efficient local governmental organization structure for future services as defined in Cortese-Knox-Hertzberg Act of 2000. The Commission shall encourage that long range planning for availability of water supply and reliability should be integrated within the local water agencies, cities, special districts, County of San Diego, SANDAG and San Diego LAFCO.

2. Decision-making with regard to development of water supply and reliability should be focused at the regional and local level through coordinated activities and planning of local water agencies, cities, special districts and the County of San Diego. The Commission shall support these efforts where possible to meet legislative and regulatory goals and mandates.

3. The development of alternative water sources, conservation, demand management and demand impact offset programs to mitigate new projects or services by regional and/or local water agencies and proponents of proposals will be considered in reviewing proposals submitted to the Commission. LAFCO will collaborate (seek input from and provide comments to) with agencies on the establishment of water supply and availability programs and criteria as they are developed.

4. During its review and processing of proposals, the Commission shall place primary reliance on the input and recommendations of the local agency responsible for availability of water supply and delivery when a proposal is submitted for consideration that may impact an agency service area, sphere of influence or services being provided. It will be the intent of LAFCO to rely upon the subject agency to provide sufficient analysis of proposals impacting water supply and availability for LAFCO review. The use of resource documents such as Master Plans for Facilities and Urban Water Master Plans of the regional and local water agency will be encouraged as part of the project submittal process. This process is routinely included as part of submittal of "will serve letters" to planning agencies. In the future, any such water agency must also verify that enough water is reasonably expected to be available from that agency to provide the proposed service during a drought emergency. Where more than one service area or agency is impacted by a proposal, the Commission shall seek input from all affected agencies.

5. The Commission encourages input from the Special Districts Advisory Committee on policy and service related proposals and shall consider the input by the committee on projects impacted by water supply and availability issues. The Executive Officer may refer those proposals to the committee that he/she believes are relevant for review and input prior to submitting them to the Commission for consideration.

Adopted: May 3, 2010