

LAFCO

Santa Barbara Local Agency Formation Commission

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November 1, 2007 (Agenda)

Local Agency Formation Commission

105 East Anapamu Street

Santa Barbara CA 93101

Report on Approved Legislation

Dear Members of the Commission

RECOMMENDATION

It is recommended the Commission receive and file this report.

DISCUSSION

The following bills affecting the Commission were enacted into law. New wording is underlined; discarded language is ~~crossed through~~. All changes are to the Government Code.

- **AB 1744 (Chapter 244)**

This is the annual CALAFCO-sponsored omnibus bill to correct and clarify State laws. It changes the following sections of LAFCO's enabling statute, the Cortese-Knox Hertzberg Local Government Reorganization Act. All changes are to the Government Code.

Section 56064 – Prime Agricultural Land

"'Prime agricultural land' means an area of land, whether a single parcel or contiguous parcels, that has not been developed for a use other than an agricultural use and that meets any of the following qualifications:

“(c) Land that supports livestock used for the production of food and fiber and that has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the United States Department of Agriculture in the National Range and Pasture Handbook, Revision 1, December 2003 ~~Handbook on Range and Related Grazing Lands, July, 1967, developed pursuant to Public Law 46, December 1935.~~”

56157 - Requirement for Mailed Notice

“(g) If the total number of notices required to be mailed in accordance with subdivisions (d) and (f) exceeds 1,000, then notice may instead be provided by publishing a display advertisement of at least one-eight page in a newspaper, as specified in Section 56153, at least 21 days prior to the hearing pursuant to paragraph (3) of subdivision (a) of Section 65091.”

Section 56332 - (a) Selection of Special District Members

This change avoids the need for an election when there is only one candidate for appointment to LAFCO by the Special Distinct Selection Committee:

“(c) (1) If the executive officer determines that a meeting of the special district selection committee, for the purpose of selecting the special district representatives or for filling a vacancy, is not feasible, the executive officer may conduct the business of the committee in writing, as provided in this subdivision. The executive officer may call for nominations to be submitted in writing within 30 days. At the end of the nominating period, the executive officer shall prepare and deliver, or send by certified mail, to each independent special district one ballot and voting instructions. If only one candidate is nominated for a vacant seat, that candidate shall be deemed selected, with no further proceedings.”

Section 56381 – Distribution of Adopted LAFCO Budget

This change eliminates the need to send the LAFCO budget to the city selection and special district selection committees when it is already being sent to each city and special district.

“(a) The commission shall adopt annually, following noticed public hearings, a proposed budget by May 1 and final budget by June 15. At a minimum, the proposed and final budget shall be equal to the budget adopted for the previous fiscal year unless the commission finds that reduced staffing or program costs will nevertheless allow the commission to fulfill the purposes and programs of this chapter.

“The commission shall transmit its proposed and final budgets to the board of supervisors; to each city; ~~the clerk and chair of the city selection committee, if any, established in each county pursuant to Article 11 (commencing with Section 50270) of Chapter 1 of Part 1 of Division 1; and~~ to each independent special district; ~~and the clerk and chair of the independent special district selection committee, if any, established pursuant to Section 56332.~~”

Section 56430 – Revised Municipal Service Review Determinations

Many LAFCOs contributed to this change. Besides reducing determinations required for Municipal Service Reviews from nine to five, the wording is more in keeping with LAFCOs obligations for promoting orderly governmental boundaries and services.

“(a) In order to prepare and to update spheres of influence in accordance with Section 56425, the commission shall conduct a service review of the municipal services provided in the county or other appropriate area designated by the commission. The commission shall include in the area designated for service review the county, the region, the subregion, or any other geographic area as is appropriate for an analysis of the service or services to be reviewed, and shall prepare a written statement of its determinations with respect to each of the following:

- (1) Growth and population projections for the affected area.
- (2) Present and planned capacity of public facilities and adequacy of public services, including infrastructure needs or deficiencies.
- (3) Financial ability of agencies to provide services
- (4) Status of, and opportunities for, shared facilities.
- (5) Accountability for community service needs, including governmental structure and operational efficiencies
- ~~(4) Financing constraints and opportunities.~~
- ~~(4) Cost avoidance opportunities.~~
- ~~(5) Opportunities for rate restructuring.~~
- ~~(4) Any other matter related to effective or efficient service delivery, as required by commission policy.~~
- ~~(5) Government structure options, including advantages and disadvantages of consolidation or reorganization of service providers.~~
- ~~(8) Evaluation of management efficiencies.~~
- ~~(9) Local accountability and governance.~~

Section 57200 – Completion of Boundary Changes

This change is designed to prevent pressures on LAFCO staffs to record boundary changes prior to the completion of all relevant conditions and prerequisites.

~~“(a) Immediately after completion of proceedings ordering a change of organization or reorganization without election or confirming an order for a change of organization or reorganization after confirmation by the voters, The executive officer shall prepare and~~

execute a certificate of completion and shall make the filings required by this division upon all of the following.

- (1) The completion of all commission actions pursuant to Part3 (commencing with Section 56650), including the time period allowed to file and act upon requests for reconsideration pursuant to Section 56895.
- (2) The satisfaction of any conditions contained I the commission resolution making determinations that are required to be completed prior to filing a certificate of completion.
- (3) The completion of all proceedings pursuant to Part 4 (commencing with Section 57000).

“(b) Whenever the commission approves the inclusion of any territory of a landscape and lighting assessment district within a city, the executive officer shall notify the clerk of the landscape and lighting assessment district or other person designated by the district to receive notification.”

Alternate Public Member of the Santa Barbara LAFCO

This section aligns the terms of office the public and alternate public members of the Santa Barbara LAFCO

“Notwithstanding any other law, the current term of office of the alternate public member of the Santa Barbara Local Agency Formation Commission is herby extended to March 1, 2009.”

- **AB 745 (Chapter 109).**

This statute concerns the disclosure of political contributions made in support of or opposition to boundary change proposals to be submitted to LAFCOs including the proceedings that occur following LAFCO’s approval.

Section 56700.1 is amended to read

“Expenditures for political purposes related to a change of organization or reorganization proposal that will be ~~has been~~ submitted to a commission pursuant to this park, and contributions in support of or in opposition to those proposals ~~measures~~, shall be disclosed and reported to the commission to the same extent and subject to the same requirements of

the Political Reform Act (Title 9 (commencing with Section 81000)) as provided for local initiative measures to be presented to the electorate.

Section 57009 is added to the Government Code

“Expenditures for political purposes related to proceedings for a change of organization or reorganization that will be conducted pursuant to this part, and contributions in support of or in opposition to those proceedings, shall be disclosed and reported to the commission to the same extent and subject to the same requirements of the Political Reform Act (Title 9 (commencing with Section 81000))as provided for local initiative measures.”

- **SB 162 (Chapter 428)**

This statute adds a new “factor” LAFCOs must consider when reviewing proposals. The legislative analysis of this bill including the following discussion:

“Regulating local boundaries is more than an exercise in cartographic neatness. City limits and special districts’ boundaries influence the timing, location, and character of land development. By approving annexations to cities and districts that provide public facilities such as water and sewer systems, streets, and flood control facilities, LAFCOs influence which land is likely to develop. LAFCOs allocate access to local public services when they act on annexations to cities and districts that provide programs such as police and fire protection, libraries, and recreation.”

“There is an increasing awareness that LAFCOs’ boundary decisions can have disproportionate effects on minority and low-income communities.”

Section 56668 - Factors to be considered by the Commission

“Factors to be considered in the review of a proposal shall include, but not be limited to, all of the following:

“The extent to which the proposal will promote environmental justice. As used in this subdivision ‘environmental justice’ means the fair treatment of people of all races, cultures, and incomes with respect to the location of public facilities and the provision of public services.”

SB 343 (Chapter 298)

Section 54957.5 – Requires documents distributed to LAFCO to be available to the public

This legislation establishes new rules for making documents available to the public that are distributed to members of the Commission less than 72 hours prior to a LAFCO meeting.

“(a) Notwithstanding Section 6255 or any other provisions of law, agendas of public meetings and any other writings, when distributed to all, or a majority of all, of the members of a legislative body of a local agency by any person in connection with a matter subject to discussion or consideration at a public meeting of the body, are disclosable public records under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1), and shall be made available upon request without delay. However, this section shall not include any writing exempt from public disclosure under Section 6253.5, 6254, 6254.7, or 6254.22.

“(b) (1) If a writing that is a public record under subdivision (a) and that relates to an agenda item for an open session of a regular meeting of the legislative body of a local agency, is distributed less than 72 hour prior to that meeting, the writing shall be made available for public inspection pursuant to paragraph (2) at the time the writing is distributed to all, or a majority of all, of the members of the body.

(2) A local agency shall make any writing described in paragraph (1) available for public inspection at a public office or location that the agency shall designate for this purposes. Each local agency shall list the address of this office or location on the agendas for all meetings of the legislative body of that agency. The local agency also may post the writing on the local agency’s Internet Web site in a position and manner that makes it clear that the writing relates to an agenda items for an upcoming meeting.

“(3) This subdivision shall become operative on July 1, 2008.”

This completes the legislative report. If you have any questions please contact the LAFCO office.

Sincerely,

BOB BRAITMAN
Executive Officer